

TAFE Directors Australia submission: *Reform of the ESOS Framework*

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National Secretariat

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TAFE Directors Australia (TDA), the peak body for government owned technical and further education institutes in Australia, has much pleasure in providing this submission to the *Reform of the ESOS Framework: discussion paper*, released by the Department of Education on 1 October 2014.

In general TDA supports the 31 proposed changes with the exception of those relating to the transfer of students (#20 to #23). Some of the other proposed changes require further consultation or clarification and these have been highlighted in the attached table.

TDA also acknowledges the excellent level of communication and consultations provided to date by the Department of Education and the planned series of further consultations over the next few months.

We look forward to providing further information and responses to the proposed changes.

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Proposed reforms to the ESOS Framework	Supported - Yes/No	TDA Comments
Simplifying administrative arrangements	Yes	1) Supported 2) Supported 3) Supported and should be aligned to domestic operations 4) Supported 5) Supported 6) Supported to be consistent with compliance under domestic frameworks
Reviews of decisions by quality assurance agencies	Yes	7) The relevant regulator needs to be defined for each sector. The relevant regulator should have the power to not just review the decision but to overturn it. 8) We support transparent reviews, but care will need to be taken to ensure in-confidence information about providers is not made public. We strongly support greater transparency in risk management and risk rating systems employed by the regulators.
Reducing the reporting burden	Yes but further consultation required	9) We support the alignment of reporting timeframes across the legislation however there are concerns over the value of information currently required. TDA supports further consultations on what information should be provided, for what purpose and within what timeframe. 10) We strongly support making PRISMS as “open” as possible in order to facilitate data transfer and receipt from a wide range of other systems (for example, in-house databases) 11) As per the point above, we strongly endorse the push for standardisation 12) We support the removal of data items that are not used

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Minimising Tuition Protection Service requirements	Qualified Yes	<p>13) We support the removal of the 50% limit for the collection of upfront fees for providers designated as low risk. Separate conditions, including a limit on collecting upfront fees, should apply to new providers or those designated medium to high risk. This presupposes some form of risk rating by relevant agencies (TEQSA, ASQA, TPS, DIBP) which is both transparent and subject to review.</p> <p>14) This is currently not applicable to Government providers and such exemption should be continued. We do not support a blanket exemption and such a requirement could be used for new or high risk providers.</p> <p>15) TDA members have differing positions on this. Designated study periods enable TAFE institutes to manage visa compliance issues however VET courses vary considerably in length. Overall we support the removal of designated study periods.</p>
Increasing flexibility in education delivery	Yes but further consultation required	<p>16) The use of online and distance learning is especially relevant to VET courses as this is a contemporary form of pedagogy</p> <p>17) This is useful for the provision of internships in VET sector courses</p> <p>18) Supported</p> <p>19) This is supported as it should remove duplication of attendance monitoring where domestic monitoring is already sufficient</p> <p>Comment: There needs to be a clear distinction between the role of the regulators and the role of the Department of Education in terms of compliance with the ESOS Act and the National Code. Ultimately it is the provider who is best placed to make a judgment on how a course is delivered and how progress is monitored and assessed. The National Code should require explicit information from the provider to all prospective and current international students on how the course is delivered and the balance between on-campus delivery, online and self-paced learning, and work based learning. It is the role of the regulator to ensure the quality of provision is not compromised</p>

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Transfer of students	NO Further consultation required	<p>20) TAFE institutes already require written agreements which include a cancellation and refund policy</p> <p>21) Some of our members have suggested a minimum 12 month period before a student can request a transfer. Alternatively, a cancellation fee could apply for students seeking a transfer to another provider. Such a fee could be based on a percentage of the tuition fee for the first 6 or 12 months. Providers could also have the option of waiving this fee.</p> <p>22) Most of our TAFE institutes have written agreements with all agents used</p> <p>23) Not supported – there is already sufficient information about agents published</p> <p>24) Partially supported – a code of ethics would be helpful, but we do not support a mandated training requirement; the needs of agents are very broad across different countries and sectors</p> <p>25) Not supported – agent obligations are already clearly covered in the ESOS framework and further regulation is not required</p>
Welfare of students aged under 18	Further clarification required	<p>26) We do not believe the proposed wording is any different to the existing (ie suitable is no different to adequate and appropriate); we would support a clear definition of suitable</p> <p>27) This is already the current arrangement and is clear; no change required</p>
A practical and accessible National Code and explanatory guide for ESOS	Yes but further consultation required	<p>28) We support the concept of the removal of redundant provision as part of the streamlining of the ESOS Framework, but would need further clarification about which provisions are regarded as redundant before we can comment further</p> <p>29) Strongly supported</p> <p>30) Supported</p>
Registration charges	Qualified Yes	<p>31) We have concerns that by reducing barriers to entry to international education, unscrupulous providers may seek to attempt to enter the market as was observed in the “boom” period that finished in 2009/10. Further clarification is required as to what constitutes an “appropriate history of education provision”.</p>