



Australian Vice-Chancellors' Committee
the council of Australia's university presidents



Joint Peak Body Response to the Industry Consultation Draft National Code

May 2006

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National Peak Bodies

The process of evaluation of the Education Services for Overseas Students Act (ESOS Act) and the complementary legislation the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (the National Code) is currently being undertaken by the Department of Education, Science and Training.

To ensure that the evaluation process includes industry-wide consultation of common issues, the Australian Vice-Chancellors' Committee (AVCC) has brought together the national peak bodies - Australian Council for Private Education and Training (ACPET), TAFE Directors Australia (TDA) and English Australia (EA) - to discuss areas of differentiation and similarity in respect to the Industry Consultation Draft National Code.

This document represents the joint peak body response.

The Australian Vice-Chancellors' Committee

The Australian Vice-Chancellors' Committee (AVCC), the council of Australia's university presidents, advances higher education through voluntary, cooperative and coordinated action. The Committee is non-partisan and exists exclusively for educational purposes. Its continuing aim is to serve the best interests of the universities and, through them, the nation.

The AVCC, a forum of the Vice-Chancellor's of its 38 member universities, exists to:

- support Vice-Chancellors in the performance of their roles;
- promote the needs, interests and purposes of Australian universities and their communities to government, industry and other groups;
- develop policy positions and guidelines on higher education matters through discussing higher education issues, including teaching, research and research training;
- advance internationalisation of Australian universities;
- provide information for and about Australian universities; and
- provide services and programs to universities including the negotiation of common purchasing arrangements.

The AVCC acts as a consultative and advisory body for all university affairs, making submissions to public inquiries of interest to the university sector, and preparing statements on major issues.

Australian Council for Private Education and Training

The Australian Council for Private Education and Training (ACPET) is the national industry association for private providers of post-compulsory education and training.

Established in 1992, ACPET's membership today has grown to include 1000 organisations delivering a full range of higher education, vocational and technical education, senior secondary, foundation and English language courses to Australian and international students in all States and Territories. Approximately half of ACPET members are registered as CRICOS providers.

TAFE Directors Australia

TAFE Directors Australia is an association of Directors (Chief Executive Officers) of Institutes of Technology and Technical and Further Education. The association was incorporated in the Australian Capital Territory (ACT) in October 1998 and is an independent, non-profit organisation.

TAFE Directors Australia was established to:

- provide national leadership in relation to vocational education and training, and to promote the role of TAFE Institutes, and the contribution they make to the development of Australian society, culture and economic achievement;
- provide a forum for TAFE Directors to consider matters of common concern, formulate advice for TAFE Institutes collectively, and take other appropriate action whenever this is seen to be useful;
- undertake or commission research or information collection relating to the needs and development of TAFE Institutes and their relationship with governments, industry, other educational institutions and organisations, and the community; and to publish or otherwise disseminate the results of such research;
- promote international co-operation and to assist in the development of relationships with a variety of countries on vocational education and training matters;
- promote the representation of TAFE Directors on committees and the like which are set up to undertake work of significance affecting vocational education and training nationally or internationally. As appropriate, to undertake or arrange such representation;
- consult with other sectors of education including schools and higher education on matters of mutual interest;
- facilitate the development of TAFE staff through a variety of means including staff exchange programs;
- promote the welfare of students, staff and graduates of TAFE Institutes;
- facilitate opportunities for Members to develop their knowledge and skills; and
- receive and manage fees, donations, bequests and other contributions from individuals or organisations and apply these to pursuing the objects of the Association.

English Australia

English Australia (EA), formerly known as the ELICOS¹ Association, is the peak body and professional association for the ELICOS sector in Australia. EA represents over 100 NEAS² accredited centres across Australia. Approximately 87% of all overseas students who study English in Australia study at an EA member college.

EA has strict membership requirements, which include NEAS accreditation as a minimum standard, and all English Australia member colleges agree to:

- meet the high standards required by the EA and the NEAS;
- give accurate and honest information in all advertising material;
- keep all undertakings made to students or their representatives;
- give clear and correct information about all costs to be paid by students;
- help students to observe all government laws which are conditions of their student visa status;
- ensure that every student's stay in Australia is both academically rewarding and culturally fulfilling;
- abide by the Association's policy on refund of students' fees;
- abide by the Association's policy on transfer of students between colleges; and
- abide by by-laws which provide for a Code of Conduct, a Tuition Assurance Scheme and Membership Quality Assurance.

¹ English Language Intensive Courses for Overseas Students

² National ELT (English Language Training) Accreditation Scheme

Education Services for Overseas Students Review Process

On 1 May 2006, the Department of Education, Science and Training (DEST) released its Industry Consultation Draft National Code for public comment. At the time of distribution this document was incomplete with Part B (*Requirements of Designated Authorities*) and Standard 9 (*Full-time study and course duration*) missing. Standard 9 was subsequently provided to peak bodies only on 22 May 2006, after the closing date for all provider responses to the industry consultation draft.

There is concern that limited consultation time-frame is representative of DEST's working approach to this review process which commenced on 4 December 2003 when the then Minister, Dr Brendan Nelson MP, wrote to key stakeholders advising that he had requested DEST to commence the independent evaluation of the *Education Services for Overseas Students (ESOS) Act 2000*. This evaluation was required to be undertaken within three years of the Act receiving Royal Assent.

The provision of education and training services to overseas students in Australia is regulated by the ESOS Act 2000. The purpose of the Act, together with its complementary legislation, including the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students* (the National Code) is to protect the interests of people coming to Australia on student visas by providing tuition and financial assurance, and by ensuring a nationally consistent approach to provider registration. The legislation also seeks to ensure the integrity of the industry through visa related reporting requirements.

The terms of reference of the consultation were to assess the operation of the ESOS Act 2000 (and its National Code) and to determine whether it protects Australia's reputation in the international education market and provides consumer protection. In particular, the evaluation undertook to:

- A) Assess the effectiveness of the ESOS Act in achieving its objectives to:
- provide nationally consistent registration of education and training providers for overseas students studying in Australia;
 - minimise the presence in the industry of providers lacking integrity or who facilitate student breaches of their visa conditions;
 - ensure students receive either alternative tuition or a refund if they are unable to receive the tuition for which they have paid; and
 - support migration policy.
- b) Assess the extent to which the ESOS Act achieves its goals in an efficient manner. Including consideration of:
- the costs imposed by the Act on governments and providers;
 - its implementation and administration; and
 - monitoring and reporting regarding its operation.

Since the commencement of the consultation in July 2004, the key stakeholders have been asked individually to provide responses to numerous tranches and drafts of the National Code.

The process of evaluation of the ESOS Act was undertaken by DEST and the consultants on an industry wide basis without bringing together the peak bodies to identify or discuss common issues. Therefore the AVCC undertook to communicate and consult with the following national peak bodies, Australian Council for Private Education and Training (ACPET), TAFE Directors Australia (TDA) and English Australia (EA), in recognition of the following facts:

- 1) that the interrelationship of the various sectors within the Australian international education industry cannot be disputed;

- 2) that there are existing processes in place which impact on all providers across all sectors;
and
- 3) due to the lack of any collective industry wide consultation being undertaken by DEST during the ESOS review process.

The result of this consultation and communication is the submission of this Joint Industry Peak Body Response which clearly shows the strong synergy amongst the sectors within the industry.

The Australian International Education Industry

The Australian international education industry is Australia's fourth largest export, contributing more than \$7.5³ billion dollars annually to Australia.

In recognition of the economic benefits to Australia, and the importance of international students to social, cultural and political understanding and engagement, the national peak bodies accept without question the importance of maintaining and protecting the reputation and quality of Australian education delivered to international students in an increasingly competitive environment.

The national peak bodies also recognise and accept the importance of protecting students as consumers, and the necessity of maintaining the integrity of the migration program; these elements are reflected in the comments contained in this document.

However the ESOS Act and its accompanying National Code must be considered in combination with other drivers of quality across the international education industry in Australia including the:

- Australian Qualifications Framework (AQF);
- Australian Quality Training Framework (AQTF);
- Australian Universities Quality Agency (AUQA);
- the self-regulation of universities;
- the voluntary AVCC Provision of Education to International Students; Code of Practice and Guidelines for Australian Universities (AVCC Code of Practice);
- the role of state and territory legislation which underpins the establishment and set up of providers; and the
- industry accepted and recognised accreditation agencies such as the National ELT (English Language Training) Accreditation Scheme (NEAS).

³ Trade 2006 A Statement by Mark Vaile, Deputy Prime Minister and Minister for Trade; Australian government department of Foreign Affairs and trade; Commonwealth of Australia 2006; Page 10

Summary

In preparing this response the national peak bodies, AVCC, ACPET, TDA and EA have drawn on consultations with respective members and consultations between each peak body.

The Joint Peak Body Response is submitted to supplement and complement the individual peak body submissions made by AVCC, ACPET, TDA and EA. The recommendations presented here follow the same pattern and format as that presented in the AVCC response to the Industry Consultation Draft National Code to facilitate comparability and comprehension.

It should be noted that English Australia has indicated that it is not able to append its name to some Recommendations as the areas being addressed do not impact on their sector.

The AVCC, ACPET, TDA and EA reaffirm that all members of the group support the application of a National Code as a process to support migration, protect the interests of overseas students and the reputation of Australia's education industry, but wish to ensure that the implementation of the Code is appropriate and workable for all sectors of the industry.

It is essential that the concerns of the AVCC, ACPET, TDA and EA are addressed prior to any possible implementation of the National Code. It is the view of the organisations that are signatories to this document, that the National Code in its current form is not practical or reasonable, and does not take account of concerns raised previously by any of the groups.

As the Standards are predominantly generic rather than sector specific, the document still has a **one-size-fits-all** approach which does not facilitate, or adequately acknowledge, the diversity and sectoral individuality of the Australian international education industry. Rather the National Code in its current format seeks to reduce the various sectors of the industry to a homogeneous conglomerate, and by doing so imposes unnecessary and counter-productive constraints on individual sectors and the industry as a whole. To overcome this baseline methodology it is proposed that sectoral differences which have some traction in the existing National Code, and the differences identified in various sectoral responses be included in the next draft of this document.

Of considerable concern is the absence of a complete document. Specifically, without Part B (*Requirements of Designated Authorities*) and without sufficient time to discuss and evaluate Standard 9 (which was distributed to peak bodies only on 22 May 2006 - after the due date for public responses) it is difficult to evaluate the composite and broad ranging impact of the National Code in its totality. The manner in which the respective governments will divide and complete their respective roles and responsibilities is intrinsically tied to provider responsibilities. It is not possible to provide comprehensive comment on the National Code when the complete document has not been provided. All commentary in this response is conditional on what is eventually supplied in the deficient areas.

Whilst the AVCC acknowledges its involvement in discussions with DEST as part of the ESOS Act and National Code review process, the AVCC, ACPET, TDA and EA still have a number of serious misgivings with the Industry Consultation Draft of the National Code distributed on 1 May 2006. These are:

Importance of the student

It is important to reaffirm the **student as the central character** of the National Code. The National Code must be evaluated against how the student engages in the general and educational community. Regulatory requirements of a provider must not over-burden the student with administrative activities which impact negatively on their educational experience, or their view of Australia.

It is important that consumer protection does not become a burden for the student whereby they are drowned in administration to the detriment of real communication, engagement and learning. When consumer protection measures become a burden, the student could feel harassed, resulting in an unwelcome adversarial relationship between the student and their institution.

Care should be taken to ensure that Standards that seek to uphold the remaining two pillars of the ESOS Act (protecting the Australian international education industry and supporting Australia's migration program) do not present any significant negative outcome for bona fide international students in Australia. Adherence to this principle will serve to sustain both the industry and Australia's migration program.

Date of implementation

The AVCC, ACPET, TDA and EA, all agree that the proposed implementation date of 1 January 2007 is arbitrary, impractical and an impossible target for providers to meet. Because Part B is omitted and there has been insufficient time to consider the full implications of Standard 9, it is not possible to consider the document as a whole, and think through the full implications. In addition, the industry has not been given an indication of the proposed Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) timeline, which includes the final sign-off of the National Code. Neither are there any details of legislative changes that will be required to enact the National Code or the timeline for such activity.

It would appear that the rationale for the short industry consultation period imposed by DEST is the desire to meet the self-imposed deadline of 1 January 2007. While AVCC, ACPET, TDA, and EA recognise it is necessary to have a critical time path, there is strong concern that the response periods have been, and the current consultation process is being, rushed. It is far more important that the most appropriate National Code is established, that the supporting documentation is complete, and that reasonable time is allowed for implementation by providers, than it is to have an arbitrary implementation date met.

ESOS has become, and is recognised as being, incredibly important to the Australian international education industry, indeed it is the envy of competitor countries and an example of how to balance the needs of international students, the migration program and the interests of providers. It must not be jeopardised by a government keen to be seen to be meeting targets. Genuine consultation, considered dialogue, ample time for implementation and review of the final draft are essential to ensuring the best outcome for all involved.

The proposed implementation date of 1 January 2007 must be revised to a more suitable date dependent on the provision of complete documentation, and time for genuine consultation and implementation. The short timeframes to which peak bodies and providers have to work as part of this important process gives the impression that **urgent** changes are required. This is in fact not the case as there is an existing framework which currently applies to industry activities. The AVCC, ACPET, TDA, EA and sectoral peak bodies have raised this matter in previous responses and the AVCC has written separately to DEST and the Minister regarding this issue.

The AVCC, ACPET, TDA and EA strongly advise DEST to discuss with the national peak bodies the implications for providers of an implementation date of 1 January 2007 and recognise that many providers will already have commenced marketing and accepting enrolments for a January 2007 intake.

It is proposed that a more suitable date by which providers would need to be compliant is 31 December 2007. Any attempt to fit in with annual planning cycles would be well received by providers.

Red Tape

The proposed changes to the National Code foreshadow an ever increasing compliance and reporting load on providers, with impacts on customer service and administration costs. These costs will have to be passed onto students, which in turn will impact on Australia's international competitiveness. DEST has stated in the documentation accompanying the second tranche of draft ESOS Standards that it is not their intention to unnecessarily increase regulation. This has been a familiar refrain from all governments over the most recent period of government reforms.

DEST also states that (in the main) they do not consider that the revised standards have introduced new obligations on providers. Every national peak body response has indicated that complying with the new standards would **increase compliance costs and administrative burdens**. The AVCC, ACPET, TDA and EA contend that DEST has not given due consideration to the time required to develop policies and processes, or the lost time and resources this represents for student support.

The AVCC, ACPET, TDA and EA also contend that the requirement for provider accountability substantially offsets the benefits to students through lost time and resources devoted to compliance and reporting.

Evidence based approach

AVCC, ACPET, TDA and EA, are still concerned with the lack of evidence based data to support the principles underpinning many of the changes in the Draft National Code. It is unfortunate that the **lack of quantifiable data** is the basis on which the amendments to the National Code have been drafted. It makes it impossible to institute a **risk management approach** to implementing change and so has resulted in a one-size-fits-all set of standards, despite the diversity and sectoral differences existing in the industry. This one-size-fits-all approach is not the preferred outcome for the industry or international students.

Costs of implementation of revised National Code

In the timeframe available to the national peak bodies, it has not been possible to undertake a cost of implementation of the revised national code analysis across the sectors. However, the national peak bodies are aware that the AVCC has commissioned a consultant to undertake a cost of compliance analysis within the university sector. The results provided by the AVCC regarding the costs of compliance for universities is a major concern to the industry generally.

Lack of enforcement of current regulations

AVCC, ACPET, TDA and EA reiterate their concern that DEST is not using the authority available to it in dealing with unscrupulous providers, but rather has imposed more regulation on all providers in an attempt to resolve an area of substandard performance. That is, to date, the government has not used the existing consumer protection measures available to it to protect the interests of international students.

Information provided to the AVCC and made available to the national peak bodies regarding the Annual Registration Charge (ARC) for the 2006 Education Services for Overseas Students was that approximately \$6 million was collected from all registered providers up to the beginning of April 2006. DEST has indicated that approximately \$18 million has been received by the Australian Government from all registered providers through the ARC since, and inclusive, of 2004.

The Government clearly has the resources to be more proactive in identifying and dealing with those providers operating on the fringes of the industry who continue to take advantage of international students, and facilitate visa fraud and illegal immigration without imposing additional administrative, regulatory and compliance burdens on all providers.

Duplication

Standards 13-15 duplicate existing stringent establishment regulations for providers across all sectors including, but not limited to, Acts of Parliament. This duplication is unnecessary and counterproductive. Including these duplicated standards falsely implies that existing systems are failing and that providers need yet closer government scrutiny to ensure they provide such basic services as adequate space to study, appropriate resources and suitably qualified staff. These standards have the potential to cause immense damage to the reputation of the industry. There should be a 'whole of legislation' approach that rationalises, not duplicates reporting requirements.

Examples of Evidence

The AVCC, ACPET, TDA and EA, are pleased to see that the examples of evidence have been removed from the National Code. DEST now proposes to produce sector specific explanatory handbooks that will outline the possible ways of proving compliance with the standards. The national peak bodies look forward to developing these handbooks collaboratively with DEST and request that the development of these drafts be undertaken in close consultation with peak bodies to ensure that the handbooks accurately reflect sectoral requirements.

Future evaluation and review

There has been no communication regarding any future evaluation or review of either the ESOS Act or the National Code. This is of concern as it implies a future of ad hoc amendments. DEST statements at ESOS information sessions raised the possibility of future ad hoc amendments when attendees were advised that future changes would be communicated through the Provider Registration and International Student Management System PRISMS. This is not an acceptable outcome. It is considered good management practice to undertake regular review of regulations, including the National Code. Therefore a fixed review period needs to be included in the National Code, rather than allow for ongoing ad hoc amendments. DEST needs to provide stability to the Australian education industry by presenting a clear outline of future reviews.

Commentary on Parts A, B and C

Part A Framework

Student Visa Integrity

Recommendation 1

The AVCC, ACPET and TDA recommend that all references to monitoring attendance in higher education institutions be removed from this requirement.

Breaches of the ESOS Legislative Framework

Recommendation 2

The AVCC, ACPET, TDA and EA recommend that the Government:

- (i) give a guarantee to industry to more effectively sanction providers seriously breaching the ESOS legislative framework through utilising the powers available to it in under the ESOS Act;
- (ii) develop a clear sanctions policy to inform providers of likely sanctions and triggers for sanctions;
- (iii) develop a communications strategy for how DEST will report the enforcement of sanctions to industry within the context of a natural justice process; and
- (iv) in consultation with industry, develop an appeals process for providers unsatisfied with government interpretation of the legislation.

Part B Roles and Responsibilities of the Australian Government and State and Territory Governments

Recommendation 3

The AVCC, ACPET, TDA and EA recommend that a completed draft of Part B:

- (i) is supplied to industry as soon as possible for comment; and
- (ii) that it include detailed information regarding the roles and responsibilities of government outlining specifically how governments will undertake their respective obligations and how national consistency will be improved.

Part C Registration on CRICOS

Application for Registration

Recommendation 4

The AVCC, ACPET, TDA and EA recommend that DEST:

- (i) remove all references to supplying details about the number of students enrolled with a provider other than international; and

- (ii) confirm that only campus sites be listed during CRICOS registration (or at any other point for ESOS compliance purposes).

Course duration

Recommendation 5

The AVCC, ACPET, TDA and EA recommend that DEST ensure that sector specificity is accommodated when determining standards for course duration and identify how this impacts on CRICOS registration.

Work-based training

Recommendation 6

The AVCC, ACPET and TDA recommend that DEST:

- (i) remove any references to monitoring academic progression and attendance at work based training sites; and
- (ii) consult with the Department of Employment and Workplace Relations before implementing any new requirements regarding work placement or work placement sites.

Mode and Place of Study

Recommendation 7

The AVCC, ACPET and TDA recommend that DEST ensures that limits (other than for 100%) are not imposed on the amount of online study international students can engage in.

Arrangements with other providers

Recommendation 8

The AVCC, ACPET, TDA and EA recommend that DEST reword the text in respect to arrangements with other providers, to ensure that the designated authority is not able to overrule the provider's decision regarding who will be listed as the registered provider.

Inspection of premises

Recommendation 9

The AVCC, ACPET and TDA recommend that in relation to inspections of work based training sites:

- (i) reference to such inspections is removed unless detail of applicable circumstances is included and a whole-of-legislation approach is implemented;
- (ii) text is included specifying that unscheduled visits will only be conducted in extreme cases; and
- (iii) inspection protocols are devised by DEST in consultation with peak bodies.

Maximum number of students

Recommendation 10

The AVCC, ACPET, TDA and EA recommend that the status quo, in which the designated authority approves a provider-determined maximum number of international students, remains.

Commentary on Part D

Part D Standards for Registered Providers

Compliance with the Standards for Registered Providers

Recommendation 11

The AVCC, ACPET, TDA and EA recommend that a general statement regarding the auditing process across all sectors be included in the introductory section of Part D.

Standard 1 Marketing information and practices

Standard 2 Student engagement before enrolment

Recommendation 12

The AVCC, ACPET, TDA and EA recommend that clear confirmation is included in Standard 2 that information provided to students as part of engagement may be supplied through referral to a web address.

Standard 3 Formalisation of enrolment

Recommendation 13

The AVCC, ACPET, TDA and EA recommend that in respect to standard 3:

- (i) references to a student understanding the agreement be removed from the outcome but remain in the introductory section to Standards 1 – 4;
- (ii) the written agreement directs students towards where information can be obtained and is able to be provided in multiple parts; and
- (iii) acceptance of signed agreement and course fees can be simultaneous rather than a two stage process.

Standard 4 Education Agents

Recommendation 14

The AVCC, ACPET, TDA and EA recommend that in respect to Standard 4, DEST:

- (i) incorporate the recommended textual changes to clause 4.3 a, c, d as provided in the AVCC response; and
- (ii) give an undertaking that there will be no restriction placed on providers to use only agents who have completed designated training packages.

Standard 5 Younger Overseas Students

Recommendation 15

The AVCC, ACPET, TDA and EA recommend that in respect to Standard 5 DEST:

- (i) provide data regarding the scale and scope of the problem of provision of care for students while unenrolled and in Australia, within 21 days of receipt of this response; and

The AVCC, ACPET and TDA recommend that in respect to Standard 5 DEST:

- (ii) rewrite Clause 5.4 to specify that it is only necessary for providers to inform DIMA when the provider becomes aware of a staff member with a relevant conviction, rather than that the provider has to conduct police checks on all potential staff and subcontractors.

Standard 6 Student support services

Recommendation 16

The AVCC, ACPET, TDA and EA recommend that in respect to Standard 6:

- (i) student support services be clarified to ensure providers are not liable for overseas students professional welfare costs for example medical, psychiatric etc; and
- (ii) DEST acknowledge the costs involved in providing such services based on its own practices.

Standard 7 Transfer between Registered Providers

Recommendation 17

The AVCC, ACPET, TDA and EA recommend that in respect to Standard 7:

- (i) reference to a student being able to appeal to a third party if they are not satisfied with the provider's decision regarding transferring between registered providers should apply only once internal grievance procedures have been exhausted; and
- (ii) an ARC funded industry review panel is designated as the third party to review student appeals.

Standard 8 Complaints and appeals

Recommendation 18

The AVCC, ACPET, TDA and EA recommend that Standard 8 dealing with complaints and appeals be reworded to accommodate existing legislation for complaints and appeals procedures, rather than create distinct administrative structures for international students.

Standard 9 Full-time study and course duration

Recommendation 19

The AVCC, ACPET, TDA and EA recommend that in respect to full-time study and course duration DEST:

- (i) hold further consultation in relation to Standard 9;
- (ii) include information regarding concurrent study;

The AVCC, ACPET and TDA recommend that DEST:

- (iii) preserve the provision for higher education providers to enrol overseas students at 75% EFTSL and work with DIMA to provide an undertaking that provider reasons for limiting study to 75% EFTSL will be recognised; and
- (iv) not impose an upper percentage study limit for online learning (other than excluding 100%).

Standard 10 Monitoring academic attendance and progress

Recommendation 20

The AVCC, ACPET and TDA recommend that in relation to the monitoring of attendance:

- i) all references to monitoring attendance in higher education courses are removed;

The AVCC, ACPET, TDA and EA recommend that in relation to the monitoring of attendance:

- (ii) requirements for monitoring academic progress remain as they are under the existing National Code;
- (iii) sector specificity is allowed for when determining standards for academic progress and attendance monitoring; and
- (iv) DEST hold further consultation in relation to Standard 10.

Standard 11 Academic Credit and Recognition of prior learning

Recommendation 21

The AVCC, ACPET and TDA recommend that reference to students signing a statement related to academic credit or recognition of prior learning as required in Standard 11 is removed.

Standard 12 Deferment or suspension of study during enrolment

Standard 13 Staff capability

Recommendation 22

The AVCC, ACPET, TDA and EA recommend that Standard 13 regarding staff capability is removed in recognition of the fact that it duplicates existing regulation providers must abide by in their conditions of establishment.

Standard 14 Educational Resources

Recommendation 23

The AVCC, ACPET, TDA and EA recommend that Standard 14 regarding educational resources is removed in recognition of the fact that it duplicates existing regulation providers must abide by in their conditions of establishment.

Standard 15 Provider's premises

Recommendation 24

The AVCC, ACPET, TDA and EA recommend that Standard 15 regarding provider's premises is removed in recognition of the fact that it duplicates existing regulation providers must abide by in their conditions of establishment in relation to premises.

Standard 16 Changes to providers' ownership and/or management

Recommendation 25

The AVCC, ACPET, TDA and EA recommend that Standard 16 regarding changes to providers' ownership be removed to Part C in recognition of the fact that it is subsumed within Section 9 of the ESOS Act which is specifically referred to in Part C.