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Secretary : Sheena Bakshi	0421 890 550	Asst Secretary : Shaan Bedi	0423 307 883
Treasurer: Uma Ganapathy Reddy	0415 341 627		
Committee Members : Shashi Rane	9560 6212	; Natrajh V Narayann	0400 065 741
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1 June 2006.

SUBMISSION BY:

AUSTRALIA INDIA SOCIETY OF VICTORIA INC. (AISV)

FEDERATION OF INDIAN STUDENTS AUSTRALIA (FISA)

**ON BEHALF OF INDIAN INTERNATIONAL STUDENT REPRESENTATIVES
(VICTORIA)***

The 'Committee'

TO:

(VICTORIAN) EDUCATION PROVIDERS

STATE GOVERNMENT OF VICTORIA

FEDERAL GOVERNMENT OF AUSTRALIA (DIAC & DEST)

Background:

In the past five years, peak Indian community organisations have noted a significant escalation in problems being brought to their attention by Indian international students studying in Victoria. Given the varied representation that exists within the Indian community, each organisation was only partially aware of the full extent of the problems faced by Indian international students in Victoria. The responses to this situation were, as a result, haphazard and reactive, and often constituted short-term responses to individual requests for assistance. With the rapidly increasing numbers of Indian international students studying in Victoria, these issues have increased, and have resulted in this present crisis situation. This has prompted Indian community organisations to form a joint committee to attempt to rectify these problems by identifying and collating issues, and lobbying relevant education providers and government bodies for policy change.

AISV & FISA consider Indian international students as part of the Indian community – and a particularly vulnerable section of our community. In a sense, we view these students as children, whose parents have entrusted Australian education providers and the State/Federal governments to ensure their children's safety and well-being. It is the



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committee's view that these students are owed a high standard of care by both education providers and government, and that in its present state, this duty is at risk of being in serious breach. These students are largely without formal representation, and it is in this capacity that the committee has decided to act. We stand by Indian international students out of a sense of community responsibility, and will not allow this present crisis to balloon further. We seek to engage stakeholders in reasonable and considered negotiations with outcomes that structurally remedy these issues to ensure long-term eradication of problems identified. It is the committee's view that the failure to address these issues has already damaged the reputation of Australian education and immigration policy within India, and within the increasingly competitive international student market.

The submission aims to list issues identified by Indian international student representatives across Victorian campuses. Broadly, issues have been categorized under the following sub-headings (and form the structure of the submission):

1. pre-arrival;
2. settlement:
 - Initial arrival
 - Enrolment issues
3. structural representation and rights awareness;
4. academic issues:
 - academic staff
 - academic policies
5. facilities and services;
6. employment;
7. health issues;
8. integration on campus;
9. Racial discrimination, harassment, vilification and criminal assault.

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Unfortunately, as voluntary organisations we have neither the time, funding nor capacity to undertake extensive research into these issues. Instead, we act simply as a conduit for the issues and problems of Indian international students as they perceive them. We have also put forward some recommendations for change for due consideration by stakeholders. The committee has not attempted to identify all the relevant bodies charged with responsibility for particular areas as we believe stakeholders are better placed to refer issues to the appropriate entity. We believe this is an important starting point. In raising these issues we have decided not to identify individual education providers, and prefer instead to encourage education providers and all other stakeholders to audit their performance against the issues identified in this document. We expect stakeholders to commit in good faith to a process to rectify problems identified.

We will monitor stakeholders' responses to these issues and we will commit to an ongoing process of evaluation. The committee will continue to intervene and highlight matters raised as appropriate if it establishes that these issues are not being dealt with as agreed.

METHODOLOGY:

The committee has not used a formal research methodology. As stated above, the committee simply wishes to bring to stakeholder's attention the issues as perceived and experienced by Indian international students. The committee has then put forward recommendations that reflect the committee's opinion as to the best way forward. We look forward to future input into, and constructive discussion of these recommendations with stakeholders.

The method the committee employed in obtaining this information was to speak to both Indian international student representatives (current and former), and where that was not possible, to international student representatives more generally. These representatives spoke to us on condition of anonymity. It was made clear to these representatives that any student from their campus was of course free to pursue these issues in their own or a different capacity if they so wished, and that this submission was just one of a number of avenues in raising and dealing with these issues. The committee does not claim to represent the views of all Indian international students. We recognise the limitations of having access only to representatives, though we believe it is a useful starting point. We would actively encourage stakeholders to engage directly with students on the problems they face, and to fund detailed academic research into these extremely important issues.

ISSUES:



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1. Pre-arrival

- 1.1 The committee is informed by students that IDP Education Pty Ltd (IDP) (the marketing organisation partly-owned by Australian education providers and operating globally, including India) is an Australian government-approved organisation. Government approval of this kind presumes a level of quality assurance upon which potential applicants should be able to rely. However, certain Australian education providers continue to use other external, Indian-based agents. It is not always possible to evaluate the service quality levels of individual agents, which compromises quality control.
- 1.2 This is compounded further by the fact that despite being free of cost/commission, IDP is only based in major cities. Not all students hail from major cities making knowledge of and access to, IDP agencies improbable. As a result of these practices students from smaller cities and towns with less access to independent information sources/networks are at a far greater risk of being deliberately targeted and exploited. We re informed that such agents often charge these students an exorbitant commission;
- 1.3 While IDP is reputed to be quality controlled, other independent agents have been reported to be inconsistent with the information provided. These practices can lead, arguably, to misleading information being communicated to students about education providers (including official 'rankings' of institutions), courses, facilities and permanent residency opportunities in Australia.
- 1.4 A contributing reason for this is that contractual terms and conditions between such agents and some education providers may require them to promote that particular education provider. This is not made apparent to students and as such they are presented with a partial (read: partisan) picture of the available education providers and courses. This usually only becomes apparent to students once they have arrived in Victoria having committed to and paid for a particular institution's course. It could be alleged that this approach is not only misleading and deceptive, but anti-competitive.
- 1.5 Certain education providers could be taken to be acting in concert with the misleading and deceptive practices of such agents, when they upload information onto their websites that is 'ambiguous' at best. One example of this is the uploading of photographs of the main campus, other than the (satellite) campus to which the student is applying; the presumption is sometimes that the campuses are similar in appearance.



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- 1.6 Our understanding is that under Australian law, corporations are responsible for the acts of their agents. While a cause of action may exist regarding breach of contract vis-à-vis international students, even if students are aware of such a cause of action, they are very rarely in a position financially to pursue such a breach. Such practices lead to an uneven application of the law that is exploitative, and potentially discriminatory in nature. More generally this has the potential to bring Australian commercial/business practices into disrepute (with broader international trade implications).
- 1.7 The committee finds it curious that the Australian government imposes stringent requirements on immigration agents within Australia, but seems to accept that certain Australian education providers use agents without similar quality control. This allows them to misinform students about immigration requirements, and possible permanent resident opportunities and misinform the Australian government on applicant details - the correct knowledge of which the government relies on in granting a student a visa.
- 1.8 The committee is informed that, unlike the United States, students are not required to be interviewed by relevant Australian immigration authorities prior to receiving a student visa. At present the existing process simply requires the student to provide their passport (usually also organised by the agent) to the agent who in turn provides the passport and visa application to the Australian High Commission who then issues the student visa. While arguably this may be more convenient to all parties, this process does not allow for any verification of the information provided by the agent to the student, nor the information provided on behalf of the student by the agent, despite the fact the Australian government is relying on this information in issuing the student visa.
- 1.9 Students have informed the committee that where they have taken the extra precaution of visiting the Australian High Commission, they are simply provided with standard forms that direct students to the agents nominated by that particular education provider – a practice that does little to break the cycle of potential misinformation detailed above. This provides no more useful information to the student that if they had not visited the Australian embassy.
- 1.10 At present, it seems the only thing that the Australian student visa application process is currently set up to verify is the existence of the student's monetary deposit. Instead, if the US system was adopted for the international student visa category, students could be provided with useful and accurate information (an updated booklet, shown a video). Information could similarly be provided not only



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in relation to courses etc, but also general information about living in Australia, and any difficulties and related/hidden expenses.

- 1.11 Anecdotally, some students informed the committee of situations where agents have, on payment of a fee, facilitated the doctoring of documents to meet Australian immigration requirements (e.g. documents showing Rs 50 lakh assets as part of the self-support requirement). Where this occurs, this is a deliberate flouting of Australian immigration requirements which is, unfortunately, allowed to occur due to a lack of safeguards within the present immigration process. This situation also invariably leads to students struggling to support themselves once in Australia.
- 1.12 Questions have also been raised about whether, in situations where agents have been found responsible for deception or fraud by Indian authorities, the same outfit is able to re-appear differently constituted (in a corporate sense). Where just the corporate structure is targeted, a further issue arises as to whether the individuals behind the corporate structure are also prevented from being able to re-register.
- 1.13 The committee does not believe that the Australian government can treat the student visa category in the same way that it treats other visa categories e.g. tourist, business. This is because of the fiduciary-type relationship that exists with this young, vulnerable group of visa applicants who have to take out huge personal bank loans that, without real permanent residency opportunities, can once they return to India, leave them in a financially crippling situation in terms of re-paying these debts. Such choices have long-term implications for these students' lives, not to mention that of their families. The decision to study in Australia can not be taken lightly, and without access to accurate information.
- 1.14 State and Federal governments fund and/or accredit Australian education providers. Australian education providers engage agents to recruit students and provide immigration information to the Australian government which then grants visas. This is a complex relationship, where the actions of education providers (and by implication of their agents) cannot be regarded as purely private, commercial transactions in their dealings with international students. Students are entitled to rely upon a fiduciary-type context in their dealings with education providers and their agents. Otherwise, the impression this situation creates is that of the Australian government condoning, or worse 'colluding' in arguably misleading and deceptive practices against a vulnerable section of another

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country's citizens by Australian institutions. This is not an impression that we as Australian citizens would want to manifest, let alone continue.

Recommendation:

The government must require yearly re-accreditation of all agents used by education providers with an annual tally of 'complaints and compliments' placed on a publicly available register [internet site?]

Recommendation:

The government must ensure quality control across the board in terms of standardizing all the documents provided to potential (and existing) students.

Recommendation:

A single document (in electronic and hard copy format), with relevant links and standardized information must be provided by the Australian High Commission while issuing visa approval.

Recommendation:

A toll-free hotline set up by the Australian consulate for all student queries (with access to pre-recorded 'frequently asked questions', which would also greatly reduce any administrative burden).

After listening to the FAQ information, the student can be transferred to a consular staff member who verifies that the student has received the (now standardized) information from their agent and has understood the information. If the student has not received and/or understood the information the official takes the agent's details and refers the student back to the agent to seek clarification of any outstanding information (this process has the added benefit of allowing consular staff to indirectly track recalcitrant agents which would prove useful in the re-accreditation process).

Recommendation:

An information book/DVD (produced and updated yearly) should be distributed by the Australian High Commission.

Recommendation:

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Where agents have been found to have behaved in a deceptive or misleading manner, the Australian government should withhold registration not only of the corporate entity, but the individuals that constitute the corporate entity. Agents must be individually licensed (similar to regulatory requirements covering building contractors).

Recommendation:

The Australian government should fund a common website with links to all education providers and official representative bodies. It should also provide information on the overall rankings of education providers, and discipline-specific rankings (e.g. accountancy, law, masters of business, computer engineering). DEST's Course Experience Questionnaire and the Learning & Teaching/Research Performance Fund are all rankings used by the Federal government as the basis for their funding for education providers. Such government-commissioned research should be made accessible to international students in aiding the open and informed selection of an Australian degree course.

Recommendation:

It is important to formally acknowledge that Australian education policy in this area is being driven by immigration policy to the extent that permanent resident opportunities play a key factor in deciding upon course selection. This interrelationship is clearly evidenced by education providers gearing or offering courses that correspond with the government's 'in demand skills' categories. In light of this, a list of industry organisations should also be provided so that students have an independent way of ascertaining how industry ranks various disciplines/education providers. Access to DEST's Graduate Destination Survey on the website would also be an extremely useful source of information for students. It is also information that should be provided to government-approved agents.

Recommendation:

While information contained in a website format is readily accessible to city-based students, this is not always the case in smaller, village-based contexts. This information should be provided to (government-approved) agents and regularly updated as part of the approval process (that is, it should be made contingent on continuing government approval of an agent);

Recommendation:



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Another suggestion involved the use of Australian-government auspiced education ‘trade fairs’. It was recommended that DIAC have a presence at such trade fairs as many students don’t have direct contact with the Australian immigration officials, as the visa is usually taken care of by the agent. This is even more so now that the Australian government has employed the practice of outsourcing its visa-issuing facility to a number of private organisations within India.

- 1.15 The committee was also informed of certain procedural issues where education provider-approved agents have required students to go through the whole re-application process while incurring the same fees again for trivial matters. For example, re-application for changing banks for the issuing of a bank draft seems extreme and totally unnecessary.
- 1.16 The committee was told of instances where students were verbally informed by agents that where visa delays push forward their commencement dates, this delay would be accommodated by certain universities. This has a number of serious consequences for students. Firstly, students arrive having missed orientation. This means they potentially miss out on critical information on course structure and instruction on relevant academic and support services policies (e.g. footnoting policy, counseling services). It is the committee’s view that the information received during orientation week is of critical importance to a student’s ability to successfully settle. The other consequence is that students can arrive late only to find they have missed a significant number of classes with examinations around the corner.
- 1.17 Having spent money on enrolment and travel costs, they are often left in the hands of Australian-based ‘education consultants’ who advise them on how to get ‘released’ from the education provider with which they are currently enrolled. These consultants can be paid by other education providers to refer students to their courses with the lure of permanent residency points (these institutions may offer chef courses, hairdresser courses and other ‘skills in demand’ courses). In negotiating a release from the education provider we are informed that typically three situations occur:
 - a) the education provider releases them but keeps all enrolment fees paid by the student;
 - b) the education provider agrees to release them with a 50% refund on enrolment fees paid;
 - c) the student is forced to continue on in the course regardless of the disadvantaged position they find themselves in when a late enrolment



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is accepted by the education provider. Where they manage to barely pass, they are left jobless.

- 1.18 The committee has been informed that education providers can accept extremely late enrolments of students when arguably they are aware of the students' compromised ability to satisfactorily complete the subject/course at such a late stage. There is a perception emerging among students that some education providers have indirect policies of failing students as a means of double-dipping/revenue raising (collecting two sets of fees when the student invariably fails and is forced to repeat subjects). Unfortunately this perception is exacerbated where education providers keep 100% of student fees in situations where students have attempted to change courses. The committee has been informed that some education providers require one year 'payment in advance' with a no-refund policy.

Recommendation:

There must be a legislative prohibition on agents, 'education consultants' and education providers accepting late enrolments.

Recommendation:

The government must address the under-regulation of the practices of 'education consultants' operating within Australia. Compulsory disclosure of the fees and earnings of education providers must be introduced.

- 1.19 An additional issue that has been raised in the pre-arrival stage, is where the spouse of an Indian student applies for a spousal visa, it is not always clear that the qualifications of the spouse may not be recognised in Australia. For example with chartered accounting (CA), CA qualifications can be obtained in India but the person will still need to get it approved by the Institute of Chartered Accountants in Australia. Not only can such approval by industry organisations take months (during which the time the spouse will be unable to work as a chartered accountant), but the spouse may be informed that further study needs to be undertaken in order for their qualifications to be recognised. This causes great financial hardship with all the attendant stresses this situation generates.

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Australian High Commission officials need to make it clear that the qualifications of the spouse may not be recognised in Australia prior to issuing a spousal visa.

2. Settlement

Initial arrival:

The committee is informed that certain education providers and/or agents of these education providers may be making misrepresentations to students as to initial and ongoing settlement issues. Apart from the obvious legal issues, such practices can raise extremely serious health and safety issues for students.

2.1.1 Certain education providers have promised an airport pick-up but we are informed by students that in a number of instances, no-one was there to collect them – particularly in situations where flights have been delayed. Sometimes students have arrived late at night, and don't even have change to use a telephone as they have simply not been made aware that coinage is needed to use public telephones. The committee has been informed that some students have stayed a whole night in the airport, or worse still, slept at railway stations where they have arrived (where all services have terminated till the following morning). Here we have a situation where the student arrives with their entire luggage, has nowhere to stay and has no access to a contact person. They are an extremely vulnerable target for muggings, assault or worse. This situation is totally unacceptable to the committee and is a complete breach of the fiduciary obligations owed to these students.

2.1.2 There is a particularly pressing issue that has been brought to the committee's attention relating to minors (students under the age of seventeen) and the appointment of a guardian. The committee has been informed of instances where the appointed guardian has failed to collect minors from the airport.

2.1.3 Students require proper guidance in advance about initial accommodation (suitable locations - including crime statistics across suburbs, approximate rentals, proximity to public transport and to the education provider and to the CBD, and the public transport costs eg zone 1/2).

2.1.4 Students have reported to the committee that campus-based accommodation is extremely expensive in relative terms, often forcing international students into the general real estate market where it has been reported that they can face discrimination in accessing accommodation (for detail see subheading 'General safety and freedom from racial discrimination, vilification and criminal assault').

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- 2.1.5 Residential halls do not make provision for short-term stays which again forces students into exorbitant and often inconvenient private accommodation. This places international students in an extremely precarious situation where, at initial arrival, they are at their most vulnerable (with obvious health and safety implications).
- 2.1.6 The homestay that has been provided to these students often have inadequate facilities (tiny rooms with no space to study). An additional problem is that some students are strict vegetarians for religious or other reasons or have other special dietary needs, and this has not been properly accommodated in homestays. One student representative reports that he was told he'd get 'some vegetables and a bit of bread'. It is not acceptable that meat is simply and literally 'cut out from meals,' but that students receive nourishing and healthy food in accordance with their specific dietary needs. Additionally, we have been informed that some guardians are allotted up to twenty students each which makes proper supervision improbable.
- 2.1.7 We have been informed of the increase in the homestay industry that often targets the international student market. However we are not aware of any regulation of, or probity checks being undertaken on homestay providers (including sub-letting arrangements).
- 2.1.8 Vegetarian and other special dietary needs can be a problem on campus too where students can be driven off campus to more expensive food options as a result of a lack of vegetarian food (which can be subsidised on campus).
- 2.1.9 International students also need guidance in advance about casual work opportunities including rights at work (for example occupational health safety, industrial rights). While most education providers have career & employment guidance units, we are informed that the advice given is often inadequate, and the existence of these units is not well-known among international students.

Recommendation:

It must be mandatory that all education providers organise a minimum of two weeks short-term accommodation for international students or until such time that the orientation period is concluded. Such accommodation requires a yearly quality assurance audit by DEST or other relevant government department.



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Recommendation:

A probity check undertaken by DEST or other relevant government department on providers of homestay or sub-letting arrangements to international students.

Recommendation:

Home-stay arrangements should similarly be audited by DEST or other relevant government department. The audit should focus on appropriate room size/habitability, conditions imposed by the landlord/guardian, food options, cost and other facilities. Strict penalties should apply in the event of non-compliance.

Recommendation:

A schedule of guardian/student meetings to be provided to the parents/guardian of the student with a written report to be prepared by the guardian summarizing any problems and their resolution – a copy of which is to be provided to the student and the education provider.

Enrolment-related issues:

2.1.10 International students are unaware from the outset of situations where institutions divide course subjects between campuses. These campuses are often a considerable distance from each other and can involve zone 1 and 2 travel which, given international students are not entitled to concession travel, presents them with a significant increase in cost. Subjects that are compulsory in accordance with visa conditions means that international students are forced to undertake these subjects (unlike local students), where such compulsory subjects are taught across campuses. This situation is compounded by the fact that a higher percentage of international students rely on public transport (and spend more time traveling), which often means students are traveling on transport later at night and for longer periods with obvious safety implications.

2.1.11 We have been informed of instances where education providers have declared results after other institutions' enrolment cut-off dates. This has the indirect effect of barring students from being considered for enrolment with other education providers, and forces them to continue on at that particular institution regardless. This policy results in clear anti-competitive outcomes that are unacceptable.

2.1.12 Students tell us that they are not properly informed of recognition of prior learning (RPL) in terms of exemptions from certain subjects previously undertaken within



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the same field of study until after the student is enrolled in the course. Once informed of the decision in respect of RPL, policies vary between institutions on a student's right to have that decision reviewed. This situation is further compounded where overseas agents are making assessments of a student's RPL without any basis in fact for doing so (which the student then relies on in making enrolment decisions – this links back to the agent-accreditation process referred to in paragraph numbers XXX).

Recommendation:

Full disclosure of all the campuses a student is required to attend for the satisfactory completion of a course must be communicated to the student prior to confirmation of enrolment.

Where multiple campuses are used, full cost disclosure of potential travel distances and costs must be provided to the guardian of the student for due consideration.

Recommendation:

DEST must standardize enrolment cut off dates and declaration of results dates for all education providers.

Recommendation:

The education provider must provide students with information that clearly sets out individual RPL accreditation policies and carry out a detailed assessment of RPL prior to the student confirming enrolment.

3. Structural representation and rights awareness:

3.1.1 Like most students, international students do not tend to seek out representative organisations unless a problem develops. They are also less likely to be aware of these organisations where they are unfamiliar with the Australian educational system.

3.1.2 Further, the introduction of voluntary student unionism does not structurally guarantee on campus a dedicated international student association that can assist greatly in rights awareness and advocacy needs.



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- 3.1.3 There is also an inconsistent approach across institutions in the provision of advice and services offered (and the quality thereof) within education provider-staffed international student offices.
- 3.1.4 Many students are not aware of relevant policies governing the operations of the education provider (e.g. grievance procedure), academic policies (e.g. plagiarism) and their rights in relation to such policies (e.g. anti-discrimination policies). Students report no introduction to members of management, and are generally unaware of the institution's hierarchy, and the responsibilities delegated within this structure. Nor are students made aware of the inter-departmental structure, or services that may assist them in employment, immigration matters, in seeking accommodation or additional training/work experience courses. If educational institutions are relying on induction materials to educate students, this is clearly proving an ineffective method of communicating essential information of this kind.
- 3.1.5 There are instances where, if students have raised problems with members of staff, they have been told they must refer the query/problem to another campus (often the main campus). Where information is provided by staff, students have noticed that policies can differ between campuses in seemingly illogical ways. Students are in these instances, left confused about requirements pursuant to such policies and resources.
- 3.1.6 There is one policy in particular the committee wishes to bring to the attention of stakeholders. International students, like anyone else, can suffer tragedies in their lives like the death of, or injury to a family member. Yet in these circumstances students are still expected to continue with a full course-load despite the often devastating emotional impact. Education providers often have inconsistent hardship policies in place on issues such allowing payment of fees in installments until such financial situation can be rectified. There is also the issue of the periods of time education providers allot to re-paying personal loans taken out to pay fees.

Recommendation:

Among education providers there should be consistent policies across campuses (apart from operational considerations) and a single desk service within a dedicated international student office that provides information on academic issues such as grievances, RPL issues, general policies and fees information etc. The existence of this office must be effectively communicated to students (preferably prior to orientation).

Recommendation:

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As part of the 'single desk service', the international student office must either provide or co-ordinate with existing, on-campus accommodation services to offer international students 'accommodation tours'. These tours are a proven means of quality control in terms of identifying accommodation-type, and in making students aware of their rights re: access to accommodation/tenancy rights.

Recommendation:

As part of the 'single desk service', the international student office should also be providing, or co-coordinating with existing on-campus career & employment guidance units, to provide international students with guidance about casual work opportunities including visa-compliance and rights at work e.g. occupational health safety, rights (this issue was also raised as an initial settlement problem at paragraph number XXX). The office should also include a careers transition unit that is properly advertised within campuses to assist international students in transiting from education providers into the workforce.

Recommendation:

A more humane policy must be adopted across all education providers in cases of bona fide personal tragedies. The affected student must be allowed to reduce their course load and be provided the option of a flexible payment plan (for example, the option to pay fees in two or three installments instead of an upfront, lump-sum payment).

Recommendation:

Education providers must secure an independent stream of funding for the establishment or continuing function of international student associations. The on-going existence of such associations, and their input on policies/decisions concerning international students, must be structurally guaranteed. Where this is not possible, FISA or similar bodies must be allowed to establish a representative presence on campus.

4. Academic issues

Academic staff:

4.1.1 Generally students have given positive feedback on lectures, though some concerns were expressed about course outlines failing to possess a clear structure. This seems a basic requirement made even more important where students are from 'culturally and linguistically diverse' (CALD) backgrounds. It



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was also noted that the degree title, course title and content were not always consistent.

Recommendation:

The full course outline for all subjects should be made available to students from CALD backgrounds to avoid confusion on these issues.

4.1.2 Students also generally reported adequate feedback mechanisms and believed that on the whole, their criticisms were being reflected in courses. While improvement is indicated in the explanation of the course structure, the same cannot be said about the adequacy of staff instruction on the structure and requirements of assignments and examinations (examination-specific issues are discussed in detail at paragraph number XXX).

4.3.1 There was however much concern expressed by students regarding the use of a number of post-graduate tutors who were often from CALD backgrounds themselves. Students who are themselves CALD, found it very difficult to understand what a number of CALD tutors (from a different background to themselves) were trying to communicate. In these instances, students did not feel these tutors had sufficient English proficiency to teach, nor did they possess the skills that could enable them to facilitate group-based work etc.

Recommendation:

Only appropriately qualified tutors/lecturers should be hired to teach international students, which must include external, government-accredited training on teaching CALD international students (which trains on language differences and issues of often markedly different learning methods/education cultures). General qualifications/training of staff should be made available on the education provider's website.

4.3.2 Many students feel that lecturers/tutors are ill-prepared when conducting classes and mostly seem to 'read straight from lecture notes'. The majorities of international students is of post-graduate level qualification and have valid expectations of paying to receive advanced teaching methods.

Recommendation:

See above recommendation.



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4.3.3 Inadequate staffing levels were noted in some instances in terms of the teacher-student ratio.

Recommendation:

That the staff-student ratio of each course/subject should be made publicly available (and campus-specific) to international students.

4.3.4 Students attending institutions with multiple campuses have noted a trend that with certain institutions, lecture delivery can be of a higher standard at the campus other than the 'international student-majority' campus. This is an issue the committee intends to monitor. Teaching standards across different campuses differ but such differences tend to be skimmed over in the institution's publications and marketing materials that for obvious commercial reasons, only publish their best course/rating.

Recommendation:

Campus and course-specific information of this kind must be made publicly available and accessible to students.

4.3.5 Students have noticed that staff (including administrative and non-academic staff) has displayed a tendency to behave rudely with international students. This does not engender a healthy, safe and respectful environment, and where it occurs, constitutes an abuse of power that can amount to bullying, or worse. This behaviour is totally unacceptable and most likely breaches applicable staff codes of conduct.

Recommendation:

That education provider is required to inform students of their right to externally complain to the Education Ombudsman, or where the abuse is of a discriminatory nature, to the Victorian Human Rights and Equal Opportunity Commission (VHREOC) (for detail on these issues see paragraph number XXX below). The role of these bodies must be explained to students (including the fact that queries are cost-free). More powers must be given to the Education Ombudsman to actively assist students.

Academic policies:

4.3.6 Awareness among international students of important academic policies such as plagiarism and footnoting conventions is a major problem. While education



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providers usually supply these policies in orientation, include them in general student manuals or post them on the internet, this is insufficient. Education providers have a responsibility to bring these policies to students' attention, and to take them through it to ensure students fully understand Australian academic practice. Too often students are inundated with information in orientation week (assuming they are not a late enrolment who misses it altogether), and in the absence of knowledge to the contrary, students will naturally revert to existing academic practices within the Indian education system. In the absence of these policies being fully explained to students, education providers skate on thin ice if they decide later to rely on these policies as the basis of a disciplinary process. Proper instruction in these policies avoids these problems, and is what the conferral of a very basic standard of natural justice demands.

Recommendation:

This instruction should not occur during orientation but in the second or third week of the course to ensure that all students are in attendance. Lecturers/tutors must take time out to take students through the policies and make clear the expectations of academic practice and encourage students to speak to them to clarify any uncertainty. Academic policies should also address any Australian-specific 'custom and practice' - for example, the use of 'group work' as part of assessment where the use of group work within Indian academic practice is very different to Australia.

Examination-specific issues:

- 4.3.7 Students have indicated that the provision of past exam papers were not always forthcoming despite this being a standard academic practice within most Australian degree courses. Where past exam papers are withheld, there is no explanation given by education providers. This is unacceptable where exam methods in the students' country of origin differ markedly from exam methods utilized in Australia.
- 4.3.8 Where past examination papers are provided, students believe that provision of exam papers previous to a 2-3 year timeframe is unsatisfactory as often the syllabus and/or the relevant exam format has changed substantially.
- 4.3.9 With certain educational institutions, students have noted a marked inconsistency between the exam format communicated by the staff member and, moreover, material covered within the subject and the format and the material subsequently covered in the exam paper. The provision of information relating to exam format is standard tertiary practice across universities. The coverage of all materials



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addressed by the exam is a basic requirement of any course, and constitutes the satisfaction of the minimum teaching standard required by staff members. Where these issues have arisen, they are of grave concern to students.

4.3.10 It has been reported that one educational institution has significantly shorter terms than comparable education providers. This impacts negatively on students' ability to cover course materials adequately, and makes it considerably more difficult for students to achieve satisfactory results. Where an education provider prescribes shorter terms, the question arises whether the course material covered is adjusted accordingly.

4.3.11 There is also a perception emerging among students that universities have indirect policies of failing students as a means of double-dipping/revenue raising (collecting two sets of fees when the student invariably fails and is forced to repeat subjects).

Recommendation:

All courses to have a set of at least three sample exam papers with a detailed explanation of the marking schemes adopted by the education provider. As stated in above recommendations, detailed information about exam format and subject material to be covered must be provided to students. Course material must be adjusted according to the duration of the term and the onus must be on the relevant staff member to establish that all material addressed by the exam has been satisfactorily covered within the subject.

Recommendation:

The percentage of pass/fail and the percentage of students failing by less than 5% per subject should be published and made publicly available via the educational institutions' website (with sub-category breakdowns differentiating between local and international students).

The percentage of students who are disciplined for plagiarism per course should be similarly published.

Recommendation:

Students failing by less than 5% of the total overall mark should be allowed to sit a supplementary examination with no more than 10% of the course fee charged for sitting the supplementary exam.



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5. Facilities & services:

5.1.1 As a minimum, it is expected that international students would have access to a proper library, study rooms and computer labs. The committee sees this as much as an academic issue as a service-provision issue. It was also reported that lockers and visa advisory services are facilities that are not provided across all institutions. Where these facilities exist, they are often inadequately resourced. When students have raised these access and resource issues with staff, they have been told to use the facilities available at other institutions. The committee finds this an unacceptable response. International students believe that the reason they pay the hefty fees that they do, is to ensure the satisfactory resourcing of such facilities, but this is not always the case.

Recommendation:

All the resources, including at the level of course level/subject specificity be listed, and this information be made available to prospective and existing students in order for them to make appropriate commercial decisions.

5.1.2 The committee also notes that Indian international students are unclear as to why, given the level of fees that they pay and their unequivocal visa status as 'student', they are still not entitled to a tertiary student travel concession card. Given the enormous financial pressure they are already under with fees, accommodation and living costs compounded by the twenty hour work restriction, it is unfathomable to the committee why the state government would not allow international students access to this concession. The committee finds it difficult to understand how the policy decision taken does not constitute discrimination on the basis of national origin/citizenship.

Recommendation:

That the state government provides to all international students a tertiary student, public transport concession.

6. Employment

6.1.1 In relation to the 20 hour work restriction, while the committee is cognizant of the policy rationale limiting work hours, and largely agrees with it (i.e. students are here to study not work), there are issues with the rigidity of the condition that



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warrant further consideration. The way that shift-work is structured in Australia can mean that the twenty hour restriction on otherwise visa-compliant students can shut-out them out of scarce job opportunities because of lack of flexibility (of as little as 1-4 hours). Additionally, there seem to be few legal implications for employers who try and force students to work more than their twenty hours. The employment relationship in any context can be coercive and international students who are desperate for work and under extreme financial circumstances are particularly vulnerable in this situation.

- 6.1.2 The committee reiterates the importance of international students having access to campus-based services providing independent information on employment rights (the reasons are discussed in paragraph number XXX and will not be repeated here). This should be seen in the context that international students are less likely to avail themselves of industrial rights pursuant to legislative protections because of their financial constraints, and fears about maintaining their visa status (both as a student and in terms of future prospects of permanent residency).
- 6.1.3 The committee also notes the reporting by Indian international students of issues of racial discrimination, and racially-based assaults in the course of their employment. Perpetrators have ranged from employers and co-workers to general members of the public. Recommendations regarding these issues are detailed at paragraph number XXX.

Recommendation:

A common sense approach to the 20 hour work policy is adopted to incorporate one to four hour flexibility.

There should also be serious penalties imposed on employers who exploit students and force them to work over 20 hours, or offer cash-in-hand arrangements, and operate without sufficient occupational and health and safety systems in place.

7. Health issues

- 7.1.1 Students noted that some on-campus student services were responsive to the needs of international students. However, questions were raised about the ways in which isolation and depression within international student population are best identified and dealt with. It is critical that educational institutions have in place culturally sensitive programs to deal with these issues. Mental health issues are easily exacerbated by isolation/loneliness and extreme stress (both financial and

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academic), as well as issues of social status/family expectations. Left ignored, this lack of support can contribute to episodes of self-harm, self-destructive/asocial behaviour, and in the worst case-scenario, suicide. Tragically, this is not a hypothetical scenario. A number of suicides among Indian international students alone have been brought to the committees (and our individual representative organisations) attention. These are immense tragedies that have deeply disturbed the Indian community in Victoria. Effective strategies must be found to alleviate these issues, and to ensure these students have access to proper services without delay. We believe this to be the most pressing issue facing one of the most vulnerable sub-sets of Indian international students. Governments and education providers must take responsibility for these students well-being.

Recommendation:

An extensive study must be undertaken by the AMA/RACGP/RANZCP/DHS or similar bodies into the prevalence and incidence of depression among international students. These terms of reference must include cross-sector representation (for example representatives from DEST, international student organisations, medical professional bodies, a peak representative of education providers etc.).

7.1.3 Questions need to be asked about whether existing counseling services are culturally sensitive enough to be effective. There is a great stigma within Indian culture (as with most cultures) in admitting to, let alone identifying mental illness, or even less than that, a simple inability to manage stress, expectations and loneliness.

Recommendation:

The level of medical assistance available to students suffering from depression must be covered by, and made claimable, under overseas students' healthcover insurance.

Education providers must be made to provide basic counseling services which are conducted and advertised in culturally appropriate ways. This function requires an external government audit and on-going monitoring.

Consideration should also be given to the establishment of a national hotline (similar to the suicide helpline) for Indian international students. This helpline can provide a service for all Indian students offering advice and pastoral support.

Recommendation:

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Additionally, educational institutions should encourage fellow students to keep an eye out for asocial/self-destructive behaviour in fellow students. Friends/fellow students are usually the first line of contact for at risk students and are in the best position to identify these behaviours. As such, the general student population should be informed of services available so that they are equipped to support and refer 'at risk' students to professional services if the need arises. If general student population is seen as supportive of such services, this helps to de-stigmatize counseling as an option. Orientation provides an opportunity to inform students of this strategy, which would be particularly effective where education providers did not accept late-enrolments (see paragraph number XXX for further discussion on issues regarding late enrolments). However, orientation alone cannot be relied on, where on-going awareness-raising campaigns must be instituted throughout the year.

8. Integration on campus:

9.1.1 The committee wishes to bring to the attention of educational institutions the issue of integration and socialization on campus. While students of the same background and/or ethnic group will often gravitate to people of similar backgrounds (particularly when in a new country and experiencing isolation etc), educational institutions should still encourage activities on campus that cross-over such groupings. This helps to avoid the build up suspicion, misunderstanding and racism on campus (see paragraph number XXX below for further discussion of this point).

Recommendation:

All education-providers must have a Multicultural Issues Office with competently trained staff, resources and structural power to resolve queries and to refer appropriately allegations of discrimination, segregation and other abuses which international students are protected against under equal opportunity laws, the Victorian Charter of Human Rights and other relevant international instruments to which Australia is a signatory.

The Office should also co-ordinate harmony and diversity campaigns across campuses in order to educate local students on these issues, and to foster respect and harmony within the student population through the organisation of events and other activities that cut across student groupings.



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9. Racial discrimination, harassment, vilification and criminal assault:

- 9.1.1 Indian international students have reported high levels of racism in undertaking employment, not just from employers and co-workers, but predominantly from customers/clients and members of the general public. Where students are being used in high risk night-shift work like petrol stations, convenience stores, taxi cabs and call-centres, they are often the brunt of intolerable and relentless racist abuse. No-one seems to be taking responsibility for ensuring employers are protecting these vulnerable employees from such unlawful abuse.
- 9.1.2 Indian international students have also reported racial discrimination in accessing suitable accommodation, as well as on-campus racism from fellow students/staff and racial abuse in places of public resort such as at train stations, on public streets and at other public venues such as shopping malls, movie theatres etc. VicPol has publicly acknowledged a marked increase in racially-based and/or motivated assaults on Indian international students.
- 9.1.3 Education providers must take responsibility for on campus discrimination and must also be aware of the mental stress that this can produce in students, exacerbating further the already high-stress situation that most international students find themselves. Education providers should offer support in this regard, and should where appropriate inform students of their rights (see paragraph number XXX for services), or by contacting the police on the students behalf (this is particularly the case for instances of religious and racial vilification, harassment, stalking and assault).
- 9.1.4 The committee also notes that female Indian international students may also experience racially-based sexual harassment and assault. This needs to be specifically addressed in a culturally appropriate manner in any rights awareness campaigns.
- 9.1.5 While haphazard and often inconsistent attempts have been undertaken by certain bodies charged with responsibility for these issues in some way, the committee sees a coordinated, cross-sector response as the only way forward. This is of immediate concern given the disturbing rise of physical attacks on Indian international students that have been confirmed by VicPol, which is indicative of a serious policy failure at all levels that can no longer be left unaddressed. The committee further notes that these racially-based attacks also have direct flow-on effects for the safety of Australian citizens and permanent residents of Indian origin.

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Recommendation:

That the relevant federal and state government departments, together with the Victorian Multicultural Commission and the Victorian Human Rights & Equal Opportunity Commission work with the committee to conduct an audit of these issues through relevant government departments and statutory bodies/regulators to ensure that these issues are adequately addressed in the long-term. A community-wide mechanism, with specific involvement of student representatives is essential to this process. We propose this occur within a strict timeframe to ensure solutions are implemented in a timely fashion. The committee also recommends a mechanism for report back on the success or otherwise of implementation.

Recommendation:

A public education campaign should be commissioned nationally by DIAV and DEST to further the integration of international students into the wider community.

Recommendation:

VicPol must compile and make publicly available statistics on criminal assaults on international students which involve issues of racial abuse/vilification. This should be sub-categorized by region and by type (use of public transport, in the course of performing work/study, at entertainment venues etc.). This provides an important source of information in gauging the success of government audits/public campaigns, and allows for further policy initiatives to be undertaken in areas where these assaults are still prevalent (with criminal matters clearly requiring the involvement of VicPol). VicPol must employ environmental scanning tools in order to prevent rather than react to these attacks. This is a pressing issue and these recommendations must be acted on with the utmost urgency.



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ATTACHMENT A

Stakeholders include:

Federal

1. DEST
2. DEAC
3. DWESB
4. DFAT
5. NTEU

State

1. VMC
2. VHREOC
3. VicPol
4. Consumer Affairs Victoria
5. Industrial relations Victoria (Workplace Advocate)
6. Department of Education
7. Vice-chancellors committee (sp?)
8. RACGP
9. RANZCP
10. AMA
11. Department of Human Services
12. Tenants Union
13. Real Estate Council of Victoria
14. VECCL/ACCI
15. Fair Trading Victoria

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EXECUTIVE SUMMARY

Indian community organisations have noted a significant escalation in problems being brought to their attention by Indian international students studying in Victoria. This has prompted Indian community organisations to form a joint committee to attempt to rectify these problems by identifying and collating issues, and lobbying relevant education providers and government bodies for policy change.

We stand by Indian international students out of a sense of community responsibility, and will not allow this present crisis to balloon further. We seek to engage stakeholders in reasonable and considered negotiations with outcomes that structurally remedy these issues to ensure long-term eradication of problems identified. It is the committee's view that the failure to address these issues has already damaged the reputation of Australian education and immigration policy within India, and within the increasingly competitive international student market.

Unfortunately, as voluntary organisations we have neither the time, funding or capacity to undertake extensive research into these issues. Instead, we act simply as a conduit for the issues and problems of Indian international students as they perceive them.

We expect stakeholders to commit in good faith to a process to rectify problems identified. We will monitor stakeholders responses to these issues and we will commit to an on-going process of evaluation.

1. Pre-arrival

Government approval of this kind presumes a level of quality assurance upon which potential applicants should be able to rely. However, certain Australian education providers continue to use other external, Indian-based agents. It is not always possible to evaluate the service quality levels of individual agents, which compromises quality control. These practices can lead, arguably, to misleading information being communicated to students about education providers (including official 'rankings' of institutions), courses, facilities and permanent residency opportunities in Australia. Certain education providers could be taken to be acting in concert with the misleading and deceptive practices of such agents, when they upload information onto their websites that is 'ambiguous' at best.

The visa processes of the Australian High Commission do little to break the cycle of potential misinformation. Students are entitled to rely upon a fiduciary-type context in



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their dealings with education providers and their agents. Otherwise, the impression this situation creates is that of the Australian government condoning, or worse 'colluding' in arguably misleading and deceptive practices against a vulnerable section of another country's citizens by Australian institutions.

The committee was told of instances where students were verbally informed by agents that where visa delays push forward their commencement dates, this delay would be accommodated by certain universities. This has a number of serious consequences for students. Late enrolments miss orientation week which is of critical importance to a student's ability to successfully settle. The other consequence is that students can arrive late only to find they have missed a significant number of classes with examinations around the corner.

Having spent money on enrolment and travel costs, they are often left in the hands of Australian-based 'education consultants' who advise them on how to get 'released' from the education provider with which they are currently enrolled. These consultants can be paid by other education providers to refer students to their courses.

2. Settlement

Initial arrival

The committee is informed that certain education providers and/or agents of these education providers may be making misrepresentations to students as to initial and ongoing settlement issues such as airport pick-ups, initial accommodation and homestay arrangements, which is of a particularly pressing nature regarding minors.

Enrolment-related issues

International students are unaware from the outset of situations where institutions divide course subjects between campuses. These campuses are often a considerable distance from each other and can involve zone 1 and 2 travel which, given international students are not entitled to tertiary student concession travel.

We have been informed of instances where education providers have declared results after other institutions' enrolment cut-off dates. This has the indirect effect of barring students from being considered for enrolment with other education providers.

Students tell us that they are not properly informed of recognition of prior learning (RPL) in terms of exemptions from certain subjects previously undertaken within the same field of study until after the student is enrolled in the course.



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3. Structural representation and rights awareness

Like most students, international students do not tend to seek out representative organisations unless a problem develops. They are also less likely to be aware of these organizations unless replicated within their own educational cultures.

There is also an inconsistent approach across institutions in the provision of advice and services offered (and the quality thereof).

Many students are not aware of relevant policies governing the operations of the education provider (e.g. grievance procedure), academic policies (e.g. plagiarism) and their rights in relation to such policies (e.g. anti-discrimination policies).

4. Academic issues

Academic staff

Generally students have given positive feedback on lectures, though some concerns were expressed about course outlines failing to possess a clear structure. Additionally, in certain instances, students did not feel these tutors had sufficient English proficiency to teach, nor did they possess the skills that could enable them to facilitate group-based work etc.

Many students feel that lecturers/tutors are ill-prepared when conducting classes and mostly seem to 'read straight from lecture notes'. Inadequate staffing levels were reported in some instances, and a trend was noted that lecture delivery can be of a higher standard at the campus other than the 'international student-majority' campus.

Academic policies

Awareness among international students of important academic policies such as plagiarism and footnoting conventions is a major problem.

Examination-specific issues

Students have indicated that the provision of past exam papers were not always forthcoming despite this being a standard academic practice within most Australian degree courses.



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It has been reported that one educational institution has significantly shorter terms than comparable education providers. This impacts negatively on students ability to cover course materials adequately, and makes it considerably more difficult for students to achieve satisfactory results.

5. Facilities and services

As a minimum, it is expected that international students would have access to a proper library, study rooms and computer labs. The committee sees this as much as an academic issue as a service-provision issue. It was also reported that lockers and visa advisory services are facilities that are not provided across all institutions.

The committee also notes that Indian international students are unclear as to why, given the level of fees that they pay and their unequivocal visa status as 'student', they are still not entitled to a tertiary student travel concession card.

6. Employment

The way that shift-work is structured in Australia can mean that the twenty hour restriction on otherwise visa-compliant students can shut-out them out of scarce job opportunities because of lack of flexibility (of as little as 1-4 hours).

The committee reiterates the importance of international students having access to campus-based services providing independent information on employment rights.

7. Health issues

Students noted that some on-campus student services were responsive to the needs of international students. However, questions were raised about the ways in which isolation and depression within international student population are best identified and dealt with. It is critical that educational institutions have in place culturally sensitive programs to deal with these issues. Mental health issues are easily exacerbated by isolation/loneliness and extreme stress (both financial and academic), as well as issues of social status/family expectations. Left ignored, this lack of support can contribute to episodes of self-harm, self-destructive/asocial behaviour, and in the worst case-scenario, suicide.

8. Integration on campus

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The committee wishes to bring to the attention of educational institutions the issue of integration and socialization on campus, and encourage activities on campus that cross over groupings of students.

10. Racial discrimination, harassment, vilification and criminal assault

Indian international students have reported high levels of racism in undertaking employment, not just from employers and co-workers, but predominantly from customers/clients and members of the general public. Indian international students have also reported racial discrimination in accessing suitable accommodation.

Education providers must take responsibility for on campus discrimination and must also be aware of the mental stress that this can produce in students, exacerbating further the already high-stress situation that most international students find themselves.

The committee also notes that female Indian international students may also experience racially-based sexual harassment and assault.

There has been a disturbing rise of physical attacks on Indian international students that have been confirmed by VicPol, which is indicative of a serious policy failure at all levels that can no longer be left unaddressed. The committee further notes that these racially-based attacks also have direct flow-on effects for the safety of Australian citizens and permanent residents of Indian origin.

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