

# Regulation of supplementary courses for overseas students

## Overview

The government has proposed to:

- narrow the definition of “course” in the ESOS Act to exclude supplementary courses from the need to be registered on CRICOS; and
- give the Minister responsible for international education the power to make exemptions for certain courses from the ESOS Act requirements.

## Supplementary or hobby courses

It is certainly a step in the right direction that students will be encouraged to gain extra skills by undertaking short “hobby” courses, in addition to their main area of study, while in Australia. The most positive impact of the proposed changes will be to ensure international students can gain first aid or barista skills which will help them achieve part-time employment.

The IRU therefore supports the Government’s position that access to a small number of supplementary courses from trainers which are not HE or VET providers not be captured through CRICOS registration and that the Minister can approve provision of such modules within established qualifications without registration.

The major risk is that students could be distracted by such units or tempted to use them to work around standard qualification arrangements. Hence rather than five, IRU recommends the maximum number of supplementary modules a provider can offer to a student in a year be set at three.

The IRU supports the Government’s position that international students will not be able to base an application for a visa on these courses. Students will need to be studying a substantive longer-term qualification at an Australian education institution to be awarded a student visa.

## Micro-credentials

The discussion paper drifts between discussion of supplementary courses with a very specific training outcome and the broader set of micro credentials now being offered by many higher education providers. The latter are substantial learning modules that can lead to formal AQF qualifications whose relationship to the AQF and other regulation is still being resolved.

Hence the proposals make sense for the truly supplementary training courses but require further work for the breadth of micro-credentials. For the latter the IRU recommends that the Department actively consult with universities and other HE providers about how best to ensure international students can access those credentials with ease yet retain necessary protections from the quality arrangements including ESOS.

As part of this the Department should revisit the way the CRICOS register works.

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[The IRU has consistently argued that CRICOS registration should be simplified](#) to be a register of duly accredited courses available to international students, removing the repetitive assessment of characteristics of the provider and those courses already considered in the general higher education registration of the provider and accrediting of courses as set out in the TEQSA Act. The separate CRICOS assessment is a hang over from the period before a coherent quality regulation system for higher education and vocational education that applies to all delivery to all students, international or no.

This would simplify the use of CRICOS and ease the challenge of extending the take up of micro credentials to international students, while ensuring that the additional protections for such students remain effective.

### **Claim of red tape reduction is false rhetoric**

We question the Government's claim that it is slashing red tape (ministerial press release, 25/9/20).

The change is a relatively minor relaxation. In contrast the Government is adding far more red tape to universities in its job ready graduates and foreign relations bills than it is removing from the ESOS Act.

### **Request for comment: specific questions**

As the Department's briefing paper sets out, the need for courses to be registered with CRICOS limits access of international students to health and hospitality training courses, which in turn limits their employment opportunities while studying.

The administrative burden involved with CRICOS registration means that training groups offering particular employment driven skills choose not to register them and thus offer them to international students.

The IRU has provided feedback based on the specific questions that are relevant to universities in the Department's discussion paper.

#### **1. Do you have any comment on the benefits or risks of the proposal described in this policy paper?**

The main risk from the changes is that some providers package up short courses in ways that resemble a longer qualification without the formal approval for these.

The proposed legislative instrument acts to prevent this through limiting the number of modules to a maximum of five within one calendar year before requiring that provider to be registered on CRICOS. This approach would limit the risk – we recommend that 'three' not 'five' be the threshold, see below under point 4.

Concerns about potential risks remain:

- Without CRICOS registration, Confirmation of Enrolment data will not be available to capture enrolments in such courses.
- The discussion paper fails to elaborate on how the non-CRICOS registered providers will be regulated if they are not covered by TEQSA or ASQA.
- The potential for supplementary courses to impact on a student's primary course of study and on meeting visa obligations in relation to course progression.

2. *Do you have any comment on how the proposed definition of “course” in the ESOS Act should be narrowed or expanded?*

The proposed new definition of course captures the types of qualifications that international students would be interested in pursuing as the basis for a visa for entry to Australia.

It is particularly important that students can undertake specific training units that help qualify them for part-time employment, where those courses sit outside an AQF qualification, with limits on the number undertaken.

Allowing the Minister to exempt certain modules from the definition of course by making a disallowable legislative instrument allows for future expansion if other similar courses emerge while providing for parliamentary scrutiny.

The IRU understands that any work component of such a course would count towards the 40 hour working limit for an international student. This will help to ensure students continue to focus on and succeed in their main area of study.

It is important to ensure that the changes do not impact on current arrangements for WIL and other practical components of CRICOS registered courses.

Currently WIL and other practical components of a course, where they are a required component of a course as opposed to an elective or supplementary component, should be listed on the CRICOS registration of the course. If they are listed as such then there is no impact on the 40 hour work restrictions of a student visa. The IRU would like to ensure this remains the case.

3. *Are there any VET qualifications accredited under the AQF which you believe the Minister should specifically exempt from the coverage of the ESOS Act?*

The IRU has no comment on this question.

4. *The legislative instrument will enable RTOs which are not CRICOS registered to deliver single units of competency or training modules. However, providers will not be able to combine more than five units together in one training package to deliver to a student in the same calendar year.*

The five modules per calendar year limit proposed by the Department is too high.

For a student to complete a barista or first aid course it is unlikely to require five modules. The five modules limit could lead to students taking two or three extra courses per semester and there is potential for their grades and focus on their main area of study to suffer.

The IRU recognises that monitoring any limits in this area will be difficult.

However, in the interests of student protection the IRU suggests the limit is three subjects or modules per calendar year instead of five. This would help ensure they remain successful in their main area of study by not taking on an overwhelming study load.

## Conclusion

The IRU supports the intent of the proposed amendments to the *ESOS Act* and associated legislative framework to expand access to specific supplementary courses to international students.

The IRU recommends:

1. the maximum number of supplementary modules a provider can offer to a student in a year be set at three not five;
2. the Department actively consult with universities and other HE providers about how best to ensure international students can access micro credentials without risk; and
3. Department should revisit the way the CRICOS register works to make listing of any credential for an Australian simple to list.

## About the IRU

Innovative Research Universities (IRU) is a coalition of seven comprehensive universities committed to innovation and inclusive excellence in teaching, learning and research in Australia.

The members' impact is local and global with a focus on advancing communities through education, resources, opportunities, translational research and enterprise.

Through its members working collectively, the IRU seeks to be at the constructive centre of Australian university policymaking.

The membership is Charles Darwin University, Flinders University, Griffith University, James Cook University, La Trobe University, Murdoch University and Western Sydney University.

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