

**ACPET submission to  
Productivity Commission on  
“International Education Services”**

**December 2014**

Contact:  
Alan Keith  
Policy & Research

## Introduction

---

The Australian Council for Private Education and Training (ACPET) welcomes the opportunity to contribute to the Productivity Commission research project examining selected policy issues affecting Australia's exports of international education services.

Established in 1992, the Australian Council for Private Education and Training (ACPET) is the national industry association for private providers of post-compulsory education and training. ACPET has over 1,000 members nationally who deliver a range of higher and vocational education and training (VET) and English language courses across all States and Territories and internationally.

ACPET's mission is to enhance quality, greater choice and innovation in Australian education and skills training. It represents a range of independent providers including commercial and not-for-profit entities, community groups, industry providers and enterprise-based organisations. ACPET works with governments, industries, and community organisations to ensure higher education and VET services are well targeted, accessible, and delivered to a high standard. ACPET is committed to ensuring its policies, products and services contribute to an inclusive tertiary education system.

There are approximately 1,200 Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered education and training providers in Australia, ranging from schools to niche providers of specialised courses and English language colleges to large public universities. Of these providers, approximately 440 are ACPET members. Therefore, ACPET has a keen interest in this discussion paper.

The Productivity Commission has commenced a research project examining selected policy issues affecting Australia's exports of international education services. Its primary focus will be on the policy settings associated with student visas. The project is part of a suite of research papers initiated by the Commission on topics of significant national interest.

The Productivity Commission recognises that the international education services sector makes a significant contribution to the Australian economy. It is estimated that international education services is the fourth largest export earner after iron ore, coal and natural gas and is worth over \$15 billion per annum to the Australian economy<sup>1</sup>.

In the right operating circumstances, the Industry has the potential for significant growth, particularly given Australia's proximity to the emerging nations of Asia. It is also an industry that is less volatile to the moves in commodity pricing and environmental issues. Olsen<sup>2</sup> indicates that the 'value of education as an export for Australia is likely to double, with the soaring growth in the number of international students arriving in the country.' He estimates the export earnings from foreign students will exceed \$30billion by 2020. However many

---

<sup>1</sup> Australia's trade in goods and services by top 15 partners, 2013-14

(a) <http://dfat.gov.au/publications/tgs/index.html#exports>

<sup>2</sup> Foreign Students to bring in \$30b, Financial Review, Report of paper given by Olsen, A at AIEC Conference, Brisbane 2014.

other countries are starting to become aware of the rich potential the Industry offers and are starting to enter the market place.

It is generally accepted that with rising affluence, particularly the growth of the middle class in developing countries and the increasing need for competitive workplaces that demand quality skills and a global outlook to substitute for growing labour costs that the international education market will continue to grow.

While Australia has enjoyed pre-eminence in international education for some years, particularly in Asia, it is having to operate in a continually increasing competitive market. Many other countries are growing their international education sectors to try to attract students from developing countries to reap the financial benefits these markets offer and are examining ways to improve their competitiveness. Such competition is a potential threat to the Australian economy.

The 2014 HSBC study<sup>3</sup> finds that Australia is the most expensive destination for overseas students among countries offering comparable course. The study finds that Australia has an average student study cost of \$US 42,000 per year compared with the USA and Singapore (\$39,000) and the UK (\$30,000). Other competitors are even cheaper – Canada (\$30,000) and Malaysia (\$13,000). The study points out that it is the relatively high cost of living in Australia that makes it the most expensive, although it's also amongst the highest in annual study fees.

Although price is a factor in the choice of student destination, as is quality of the international education and safety issues within the country of choice, there are also issues surrounding accessing the country through the issuing of visas. The Australian international education market has experienced some difficulties which have been affected by the need to get the balance between its services and the Government's migration policy.

The student visa program is a key policy influence over both the supply and demand for Australian education services by international students. Within this context, the Productivity Commission notes that the incentives and barriers inherent in the conditions and procedures attached to student visas have the potential to affect not only the volume and type of applicants, but also how international education services are provided. These demand and supply responses have implications for the long term sustainability of the sector.

---

<sup>3</sup> HSBC 2014 Report - <http://www.hsbc.com.au/1/2/about/news/14/140910>

ACPET welcomes the Productivity Commission's research project. Representative from ACPET attended a roundtable meeting with the Productivity Commission<sup>4</sup> in at which discussion occurred around the main themes of:

- need for national coordinated policy for international education – working with Commonwealth Departments of Industry, Education and Immigration and state governments;
- work experience opportunities locally for international students (public and private sector);
- education agents;
- accommodation affordability for international students (Australia being the most expensive);
- costs associated with visas; and
- consensus to abolish Streamline Visa Processing (SVP).

## The Research Project

---

The Productivity Commission's research project is timely. There are currently a number of reviews and papers being generated on international education.

The Department of Immigration and Border Protection (DIBP) is undertaking a series of reviews of its visa arrangements, including:

- Genuine Temporary Entrant (GTE) Review - an internal review<sup>5</sup>;
- Review of the skilled migration and temporary activity visa programmes;
- Future Directions for Streamlined Visa Processing (SVP) Discussion Paper<sup>6</sup>;
- Joint Review of Border Fees, Charges and Taxes<sup>7</sup> ; and
- Review of the Student Visa Assessment Level Framework.
- The Department of Education (DoE) review of the ESOS Act<sup>8</sup>.

The peak bodies in the international education sector have presented the Commonwealth Government with a paper - International Education Risk Framework: proposal for a new student visa processing regime.

The Department of Foreign Affairs and Trade (DFAT) are working on the details of several Free Trade Agreements (FTAs) which will have implications for the international education sector.

---

<sup>4</sup> Melbourne 4 December 2014

<sup>5</sup> Attachment 1 ACPET's response to the GTE Review

<sup>6</sup> Attachment 2 ACPET's submission to the SVP Discussion Paper

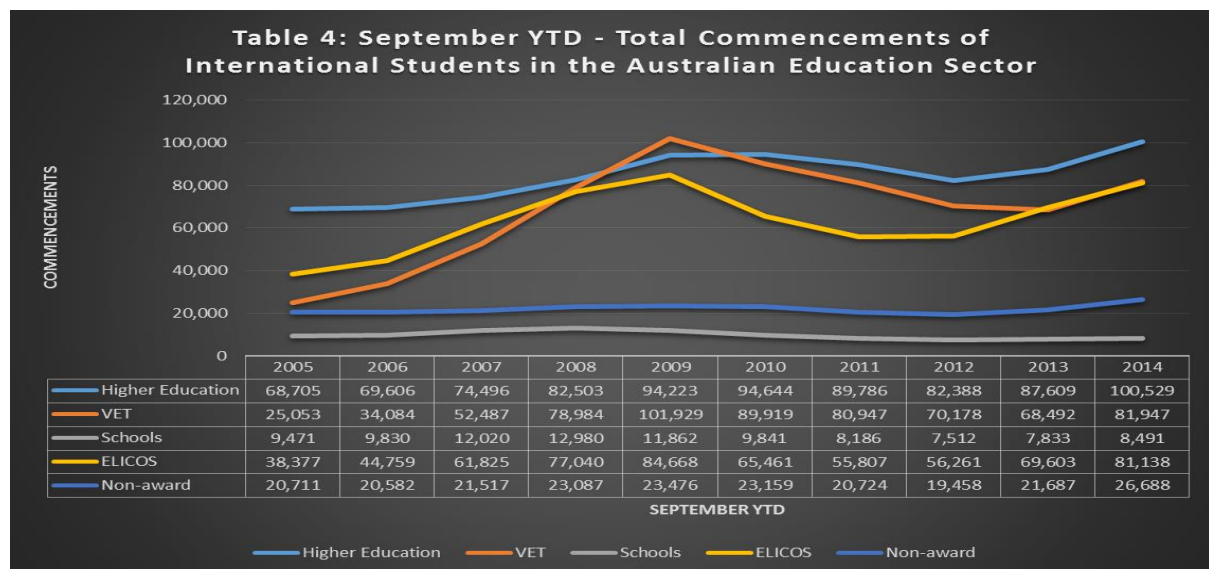
<sup>7</sup> Attachment 3 notes on ACPET's comments to the Joint Review

<sup>8</sup> Attachment 4 ACPET's submission to the review of the ESOS Act

## Need for National Coordinated Policy

Over the last 30 years Australian Education providers have attracted large numbers of international students to study in Australia. In the process a major export industry has been created, earning over \$15billion<sup>9</sup> in export earnings and generating approximately 127,000 jobs<sup>10</sup>. Commencements in the international education sector grew to a peak in 2009, when the government intervened as a consequence of concerns about the sector and its interface with migration policies.

Table 1 shows commencements in the international education sector by the various categories from 2005 to 2014 (September YTD). It highlight the peak in 2009 and then the varied decline of components of the sector and the gradual varied recovery in 2014.



The responses by Government concentrated on supporting the integrity of its migration policy, the consequences of which were to impose compliance and reporting requirements of educational providers and to tighten visa approval processes. The Government introduced a number of measure, including classifying countries against perceived immigration risk of students with Assessment Level (AL) scale 1 to 5; Streamline Visa Processing (SVP) for selected providers, primarily universities; Genuine Temporary Entrant (GTE) criteria which is applied against all international student visa applicants by DIBP; and subsequent reduction of AL scale to 1 to 3.

The effect of these interventions has seen immigration as the dominant portfolio for decisions about which students may come to Australia. Such a situation has arisen despite

<sup>9</sup> Australia's trade in goods and services by top 15 partners, 2013-14 -

(a) <http://dfat.gov.au/publications/tgs/index.html#exports>

<sup>10</sup> Deloitte Access Economics Report 2013: The Economic Contribution of International Students.

international education coming under the purview of numerous portfolios:

- Foreign Affairs - overseas many of Australia's interaction with overseas countries from which students are sourced and the portfolio responsible for negotiating Free Trade Agreements of which educational services are prominent<sup>11</sup>;
- Trade – responsible for promoting Australian Education through Austrade;
- Education – responsible for administering the ESOS Act under which international education providers operate; and
- Industry – responsible for the operation of VET providers.

There are also a number of statutory bodies involved in international education. These include regulators (TEQSA and ASQA), International Ombudsman Service and the Student Protection Service (TPAS).

States provide a range of concessions to international students.

There is concern that the lack of coordination across the sector has led to some of the processes developed by immigration, such as access to SVP as being seen as a mark of quality for the provider, rather than an assessment of immigration risk of a provider based on the past experience with international students. The priority of access and perceived quality which SVP attracts has led to distortions in the international education market.

The establishment of TEQSA and ASQA to regulate Higher Education and VET providers respectively should be seen as the government and sector's response to dealing with the issue of quality in the post-secondary education sector. They also regulate international education providers. A whole-of-government approach to international education would see the provider risk frameworks used by these two organisations as being an integral part of any assessment of quality providers which then should be balanced against the immigration risk of the student.

It is in the interest of Australia that the international education sector prospers. A whole of government approach should be adopted which would require the education's portfolio to take the lead to ensure quality providers and immigration facilitating growth with a supportive student visa regime. The change of emphasis should reflect the position of the sector in both export earnings and the cultural enrichment associated with the movement of students both in Australia and overseas.

---

<sup>11</sup> See Attachment 5 ACPET notes on the FTA with the Chinese Government and its impact on the JSJ list.

The sector would have high quality education and training through:

- continuous quality improvement of the providers supported by rigour risk assessment processes which sees high quality low risk providers in all sectors having access to streamlined visa arrangements;
- opportunities for overseas students to add practical experience to their studies by having access to post study work rights and, if appropriate migration opportunities if their skills are on the Skilled Occupation List (SOL);
- proven financial viability of providers supported by compulsory insurance arrangements (TPS);
- solid policy framework through a revised ESOS Act; and
- a transparent single student visa process.

### **Work Experience Opportunities**

The introduction of two year post study work rights for higher education graduates who meet certain conditions as recommended by the Knight Review<sup>12</sup> is an important initiative. It is important for a number of reasons: it allows practical application of the theoretic foundation learnt from the higher education provider that may enhance employment prospects; it improves the attractiveness of Australia as a place to study because of the work experience links; and it facilitates assessment for possible migration.

The post study work rights should be extended to other components of the international education sector. An extension to students in VET would enjoy all the advantages which apply to the current arrangements in higher education and also be much more valuable given the industrial practical application of the competencies learnt.

### **Education Agents**

Education agents and brokers are integral to the operation of the international education sector, particularly with the current complex student visa regime. They are recognised as a risk and measures to regulate their operation is difficult because many of them operate overseas.

In response to concerns about the operation of education agent, both in Australia and overseas ACPET has developed a Code of Practice for using the services of agents/brokers<sup>13</sup>.

---

<sup>12</sup> Knight Review - [http://www.immi.gov.au/students/\\_pdf/2011-knight-review.pdf](http://www.immi.gov.au/students/_pdf/2011-knight-review.pdf)

<sup>13</sup> See Attachment 6, Code of Practice for using services of agents / brokers, ACPET 2014

Implementation of the Code is ACPET's way of demonstrating that its membership is serious about providing high quality services that students, their families and the community can feel confident will meet their expectations. Amongst other things, ACPET members will use the services of reputable agents/brokers who have a proven track record in meeting the obligations enshrined in the Code.

### **Accommodation affordability for international students**

The high cost of accommodation is a concern for the international education sector and reflects that overseas student prefer to study in the major cities rather than less expensive regional locations. Further growth in the international market is likely to stimulate provision of affordable accommodation, particularly as Australia is having to compete with overseas competitors who may have less expensive accommodation options. Several higher education providers are in the process of constructing additional accommodation with some guaranteeing student accommodation as part of their course.

### **Consensus to abolish Streamline Visa Processing (SVP)**

Attachment 2 contains ACPET's recent submission to DIBP on 'Future directions for streamlined visa processing (SVP) – Discussion Paper'.

### **Costs associated with visas**

Attachment 3 contains notes on ACPET's position presented to DIBP on its Joint Review of Border Fees, Charges and Taxes

### **Data**

A constant complaint from ACPET members is the manual and time consuming requirements of reporting on each student. ACPET members understand the importance of this requirement but the systems that they report through are not user friendly and a large portion of data they report on is not used for a quantified report to public.

The systems used by Government in education (both for domestic and international students) are outdated and have no communication with each other and ask the provider for the same data on numerous occasions.

While ACPET recognises that the Australian Government is attempting to reduce duplication and red tape this should be seen as a priority to address this current problem.

The key difficulty in analysing outcomes on international students in Australia is a lack of data. While DIBP quarterly reporting does provide data on lodgement and grant rates and Department of Education provides monthly reporting on enrolments and commencements there is no reporting that adequately provides data on:



- course completion rates among the various sectors (i.e. VET, higher education)
- split of SVP and non-SVP
- student data on changing visa types once on shore
- length of international students studies;
- student actions once they complete study; and
- explanatory data on reasons of visa rejections

While the current data does serve adequately for understanding how many international students enrol and commence and where they are from, it does not address the fundamental purpose of education – what percentage completed their studies, how long and how much did it cost for their studies, and what were their actions after completing studies (i.e. – did they remain in Australia under a work visa, did they return to their home country).

To fully market Australian education on an international level it would be welcome to seeing an expansion of the existing data.

## ACPET response to the Department of Immigration and Border Protection review of GTE Criteria

April 2014

Contact:  
**Alan Keith**  
Manager International Education Policy

## Introduction

Established in 1992, the Australian Council for Private Education and Training (ACPET) is the national industry association for private providers of post-compulsory education and training. ACPET represents over 1,000 members nationally delivering a full range of higher education and vocational education and training (VET) and English language courses across all States and Territories, and internationally.

ACPET's mission is to enhance quality, choice and innovation in Australian education and training. It represents a range of independent providers, including commercial and not-for-profit entities, community groups, and industry and enterprise-based organisations. ACPET works with governments, other education and training providers, industries, and community organisations, to ensure vocational and higher education and training services are well targeted, accessible and well delivered.

As the peak body for private education and training providers, ACPET is committed to ensuring that its policies, products and services contribute to an inclusive tertiary education system. There are approximately 1,200 Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered education and training institutions in Australia, ranging from schools to niche providers of specialised courses and English language colleges to large public universities. Of these institutions, approximately 440 are ACPET members, delivering education and training to 86% of international vocational education and training students and 13% of international higher education students.

The introduction of the Genuine Temporary Entrant (GTE) criterion for student visas has become a contentious additional barrier to studying in Australia. Since its introduction in November 2011, ACPET has collated over 250 examples of questionable visa refusals on the basis of the GTE criterion, applied to applicants in many low migration risk as well as higher migration risk countries. Despite bring these issues to the attention of the Department of Immigration and Border Protection (DIBP) little acknowledgement of these have been identified in the review of GTE released to members of the Education Visa Consultative Committee (EVCC).

ACPET welcomes the opportunity to provide input into the review of the GTE. In doing so it will make some general comments; comments on the Review of the GTE undertaken by DIBP, particularly on some of the findings it makes without supporting evidence (it will make suggestions of further work which may have to be undertaken to elicit additional information which may not necessarily support such findings); and provide a view of the experience of ACPET member about the consequences of the GTE.

In providing this input, ACPET would like to acknowledge that the DIBP continues to improve its receptiveness to ideas and to work in a more transparent fashion with ACPET. ACPET welcomes this and would look to further improvements in the future.

## Review of Genuine Temporary Entrant GTE requirements

### General Comments

ACPET is a member of the EVCC. As a member of EVCC in January 2014 ACPET was provided with a copy of a Review of GTE produced by the DIBP. ACPET was advised that the review had been endorsed by Assistant Minister for Immigration and Border Protection, the Hon Michaelia Cash.

ACPET notes that the introduction to the review report states that:

*'The GTE requirement was introduced on 5 November 2011 for all student visa applicants. Under this requirement applicants are assessed on whether their individual circumstances indicate their primary aim is for a temporary stay in Australia. This requirement was introduced to reduce migration risk and maintain the integrity of the student visa programme. The GTE requirement also underpins and makes viable other reforms designed to significantly enhance the competitiveness of Australia as a destination for international students. These reforms include streamlined visa processing which commenced on 24 March 2012, and post-study work arrangements which commenced on 23 March 2013.'*

*The GTE requirement has been in operation for two years and thus this review is a timely evaluation of whether it has been efficient and effective in achieving its intended outcomes. Some of the key findings of the review are:*

- *Since the introduction of the GTE requirement, visa grant rates have not been negatively affected, and program integrity outcomes have continued to improve.*
- *Ongoing feedback processes are improving stakeholders' understanding and informing continuous improvement in visa decision making.*
- *Evidence demonstrates that the GTE requirement is meeting its policy objectives.'*

ACPET contacted the DIBP to express our concern that review did not include the circulation of a discussion paper and that the DIBP did not hold public consultations or invite public submissions. The only opportunity that ACPET had to provide input into the review was through a standing item on the EVCC agenda. Given the large body of work that the EVCC covers there has been little time for in depth discussion via this committee on GTE issues.

Further to the comments provided directly to DIBP following the release of the GTE review document, ACPET was also a signatory with other international education peak bodies to formal correspondence sent Assistant Minister Michaelia Cash that outlined our concerns regarding the GTE review.

ACPET has been calling for improvements to student visa processing for a number of years including those improvements outlined in the Knight Review. However, Recommendation 1 – The introduction of the GTE criterion, has proven to be a contentious additional barrier to studying in Australia and out of step with the broad intentions of the Knight Review as a whole.

ACPET also supports the recommendation of the International Education Advisory Council (Chaney Council): inter alia ‘Conduct a review of the first year of the GTE criterion, identifying and addressing and unintended consequences that affect the sector, including the extent to which it may be acting as a deterrent to genuine students.’

### ***Comments of the Review of GTE conducted by DIBP***

The review fails to adequately explain the genesis of GTE and relies on a knowledge base of the reader. It alludes to various reports without adequately drawing the material together, analyzing the data and then providing evidence to support the review’s conclusions. It is also disappointing that the data was not presented better to allow for variations at the margins to be shown. The use of averaging failed to acknowledge the nature of the international education industry and the impact student visa decisions have on the industry.

It is important to point out that the review in ACPET’s view does not provide the evidence to conclude that:

*‘The GTE requirement also underpins and makes viable other reforms designed to significantly enhance the competitiveness of Australia as a destination for international students. These reforms include streamlined visa processing which commenced on 24 March 2012, and post-study work arrangements which commenced on 23 March 2013.*

- *Since the introduction of the GTE requirement, visa grant rates have not been negatively affected, and program integrity outcomes have continued to improve.*
- *Ongoing feedback processes are improving stakeholders' understanding and informing continuous improvement in visa decision making.*
- *Evidence demonstrates that the GTE requirement is meeting its policy objectives.’*

ACPET is concerned that there is little explanation in the review about what ways the GTE ‘underpins and makes viable’ the other reforms. There is indeed no evidence to support this contention. ACPET is also concerned by the statement that ‘grant rates have not been negatively affected, and program integrity outcomes have continued to improve’.

The introduction of GTE was a new policy position designed to improve program integrity. Its impact on grant rates not being negatively affected appears to be an odd

measure and in an evolving visa environment would lack the necessary internal validity given all the other uncontrollable variables not explored in the review. It could be contended that not introducing GTE could have achieved the same outcomes. It should be possible to explore this further by an examination of data before and after the various reforms mentioned in the review, particularly separating the SVP data from the rest. For instance, it may point out that grants rates were not negatively affected because of the SVP impact on overall data. Similarly a more critical analysis using the risk rating of countries and stratifying the data by sectors – higher education, VET, ELICOS, etc – may elicit different findings to those reported.

While ACPET continues to welcome the improved approachability of DIBP on student visa issues, and the opportunity to participate in ‘ongoing feedback processes’, it is disappointing that such feedback has not been included in the review. This will be dealt with in more detail in the section dealing with ACPET members’ experiences with GTE.

ACPET has been advised of initiatives introduced by DIBP to bring consistency and objectivity of on GTE decisions. However given the material provided by ACPET and other peak bodies there is concern that the review found that ‘there are no systemic problems in how GTE requirement decisions are made.’ Again there needs to be some systemic analysis of the GTE decisions, particularly the reason for refusals, to support such a statement and to give ACPET confidence in it.

ACPET believes the review fails to present to the evidence on which to reach a finding that: *‘Evidence demonstrates that the GTE requirement is meeting its policy objectives.’*

On a less important note, it may be worth presenting the data tables better so that minor trends can be discerned, (i.e. by not using the zero to 100 rating when all the data is in the 80 to 100 rating).

Finally there are some errors in the data, which need to be addressed and could have been brought to DIBP’s attention with exposure of a draft report to EVCC members. ACPET is confident that these will be rectified in any addendum to the report.

### ***ACPET members’ experiences with GTE***

ACPET has provided the DIBP (and its predecessor) with many hundreds of examples of where questionable visa refusals have been made on the basis of the subjective GTE criteria, applied to applicants in many low migration risk as well as the higher migration risk countries.

A large number of such refusals encourage the applicant to study in their own country or specifically in the UK. This criterion alone appears to be applied mostly in the English language and VET sectors (important pathways to the university sector for international students) again impacting on the financial viability of the sector and failing to acknowledge the impact this has on the contribution the international

education market has on the nation's export earnings – currently fourth highest behind coal, iron ore and gold. Such action appear to be out of step with the publicly stated position of the Commonwealth government and in particular comments made by both the Minister for Trade and the Minister for Education, both of whom wish to see the expansion of Australia's international education sector.

ACPET has provided a number of cases where individuals with the same conditions have differing outcomes in visa assessment. As such, ACPET is calling for improvements to current arrangements so that when discretion is applied by DIBP officers it is likely that most staff would come to the same conclusion.

ACPET undertook significant analysis of several hundred GTE refusals that were supplied by ACPET members and provided data and examples to the DIBP that were considered to be unfair and or highly subjective reasons for rejection. In codifying the refusals the main reasons sighted were:

- The applicant has not attempted to study a similar course in his/her own country which is provided at a lower cost. Regardless, the student has expressed that he/she would like to study in an English speaking country;
- The proposed study does not lead to a career with a high salary; and
- That they did not carefully research the cost/benefit of a course and provider, and did not examine possible options available both within India and abroad.

ACPET members believe that a transparent and detailed program be developed by DIBP for officers at post to gain an understanding of Australia's private VET sector (86% of the sector) and Higher Education sector (13% of the sector). If DIBP Post Officers had a full understanding of the quality and diversity of Australia's private VET and higher education sectors then greater consistency of the application of GTE by DIBP would result. The program should include tracking rejection rates by individual posts and moderation of GTE assessment across different posts. The EVCC should be kept updated about the findings of the program and rectification actions when issues arise.

## **Conclusions**

ACPET is looking for a broader review of the effectiveness of the GTE arrangements. By and large the GTE arrangements rely on subjective measures and these have not been addressed in the current review which relies on broad high level statistical analysis.

It is ACPET's stated position that current GTE arrangements have not allowed the international sector to achieve the strategic aim outlined by the Chaney Council to:

*'Ensure that Australia's student visa settings continue to be competitive and attractive in all education sectors while preserving the integrity of Australia's international student visa program and helping to meet national skills needs.'*

ACPET concludes by noting that the GTE is still acting as a deterrent to genuine students and that further steps need to be taken to improve review processes before the GTE can be said to meeting its policy objectives.

ACPET would be pleased to work with DIBP to further improve GTE or to identify a more suitable alternative which will meet the Commonwealth government's policy objectives.



**ACPET submission to  
‘Future directions for streamlined visa processing  
(SVP) - Discussion Paper’  
December 2014**

Contact:  
Alan Keith

## ACPET submission to 'Future directions for streamlined visa processing (SVP) - Discussion Paper'

Response submitted on Friday 19 December 2014 and emailed to:

[Student.Policy.Projects@immi.gov.au](mailto:Student.Policy.Projects@immi.gov.au)

### Executive Summary

---

ACPET welcomes the opportunity to contribute to the Department of Immigration and Border Protection's (DIBP) 'Future directions for streamlined visa processing (SVP) - Discussion Paper'.

The Australian Council for Private Education and Training (ACPET) is a key stakeholder in the international education sector representing over a quarter of the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered providers involved in Higher Education, Vocational Education and Training (VET), English Language Intensive Courses for Overseas Students (ELICOS), Schools and non-accredited courses. As such ACPET has a keen interest in the future direction of streamlined visa processing (SVP) and any future student visa regime.

SVP arrangements were introduced in 2012 from the Recommendations from the '2011 Strategic Review of the Student Visa Program'<sup>14</sup> undertaken by Mr Michael Knight AO. SVP was an important initiative to address the downturn in international university enrolments by international students.

As the sector has recovered in terms of growth it is now time to look at broader changes to the student visa regime. A new student visa regime is now required, that will support quality educational opportunities for international students and allow for growth in the educational sector which is now Australia's fourth largest export industry, worth over \$15 billion per annum. .

It is now clear that the SVP arrangements are causing distortions in the international education sector. Despite the efforts of the current Government to extend the arrangements beyond the university sector to other Higher Education providers and more recently to VET providers offering advanced diplomas and above, this market distortion continues.

---

<sup>14</sup> Strategic Review of the Student Visa Program 2011

[http://www.immi.gov.au/students/\\_pdf/2011-knight-review.pdf](http://www.immi.gov.au/students/_pdf/2011-knight-review.pdf)

The current arrangement has resulted in reputable high quality providers of VET services up to diploma level with low immigration risks being disadvantaged by not having access to streamlined visas for their students.

In this context ACPET proposes:

- an integrated risk framework based on agreed principles, that addresses immigration risk, provider risk and consumer protection of students, with visa arrangements that allow for efficient assessment and approval of visa applications from high quality, low risk providers;
- evolution from SVP for a select group of providers of advanced diploma and above courses, until recently predominantly universities, to an efficient and effective streamlined student visa regime which supports all CRICOS listed quality educational providers and allows for growth in the educational sector which is critical to the Australian economy;
- more transparency in the immigration processes which would allow providers to lower their risk, particularly if this is affected by use of particular agents and/or brokers; and
- adoption of a single student visa (with a differentiation for students under the age of 18 years of age to cover their specific guardianship arrangements) that would allow DIBP to assess the immigration risk of the student rather than their education status;

In achieving this end, ACPET and its members are committed to helping drive the changes in collaboration with DIBP.

## Introduction

---

Established in 1992, ACPET is the national industry association for private providers of post-compulsory education and training. ACPET has over 1,000 members nationally who deliver a range of Higher Education, VET and English language courses across all States and Territories and internationally.

ACPET's mission is to enhance quality, greater choice and innovation in Australian education and skills training. It represents a range of independent providers including commercial and not-for-profit entities, community groups, industry providers and enterprise-based organisations. ACPET works with governments, industries, and community organisations to ensure Higher Education and VET services are well targeted, accessible, and delivered to a high standard.

There are approximately 1,200 CRICOS registered education and training providers in Australia, ranging from schools to niche providers of specialised courses and English language colleges to large public universities. Of these providers, approximately 440 are ACPET members.

ACPET, together with all other tertiary education peak bodies is looking to a new streamlined student visa arrangement, which addresses both immigration and provider risk and provides

consumer protection of students. A new model would result in the efficient assessment and approval of visa applications for the high quality, low risk providers, and facilitate further growth in Australia's international education industry. ACPET has joined with other peak tertiary education bodies to present the Government with an 'International Education Risk Framework: Proposal for a new visa processing regime' (IERF).

ACPET is looking for an integrated risk framework, which sees immigration working with education regulators to determine the provider risk from both immigration and educational perspective. Such a framework would be seen as transparent, comprehensive, sustainable, proportionate and coordinated.

The complex array of student visas needs to be simplified and made more transparent and simpler to understand by prospective international students and their families, international education providers and government and other agencies promoting international education in Australia. ACPET is requesting significant streamlining and the introduction of a model that expands opportunities for international education, building our industry and the cultural diversity of Australia.

In terms of immigration risk, ACPET is asking for the promotion (and streamlined access) of Australian education, balanced with an incorporation of relevant immigration risks.

In this regard ACPET proposes a single student visa (with a differentiation for students under the age of 18 years of age to cover their specific guardianship arrangements) that would apply to all sectors of the industry. Such a visa would facilitate movement between sectors, which recognises that students may wish to change courses due to personal circumstances or to enhance their current course by taking an additional ELICOS course to improve language skills. Alternatively, a student may wish to get a better alignment between their skills and past aspirations, which have changed over time.

ACPET is committed to promoting improvement in the quality of providers in the sector, including the engagement with agents and brokers to ensure that students have quality experiences and emerge with internationally recognised qualifications. ACPET members will be required to comply with a comprehensive and stringent Code of Ethics as a condition of their membership. This includes ensuring quality outcomes for both domestic and international students and the management of agent arrangements. This approach, where ACPET can and has terminated memberships for non-compliance should be supported by lower risk ratings at the provider level for members, and subsequent access to student visas which recognise 'high quality - low risk' education providers.

## Scope and Evaluation

---

In preparing this response to the discussion paper, ACPET has consulted with members. ACPET is proposing the replacement of the SVP model with a more equitable arrangement.

ACPET provided comments to enable an evaluation of the SVP arrangements. However, as a number of ACPET members have only accessed the SVP arrangement for a short time, they have insufficient data to respond to some of the questions.

## Part 1 – Evaluation of SVP arrangements

---

### 1. The benefits of SVP

*a. What do you consider to be the major benefit of the SVP arrangements? For example, is the major benefit simpler and faster visa processing, or are potential reputational benefits more important?*

Whether intended or not, SVP has created a system that signals quality. Potential international students and their families, key stakeholders, governments and agents see providers with SVP status as a sign of quality, which unintentionally skews the sector. Having faster visa turnaround times also allows providers to more accurately plan their course structure, as student information is more current under SVP.

ACPET members who have recently received SVP, through the addition of VET providers offering advanced diploma and above, advise that they are yet to notice much difference in visa processing times, predominantly due to the complexity of understanding the additional visa processes required by an SVP provider. There is a general optimism however that once providers have more experience and understanding that this will correlate to faster visa processing.

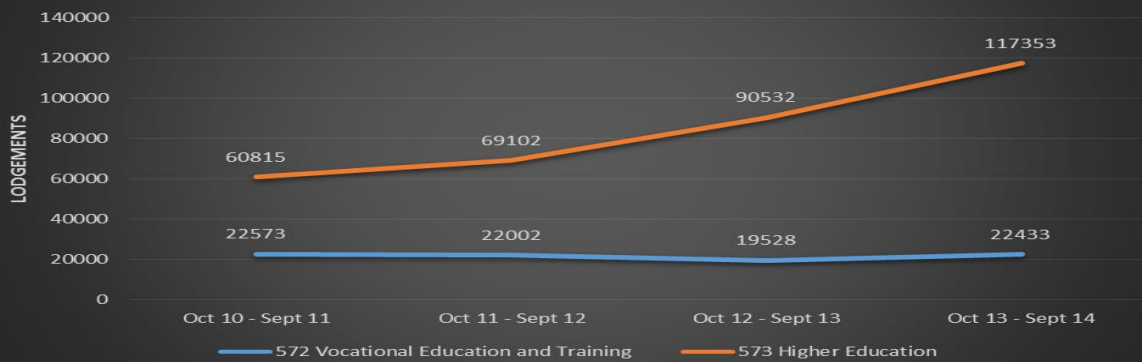
For non-SVP providers not currently able to apply due to the course level they provide (or limited due to not meeting minimum intake levels of international students for SVP) are often seen by relevant overseas groups and individuals as having lower quality offerings than those that have SVP status. For example, earlier in the year ACPET had a number of meetings with the Chinese Ministry of Education on a separate matter. However, they voiced concerns about private providers who do not have SVP as their view was they were sub-quality to those with SVP. This included VET as being seen as below quality when compared to Higher Education.

In a highly competitive international education market, having SVP can make the difference between success and failure for a business, regardless of the quality of the provider. This is particularly highlighted by the relative growth of offshore lodgements for Higher Education places compared with that for VET (as demonstrated in table 1<sup>15</sup>). While such a 'signal' of quality may be positive, the arrangement needs to be extended to those other part of the sector that offer high quality services.

---

<sup>15</sup> Student visa and Temporary Graduate visa programme quarterly report - Quarter ending at 30 September 2014

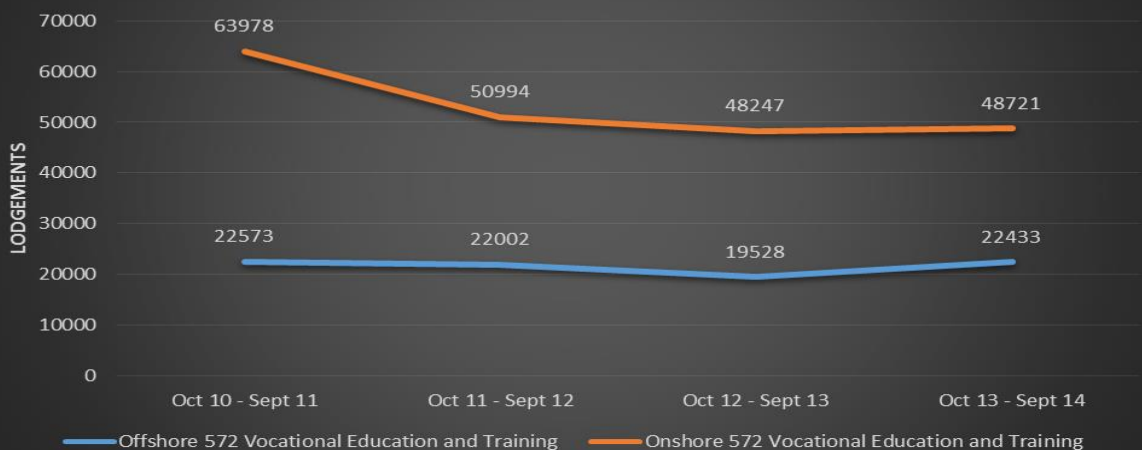
**Table 1: Offshore Visa Lodgements Comparison - October to September**



Over the last 4 years VET and Higher Education visas have seen a drop off in onshore visa lodgements (tables 2<sup>16</sup> and 3<sup>17</sup>). Offshore lodgements have significantly increased for Higher Education while growth in VET has remained relatively flat.

Table 2 shows that from October 2010 through to September 2014, offshore lodgements for VET decreased by 1% and onshore decreased by 24%. For Higher Education offshore lodgements increased by 93% over this same period and onshore lodgements decreased by 13% (table 3).

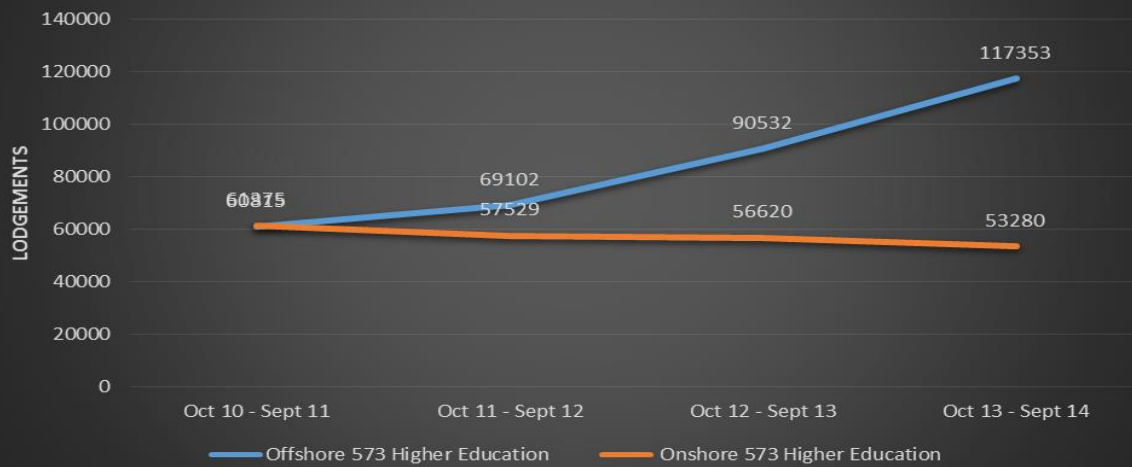
**Table 2: VET Offshore-Onshore Visa Lodgements Comparison - October to September**



<sup>16</sup> Student visa and Temporary Graduate visa programme quarterly report - Quarter ending at 30 September 2014

<sup>17</sup> Student visa and Temporary Graduate visa programme quarterly report - Quarter ending at 30 September 2014

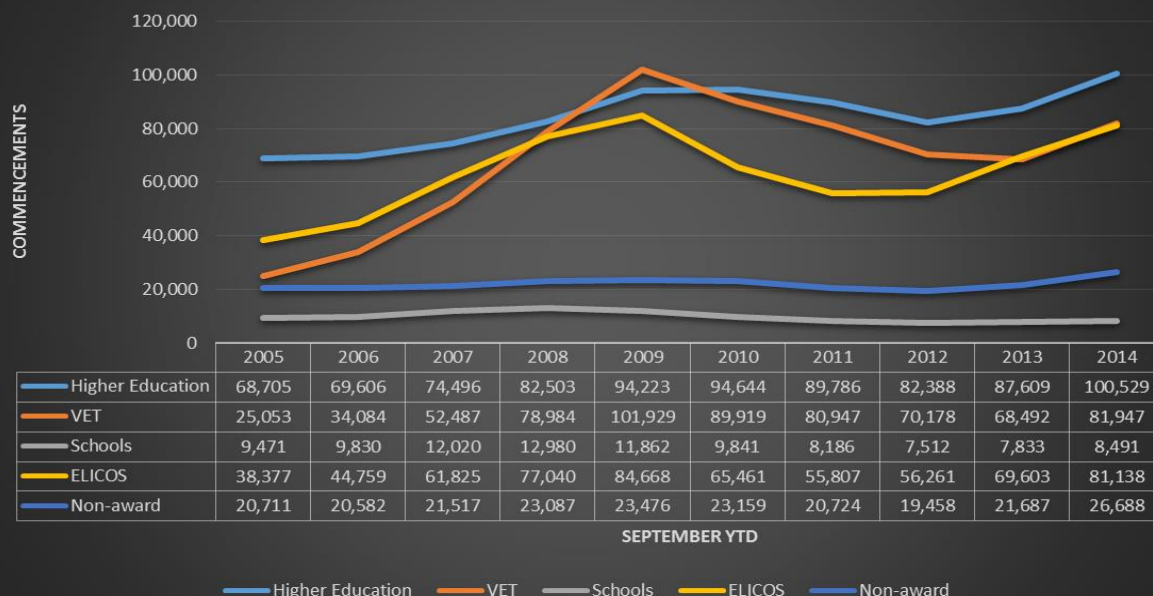
**Table 3: Higher Education Offshore-Onshore Visa Lodgements Comparison - October to September**



Using Department of Education data (YTD September), Table 4 illustrates the impact of Higher Education offshore visa lodgements compared to other sectors. Since the 2009 high watermark of international students studying in Australia, only Higher Education has seen an increase of international student commencements above that of 2009 – an increase of 7%. VET has reduced by 20% since 2009 and ELICOS by 4%.

Without historical SVP data it is difficult to assess the impact of SVP on offshore commencements in Higher Education. However, the data indicates that Higher Education commencements sector have experienced faster growth compared to other sectors since SVP was introduced.

**Table 4: September YTD - Total Commencements of International Students in the Australian Education Sector**





***b. Do you consider that the current SVP arrangements effectively facilitate the visa process for genuine students? Why or why not?***

The SVP arrangements have little impact on determining whether an applicant is a genuine student. DIBP recognises this by applying its Genuine Temporary Entrant (GTE) requirement to all prospective international students.

Prior to the introduction of SVP all prospective international students were required to go through the same process. As providers (who have SVP status) develop their own materials for SVP applications specific to their institution there is now a difficulty for a student applying to SVP institutions having to adapt to different form designs, which further complicates enrolments and may extend form completion times and therefore limit the amount of applications submitted.

## **2. Education provider responsibilities under SVP**

***a. To what extent do participating SVP providers need to put in place additional resources to manage their responsibilities under the arrangements? Are you able to quantify this?***

ACPET member SVP providers need to invest heavily into additional staff, training and monitoring of SVP processes. This adds a level of pressure on SVP providers as they liaise with students from multiple locations as well as being time consuming and resource heavy to invest the time necessary to understand the risks and trends respective to each country. SVP providers also need to recruit staff who can interview students in other languages and all of these aspects are burdensome for educational institutions, as their sole business focus is to provide quality education, not immigration processing.

ACPET members with SVP comment that they have altered their business model to integrate this responsibility and often employ a subject matter expert for visa compliance.

***b. Do you consider that any additional investment required to participate in SVP is outweighed by the benefits of participating in the arrangements? Why or why not?***

The additional financial burden on SVP providers has to be balanced against the perceived quality stamp attributable to being an SVP provider.

ACPET members comment that it is commonplace in the sector that institutions that are not under SVP are receiving visas within roughly the same time period (but without all of the added reputational risk and resource allocation).

The two-tier system continues to provide a bias for larger providers such as universities for which it was designed. For smaller providers it is seen as burdensome and anti-competitive. A single streamlined framework based on such factors as provider risk, opposed to course level offered, would see a return to equity and remove anti-competitive bias.

***c. Do you consider that education providers are able to effectively manage their responsibilities under SVP, for example ensuring that recruited students are genuine and have sufficient funds to study in Australia?***

Immigration is not the core business of educational institutions. Providers often do not have a background in immigration policy and this sometimes creates great uncertainty in their



decision making. (One of the key difficulties noted by ACPET members is the inability to identify forged documents.) This is exacerbated by limitations in the amount of information that can be checked for authenticity by admissions staff. DIBP should assist by providing greater transparency in its dealing with prospective students. This would require more information to providers to understand how DIBP determines provider immigration risk and be more open on the locations, type of students and agents, which may adversely affect the provider immigration risk profile.

***d. Do you consider that participating in SVP makes education providers a target for non-genuine students? If so, to what extent do you believe this is occurring and how effectively are providers able to manage these challenges?***

ACPET members who recently received SVP status noted that in the first couple of weeks their institution can be targeted by non-genuine students and experience a large increase in application numbers. However, after establishing improved processes, adjusting entry requirements, and ensuring consistency in assessments, providers are hopeful that the numbers of non-genuine students will decrease.

### **3. Market impacts**

***a. Do you believe that SVP has created any market advantages or inequalities in your sector? If so, what has the impact of this been?***

SVP has created a priority based system where universities initially were granted SVP, followed by private Higher Education providers and finally to VET for advanced diplomas and above. This method has ignored all non-university reputable providers who have considerable history in providing high quality VET courses to a large number of international students. Such providers continue to meet their supply targets and presumably have low immigrations risks but are denied any opportunity to enjoy SVP arrangements.

In its current form, agents are now primarily only working with and prefer SVP providers.

***b. Under SVP, each participating education provider sets its own financial and English language requirements. Do you consider that this creates any challenges when promoting Australian education more broadly?***

The complexity of the student visa regime creates difficulties for promoting Australia as a student destination. The relaxation of requirements under SVP may assist those with SVP status, but creates difficulties for others, adding complexity and continuing inequity of access.

The varied entry-level requirements for English language and financial requirements further confuses potential students.

***c. Currently, the SVP arrangements cater for certain specified courses and only a small proportion of all registered education providers are eligible to participate in the arrangements. Do you consider that this is sustainable in the long term? Why or why not?***

In its original form, the SVP arrangements were designed to sustain and improve university level enrolments, while exposing other educational sectors to more rigorous arrangements. This has distorted the market as demonstrated previously (table 1). SVP arrangements should be seen as a short term intervention, pending the introduction of a more inclusive and sustainable model for the entire sector.

The simple expansion of current SVP arrangements is not seen as the solution, as it would still not provide access to smaller institutions that may not have the resources required to manage SVP effectively.

As mentioned previously SVP has created a two-tier system that is unfair to many providers in the sector and the overall effectiveness of SVP in terms of risk outcomes is questionable.

Therefore, a new model is now required, based on shared risk and shared responsibility for all providers with CRICOS registration. By providing an incentive to providers, such as faster processing times and lower levels of scrutiny, providers will have an incentive to establish high quality arrangements and to demonstrate good performance. Similarly, providers assessed as higher risk will be incentivised to improve their performance.

The current model of excluding VET qualifications below advanced diplomas also does not recognise the growing international skills shortages in occupations whose requirements are met by lower level qualifications (Certificate III and IVs). Increasing pressure for a more mobile global workforce in high skill occupations is evident through forums such as the recent G20, which are calling for the reduction of barriers to global workforce mobility... If DIBP considers these qualifications to be higher risk, this should be reflected in a model risk matrix and not exclude providers altogether.

Continuation of the current model will only further exacerbate inequities in accessing overseas students.

#### **4. Other comments**

##### ***a. Please provide any other comments you may have on the current SVP arrangements.***

Further evidence of the need to change the SVP arrangements includes:

- it was implemented to assist universities without consideration to other providers;
- the current model has created an unfair two-tier system;
- the expansion to VET providers offering advanced diplomas and above should only be seen as a stop gap measure;
- for VET, it could see providers shifting from their core business to gain SVP status;
- unnecessarily immigration risk and responsibilities have been placed on to the provider, where it should be a government responsibility;
- SVP providers have inadvertently been given the government stamp of quality, further distorting the market;
- differing application processes, rather than a single national process will undermine enrolment growth; and
- Students are channelled into Higher Education pathways, regardless of their abilities or possible job outcomes...

ACPET members with SVP status would like to see the introduction of a condition where students can only transfer to another Australian provider after a period of 12 months (currently 6 months). Course jumping and student default is greatly influenced by the flexibility of students to leave their principal course after only six months (for Higher Education this may only be one term of study). The industry sees this as an everyday occurrence and strongly recommends that this issue be addressed in the short term as it is undermining the integrity of the entire student visa process.

ACPET and its SVP members would also like to acknowledge the hard work and professionalism by relevant DIBP staff. The SVP arrangements have been well communicated and issues resolved in a timely manner.

## Part 2 – Future directions for SVP

---

### 5. Further expansion of streamlined-type arrangements

*a. Do you consider that streamlined-type arrangements should be further expanded to education providers in other education sectors or for other course types? If so, which sectors or course types? Why?*

Notwithstanding ACPET's view that a new student visa regime should be developed and implemented, it is concerned that the current expansion of SVP has been for higher qualifications. The foray into VET has been limited to advanced diplomas. Such access disadvantages those providers particularly in VET and ELICOS sectors who have operated successfully for many years with low or no immigration risk.

Any expansion of SVP type arrangements should look at the immigration risk of the provider rather than be limited to the immigration risk of the qualification level (and then looking at the risk of the provider). The growth of the middle classes in Asia is seeing an increasing demand for Australian qualifications areas such as childcare and aged care. If DIBP is to continue to insist on rating the immigration risk of providers this should apply to all CRICOS registered providers for all Australian qualifications.

*b. What do you consider would be the major risks if streamlined-type arrangements were extended more broadly?*

Extending the SVP arrangements more broadly is likely to broaden the divide in the system between those with access and those not having access. Given its perceived link to quality issues this may push some high quality providers out of the market – on the basis of immigration only. This will be more of an issue when more providers have access to SVP than do not. Such a balance would be unsustainable. A better alternation would be for the whole sector to have access to a streamlined process.

ACPET members comment that the expansion would be somewhat of an arbitrary concept as DIBP will still be required to assess and scrutinise all applicants just as heavily as previously if it is extended broadly to all courses and institutions.

*c. Do you consider that the benefits associated with SVP would decrease, particularly for existing SVP providers, if the arrangements were extended more broadly? Why or why not?*

Extending SVP to a wider range of providers would create a more level playing field for those with SVP and increase competition in the SVP market. However, it would further inhibit those providers with non-SVP. A new streamlined model for all registered providers regardless of course level would be more equitable.

## 6. Possible alternative models

***a. Should the department continue to assign and assess the immigration risk outcomes of education providers through an external risk framework? Why or why not?***

Yes.

A transparent process should be in place and it is vital that education providers have access to data on their immigration risk to assist in their decision-making. In the current framework only SVP eligible providers have this access to data. However all CRICOS providers should be told their immigration risk rating and have access to material which enables them to mitigate their risk through implementing risk abatement strategies.

***b. Do you consider that there would be value in further considering combining country and provider immigration risk outcomes to devise a single student visa processing framework?***

ACPET does not have sufficient data to comment on the linking of country and provider immigration risk. However it would welcome DIPB providing the analysis. Regardless of system of risk employed by DIPB, it should be transparent to both students and providers.

DIBP should apply immigration risk of the student through a single student visa and providers can support that application by offering an enrolment based on the education needs and aspirations of the student...

***c. Are there other measures, outside of provider and country immigration risk outcomes, that you consider would be more effective in determining a student's financial and English language evidence requirements?***

No comment

***d. Are there any other alternative models that you consider would more effectively facilitate the visa process for genuine students?***

A single student visa (with some variation for those aged under 18 years of age) which considers DIPB's role in determining immigration risk, and enabling providers to determine a students' eligibility to undertake a course of study would facilitate a balanced visa process for genuine students. The current system, both SVP and non-SVP, requires DIPB to make an assessment of both these issues - DIPB may struggle to have expertise in both. This is not a satisfactory arrangement for DIPB, the student or the provider.

## 7. Methodology to calculate immigration risk

***a. The rate of student visa applicants applying for protection visas (PV) is a key programme integrity measure, however it is not currently included when assessing the immigration risk outcomes of an education provider's students. Do you consider that the assessment of an education provider's immigration risk outcomes may be compromised by not incorporating PV statistics? Why or why not?***

ACPET is concerned that the providers will be adversely treated in their immigration risk profile if protection visa material is included. An alternative would be for this part of the GTE processes to be conducted on all students by DIPB?

***b. Are there other immigration risks that you would like to see included in the risk framework that are not currently taken into account?***

Immigration risk is an important component of a successful international education system in Australia. However, it is only one component. ACPET proposes broadening the responsibility to include provider quality as risk rated by the regulator and financial viability as demonstrated through Tuition Protection Scheme (TPS) to be considered alongside immigration risk. Alignment of these risks would see lower risk providers offering places to low risk students, creating a seamless immigration education process. Similarly high risk students seeking visa with high risk providers would attract a more rigorous application requirement,

A transparent formula would facilitate a more efficient and sustainable student visa process.

***c. Are there any other types of risk that you would like to see considered when determining eligibility for streamlined-type processing? If so, why do you consider these to be important?***

Providers who have no offshore visa applications should not have access to a streamlined model, as they are not investing in bringing new students into Australia but instead recycle students onshore. This is the largest issue many of our members, who have not attained SVP, have with the current model.

High concentration of students from one or two nationalities is also higher risk and this is a risk addressed by the Tuition Protection Service.

***d. Do you consider the 100 'active student visa' requirement to be an appropriate threshold for determining an education provider's eligibility to participate in SVP? If not, how would you change this threshold while still maintaining statistical confidence in an education provider's immigration risk outcomes?***

ACPET has yet to be convinced that the application of 100 active students per annum is appropriate. It is systematic of a one-size fits all approach. The broadening of the risk factors would lead to a greater understanding of the provider risk profile and allow more imagination in this area, for instance looking at small providers over a period of three years.

***e. Do you have any additional comments on the SVP assessment process?***

No comment

## **8. Opt-in application process**

***a. Do you consider that formal opt-in applications for providers are necessary or are there alternative ways that access to streamlined arrangements could be managed, particularly if SVP is expanded further?***

All providers should be treated equitably. All should be risk rated and have access to their risk ratings. All CRICOS registered providers should have the opportunity to be considered for any expansion of streamlined arrangements.

***b. How do you consider that the SVP opt-in application process could be simplified?***

See above.

## 9. Business partners

*a. Are the current business partner arrangements effective or do you consider that it should be possible for SVP providers to package with any provider they have an arrangement with (without needing to formally nominate them as SVP business partners)? Why or why not?*

In the current arrangements, an SVP nominated provider should be responsible for all of its partners. As such they do not need to be identified. Such an arrangement would tighten the arrangements and ensure proper management of business partner arrangements.

## 10. Deregulating the student visa programme

*a. Do you consider that the eight student visa sub-classes should be reduced? If yes, how would you propose to streamline?*

A single student visa (with additional guardian requirements for those under 18 years of age) is now required. This would focus DIBP on determining genuine student status and allow educational institutions more opportunity to match students with appropriate courses or course supplements rather than requiring complex and costly visa variations.

*b. Are there any other requirements within the student visa framework that you believe should be considered for possible deregulation?*

No comment

### **Notes on ACPET's comments to the Joint Review of Border Fees, Charges and Taxes**

ACPET welcome the opportunity to contribute to the Joint Review of Border Fees, Charges and Taxes. ACPET recognises that the Review will provide an opportunity for industry and government to work together to deliver improvements to the current arrangements while maintaining the integrity of Australia's borders.

The International Education Industry has a long history in Australia and makes a significant contribution to the Australian economy. It is estimated that its current export earnings exceed \$15 billion a year, fourth in export earnings after coal, iron ore and gold. In the right operating circumstances, the Industry has the potential for significant growth, particularly given Australia's proximity to the emerging nations of Asia. It is also an industry that is less volatile to the moves in commodity pricing and environmental issues. However many other countries are starting to become aware of the rich potential the Industry offers and are starting to enter the market place.

It is generally accepted that with rising affluence, particularly the growth of the middle class in developing countries and the increasing need for competitive workplaces that demand quality skills and a global outlook to substitute for growing labour costs that the international education market will continue to grow.

While Australia has enjoyed pre-eminence in international education for some years, particularly in Asia, it is having to operate in a continually increasing competitive market. Many other countries are growing their international education sectors to try to attract students from developing countries to reap the financial benefits these markets offer and are examining ways to improve their competitiveness. Such competition is a potential threat to the Australian economy.

The 2014 HSBC study<sup>18</sup> finds that Australia is the most expensive destination for overseas students among countries offering comparable course. The study finds that Australia has an average student study cost of \$US 42,000 per year compared with the USA and Singapore (\$39,000) and the UK (\$30,000). Other competitors are even cheaper – Canada (\$30,000) and Malaysia (\$13,000). The study points out that it is the relatively high cost of living in Australia that makes it the most expensive, although it's also amongst the highest in annual study fees.

---

<sup>18</sup> HSBC 2014 Report - <http://www.hsbc.com.au/1/2/about/news/14/140910>



Although price is a factor in the choice of student destination, as is quality of the international education and safety issues within the country of choice, there are also issues surrounding accessing the country through the issuing of visas. The Australian international education market has experienced some difficulties which have been affected by the need to get the balance between its services and the Government's migration policy. While this appears to be travelling well at the moment, the peak bodies recognise the role of DIBP to manage the Government's migration and border protection agenda. It is within this environment that the peak bodies are looking for the following changes to the fees regime:

- removal of the STAC (the \$700 for renewal of a visa);
- reduction of Fees for Student Visas; and
- alignment of fees for student visas which reflects the duration of the course of study with shorter courses attracting a low visa fee than those of multi-year courses.

## Review of the ESOS Framework – Submission against Discussion Paper

Sent to: The Department of Education via email: [ESOS-Policy@education.gov.au](mailto:ESOS-Policy@education.gov.au)

### Introduction

---

The Australian Council for Private Education and Training (ACPET) welcomes the opportunity to contribute to the Review of the ESOS Framework (the Review) and congratulates the Department of Education (DoE) for crystallising the concerns of stakeholders in its Discussion Paper.

Established in 1992, the Australian Council for Private Education and Training (ACPET) is the national industry association for private providers of post-compulsory education and training. ACPET has over 1,000 members nationally who deliver a range of higher and vocational education and training (VET) and English language courses across all States and Territories and internationally. Subsequently, the ACPET brand is widely recognised as the ‘quality stamp’ of approval for high quality education and skills training.

ACPET’s mission is to enhance quality, greater choice and innovation in Australian education and skills training. It represents a range of independent providers including commercial and not-for-profit entities, community groups, industry providers and enterprise-based organisations. ACPET works with governments, industries, and community organisations to ensure higher education and VET services are well targeted, accessible, and delivered to a high standard. ACPET is committed to ensuring its policies, products and services contribute to an inclusive tertiary education system.

There are approximately 1,200 Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered education and training providers in Australia, ranging from schools to niche providers of specialised courses and English language colleges to large public universities. Of these providers, approximately 440 are ACPET members. Therefore, ACPET has a keen interest in the Review.

ACPET acknowledges the Review seeks to address the broad objectives of the ESOS Framework by:

- reducing burdens on providers offering courses to international students by ensuring government and statutory agencies request only the information they genuinely need and use to ensure Australia’s education system is of the highest quality and integrity;
- ensuring a more efficient registration process for providers by streamlining domestic and international standards and quality assurance frameworks;
- increasing opportunities and flexibility for organisation to provide education in a contemporary manner that meets the need for international students; and
- supporting the student visa system.

ACPET welcomes the discussion paper which provides a summary of issues raised in previous consultations with the sector and outlines the Government’s proposed changes to address the issues raised. ACPET has been involved in much discussion over the application of the ESOS

Framework and its interaction with the Department of Immigration and Border Protection (DIBP) for many years. As an observation, there appears to be an inverse relationship between the time and resource allocation to parts of the international education sector and the size of that component of the sector, and would therefore urge the review to examine the 'one size fits all' approach to any final outcome of the Review.

It should not be beyond the wit of the Government and stakeholders to provide arrangements that cover the sector where necessary but to also recognise there are circumstances that only apply to specific components of the sector which can and should be subject to specific arrangements.

The school sector in particular operates quite differently from other parts of the international education sector in respect to who is responsible for regulation. Similarly, some providers of ELICOS operate solely under the ESOS Framework and would be impacted by its abolition. This does not mean to say other arrangements could not be made within the domestic regulation regime to cover them. This submission will work through these issues and the proposed changes. Any additional issues will be raised at the end of the submission.

In preparing this response to the Discussion Paper, ACPET has canvassed the views of its members. From the responses of members it is fair to say that the last few years have been the most difficult for our members, particularly small providers, when viewed over the last twenty years. This has been less to do with the global financial crisis (although the strength of the Australian Dollar has had some influence) and has more to do with the imposed regulatory and monitoring changes, duplication in reporting requirements, confusion relating to relative authority, increased costs of compliance, restrictive Tuition Protection Services (TPS) processes, restriction on course payment processes and the increased administrative workload necessary to address these matters. It would be reasonable to suggest that none of these regulatory impositions and impacts has had any positive effect on what happens in teaching students.

## **Streamlining quality assurance agency processes (the Regulators)**

---

### **Simplifying administrative arrangements**

It is worth pointing out at this time ACPET is not fully convinced of the need to retain the ESOS Framework as 'a demonstrable and contemporary statement of Australia's commitment to providing a high quality, safe and competitive education system for international students.' It does, however, recognise the Framework was a product of its time and established in the absence of a mature regime for achieving such fine ideals in the Australian system overall.

The Review provides an opportunity to challenge the basic premise the ESOS Framework is needed as a commitment statement. There should be an expression that students studying in Australia, whether of domestic or international origin, should receive a commitment to receiving a high quality, safe and competitive education. All students should demand and expect such education. International students should expect and receive the same high quality education as their domestic colleagues.

The ESOS Act should be amended to reflect such an ethos by referring its previous powers to the national regulators established to the Tertiary Education Quality and Standards Agency (TEQSA) and Australian Skills Quality Authority (ASQA), and allow them to reach agreement

with State based School regulators to manage all aspects of regulation for both domestic and international education.

ACPET understands from discussions with the Department of Education (DoE) and other peak bodies that there is support for retaining this aspect of international education within the ESOS Framework, in affect allowing these agencies to conduct these functions through complex legislative and administrative arrangements using delegation of powers, deeming arrangements whilst separately retaining 'checks and balancing' powers at Ministerial level. ACPET is not convinced that such a regime is necessary and believes it has the potential to complicate what should otherwise be a straightforward compliance regime. It is worth noting that compliance is conducted by the agencies responsible for domestic education under almost duplicate operating framework.

ACPET acknowledges that the proposed alignment of auditing of RTOS will reduce some of the burden for providers. However it believes that formal transfer of the current ESOS Act requirement to both TEQSA and ASQA will result in much greater oversight of the sector. It will facilitate them in developing their risk profiles for providers and allow greater scrutiny for those providers seen to pose a greater quality risk to the system. Both regulators should be given the tools to do their job and be responsible for ensuring the integrity of the sector.

Should the Government wish to continue with broad coverage of the ESOS Act, ACPET makes the following comments on the changes proposed in the Discussion Paper the Table form.

	Proposed changes	Comments
1.	Amend the current legislative arrangements to simplify decision making powers and responsibilities by directly providing rather than delegating some powers to TEQSA and ASQA. This will also simplify the registration and assessment process for ELICOS and foundation programs.	<i>ACPET supports this initiative as it has the potential to simplify and speed up decision making timeframes and avoid unnecessary duplication.</i>
2.	Allow quality assurance agencies to deem compliance with ESOS standards if equivalent domestic standards are met.	<i>Similarly this makes sense. Consider liaising with Higher Education Standards Panel to review and map out processes.</i>
3.	Amend the registration period in the ESOS Act to ensure it allows more flexible registration periods and extensions of registration timeframes, in line with domestic registration timeframes.	<i>Streamlining and unifying timeframes would be clearer and makes sense and allow regulators to review on a risk based approach (e.g maintain 7 years for <b>low-risk</b> providers) and at discretion of the regulator. However, significant changes in management and curriculum should prompt a review.</i>
4.	Provide a 'check and balance' power to the Minister responsible for ESOS to direct TEQSA and ASQA in relation to the performance of their functions and the exercise of their powers under the ESOS Act, in consultation with other relevant ministers where appropriate.	<i>Should be a Government issue not empowering separate Ministers to direct regulators.</i>

5.	Amend the ESOS Act and the National Code to enable quality assurance agencies to consider additional relevant material gathered through other registration processes in assessing CRICOS registration.	<i>ACPET supports this on natural justice grounds.</i>
6.	Amend the ESOS Act to increase consistency in compliance and enforcement powers under ESOS and domestic legislative frameworks.	<i>Adds to ACPET's contention that separate legislation is not needed, but if deemed a requirement it should be consistent for both international and domestic students.</i>

## Reviews of decisions by quality assurance agencies (the Regulators)

Should the formal transfer to the domestic agencies occur then providers would retain the right of appeal to the Administrative Appeal Tribunal and thus no need for legislative changes or publication of additional information.

	Proposed changes	Comments
7.	Amend the ESOS Act to allow an education institution to seek an internal review of decisions made by the relevant quality assurance agency prior to application to the Administrative Appeals Tribunal.	<i>Natural justice and brings into line the appeal processes available in the domestic sector and should be mirrored for international. A timeframe for the internal review process needs to be determined.</i>
8.	Require publication of information regarding the quality assurance agency's internal review approach and process.	<i>Transparency of processes is welcome.</i>

## Reducing the Reporting Burden

The removal of the ESOS Framework would facilitate reducing the reporting burden as the Discussion Paper recognises and was alluded to in the report of the Review of RTO VET Data Reporting Requirements place on the Department of Industry website in April 2014. A similar review has occurred in higher education. The standardisation of data elements progressively across Government to assist with collection, reporting and usefulness in monitoring the sector by all stakeholders is more likely to be achieved with fewer receiving agencies being involved.

This would facilitate agreement on removal of redundant data items and appropriate timeliness of data rather than obfuscation of demands for urgent data to meet other agencies' requirements (examples of which are default notification, etc.).

The recent experience sent to us by one of our members demonstrates the extent of the problem:

*'We submit our Quality Indicator Annual Summary report to ASQA (not using their online ASQAnet system, of course) having used their survey pro-formas; then provide the summary report to DBE to be a preferred supplier. But you have to report competency completion data using the Competency Completion Online System (CCOS) (another system, with another password). And submit your data to NCVER using the online AVETMISS Validation Software (another system), and send the summary report to DBE quarterly with data produced by VETtrak (our student management system).'*

*Whilst this all keeps plenty employed, it drives me mental.*

*Will leave it with you....but this sector is 'gagging' for simplification....'*

You will appreciate that this is only part of the reporting requirements of VET RTOs. Added to this would be the ESOS requirements and any other Government reporting requirements for specific programs. ACPET has been concerned for some time, that despite expressed sentiments about reducing reporting requirements they continue to grow.

	Proposed changes	Comments
9.	Streamline the student default reporting process in PRISMS to align with the 14-day reporting timeframe, consistent with the proposed policy changes to Tuition Protection Service (TPS) (refer to Item C below), to allow easier reporting of student defaults through the student course variation process.	<p>ACPET would welcome the removal of arbitrary timeframes (or at a minimum expansion of the period to 28 days) which then allows providers scope to report genuine defaults. It may be worth considering placing this in the course variation process. Members urge that this measure be expedited to reduce the reporting burden. Consider an expert user group to review and identify what is a genuine 'course variation'.</p> <p>DIBP should be consulted (and form part of the expert user group) to find the right balance of reviews on student defaults.</p>
10.	Provide data upload facilities and links between PRISMS or CRICOS and other data systems to decrease manual entry and increase data quality.	<p>ACPET would support, but has real concerns about the capacity for this to be achieved.</p> <p>Changes to CRICOS courses to be actioned through PRISMS would be welcome, or functionality through ASQANet platform.</p> <p>PRISMS User Group should be consulted.</p>
11.	Standardise data elements to assist with data collection and reporting, including utilisation of information provided across different data collection systems.	Similarly, this is supported as it would greatly increase efficiency for both providers and government agencies.
12.	Remove redundant data items from PRISMS and CRICOS.	ACPET agrees. An established 'PRISMS User Group' could identify 'redundant data'.

## Minimising Tuition Protection Services requirements

ACPET supports the Government's initiative to establish the TPS. It does however share the concerns of other peak bodies that some of the risk management measures are in fact not useful in TPS achieving its objectives and are burdensome to providers. Therefore, ACPET would be looking for:

- the removal of the requirements of a limit on collection of tuition fees, other than for those providers determined as being of high risk of default;
- the removal of the requirement to maintain a designated account for TPS purposes, other than for those providers considered at risk of default, which in such cases should be required to have a trust account arrangements; and
- the removal of the requirements to identify study periods – arrangement should be similar to those required by the domestic regulators.

ACPET believes that these changes will have positive effects for providers through the reduction in administrative time. This is particularly the case for providers of VET and ELICOS courses where students may wish to pay 100% of the cost for shorter courses. It is worth mentioning that the current rule creates an unnecessary break in student studies particularly in relation to long ELICOS enrolments. It also creates additional work for providers, confusion for consumers and encourages unscrupulous agents to mislead naïve students to seek other courses half way through their enrolment and therefore encourages ‘course hopping’. It generates problems for both providers and students in regard to two semester diploma courses where the fees payable in the first semester are greater than in the second.

As already mentioned, the TPS should have confidence in providers with a low risk profile and therefore give them greater flexibility in education delivery.

The review should push for a risk based approach, where high risk providers are limited to charging only 50% of fees (where the course is no less than 6 months) in line with the current regulators approach to the sector.

	<b>Proposed changes</b>	<b>Comments</b>
13.	Change the requirement that all education institutions be subject to the 50 per cent limit on the collection of tuition fees prior to commencing a course.	<i>ACPET welcomes this change as outlined above, in particular for <b>low risk</b> providers and students who choose to pay 100% fees.</i>
14.	Amend or remove the requirement to maintain a designated account for all education institutions, for instance making it a condition of registration for fewer education institutions.	<i>ACPET welcomes this change as outlined above, in particular for low risk providers.</i>
15.	Remove requirements to identify study periods in the ESOS Act.	<i>ACPET sees this as redundant if proposed changes 13 and 14 are implemented.</i>

### Increased flexibility in education delivery

Subsuming the ESOS Framework within the domestic regulation would mean that the flexibilities for international students would be those enjoyed by the domestic sector and subject to the same rules. One rule for all education providers and students, for instance if the regulator allows an institution to deliver 75% of its course online, the same rules should apply to international students, particularly if they attend the same institution. Similarly this would apply to work based and work integrated training. Such changes could be accommodated in the rules for grant of student visas.

In regards, to online learning, ACPET sees this as a visa integrity issue only, and in no way should subjective views of quality for different types of learning impact on the ESOS framework for education delivery.



	Proposed changes	Comments
16.	Amend the National Code to increase flexibility and discretion in the use and allowable amount of online and distance learning, within visa requirements.	<i>ACPET agrees to this approach where the type of course can include a large amount of on-line componentry (where relevant) as a one-size-fits all is not appropriate.</i>
17.	Amend the National Code to broaden the work-based training or work-integrated learning provisions.	<i>ACPET agrees to this approach. It is important that work-based training is identified in the course curriculum (CRICOS) to avoid unnecessary immigration investigation.</i>
18.	Amend the National Code to allow course progress to be deemed by the relevant quality assurance agency as sufficient for meeting visa compliance requirements where appropriate.	<i>ACPET agrees to this approach. For auditing action, it should be risked rated against the RTO and determination should be the responsibility of the quality assurance agency. It is vital that staff in the quality assurance agency is adequately trained to make decisions on course progress. International should be treated the same as domestic and providers should be able to set their own requirements, 'within the norm' for their sector.</i>
19.	Amend the National Code to allow existing practices for monitoring attendance to be deemed to satisfy the requirements under the National Code where appropriate.	<i>ACPET agrees to this approach. For auditing action, it should be risked rated against the RTO and determination should be the responsibility of the quality assurance agency. It is vital that staff in the quality assurance agency is adequately trained to make decisions on attendance (in conjunction with course progress). International should be treated the same as domestic and providers should be able to set their own requirements, 'within the norm' for their sector.</i>

## Transfer of Students

The rules surrounding the transfer of students are overly complex and are subject to misunderstanding at best and rorting at worse. It is a system which has increased in complexity by the introduction of the Streamline Visa Processing (SVP) arrangements and the rigorous interpretation that international students should have all knowledge about what they should be studying and at what level before they commence courses. Domestic students have the ability to switch and change at will. This is denied to international students for border protection purposes.

These need to be simplified and linked to the level of student visa. For example, if an international student enters under an SVP arrangement to study at an higher education institution with some ELICOS input, such a student cannot change education institution to undertake a VET course for example without obtaining a visa variation.

Standard 7 as it currently stands is open to varied interpretation by providers, agents and government agencies.

ACPET has some sympathy with the current arrangements whereby providers are made legally responsible for their agent's behaviour. It sees that much of the concern about the behaviour of education agents in respect to their counselling of students to "course-hop" in favour of an alternative providers should primarily be placed on the need for receiving providers to meet their ESOS responsibilities. In saying this ACPET does not deny that there are some unscrupulous individuals who are working as agents onshore in Australia to subvert the intention of the ESOS framework in this manner but they cannot exist without providers accepting their students. Any attempt to regulate agent behaviour independently of the providers that work with them have the potential to be expensive and of limited effectiveness.

If providers receiving students were made more accountable for undertaking appropriate, mandated due diligence procedures on students who seek to enrol on-shore and wish to transfer from another institution, these course-hopping practices would be much reduced. It is much more important to stipulate and enforce the processes that should be undertaken by receiving providers than to focus on moderating the behaviour of a small number of 'rogue agents'.

The ESOS Act should reaffirm the requirement for providers to train their agents properly and sanction their agents quickly should unacceptable practices be revealed.

ACPET recognises that there are fundamental differences between agency operations that exist on-shore and those that exist off-shore. Off-shore agents are the lifeblood of the sector, attracting at least two-thirds of all students who come to Australia. In some countries such as China, this may be around 80%. These agents are increasing the pool of students coming to study in Australia. No matter how well intentioned, any attempt to regulate their behaviour formally (other than via their provider's current ESOS responsibilities) would not only be difficult, but would potentially drive some agents into the arms of our international competitors and diminish the number of students coming into Australia. The industry supported training regime, (see [eatc.com](http://eatc.com)) has worked very well in providing a voluntary mechanism for agents to demonstrate their commitment to quality and has been praised by both the previous Baird and Knight Reviews.

On the other hand, agents that exist in Australia play a more nuanced role. Some support those students that their off-shore network has previously sourced. Other agencies focus on students already in Australia and provide valuable counselling services to students who are unclear of their options. Nevertheless, it is the agents operating within Australia who are involved in the promotion of 'course-hopping' practices and could be seen to benefit from the recruitment efforts of others. It is important that a distinction needs to be drawn between the two types of agency. Any Code of Practice developed for Australian-based agents needs to adhere to helping students transfer between providers. Such a Code could then be referenced within the written agreement between agent and institution and its breach a basis for the termination of the agreement. ACPET does not believe that significant improvement will be achieved in attempting to set up or sponsor an 'Agency Association'.

The Discussion Paper considers ‘an industry-led system for recognising formal trained, high quality, ethical and quality education agents’. Such an arrangement already exists for Australian recruitment agents who are listed on the Qualified Education Agent Counsellor dataset ([www.eatc.com/qualified\\_agents](http://www.eatc.com/qualified_agents)). This system is greatly admired by our competitors, and in particular both New Zealand and Canada have copied the intent of the EATC system and introduced a “favoured agency” status to such agents as have completed their online training programs. It is self-evident that education agents need to be informed about the Australian international education environment. It is not sufficient for agents to only receive training in particular institution’s course offering or campus facilities. They should be aware of the context of study in Australia, the support provided and the responsibilities associated with the student visa program. In this sense it is worth considering that providers should be required by ESOS to ensure that the agents that represent their providers are formally trained to a basic level to ensure the protection of their student consumers. Providers can either recognise external training such as the Education Agent Training Course (EATC) or choose to undertake and document this training themselves.

The Discussion Paper considers some of the practical difficulties in balancing the rights of the student to make appropriate choices with respecting the effort undertaken by providers in recruiting off-shore students. The current circumstances require the student to remain with the principal course for 6 months (without the written permission of the principal course institution). ACPET believes that the requirement for the student to remain until they complete six months of the principal course is both unfair to students (some can be forced to remain on a course of study that they are unhappy with for a number of years) and confusing (some students have had no contact with the provider of their principal course and yet they are required to gain a letter of release from this institution in order to leave another). A more straightforward and transparent means to balance the competing interests would be to require students to remain with the first 6 months of the first course they enrol in in Australia. This would enable simple guidelines to be followed by all on-shore receiving providers whereby in order to enrol as on-shore student a provider needs to cite a letter of release from the previous institution and a copy of their student visa which will show when they were allowed entry into Australia and ensure that 6 months have passed from that date before their new course commences. This will remove the requirement for receiving providers to ascertain what a student’s principal course is before making an offer of a place.

A visa variation would allow the original institution to provide an exit letter and the new institution to confirm an offer to the student. Such a requirement could be undertaken by the student directly or through an education agent.

	Proposed changes	Comments
20.	Amend standard 3 of the National Code to more clearly require a written agreement to include a cancellation (currently refund) policy in the event of a student cancelling an enrolment or transferring to another education institution.	<i>ACPET Agrees.</i>
21.	Amend the student transfer process in Standard 7.	<i>Strongly supported.</i>
22.	Amend Standard 4 of the National Code to require education institutions to enter into a written agreement with each education agent whose services it uses (as opposed to 'each education agent it engages to formally represent it').	<i>ACPET disagrees. This would not address quality of agents and has the potential to drive away quality agents. It would also create an additional administrative burden.</i>
23.	Consider whether further information on the use of agents should be provided in addition to the current requirement for the publication of agent names and details on an education institution's website and the voluntary requirement in PRISMS for education institutions to give details of an education agent for each enrolment.	<p><i>This depends on what the definition of 'further information' is. 'Further information' requires definition.</i></p> <p><i>PRISMS could be better streamlined to include better data management of agent information for dissemination to providers to allow providers to make more knowledgeable decisions on use of agents.</i></p>
24.	Support an industry driven shared set of principles or code of ethics for education agents. This may include an industry-led system for recognising formally trained, high-quality, ethical and suitably qualified or knowledgeable education agents (rather than a formal registration system).	<i>ACPET agrees on this approach, but should be conscious of not complicating or increasing work for ethical and quality overseas agents. Many ACPET members have an existing set of standards for recruiting agents. Consider a voluntary training for agents.</i>
25.	Support more options for training and informing education agents of their obligations to students.	<i>ACPET agrees that it is important that the Australian Government convey the obligations to the overseas student.</i>

## Welfare of students aged under 18

While ACPET supports the thrust of the Discussion Papers proposed changes, it would like to examine in more detail the proposed changes which would be introduced into the National Code.

	Proposed changes	Comments
26.	Amend the National Code to clarify requirements and responsibility for the welfare of international students aged under 18, including clearer references to supervision, accommodation as 'adequate and appropriate', health and well-being, and welfare arrangements.	<i>ACPET supports this measure. It is important that responsibility for the welfare of these young people is clear and unambiguous.</i>
27.	Clarify that responsibility for ensuring appropriate welfare arrangements for a student remains with a provider until the student commences a course with another provider, regardless of the date from which the transfer is accepted.	<p><i>ACPET supports this change as a helpful supplement to the level of protection for students.</i></p> <p><i>Consideration needs to be given where the student departs on bad terms with the provider (e.g. disciplinary reasons) or where it is difficult for the provider to maintain effective monitoring of the student over an extended break (e.g. Christmas period).</i></p>

## Working with stakeholders to produce a practical and accessible National Code and explanatory guide for ESOS

	Proposed changes	Comments
28.	Remove redundant provisions in the National Code.	<i>ACPET agrees. Definition of 'redundant provisions' needs to be identified and agreed upon.</i>
29.	Develop a simpler and clearer explanatory guide and other supporting material for ESOS, in collaboration with stakeholders, with sector-specific examples.	<i>Supported – case studies may assist in the guide.</i>
30.	Amend the ESOS Act to better reflect the purpose of the National code, its contents and the changes proposed in this discussion paper.	<i>The National Code should be reflective of the ESOS Act.</i>

## Registration Charges

	Proposed changes	Comments
31.	Amend the Registration Charges Regulations to include a provision that allows for an exemption from the Entry to Market Charge for a class of education institutions with an appropriate history of education provision and CRICOS registration, and no adverse compliance record.	<i>A more streamlined approach that leads to decreased regulatory costs that would ideally translate into reduced fees.</i>

## Other Issues

---

### Complexity of gaining CRICOS registration

A number of ACPET members have raised concerns about the processes involved in gaining CRICOS registration. They are seen by some as a barrier to becoming an international education provider. While proposed alignment with domestic processes are welcome, ACPET believes this aspect of the ESOS Act needs attention.

## Australian Council for Private Education and Training Contact Details

---

Mr Alan Keith

International Policy Education Manager

Level 2, 1 Geils Court, Deakin, ACT 2600, Australia

(Submission authorised by CEO of ACPET)

## **China-Australia Free Trade Agreement**

There is no doubt that China remains the most important country to Australia when referring to International Education. This is especially true for universities. Private providers need more support from government to assist in growth from Chinese students.

The recent FTA in regards to education has two separate points, both with positive outcomes. ACPET understands that (based off the Department of Foreign Affairs & Trade (DFAT) government communications<sup>19</sup> that the first is that within one year of commencement, China will list on an official Ministry of Education website all Australian private higher education institutions registered on CRICOS.

Currently, this would add 77 institutions to the existing 105 Australian institutions (all publicly funded) on the website.

The other point is Australia and China will continue to discuss options to facilitate student and teacher exchanges between both countries and increase marketing and recruitment opportunities for Australian education providers in China. This item seems to be a work in progress and ACPET is unaware of its intended direction.

Of the greatest benefit is the inclusion of private institutions on to the *Jiaoyu Shewai Jianguan Xinxi Wang* (JSJ list), Ministry of Education website as China represents the largest market for international students to study in Australia both institutions and offshore campuses. It is a market which had grown significantly for public and private providers. However for private providers recent events have seen a decline in this market including the tightening of student visa restrictions, changes in the permanent migration criteria, the collapse of some high profile private colleges and private providers not being listed on the Chinese Ministry of Education (MoE) JSJ website. Currently only Australian public universities, TAFEs and one private provider are listed.

The private education sector needs to understand what the process will be for these 77 Higher Education providers to be listed. ACPET is now looking to the Government to provide details on how the listing will occur and what is expected of our members who are to be listed.

The public TAFEs have been on the JSJ for a number of years and ACPET would like to see the opportunity for quality private VET providers be on the same level and receive JSJ listing. A number of these ACPET institutions have successfully operated in China for a number of years and/or receive a high volume of Chinese students to Australia. In addition we now have the Tuition Protection Scheme run by the Australian Government and ACPET members having to abide by a code of ethics. This should go some way to provide comfort of quality to the Chinese Government.

---

<sup>19</sup> [dfat.gov.au/fta/chafta/fact-sheets/key-outcomes](https://dfat.gov.au/fta/chafta/fact-sheets/key-outcomes)



## **Code of Practice for ACPET members using the services of agents/brokers**

---

### **Introduction**

To allay increasing community fears about the inappropriate activities of agents/brokers in the post-secondary education sector the Australian Council for Private Education and Training (ACPET) has developed a Code of Practice for its members using the services of agents/brokers (the Code).

Implementation of the Code is ACPET's way of demonstrating that it is serious about providing high quality services that students and their families can feel confident will meet their expectations. This means that ACPET members will only use the services of reputable agents/brokers who have a proven track record in meeting the obligations enshrined in the Code.

The Code should be seen as additional to the Code of Ethics of ACPET<sup>20</sup> (at attachment 1), adherence to which is a condition of ACPET membership. The Code of Ethics affirm the professional standards expected of education and training providers. Members are required to act with integrity in all dealings with students (past, present and future), employers, with ACPET and with other organisations.

The Code is intended to provide students and clients with a clear statement of the standards which they can expect from ACPET member organisations in their dealings with them and their nominated representative, including the agents/brokers which they use to attract students.

ACPET is asking its members to publicly make a stand on the need to eliminate those disreputable agents/brokers who are bringing adverse publicity on the sector and undermining the confidence of the community in the sector. Such publicity is undermining the credibility of all private providers including ACPET members. The Code is a tangible way of differentiating ACPET members from other private providers who may continue to use disreputable agents/brokers. Simultaneously ACPET is seeking to facilitate the differentiation of those reputable agents/brokers which are a key factor of the sector's operation by providing the necessary linkage between students and providers.

In a real sense it will ensure that ACPET members will meet their obligations under the various governments' legislation<sup>21</sup>, regulations<sup>22</sup> and codes of practice<sup>23</sup> which is intended to cover the use of agents/brokers who operate both on-shore in Australia for domestic and international students and off-shore for international students.

While the Code will necessarily only apply to ACPET members, its intention is to provide a framework which agents/brokers who work with or partner ACPET members will be required to

---

<sup>20</sup> Code of Ethics of ACPET, April 2013 (see Attachment 1)



operate. In line with the latest changes to government standards for post-secondary education providers, such a framework will not be prescriptive in terms of how it is to operate, but rather provide parameters which encourage and facilitate best practice and as such are student centric.

To facilitate such high ideals, ACPET will be encouraging all agents/brokers to recognise the Code, undertake ACPET sponsored personal development in the responsibilities of agents/brokers similar to the training offered by the British Council<sup>24</sup> and consider membership of ACPET as 'partners in education' (or a new category for agents/brokers), and enrol on the to be established ACPET preferred agents/broker list. The attached Schedule 1 illustrates how this will operate for agents/brokers wishing to be place on the ACPET preferred agents/broker list and how it links back into ACPET membership.

The Code acknowledges the 'Statement of Principle for the Ethical Recruitment of International Students by Education Agents and Consultant (The London Statement)'<sup>25</sup> (see Attachment 2) which outlines an ethical framework and adopted the following seven principles under which providers and agents/brokers should operate:

1. Agents and consultants practice responsible busy ethics.
2. Agents and consultants provide current, accurate and honest information in an ethical manner.
3. Agents and consultants develop transparent business relationships with students and providers through the use of written agreements.
4. Agents and consultants protect the interest of minors.
5. Agents and consultants provide current and up to date information that enables international students to make informed choices when selecting an Agent or consultant to employ.
6. Agents and consultants act professionally.
7. Agents and consultants work with destination countries and providers to raise ethical standards and best practice.

The London Statement ethical framework and principles provide a solid basis on which recruitment of students by agents/brokers in Australia could be based and have been used in the development of the Code.

The Code has also drawn on material from the Department of Education guide for providers of education and training to overseas students titled 'Using Education Agents'<sup>26</sup> (see Attachment 3) which supports the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (*op. cit.*). The Guide provides assistance in establishing a framework designed to assist providers in reaching a reasonable level of

---

<sup>21</sup> Education Services for Overseas Students (ESOS) Act

<sup>22</sup> Standards for Registered Training Organisations (RTOs) 2015

<sup>23</sup> National Code of Practice which operates under the ESOS Act

<sup>24</sup> <http://www.britishcouncil.org/education/education-agents/training-agents>

<sup>25</sup> <https://www.aei.gov.au/News/Latest-News/Documents/StatementofPrinciples.pdf> (see Attachment 2)

<sup>26</sup> [https://www.aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/ESOSQuickInformation/Documents/Using\\_Education\\_Agents\\_pdf.pdf](https://www.aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/ESOSQuickInformation/Documents/Using_Education_Agents_pdf.pdf) (see Attachment 3)

assurance that any education agents they engage act appropriately. The guide also identifies and addresses any inappropriate conduct by education agents before there is an adverse impact on the provider's business and its students.

## Aim of the Code

The aim of the Code is to provide the community with confidence in the integrity of the agents/brokers used by ACPET members to recruit prospective students and to be assured that they act in the interest of those students.

## The Code

To achieve this aim, ACPET members have developed and agreed the following principles which will guide their interaction with agents/brokers:

ACPET members (the providers) using agents/brokers for the purpose of recruiting students shall:

1. Give priority to using agents/brokers who are on the ACPET preferred agents/brokers list (see Schedule 1) which outlines how agents/brokers can be placed on that list).
2. Identify that the agent/broker has agreed to recruit students for it, as an ACPET member, who is a signatory to the Code of Practice for its members using the services of agents/brokers and if not on the ACPET preferred agents/brokers list has agreed to abide by the conditions of the Code of Conduct for agents/brokers (see Schedule 1).
3. Ensure that a written agreement/contract is in place with agent/broker detailing:
  - a. expectations and responsibilities of the provider and agent/broker;
  - b. defining courses on offer by the provider and full details of these courses, including all fees, to the agent/broker;
  - c. the requirement for both parties to comply with relevant legislation, including but not limited to marketing and sales practices are not deceptive or misleading;
  - d. any third party arrangements which may apply; and
  - e. intervention actions for instances where prospective student's enrolment requires attention.
4. Provide ACPET within 14 days of signing, a copy of any third party agreement in relation to education delivery;
5. Satisfy themselves that the agent/broker personnel are adequately trained and assessed in accordance with provider expectations and compliant with all relevant legislation.
6. Ensure that use of an agent/broker is monitored to ensure compliance with the Code of Conduct for agents/brokers and has intervention strategies in place for non-compliance.
7. Ensure that agents/brokers are fully aware of the requirement of the ACPET member in relation to:
  - a. assessing a potential student's desire to participate in a course;
  - b. assessing a potential student's intention to complete a course;
  - c. ensuring the potential student understands the requirements of the course in accordance with the policies and procedures of the ACPET member;

- d. ensuring the potential student understands transfer policies; and
  - e. ensuring the potential student is made aware of, and understands, the costs in relation to pre-requisites, course tuition fees, textbook fees and any other charges. This is particularly important where a student is going to access VET FEE HELP or FEE HELP to facilitate meeting the cost of the ACPET member's course.
8. Be assured that the agent/broker does not misrepresent employment outcomes as a result of student completing the ACPET member's course.
  9. Be assured that the agent/broker does not promote themselves as being a provider, but rather as an agent/broker for the ACPET member.
  10. Be assured that the agent/broker maintains strict confidentiality of potential and existing student details.
  11. Be assured that the agent/broker does not refer prospective students under the age of 18 unless they have adequate representation from a guardian and/or legal counsel during meetings with the agent/broker and that this is recorded as informed consent before any money is exchanged and that the prospective student has the legal capacity to enter into any commitment.

## Schedule 1

### The ACPET Preferred Agent/Broker list

In an effort to assist its members in the recruitment and use of agents/brokers, ACPET will establish a Preferred agent/broker list. As indicated in the introduction to the Code, entitlement to be on the list will require agents to agree to a number of conditions, similar to those adopted by ACPET members under this Code and in addition to the ACPET code of Ethics.

To be included on the ACPET Preferred agent/broker list requires:

1. The agent/broker to be nominated by an existing ACPET member, and supported by at least another two members, who are satisfied with the services provided to the member
2. The nominated agent/broker will then be required to:
  - a. agree to abide by the Code of Conduct for agents/brokers (see below);
  - b. acknowledge the ACPET Code of Practice for its members using the services of agents/brokers;
  - c. participate in a professional development session organised by ACPET;
  - d. unless ACPET is satisfied by audits outcomes provided to ACPET, participate in a ACPET Health Check Program for Agents/brokers on an bi-annual basis or at the discretion of ACPET;
  - e. that all third party agreements on education delivery are conducted in a satisfactory manner against this code; and
  - f. agree to be a 'Partner in Education' member of ACPET and thus agree to abide by the Code of Practice for ACPET members using the services of agents/brokers.
3. The nominated agent/broker details will be sent to ACPET members to see if anyone has any issues with the agent/broker becoming a 'Partner in Education' member of ACPET. This is usual practice for any individual or organisation seeking to be a member of ACPET.
4. If there is no objection from existing ACPET members the nominated agent/broker will become a 'Partner in Education' member of ACPET on payment of the membership fee (currently \$665) and be placed on the ACPET Preferred agent/broker list.
5. Admission on the ACPET Preferred agent/broker list will current on the payment of the annual fee to be a 'Partner in Education' member of ACPET (currently \$665) and reaffirmation of agreeing to abide by the Code of Conduct for agents/brokers.

### **The Code of Conduct for Agents/Brokers on the ACPET Preferred Agents/brokers list**

A preferred agent/broker for listing with ACPET shall:

1. Ensure all legislated compliance practices, including but not limited to marketing and sales practices, are not deceptive or misleading and are in line with ACPET member requirements and applicable regulations.
2. Ensure all personnel are adequately trained and assessed in accordance with provider expectations.

3. Ensure appointment of appropriately qualified personnel accountable for monitoring compliance with the Code and applicable legislation.
4. Comply with provider monitoring interventions to ensure compliance with the Code and applicable regulations.
5. Use reasonable endeavours to:
  - a. assess a student's desire to participate in a course;
  - b. assess student's intention to complete the course; and
  - c. ensure student's understand the requirements of the course of study in accordance with the policies and procedures of the provider.
6. Use reasonable endeavours to evaluate students' study capacity prior to enrolment in a course to optimise the likely completion of the course by the student, including, by way of example, language, literacy and numeracy skills, and personal circumstances that may influence ability to complete the course.
7. Ensure students are made aware of the pre-requisites for the course, full course tuition fees, textbook fees and any other charges.
8. Not misrepresent employment outcomes as a result of completing the course.
9. Not advertise or otherwise promote themselves as being the provider.
10. Comply with all relevant legislation and regulation in relation to ethical marketing, advertising and sales including, but not limited to:
  - a. the Competition and Consumer Act 2010 (Commonwealth);
  - b. the Privacy Act 1988 (Commonwealth);
  - c. the Do Not Call Register Act 2006 (Commonwealth);
  - d. the Spam Act 2003 (Commonwealth);
  - e. legislation relating to health and safety; and
  - f. the Higher Education Support Act 2003 (Commonwealth).



## CODE OF ETHICS

of

AUSTRALIAN COUNCIL FOR PRIVATE  
EDUCATION AND TRAINING

ACN 054 953 758

Adopted

November 2014

## ACPET CODE OF ETHICS

---

1. As a condition of admission to, and continuing, membership of the Australian Council for Private Education and Training (ACPET), all members must agree to abide by the ACPET Code of Ethics.
2. This Code affirms the professional standards expected of education and training providers. Members are required to act with integrity in all dealings with students (past, present and future), employers, with ACPET, and with other organisations.

### Objects

3. This Code is intended to fulfil the following functions:
  - i. To define standards of conduct expected of members of ACPET in their dealings with one another; and with ACPET, in accordance with the ACPET Constitution and By-laws;
  - ii. To provide students and clients with a clear statement of the standards which they can expect member organisations to adopt in their dealings with them, subject to equivalent provisions in any code or codes which the organisation has adopted to regulate dealings with its staff, students and other clients;
  - iii. To reflect the Code of conduct requirements of Commonwealth and State Government agencies for accrediting and registering organisations and courses under legislation which fund and/or regulate the provision of educational and training services for local and overseas students; and
  - iv. To promote confidence and community trust in the services provided by members of ACPET.

### Definition and interpretation

4. Words defined in the Constitution or By-laws shall have the same meaning in this Code unless expressly stated to the contrary.
5. The word “student” includes all learners and other clients receiving education and training services from an ACPET member.
6. Aide memoirs and examples have been included in the Code to assist with interpretation but do not derogate from or limit the general meaning.
7. Wording of particular significance to members is shown in **bold**.

### Scope

8. This Code is binding on all ACPET members. Adherence to the principles of the Code, or, so far as the application of paragraphs 14 to 24 of the Code are concerned, to an internal Code committing the organisation to equivalent standards to those laid down in these paragraphs in relation to its students, clients, staff and other clients, **will be** considered a formal condition of all applications for membership of the Council under the By-laws.

### General

9. Members will adopt and maintain practices that ensure high professional standards in all aspects of their operations, including but not limited to their general management and the marketing and delivery of education and training services. Members must not engage in any conduct that is contrary to government policy or has the **potential** to bring their institution, the sector, or ACPET, into disrepute.

### Quality Education

10. Members will:

- i. Ensure the highest possible standards in the selection of staff and the planning and delivery of courses and training;
- ii. Ensure that teachers and trainers are suitably qualified and have relevant industry experience;
- iii. Maintain a learning environment that is conducive to the success of trainees/students/clients;
- iv. Be vigilant in ensuring that student attendance levels/academic progress are met;
- v. Ensure they have the necessary facilities and use methods and materials appropriate to the requirements and levels at which courses are offered;
- vi. Monitor their training to ensure effective delivery and continued relevance;
- vii. Within 6 months of membership, and annually thereafter complete a thorough self-assessment report of its organisation with a toolkit provided or endorsed by ACPET;
- viii. Provide a copy of completed self-assessment report to relevant regulator(s) within 14 days of completing self-assessment report;
- ix. Give priority and utilise ACPET's agent/broker list (provided on the ACPET website) under the 'Code of Practice for ACPET members using the services of agents/brokers'; and
- x. Through monitoring of any agents/brokers used; ensure that they are honest and ethical in their business dealings and place an emphasis on student welfare.



Members recognise that in pursuing excellence in tertiary education and training, self-assessing quality is more than a determination of compliance against standards. Self assessment needs to be a continuous improvement process that involves managers, staff, learners, employers, subcontractors and other partners.

To further improve the outcomes from the sector, members will build into their assessment the evaluation of learners' progress and achievement. Key criteria for assessment will include

### **Overall effectiveness**

How effective and efficient is the provider in meeting the needs of learners and other users, and why? Evidence would incorporate:

- 1.0 outcomes for learners
- 2.0 the quality of teaching, learning and assessment, and
- 3.0 the effectiveness of leadership and management.

### **Outcomes for learners**

Members will incorporate an assessment of student outcomes through an external peer review of learning and assessment strategies.

### **Quality of teaching, learning and assessment**

Members will drive an approach to teaching and learning excellence through an external peer review of teaching and assessment practice and the extent to which:

- 1.0 learners benefit from high expectations, engagement, care, support and motivation from staff
- 2.0 staff use their skills and expertise to plan and deliver teaching, learning and support to meet each learner's needs,

### **Effectiveness of leadership and management**

The effectiveness of leadership and management by evaluating the extent to which leaders and managers:

- 1.0 demonstrate an ambitious vision, have high expectations for what all learners can achieve, and attain high standards of quality and performance
- 2.0 improve teaching and learning through rigorous performance management and appropriate professional development
- 3.0 evaluate the quality of the provision through robust self-assessment, taking account of users' views, and use the findings to promote and develop capacity for sustainable improvement
- 4.0 successfully plan, establish and manage learning resources and programmes to meet the needs and interests of learners, employers and the local and national community, and

5.0 safeguard all learners.

### Financial Standards

11. Members **must** safeguard the funds paid by students in accordance with relevant legal requirements. They will properly document their contractual and financial relationships with students and provide students and clients with copies of this documentation. Where they are unable to provide agreed services they will make a refund to students in accordance with relevant Commonwealth and State legislation or work with ACPET in ensuring students can be effectively placed in accordance with the ACPET Australian Student Tuition Assurance Scheme (ASTAS), and for overseas students in accordance with the Commonwealth's Tuition Protection Scheme (TPS).

### Student Services

12. Members will ensure that all students/trainees/clients are given appropriate orientation, and are given reliable and up-to-date advice on accommodation, counselling, in course placements, remedial education and welfare facilities having regard to the cultural and special needs of disabled students/trainees/clients and those from different backgrounds. Members will monitor the progress of students/trainees/clients and ensure individualised support and counselling for those having difficulties with a course.
13. Members will be sensitive to the specific cultural and social needs of all students. They will ensure that students receive adequate orientation, appropriate information and advice on accommodation, counselling, health and welfare services, and assistance in accessing bridging courses or additional educational support. Members will ensure that those students under 18 years of age will receive additional support with the above services as required in keeping with the student's underage status and in compliance with ESOS and other regulatory requirements.
14. Members will insist on the maintenance of generally accepted ethical standards in the educational and social relations between staff and students/trainees/clients.
15. Members will respect the confidentiality and privacy of their students/trainees/ clients. Members understand that students/trainees/clients and prospective students/trainees/clients provide them with information for the purpose of offering and providing training and education and will not use or disclose this information for other purposes except with the consent of the individual concerned, in accordance with a legal

requirement or where relevant information is routinely used or disclosed in a particular way and this is notified to the student/trainee/client at the time the information is collected.

16. Members will assume a level of responsibility appropriate to the industry or profession for which they provide education or training to assist graduates who have completed their courses to obtain employment. They will promote equality of opportunity in placement.
17. Members will provide effective internal complaint resolution and grievance procedures to deal with students' problems.

### **Marketing**

18. Members will market their education and training services with integrity and accuracy, avoiding vague and ambiguous descriptions of courses or the qualification or capacities required by students to undertake them. They will not make false or misleading comparisons with other education and training providers. They will not take any action that may damage the reputation of Australian education and training either domestically and internationally.
19. Members will assume responsibility for the actions of their appointed agents for marketing services and processing applications for students. They will ensure that their agents and partners maintain standards of behaviour and operation in relation to joint or agency activities that are consistent with this Code.
20. Members marketing their services locally will provide accurate information about opportunities for further study and prerequisites for undertaking relevant courses. If appropriate, they will provide Australian students with details of their ASTAS membership.
21. Members marketing their services overseas will do so in a manner that is consistent with the educational, cultural and regulatory systems of the relevant countries. They will provide accurate information about immigration and residency requirements, cost of living, health and welfare, opportunities for further study and language prerequisites for undertaking relevant courses. If appropriate, they will provide overseas students with details of their TPS membership.

22. Where international students are applying for English language courses, ACPET expects that its members will provide sound advice regarding courses leading to English language tests, such as TOEFL, IELTS etc. but under no circumstances should providers give any guarantee or misleading information regarding the scores a student might achieve in outcomes of such tests.
23. ACPET recognises that for some groups of learners that the use of incentives may support students in taking a decision to enrol in, and complete, a course. Incentives should only be offered if they are embedded into the institution's learning activities and add to the quality of the learning experience.

#### **Obligations to ACPET and other Council Members**

24. Members will conduct their affairs in such a way as to ensure the best interests of ACPET and the Australian private education and training sector; and to ensure the continued high standing of ACPET and its members in Australia and overseas.
25. Members will not engage in misleading or deceptive conduct, including but not limited to:
- i. Making false statements of fact
  - ii. Making statements that are factually true but which are capable of inducing students, ACPET or other members into error
  - iii. Conduct which misleads or deceives, even if such conduct is negligent or reckless as to whether it misleads or deceives
  - iv. A failure to disclose facts where there is a reasonable expectation that a member should do so
26. Conduct will be taken to be misleading if the member making it cannot show they have reasonable grounds. In these situations, the burden of proof is on the member making the representation to produce evidence to show that they had reasonable grounds.
27. Members will not deliberately criticise the services or quality of education or training provided by other members, entice students or trainees from other member colleges or encourage students or trainees enrolled at another college to change colleges.
28. Members agree to raise legitimate concerns about other members and about ACPET staff in the complaint and dispute resolution framework provided in this Code and the By-laws.

All complaints and concerns will be dealt with confidentially and expeditiously. Any complaints that are deemed by ACPET not to be legitimate or made for nefarious reasons shall be subject to disciplinary review.

29. Members will co-operate with fellow members in upholding and enforcing this Code.
30. Where members also have Tuition Assurance Scheme coverage, they have specific obligations in the event of another ACPET member closing their operations and entering provider default. In these circumstances, TAS members are required to take all reasonable measure to accept displaced students where they have similar courses on their scope of registration and are within the same geographic location.
31. In the event of another ACPET member entering provider default, other ACPET members are **not** to accept any inducements to accept students where these are offered by agents, students or other parties and are offered in a manner contrary to the ESOS Act and the National Code.
32. On relinquishing ACPET membership or having their membership terminated, former members will refrain from claiming ACPET membership or the grant of any licence from, or accreditation or recognition by, ACPET.
33. Members agree to provide accurate and timely information when requested, in accordance with the ACPET By-laws and/or Constitution. Members must also notify ACPET within 48 hours if regulatory sanctions or conditions are placed on the organisation's registration by a national or State regulatory body.

### Complaints

34. Members will adopt clearly defined procedures for dealing with complaints that involve alleged breaches of this Code or any internal code. They will ensure that students and clients are made aware of these procedures and, where a complaint is not able to be resolved internally, there are other avenues available to them to resolve it. Members will ensure that students or clients are not penalised or victimised for pursuing a complaint in good faith.

35. Complaints relating to an alleged breach of a provision of this Code may be made to the ACPET designated officer or to a member of the ACPET Board by a student, staff member or client of a member, or by a member other than a member to whom the complaint relates, or to an ACPET staff member.

### **Sanctions**

36. Complaints to ACPET about a breach of the Code by a member will be dealt with in accordance with the Constitution and By-laws. Members recognise that it is their responsibility to be informed about the impact that a failure to uphold the requirements of this Code of Ethics may affect them and their business. Failure to act in accordance with the Code of Ethics may result in their membership of ACPET being terminated. Depending on the nature of their business and of their ACPET membership, termination of membership may include termination of membership of an ACPET Tuition Assurance Scheme, and may have a negative impact on their business operations, including the potential withdrawal of approval by government and regulatory bodies for members to offer courses to Australian or overseas students and the cancellation of their registration as approved providers.

### **Publicity**

37. Members will publicise the fact that they adhere to a Code which defines their obligations to students, the public and to other providers of education and training services and will have copies of this Code or an equivalent internal Code available for inspection by students and other clients who ask to inspect it.

### **Monitoring and Review**

38. The ACPET designated officer will report to the Board every six months on
- i. the operation of the Code,
  - ii. measures taken to promote awareness of the Code,
  - iii. any legislative or official policy developments relating to prudential or ethical standards affecting the Code, and
  - iv. any issues, which they believe, the Code fails to address.

On receipt of this report the Board will review the Code and consider any amendment of the Code or any other action required to address issues raised in the report.

## Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants

(To be known as the London statement)

---

**March 2012**

### **1. Introduction**

#### **1.1 Context**

Increasing numbers of students now move across national borders seeking education and training opportunities in order to gain internationally recognised qualifications. The OECD publication Education at a Glance 2010 sources OECD and UNESCO Institute for Statistics, which estimated that more than three million tertiary students were educated outside their home country in 2008. Some commentators project that global demand for international education could be expected to rise to almost eight million by 2025.

The growth in the number of international students has been accompanied by an increase in the number of education agents and consultants who provide services to them. Education agents and consultants are integral and important stakeholders in international education.

#### **1.2 Background to the Initiative**

The Roundtable on the Integrity of International Education is a forum at which the UK, Australia, Canada, Ireland, New Zealand and the US meet to share knowledge and experience and identify common areas of practice and concern, as well as scope for collaboration. At the initial meeting of the Roundtable in 2010 Australia proposed developing a joint international code of ethics for international education agents which would facilitate a common approach and raise ethical standards.

The development of a 'Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants' is the initiative that flowed from that proposal. The UK, Australia, Ireland and New Zealand agreed to the statement of principles on 16 March.

Each of these countries is now working towards implementing the principles. This includes training and communications for Agents.

#### **1.3 Purpose**

This high-level Statement of Principles promotes best practice among the education agents and consultant professions that support international students. The Statement of Principles is a unifying set of understandings for the recruitment of, and related services provided to, students in international education which serve to promote best practice among education agents and consultants. The Statement will be reflected in each country's approach to international education. A report on activity will be presented to the Roundtable meeting in 2013.

A number of factors which could be addressed under each principle when developing initiatives and actions are provided in the Attachment on page 3. 2

## **2. Ethical Framework**

The Statement of Principles is based on an underlying ethical framework of:

- Integrity - being straightforward and honest in all professional and business dealings;
- Objectivity - not allowing professional judgment to be compromised by bias or conflict of interest;
- Professional competence and due care - maintaining professional knowledge and professional service, and acting diligently;
- Transparency - declaring conflicts of interest to all clients, especially when service fees are charged to both the education provider and the prospective student;
- Confidentiality - respecting and preserving the confidentiality of personal information acquired and not releasing such information to third parties without proper authority;
- Professional behaviour – acting in accordance with relevant laws and regulations and dealing with clients competently, diligently and fairly; and
- Professionalism and purpose - acting in a manner that will serve the interests of clients and the wider society even at the expense of self-interest; recognising that dedication to these principles is the means by which the profession can earn the trust and confidence of stakeholder groups (individual clients, the public, business and government).

## **3. Principles**

- Principle 1 - Agents and consultants practice responsible business ethics.
- Principle 2 - Agents and consultants provide current, accurate and honest information in an ethical manner.
- Principle 3 - Agents and consultants develop transparent business relationships with students and providers through the use of written agreements.
- Principle 4 - Agents and consultants protect the interests of minors.
- Principle 5 - Agents and consultants provide current and up-to-date information that enables international students to make informed choices when selecting which agent or consultant to employ.
- Principle 6 - Agents and consultants act professionally.
- Principle 7 - Agents and consultants work with destination countries and providers to raise ethical standards and best practice.



## **Attachment to the London statement March 2012**

This Attachment to the London Statement of Principles provides suggestions on a number of factors that could be addressed under each of the principles.

### **Principle 1: Agents and consultants practise responsible business ethics**

- Avoiding conflicts of interest
- Observing appropriate levels of confidentiality and transparency
- Acting professionally, honestly and responsibly
- Refraining from being party to any attempt by students or others to engage in fraudulent visa applications
- Acting in the best interests of the student at all times
- Declaring conflicts of interest
- Being transparent in fees to be paid by students and commissions paid by providers
- Providing clear avenues for handling complaints and resolving disputes
- Complying with relevant laws and regulations.

### **Principle 2: Agents and consultants provide current, accurate and honest information in an ethical manner**

- Providing realistic and appropriate information that is tailored to the individual student's circumstances, particularly in relation to language skills, capacity to pay and level of study
- Specifying the rights and responsibilities of the student in the country of destination
- Refraining from claiming a direct government endorsement or privileged relationship with a public official or member of the government where one does not exist; including for example the misuse of national brand logos
- Providing a registration number or other identifier on advertising material
- Using institutions' officially approved material in promoting providers with whom agents have an agreement.

### **Principle 3: Agents and consultants develop transparent business relationships with students and providers through the use of written agreements**

- Signed by the student and the agent
- Signed by the provider and the agent
- Include information on the arrangements put in place by agents and consultants on behalf of the student, such as itemised payment schedules of fees and services, and refund and transfer policies
- Provide details on information provided under Principles 1 and 2, as a means of guiding agents and consultants to give appropriate information to students so that both students and agents understand what has been agreed to
- Maintain student confidentiality
- Are archived in an appropriate manner so that the agreements can be made available to the student or an appropriate authority within a reasonable timeframe.

### **Principle 4: Agents and consultants protect the interests of minors**

- Ensuring that the prospective student has adequate representation and support from a guardian and/or legal counsel during meetings with the agent or consultant and that this is recorded as informed consent before any money changes hands
- Ensuring that the client has the legal capacity to enter into any commitment

- Acting not only in accordance with relevant laws and regulations, but competently, diligently and fairly as befits dealings with minors.

**Principle 5: Agents and consultants provide current and up-to-date information that enables international students to make informed choices when selecting which agent or consultant to employ**

- Providing information to students about the accreditations the agents have met, the training they have undertaken, the memberships they hold to professional associations or processes undertaken to become registered and accredited education agents and consultants
- Providing information about themselves that support comparison of registration, qualifications and experience.

**Principle 6: Agents and consultants act professionally**

- Participating in training courses and professional development wherever possible
- Becoming members of professional associations and networks that promote and support best practice in the recruitment of international students.

**Principle 7: Agents and consultants work with destination countries and providers to raise ethical standards and best practice**

- Sharing information on best practice in the recruitment of international students by education agents and consultants.