



**TAFE  
DIRECTORS  
AUSTRALIA**

## **SUBMISSION**

Department of Education

# **DRAFT INTERNATIONAL EDUCATION & SKILLS STRATEGIC FRAMEWORK**

June 2024

### **About TAFE Directors Australia (TDA)**

[TAFE Directors Australia \(TDA\)](#) is the national peak body that represents Australia's network of state and territory publicly owned Technical and Further Education (TAFE) institutes and dual sector universities. All TDA members are complex, large education entities ranging in size from TAFE NSW with over 400,000 enrolments, to regional TAFEs in Western Australia and Victoria with about 10,000 enrolments per year. While the primary business of TDA members is vocational education and training, over half of TDA members also deliver higher education.

TAFE Directors Australia  
37 Constitution Avenue  
REID ACT 2612  
ceo@tda.edu.au

**[www.tda.edu.au](http://www.tda.edu.au)**

# TDA response to consultation on the Draft International Education and Skills Strategic Framework

TAFE Directors Australia (TDA) thanks the Department of Education for the opportunity to provide comment on the strategic framework.

TDA is the national peak body for TAFEs and TAFE divisions of dual sector universities in Australia, the majority of which deliver a range of vocational education and training (VET) and higher education (HE) courses to international students, both onshore and offshore. TDA has consulted with its members and makes this submission acknowledging that there were a variety of views in some areas. Individual TDA members will also submit their own responses.

## Objective 1: A sector built on quality and integrity

TAFEs, as trusted public providers, set the standard for quality and integrity in terms of their course delivery, student support and student experience for international students.

TDA and its members have welcomed the increased focus of government and regulators on integrity in the international education sector in both vocational education and training (VET) and in higher education (HE). The actions of a number of unscrupulous providers and actors in the international education sector, particularly in VET, have unfortunately tarnished the reputation of the entire sector<sup>1</sup>.

TAFEs have been disadvantaged by Commonwealth policies which include TAFEs in the same category as all RTOs, despite being small in number and owned by state governments. For example, TAFE visa grant rates are the same as other RTOs in the VET sector so their provider risk ratings are adversely affected which misrepresents their status as a public provider.

For TAFEs, ongoing engagement in international education is a long game, based on a quality educational experience for both domestic and international students. TDA has advocated previously for a TAFE visa category and for VET immigration data to disaggregate TAFE visa applications from other RTOs in the VET sector. This approach would recognise that TAFEs are government owned and operated institutions on par with universities and would mean that they could be better utilised to support and promote international education and training, particularly in occupations which are experiencing skills shortages.

In terms of enhancing quality and integrity in the international education sector, the focus of government and regulators should now be on enforcement and on implementing a risk-based approach which recognises and supports public providers' genuine commitment to providing a quality experience for international students.

TDA is particularly supportive of the measures introduced to prevent onshore 'poaching' of students including the ban on onshore agent commissions and preventing students from

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<sup>1</sup> The Guardian (2023), 'Labor to spend \$37.8m to weed out 'bottom feeders' among vocational education providers', 03/10/23. Available at: <https://www.theguardian.com/australia-news/2023/oct/03/labor-vocational-education-crackdown-compliance> (accessed 11/06/24)

holding concurrent enrolments prior to completing six months of their initial course. TDA would be supportive of returning this period to twelve months.

A focus on student support services and student experience is also crucial to maintaining the quality and integrity of the international education sector. International students need to be incentivised to choose a quality provider which generally does not mean the provider with the lowest tuition fees or shortest course duration.

The range of services and support provided by TAFEs to their international student cohort is extensive. TAFEs provide free support services both before and after an international student's arrival in Australia including information on transport, accommodation, orientation, English Language support, careers counselling, personal counselling, working in Australia, disability support, ICT support, learning support, libraries, student policies, and legal information and referral. TAFEs have dedicated international student support staff to assist international students with these support services.

TAFEs also offer an exceptional student experience for their international cohort. For example, in 2023, a cohort of over 100 international students studying at TAFE Queensland's Acacia Ridge campus experienced a [Welcome to Country and Smoking Ceremony](#) on their orientation day. The students from all over the globe enrolled in a range of trade qualifications were able to learn and experience the local Indigenous culture upon arrival in Queensland.

TAFEs need to be better recognised for the quality of their program delivery to international students but also for the extensive, services, support and cultural experiences that they provide to their students throughout their education and training journey in Australia. As government owned providers, TAFEs must operate to public sector codes of conduct ensuring individual gain and integrity is never an issue.

While the sector must be built on quality and integrity, for it to thrive it must also be built on certainty for Australian providers and for international students. On the one hand, the international education sector is a market-based services export industry worth \$36.4 billion to the Australian economy in 2022-23<sup>2</sup>. Currently international students pay for an Australian service of their choosing – student choice and student demand determine which courses are delivered to international students, many of whom will return to their country of origin on completion of their qualification.

On the other hand, Australian migration policy means "there is renewed pressure for international education to contribute to Australia's skills needs"<sup>3</sup>. If this policy is to be successful, it needs to explicitly acknowledge the importance of VET in filling gaps in Australian skills needs and that many occupations in shortage do not require a higher qualification. Further reforms should prioritise these skills and a system which enables

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<sup>2</sup> Australian Department of Education, 'Education export income - Financial Year'. Available at: <https://www.education.gov.au/international-education-data-and-research/education-export-income-financial-year> (accessed 11/06/24)

<sup>3</sup> Australian Department of Education (2024), Draft International Education and Skills Strategic Framework (p4). Available at: <https://www.education.gov.au/international-education/resources/draft-international-education-and-skills-strategic-framework-pub> (accessed 11/06/24)

students to study a VET qualification only, through TAFEs as the public provider. An example of this is an Early Childhood VET qualification, required to work in a daycare centre as a Room Leader. This is explored further under feedback on Objective 2 of the draft framework.

Importantly, the Government must clarify and differentiate requirements between students who come to Australia only for study, and those who have intentions for migration pathways.

## Questions for consultation

### **1. Are there further reforms governments should consider that will improve the quality and integrity of the sector?**

TDA recommends that the government:

- consider increasing the period that a student must remain with their provider before they can transfer to another provider from 6 months to 12 months to incentivise students to choose once and choose well when they select an Australian provider to study with
- consider implementation of Recommendation 16 from the inquiry into Australia's tourism and international education sectors interim report<sup>4</sup> which prioritises differentiating VET visa applications for international students who choose to study at TAFE; disaggregates VET immigration data so that TAFE applications are reported separately and provides TAFEs with the same benefits/recognition as universities under the Simplified Student Visa Framework (SSVF)
- explore different visa settings which link to skills shortages e.g. a 2-year TAFE visa linked to priority skill areas, explicitly supporting the government's migration policy aims
- consider in the migration points system, applying points to students who complete their TAFE qualification and move into jobs in skill shortage areas
- use training programs at TAFEs for the training visa (subclass 407) holder to fill gaps in skills shortages e.g. entry level Certificate III in Individual Support for the aged care sector
- introduce a ranking system for education providers based on quality, integrity, performance, student outcomes and compliance
- extend CRICOS qualifying period to five years to allow sufficient time to evaluate the performance of international education and skills providers
- improve regulatory action when overseas students are reported for visa non-compliance.

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<sup>4</sup> Joint Standing Committee on Foreign Affairs, Defence and Trade (2023), 'Quality and Integrity – the Quest for Sustainable Growth': Interim Report into International Education' Available at: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Foreign\\_Affairs\\_Defence\\_and\\_Trade/Tourismandeducation/Interim\\_Report\\_-\\_Inquiry\\_into\\_Australias\\_International\\_Education\\_Sector/Chapter\\_5\\_-\\_Regulation\\_and\\_Integrity](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Tourismandeducation/Interim_Report_-_Inquiry_into_Australias_International_Education_Sector/Chapter_5_-_Regulation_and_Integrity) (accessed 11/06/24)

## 2. What more can providers do to improve the integrity of the international education sector?

TAFEs continuously reflect and improve on their current practices, including:

- reviewing source market risk profiles and implementing diversification strategies
- reviewing admissions practices to comply with student visa requirements
- implementing robust student course progress measures with early intervention strategies to address poor attendance
- conducting internal audits to meet international standards.

### Objective 2: A managed system to deliver sustainable growth over time

TDA and its members recognise the importance of managing international education and training to prioritise the welfare and outcomes for international students and to strengthen Australia's reputation for delivering quality education and skills training.

While it is difficult to provide objective feedback when the model for managing sustainable growth is still unknown for VET providers, TDA and its members see the enrolment limits as an opportunity to deliberately elevate the public VET provider in Australia and to promote the TAFE brand internationally. Elevating the public provider would be a deliberate strategy for promoting quality and integrity in the VET sector and better utilising TAFEs to meet state/territory and national skills needs.

The TAFE footprint is vast. TAFEs operate in metro, regional, rural and remote areas. TAFE qualifications include work integrated learning and TAFE graduates are job ready. TAFEs have state of the art facilities and strong relationships with industry. Currently, the TAFE market share of international VET is extremely low compared with the private international VET market. TDA and its members see the strategy for managed growth as an opportunity to re-balance this and to stamp out the exploitation and unscrupulous behaviours which have occurred in international VET.

TAFEs are well placed to deliver high-quality courses which are relevant to Australia's skills needs which support a social licence that contributes to the sector's sustainability and to Australia's prosperity. TDA would welcome government applying a risk regime that recognises TAFEs' genuine commitment to providing a quality experience for international students, by providing TAFEs with the same benefits/recognition as universities under the Simplified Student Visa Framework (SSVF), as mentioned above, with recognition of this distinction when determining enrolment limits and processing student visa applications from VET sector applicants.

This would mean that there would need to be better alignment between the ESOS Act and the Simplified Student Visa Framework (SSVF) with the latter separating student visa streams by level of principal course and processing by evidentiary level of provider/country. Whereas the proposed new legislation allows the Minister with powers to make decisions based on class of providers e.g. public/private. The lack of alignment between ESOS Act and the Student Visa framework is currently not enabling better outcomes for students, providers, or the nation.

The proposed system for managed growth within the sector also offers a unique opportunity for State Governments to identify and communicate to the Federal Government (the

Minister, who will have increased powers of setting CRICOS caps for individual providers) the local skills requirements for their State and how they are tasking their Government-owned TAFEs to meet the skills development required for growing their economies and the respective communities in which these TAFEs service.

State Governments should be able to work collaboratively with the Minister to set CRICOS caps for their TAFE organisations in order to:

- address critical skills shortages in their State/Territory as determined by the State/Territory
- control overall numbers of international students within manageable levels and in quality programs which TAFE offer
- help TAFEs to grow international student revenue to reduce the amount of State Government financial support required

Conversely, if the enrolment limits are implemented without any regards to the public provider status of TAFE, there will be lower international student revenue, and many TAFEs will pull out of international student recruitment altogether. With reduced capability in international markets, TAFEs may also reduce their transnational capability and revenues, reducing capability for taking on big projects into the future.

International students add to the domestic student experience in TAFEs, given they tend to be full time, enrolled over longer periods of time, and therefore stay on campus more, taking part in events. International students contribute diversity and vibrancy to TAFE campuses. Many VET and HE cohorts are not viable without the topping up of classes to a viable level, which comes from admitting international students.

If TAFEs were adversely affected by enrolment limits, some courses may be discontinued on viability grounds. International students tend to study to Diploma or Advanced Diploma level, programs which are also attractive to Fee-free TAFE graduates who wish to advance their careers beyond their initial fee-free TAFE program.

While TDA would welcome a managed growth system which recognised the value of the public provider, TDA and its members are concerned that the policy changes in the international education sector may be happening too quickly with insufficient lead time for TAFEs to adjust and prepare to new policy directions. For example, if enrolment limits are expected to come into effect from 1 January 2025, international student recruitment for this period is already in train. Perhaps of more concern to some TAFEs is that if their international student numbers had to decrease as a result of the enrolment limits, they would also need to reduce their teaching workforce in the latter part of 2024.

If the aim of the strategic framework is to create certainty in the sector, rushing through numerous policy and legislative changes will likely lead to confusion and may damage Australia's reputation as an attractive destination for international students. It may also lead to some TAFEs reducing their international teaching workforce while the impact of enrolment limits is still an unknown.

A longer term, staged approach would allow for some of the recently announced integrity measures to play out in the system before introducing more significant changes, such as the Ministerial powers which are now being proposed. The impact and consequences of existing

measures may be enough to achieve the controlled growth in the sector which the government is now seeking.

If the international education market is to be used as a policy lever for the government's migration and skills agenda, the sector needs time to adjust and process this new policy direction, as do international students, who need to be incentivised to study and acquire skills for occupations which are experiencing shortages in Australia. They must also be incentivised to enter those occupations on completion of their study, supported by appropriate visa settings and immigration policies.

## **Questions for consultation**

### **1. What factors should inform government's approach to allocating international student enrolments across sectors, providers, and locations in Australia?**

TDA understands through Commonwealth consultations that enrolment limits would most likely be applied at the provider level, likely a fixed number of new enrolments for a fixed period e.g. the calendar year of 2025, with existing students accommodated under a grandfathering arrangement. Therefore, TDA recommends that TAFE be exempted from the enrolment limits due to their status as the public provider. This will change the marketised approach to international students to ensure quality provision.

If an exemption is not possible, TDA recommends that the Commonwealth prioritises TAFEs, as high quality public providers with a history of quality and integrity when ascertaining limits, considering the following factors as quality indicators:

- long standing record of delivery to domestic students
- record of delivery in areas of skills shortages
- government ownership
- number of campuses, facilities, presence in regional areas
- range of courses on scope
- availability of student support
- connections to industry

The Commonwealth should consider targeting cuts to providers with high reliance on international students; poor completion rates and/or with recorded non-compliances against ASQA or TEQSA requirements.

TDA further recommends that:

- the Commonwealth does not set separate limits for VET, higher education and ELICOS, but rather set an overall number of commencements per provider across the three sectors to maximise flexibility and support pathways
- packaged enrolments in ELICOS, VET and/or higher education are counted as a single enrolment
- there is flexibility within the application of enrolment limits to enable TAFEs which have broad scope to respond to student demand
- limits are not set by location
- limits are not set on an annual basis. The ESOS Bill contains multiple references to "enrolment limits for the year". Annual limits will increase the risk of providers exceeding the cap and may lead to revenue forgone in an attempt to not exceed the imposed limit

- setting limits over a longer period aligned to CRICOS registration would increase predictability and reduce the risk of providers exceeding caps on an annual basis
- Government should allow TAFEs to vary caps in response to changing market conditions via a streamlined application process
- Government needs to clarify processes proposed if a provider exceeds their enrolment limit e.g. penalties, support student to find an alternative provider etc
- the impact of the enrolment limits needs to be evaluated two years after implementation to ensure that the new managed system supports quality educational outcomes and identifies and minimises unintended consequences
- if the Commonwealth strongly supports allocations by region, consider available infrastructure, and supports for international students including accommodation, transport, support services as well as skills shortages and job vacancies in the regions to determine where students and occupations in shortage are needed.

The Commonwealth should also explicitly recognise that VET qualifications are required as stand-alone qualifications and do not necessarily need to be linked to higher education to fill skill shortages, such as Diploma of Early Childhood, Commercial Cookery and the Diploma of Community Services. The majority of VET qualifications have mandatory work placement requirements to complete the course. This provides students with hands-on industry experience and experience of Australian working conditions. Students can also receive employment from work placement opportunities. TAFEs have work placement teams that arrange this for their international students.

The Commonwealth should also consider the additional regulatory burden that enrolment limits will impose across the sector, particularly for Non-University Higher Education Providers (NUHEPs) which deliver both VET and HE courses to international students. The draft framework notes that public and private higher education provider enrolment levels will be determined by the Minister for Education, while enrolment levels for VET providers will be determined by the Minister for Skills and Training which could be problematic for NUHEPs.

## **2. What considerations for government should inform the overall level of international students in Australia?**

Quality and integrity in the system must be able to be maintained. Government may also wish to consider skill shortages and job vacancies where the domestic market is exhausted and not providing the necessary skills. Long term graduate employment outcomes should also be considered.

## **3. How will this approach to managing the system affect individual providers?**

It is difficult to comment given that the model for setting enrolment limits for VET providers is still largely unknown. If TAFEs were prioritised, it could increase TAFE market share of international VET and enable them to enrol more students and provide those students with the qualifications and skills that they need to contribute to Australian industries with skills shortages. Increased revenue for TAFEs from international education may also support increased engagement in trans-national education.

Depending on the timing of their initial introduction, caps may create uncertainty in enrolment activity and revenue. Caps will require changes to systems, processes, and create potential additional administrative burden.



Providers are more likely to reduce delivery rather than risk exceeding a cap and the associated penalties.

#### **4. Should sectors other than higher education and vocational education and training, such as schools, ELICOS and non-award be included in approaches to manage the system for sustainable growth?**

- ELICOS should be included where packaged with Higher Education and VET, as this sector accounts for large numbers and therefore contributes to growth in international students. ELICOS packaged with VET and Higher Education should count as one enrolment
- ELICOS short courses that are not packaged with VET or Higher Education should not count towards the cap.

#### **5. How should government determine which courses are best aligned to Australia's skills needs?**

Until now, the primary intended purpose of international education is to allow students from overseas to achieve Australian qualifications before returning to their home country, rather than to meet Australian skills needs.

If the Government is considering aligning courses to skills needs, Jobs and Skills Australia is best placed to provide high quality data, analysis, and insights on skills and labour shortages across the economy. The skills need of states and territories should be considered in addition to national skills needs, as these may vary by jurisdiction.

Visa settings and policies would also need to be reviewed to support this policy direction.

#### **6. How should government implement a link between the number of international students and an increased supply of student housing?**

TDA understands from Commonwealth consultations that VET providers will not have to demonstrate a link to the supply of student housing and TDA supports this approach. However, when considering enrolment limits which aim to incentivise greater numbers of international students in regional areas, student accommodation will become a significant issue, more so than in metropolitan areas.

#### **7. What transition arrangements would support the implementation of a new approach?**

- Specific focus on building the public provider as an international student destination
- If the above dot point is not implemented, longer consultation and lead in times are required to ensure successful implementation of a new approach. The sudden impact of caps and potential cancellations of enrolments may also have a longer-term impact on revenue due to damage to Australia's reputation as a welcoming destination for international students
- Targeted consultation with TAFEs delivering international education to determine appropriate enrolment limits, support needed and realistic timeframes (note that excluding dual sector universities, there are less than 20 TAFEs out of the 1400 CRICOS providers)

- Consideration of international student recruitment pipeline which is already in train for commencements in early 2025
- Consideration of teaching workforce which may be adversely affected if enrolment limits decrease the number of international students who can study at TAFE campuses
- If regions are prioritised, consider availability of teaching staff and timeframes needed for recruitment of teaching staff at regional campuses to cope with increased international student numbers incentivised to study in regional areas
- Priority visa settings and processing and disaggregated data for TAFEs which recognise their risk profile as a trusted public provider and which provide TAFEs with the same benefits/recognition as universities under the Simplified Student Visa Framework (SSVF) – possibly aligned to a skills shortage list
- Priority source markets need to align with visa processing processes. i.e. we have an overall national strategy to work with India however an Indian student visa for VET is considered high risk
- More strategic and deliberate use of TAFEs as government providers in new approaches to migration planning is needed in the context of both onshore and offshore TAFE delivery.

### Objective 3: Taking Australian Education and Training to the World

Various barriers to growth in offshore and transnational delivery of Australian education and training are noted below along with suggestions of where government direct effort to support transnational education.

#### Cost and Risk

The key barriers to growth in offshore and trans-national education (TNE) are related to funding and risk. Public providers rely on partner premises without the ability to redirect funds to offshore faculties and infrastructure. The upfront investment in TNE can be high cost and comes with high levels of risk including:

- control of quality – registration requirements for offshore and AQF recognition
- resources internationally, especially when considering skills needs areas.
- navigating external political environments that can change throughout the course of a project
- lack of understanding of the difference between VET and HE (legislation, regulation, etc)
- understanding the complex overseas government rules/regulations and differing environments

There is a need to recognise TNE projects (including commercial arrangements) as part of Australia's development efforts to enable appropriate tax deductibility.

Furthermore, VET is heavily subsidised in Australia; the sector is primarily 'public' in nature despite private operators in the industry. Full-fee programs for students in Australia would be more often than not unattainable without government support via education loans. Similar supports are generally not available to offshore students and the cost of training is unaffordable.

For countries importing international (Australian) courses, these are commercial propositions and by their nature 'privately' funded; the ability to pay for the 'true cost' of Australian education is often not possible.

The initial investment required for setting up programs is often significant, and includes upskilling teachers and purchasing equipment and resources, added to this that the differential in currency values, and Australian training is extremely expensive. The cost of changes to training resources and equipment can add to already substantial investments for most offshore providers.

Complex legal and regulatory frameworks in a foreign country, including privacy, compliance, and taxation policies are also barriers to growth in offshore and transnational delivery of Australian education and training.

Government could direct their efforts to:

- offering funding of initial partnerships to reduce risk and initial cost investment
- investing in sustainable offshore training models with our regional partners at an affordable cost
- acknowledging and supporting the contribution that TNE makes to labour mobility
- prioritising government providers in government-to-government skilling agreements and partnerships, including funding.
- building knowledge of global counterparts of the true cost of good quality education systems and the need for ongoing investment and maintenance by government in these systems
- providing advice on foreign legal and regulatory policies, to enable Australian providers delivering programs in country or remotely to be compliant with local regulations.

### **International Recognition of VET qualifications**

Whilst there are many claims that Australian qualifications are internationally recognised, there is not a specific internationally recognised framework that indicates an equivalence for Australian VET qualifications. Whilst the UN's treaty on global recognition, the Global Convention on the Recognition of Qualifications concerning Higher Education has come into play, the VET sector lags, and may not have such for some time given the disparate nature of this sector globally.

The lack of a mutual qualification recognition framework prevents Australian providers from recognising local qualifications, requiring complex mapping process to provide students with credit.

There is also a lack of recognition of Australian qualifications delivered in English offshore as equivalent to the International English Language Testing System (IELTS) requirement to support an onshore student visa application.

The Government could consider:

- establishing mutual qualification recognition mechanism to map the foreign qualification frameworks against the Australian Qualifications Framework. This could streamline the process of credit transfers and recognition of prior learning.

- recognising Australian qualifications delivered in English offshore as equivalent to the IELTS requirement for onshore student visa application. This would provide a pathway for offshore students to further their studies in Australia.

### **Pathways to employment in Australia**

For VET graduates, pathways to employment in industry are not really an option, even though we could potentially gain a valuable workforce in areas of skills shortage. As a nation Australia does not see any economic value in graduates of our training programs unless trained in Australia.

Germany has a strategy of offering their training at very low cost to the offshore countries in quality partnerships, and then taking the 'best graduates' into their own workforce, with pathways to higher level training and employment in the industry they have trained in.

Government could direct their effort in providing more and real opportunities for short-term employment for graduates of Australian VET qualifications in areas of skills shortages.

The government should also consider granting priority visa processing to applicants who have completed an Australian qualification offshore and want to undertake further study in Australia.

### **Training packages and compliance**

Training packages/qualifications in Australia have become more intertwined with industrial relations (IR) designs rather than a pure focus on acquisition of skills and knowledge. Unpredictable timelines for changes and updates to training packages and the transition period can be problematic for offshore institutions that may be delivering a program over different i.e. longer durations or fixed terms. Some jurisdictions may also require registration and approvals through own regulatory system and can take considerable time. Deletions of qualifications, or changes to training packages can result in the 'sudden' inability to deliver outside Australia.

Government could direct their efforts to the application of skills in workplaces (vocational placement) unencumbered by employment contracts. Volume/duration of applying skills and quality of skills application should be the primary focus. The government should consider 'regular' periods of registration for qualifications so that planning can be in place for updates and transitions, keeping flexibility to allow for updates in industry technologies and regulations.

The mandatory teaching qualification (Cert IV Training & Assessment) for Australian VET qualifications does not allow for recognition of foreign teaching qualifications which are often equivalent or above. Industry currency requirements can be difficult for offshore teachers to meet the industry release requirements as deemed appropriate by an Australian RTO.

Government could direct their efforts towards development of accredited skill sets for qualified international HE/VET teachers.