

TOWARDS CREATING SUSTAINABLE AUSTRALIAN INTERNATIONAL EDUCATION

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This paper considers some of the problems confronted by teachers teaching law subjects in an Australian tertiary institution where the student class population comprises both domestic Australian and international exchange students.

Four particular factors are identified which frequently need to be addressed to reduce classroom and student dislocation, these being human, international, knowledge-context and learning-mode-experience.

The paper considers the notion of education as sustainable product and discusses the legislation enacted by Australia's Federal Government in an effort to protect and assist international students studying in Australia. In particular, the consumer protection of the legislation is considered.

I INTRODUCTION

It could fairly be said that one of the common aims of Australian tertiary institutions is to provide an educational experience which addresses diversity and equality. The accomplishment of this aim can be reasonably expected to promote student mobility so that there is easier movement of students between both national and international institutions on both a domestic and global scale. One of the critical ramifications for Australian tertiary institutions is that both domestic and international standards must be met¹.

The hosting of international students presents an enormous challenge in that such people are both guests of the country and consumers of a product. Guests have pre-conceptions that they will be made to feel welcome and

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¹ Julie Bishop, Federal Minister for Education, April 2006, Press Release 2

treated with respect. Consumers have legitimate expectations that the product they purchase will match its description, it will not be defective, and they will receive appropriate value for money. When education is purchased for money by international students, it takes upon itself much of the complexion of a product. The integrity of the nation comes into question in the global arena if consumers are dissatisfied with the product. Consequently, the Australian government has enacted legislation in order to address the implications of international students purchasing education from Australian institutions. This legislation can be seen as a national response to Australia's diverse student group which is being created by increasing global mobility. It can be said that underpinning the consumer protection of this legislation is the aim to ensure the sustainability of Australia's education product to the international market.

However, legislation to ensure the quality of the product is just one part of the international education merchandise: the other part occurs in the classroom, where teachers deliver the product to international students. It is here that the real issues involved in the provision of education to international students become apparent. It is in the classroom that such issues must be appropriately resolved if the international student is to become a satisfied consumer. The international student is a human being in a foreign environment, a person from another country, a person with a different knowledge base context and a person with a different background of learning mode experience. Each of these factors needs to be appropriately addressed by the teacher in the classroom, in order to provide all students – both domestic and international – with the optimum learning

II THE HUMAN FACTOR

The human factor arguably has the potential to have the most potent ramifications. It consists of the total emotional and physical concomitant of being human, as well as the ability to communicate with other, eating, personal welfare and finding a place to live.

It is not unusual for students to become homesick in their new environment. Also, they are under enormous pressure to succeed: parents, family, friends and their home institutions have put their faith in the student going overseas to study. In many instances, enormous financial sacrifices have been made for the student to actually get to Australia. Once in Australia, it is not an easy matter for the student to get home! Indeed, the 14 week Semester can seem a very long time when far away from home and overwhelmed by homesickness.

Sometimes international students are so homesick they are unable to attend class. Such class avoidance can compound the student's problem by distorting comprehension of the subject material and impacting adversely on subject evaluation.

Some homesick international students spend hours texting and phoning home: they are the fortunate ones whose parents can afford to foot the bill. Some families cannot and those are the students who are most at risk.

Homesickness is more likely to occur when there is not a community of students from the same country. In Australia there is a higher proportion of exchange students from Asia than Europe, consequently, the European student is less likely to find a cohort of companions from 'home'.

Australian pre-requisite course acceptance English language requirements mean that insufficiency in English is unlikely to be a problem, however timidity in the actual use of English language may inhibit the international student from participation in class, as well as ordinary human interaction. Subject evaluation requirements which have oral presentation components can be regarded by some non-English speaking background students as particularly threatening. Consequently, teachers need to be sensitive to this possibility and adopt means of assisting such students to cope while not compromising the integrity of the overall evaluation of the subject for all students.

The implementation of adequate student services for overseas/international students can do much to avoid feelings of alienation and isolation that can attack international students. In Australia, a typical social event organized for international student community is the barbecue. Feelings of camaraderie engendered by the experience of sharing an informal meal in the Australian outdoors are valuable in assisting the international student to relax. Such functions are often organized on a faculty or subject basis, thus, when the students enter the lecture theatre or classroom they are able to recognize some of the other students and hopefully be able to say hallo to somebody.

Maintenance of an adequate diet is important for good learning. Some international students have little experience in taking care of themselves. Consequently, sometimes on campus, a free breakfast is offered. This is another excellent ice-breaker for meeting other members of the student body; as well it gives a correct model about how to begin a day nutritionally.

Finding a safe and convenient place to live is all-important. Ideally, an international student will have found accommodation before reaching Australia. But sometimes the best laid plans of mice and men go astray. For example, the host accommodation may not feel right for the student. Hence student services advertise their services on the campus website as well as on notices on billboards, because the international student must have somewhere to go for help in a crisis situation. The International Student Services Unit is the most important service unit for international students on campus.

In Australia, privately operated University residential colleges are of vital importance to both the international student body and domestic students. Such colleges provide a safe and nurturing environment where students have their daily needs of food and accommodation taken care of. Additionally, the colleges provide tutoring and mentoring in the academic subjects taught by the university. They offer health services and internet facilities as well as giving the residents the opportunity to participate in sports and cultural activities. Such residential colleges are homes-away-from-homes and provide the optimum collegial environment for international students to meet domestic students.

III THE INTERNATIONAL FACTOR

The international factor encompasses the interactions between nations and persons of different nations². The international factor has the capacity to provide an inspirational dimension to the learning experience. It offers the refreshment that results from awareness of difference and the stimulation that comes from a consciousness of diversity. Thus the international factor enhances the learning environment. However, for all its strengths, the international factor can provide unexpected challenges in the classroom. For example, international tensions between countries locked in dispute can erupt in the classroom, particularly if the class is discussion-based. In Seminars, where students are encouraged to participate through contribution of comments, it is essential for teachers to be alert to potential problems before they surface. It is an essential part of the learning environment that the ethics of international comity be taught and practiced. Consequently, the experience of being in a class consisting of students who are nationals from various countries is, in itself, an international relations course.

IV THE KNOWLEDGE CONTEXT FACTOR

² William S. Anderson, (ed) *Ballentine's Law Dictionary*, (3rd edn) (New York: Lawyers Co-operative Publishing Co., 1969), 653

The knowledge context factor consists of the students overall body of knowledge. In the discipline of law, the specific understanding of legal concepts is critical and is particularly important in teaching law subjects to international students. The various legal systems of the world have their differences. For example, Australia's common law system, with its precedent, is not the common experience of students coming from a Sharia law system or that of the European Union. Similarly, Australia's court and legislative systems are concepts which have enormous implications for the teaching and understanding of the law.

To address the international student's possible lack of familiarity with Australian law and the common law in general, it is essential that adequate induction courses are provided prior to the beginning of Semester courses. These induction courses are best conducted in small class seminar situations, with students being encouraged to ask questions and discuss the issues with a competent teacher. Such introductory courses can introduce the student to critical common law concepts such as the court system, precedent, judiciary and the role of parliament in the law-making process. Familiarization of international students with essential common law concepts, prior to the beginning of the Semester courses, provides a valuable foundation for subsequent comprehension of the Semester course material.

V THE LEARNING MODE EXPERIENCE FACTOR

The learning mode experience factor encompasses the background of learning and total educational experience of the student. Some international students have the experience of performance-based assessment, and are therefore comfortable with class presentations, while others are accustomed to either individual or group research-based assignments. Yet other students are accustomed to open-book exams, while others may know only closed-book examination assessment.

In order to adequately cater for the different assessment backgrounds of international students, host institutions would do well to offer a variety of assessment techniques to accommodate the international students' learning experience factor

Major deviations from the assessment norms of students can create anxiety for the international student. Frequently, a student suffering dissimilar-assessment stress becomes afraid of failing and wants to change courses or

subjects or both. Such a response results in increased stress, both to the student and the institution.

To minimize the occurrence of such an outcome, it is essential that institutions accurately publish the method of course assessment before students enroll. Websites for the specific subjects need to present adequate information about the content of the course, pre-requisite knowledge, the materials to be provided by the institution, the method and hours of teaching and assessment. This is essential information if the student is to make an informed choice about whether or not to enroll in the subject.

VI AUSTRALIAN EDUCATION AS A SUSTAINABLE MARKETABLE PRODUCT

The provision of education to international students has become an important export for Australia. Whether international students visit Australia on a Semester exchange program, post graduate course work, postgraduate research or vocational training, they are paying for a course of education.

The host educational provider has, of course, the fundamental role to perform in the delivery of educational services to international students. However, as Australia's provision of education to international students has taken upon itself aspects of an exportable commodity, quality control has become increasingly important. Australian education must retain its attractiveness and value to international consumers.

Thus, the Australian Federal Government has acted to ensure that Australian education remains a sustainable exportable resource for Australia.

The concept of sustainability can be broadly explained as taking into consideration the environment and people, without compromising what is regarded as optimum³. In applying this broad notion to education, it can be seen that due consideration is required to be given to the people in the equation, that is, the providers and consumers of the educational experience.

As well, the educational environment can be said to have a pluralist component: it comprises the Australian nation state, the specific Australian providers of the educational service, the nation state environment of the consumers and the specific home environment of each individual consumer. Thus, the ideals of an educational experience which accommodates diversity

³ Leanne Denby, Director of Sustainability, Macquarie University, *A Sustainable Life Lecture*, Dunmore Lang College, Sydney, 7 May 2010

and equality, without compromising what is regarded as the optimum educational experience, presents many challenges.

While classroom teachers and administrative support officers in specific educational institutions can address the person to person or teacher-student component, the need to attain uniformity is necessarily addressed by federal government action.

VII AUSTRALIA'S LEGISLATIVE FRAMEWORK FOR SUSTAINABLE INTERNATIONAL EDUCATION

In Australia, Australian Education International (AEI) is the Commonwealth's body responsible for promoting Australian education internationally⁴. As well, AEI supports Australian international education for international students who visit Australia to undertake vocational training in courses that include business studies, economics, administration, computer science and information technology. The value of the international student intake in the vocational courses is both monetary and global. For example, in 2009, international vocational students contributed an estimated \$800 million to the Australian economy⁵.

As well, the experience of international and Australian students studying together strengthens the foundations for global interactions and relations⁶. This, in itself, augurs well towards global sustainability.

The Australian legislation enacted to address educational services for international students is found under the broad group of Education Services for Overseas Students legislation which consists of the *Education Services for Overseas Students (ESOS) Act 2000*, with its amendments – the *Education Services for Overseas Students (ESOS) Regulations 2001*, *Education Services for Overseas Students (Registration Charges) Act 1997*, *Education Services for Overseas Students (Assurance Fund Contributions) Act 2000*, and the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code) 2001*, and most recently and very importantly, the *Education Services*

⁴ Australian Government, Department of Education, Employment and Workplace Relations, *Training Talk: Issue 2* (July 2002), DEEWR, http://www.dest.gov.au/sectors/training_skills/publications_resources/trainingtalk/issue_02/default.htm#Australian_Education_International , at 24 June 2010

⁵ Ibid.

⁶ Ibid, 2

for Overseas Students (ESOS) Amendment (Re-registration of Providers and Other Measures) Act 2010.

The objectives of the current *Education Services for Overseas Students (ESOS) Act* are:

- to provide financial and tuition assurance to overseas students for courses for which they have paid;
- to protect and enhance Australia's reputation for quality education and training services and
- to complement Australia's migration laws by ensuring providers collect and report information relevant to the administration of the law relating to student visas⁷.

The *Education Services for Overseas Students (ESOS) Amendment (Re-registration of Providers and Other Measures) Act 2010* amends the original *ESOS Act* so that now all institutions currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) must undergo a re-registration process by December 2010.

There are two new critical registration requirements for education providers:

- first, that the principal purpose of the provider is to provide education and
- second, the provider has demonstrated capacity to provide education to a satisfactory standard.

A Designated Authority oversees the registration of education providers. The Designated Authority is required to use a risk-management approach when considering whether to recommend that an approved provider be registered. Matters which it can be expected to consider include a consideration of whether or not the potential provider has the ability to deliver the course. Such investigation protects international students.

It is the Australian government's fervent hope that by requiring re-registration, the Australian government will be seen to be ensuring to the international forum that Australia's international education providers meet appropriate standards. This will reinforce confidence in the quality of Australia's educational providers and contribute towards its sustainability.

⁷ Australian Government, Department of Education, Employment and Workplace Relations, *Questions and Answers on ESOS Act*, 1

As well as this federal approach, the states and territories in the Commonwealth of Australia have intensified their audits of educational providers.

The requirement of re-registration, then can be seen as a quality assurance mechanism. If a provider is not re-registered by 31st December 2010, that provider will not be included on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) Register after that date.

Further protection is offered by the requirement for the names of agents of educational providers to be published. Thus, if a registered provider uses an agent as a representative, the provider must publish the name of their agent. Standard 4 of the National Code 2007 requires providers to take all reasonable measures to educate their agents so that such agents know the product and have integrity and honesty as persons. Agents must be identified on the provider's website.

Thus, the *Amending ESOS Act* has been undertaken in an effort to address appropriately the significant growth in education for international students⁸. Australia seeks to support the interests of students, ensure that quality education is delivered to students, effectively regulate education delivery and ensure the sustainability of the international education sector⁹.

VIII CONSUMER PROTECTION FOR INTERNATIONAL STUDENTS

The perception of education as a product and international students as consumers of the product, necessitates consumer protection for international students. This is addressed in the *ESOS Act*. For example, if the education provider ceases teaching or becomes unable to deliver the course after the student has enrolled, the tuition fees will be protected under the Act¹⁰. In the event of such provider default, the student can elect to have either a refund or be placed in an alternative course at no extra cost¹¹.

⁸ Ibid, 7

⁹ Ibid

¹⁰ Australian Government, Australian Education International, *Refunds for International Students*, AEI, http://www.aei.gov.au/AEI/ESOS/Refunds_for_International_Students.htm, 2, at 17 March 2010

¹¹ Ibid, 3

Students are required to attempt to resolve a matter with the education provider themselves in the first instance, however if such attempt is unsuccessful, the Department of Education, Employment and Workplace Relations (DEEWR) will then assist¹². International students may well find the requirement that they try to resolve a problem in the first instance particularly onerous; hence the necessity of having strong international student support bodies in tertiary institutions.

DEEWR actually manages the ESOS legislative framework and it has authority to investigate education providers and ensure they are complying with *ESOS* legislation¹³.

When an international student is considering undertaking education in Australia a great deal of information must be provided for example, the availability of course credit, modes of study, grounds for cancellation of enrolment, course fees and course-related fees and accommodation options. Under the *ESOS* Act, it is mandatory for providers to furnish this information¹⁴. Specific details must be provided to the intending student before the student is accepted and before the student acknowledges acceptance under Standard 2.1, so that information specific to the course for which the offer is made is provided at the same time as the letter of offer¹⁵. A problem here could be that the student's excitement at receiving an offer could inhibit him or her from reading important specific details.

The Provider Registration and International Students Management System (PRISMS) is a computer system which manages all the information relevant to international students studying in Australia. All education institutions and their courses, together with all students studying on a student visa in Australia, are listed on PRISMS, thus there is an interface of this information with the Department of Immigration and Citizenship (DIAC)¹⁶.

PRISMS has reduced visa fraud for example, when a student breaches the conditions of a student visa by not attending classes, the education provider

¹² Ibid, 4

¹³ Ibid, 4

¹⁴ Australian Government, Australian Education International, *Standard 2 – Student Engagement Before Enrolment* (August 2008), AEI, http://www.aei.gov.au/AEI/ESOS/NationalCodeExplanatoryGuide/PartD/Standard_2.htm, 2, at 24 June 2010

¹⁵ Ibid, 3

¹⁶ Australian Government, Australian Education international, *Easy Guide to ESOS* (June 2009), AEI, http://aei.gov.au/AEI/ESOS/EasyGuide_ESOS.htm, 3, at 24 June 2010

must inform DIAC. Because all education providers must enter into a written agreement with overseas students when they enrol, there is consumer protection for the student under ESOS Act if a provider defaults.

IX CONCLUSION

The benefits of international studentship reach far beyond merely studying of a subject. International student education is the lifeblood of the global community. It presents a valuable opportunity for people with enquiring minds to meet, greet and study together, where they learn not just about a subject, but where they learn to value diversity and harmony. This is the point where, as a global community we can learn to work together towards a world of peace.

Teachers can encourage this by retaining currency in course design so that the aims of the subject can be met in different ways. Governments can do their part by addressing quality control and consumer protection measures so that the experience of studying in another country is the optimum educational experience. In Australia, the *Education Services for Overseas Students (ESOS) Act 2000*, together with its amendments, provides the legislative framework which hopefully will underpin the optimum educational experience for the international student. Simultaneously, it offers Australian teachers and students the opportunity to globalize their perspective of life through the experience of meeting and studying with students from different countries. As the impact of human activity on the global environment becomes increasingly challenging, the understanding borne out of diverse student groups studying together provides a note of optimism in the search for global sustainability.