Overseas students at mercy of staff

BERNARD LANE

NEW rules for deciding whether to grant a student visa are subjective and vulnerable to prejudices of local staff in Australia's offshore missions, commentators say.

Sydney immigration lawyer David Bitel said the new “genuine temporary entrant” test gave “total discretion based on subjective criteria to case officers”.

“There is a belief among minority groups (such as Muslims in India or Hindus in Bangladesh) that processing officers can use their prejudice to deny visas.”

In line with the Knight visa reforms, the government has applied the GTE test since November last year to discourage those whose real purpose is suspected to be work or migration. It can be held against applicants if their home country offers a similar, cheaper course and the career benefits of study in Australia appear dubious to immigration case officers in overseas missions.

Stephen Nagle, director of the private provider Holmes Institute, said the GTE test had to be reworked.

“We need objective criteria to be fair to students, institutions and officials — this new GTE system is not working.”

After complaints, the office of Immigration Minister Chris Bowen promised “more intensive training of case officers on the application of the GTE criteria”.

Sydney education agent Amit Bhatt, who recruits chiefly in the Indian states of Gujarat and Punjab, said students keen on vocational education courses at private providers were suffering a near 100 per cent refusal rate.

Phil Honeywood, executive director of the International Education Association of Australia, said the immigration department was working on the problem. “The key has to be the extent to which supervisors of locally employed staff administering the GTE are checking and auditing the student visa (rejections),” he said.

“We’ve been assured that in some (overseas) posts they’re moving towards 100 per cent checking of visa refusals.”

Sources told the HES of cases in which local staff had refused visas for the child of a local wealthy family, apparently out of envy, and knocked back applicants from religions not their own.

A spokeswoman for the department said quality assurance checks had found “no evidence” of such prejudice.
ACADEMICS are up in arms about proposed laws to safeguard research bearing on national and international security, saying they could tie up important, uncontroversial research in red tape and hurt overseas collaboration and publication.

They say the Defence Trade Controls Bill 2011, which may come before the Senate in two weeks, is being rushed through parliament in time for the Australia-US bilateral talks, AUSMIN, next month, which US Secretary of State Hillary Clinton is due to attend.

Months of negotiations involving the Senate Foreign Affairs Defence and Trade Legislation Committee, the Department of Defence and the research sector, and including a roundtable led by Chief Scientist Ian Chubb, have failed to resolve some issues. The next fortnight may prove critical, as some in the sector propose amendments. The bill gives effect to the 2007 treaty between Australia and the US on defence sector trade, nor to the bill applying controls on intangibles, "if you send someone the plans for a nuclear bomb that can be as detrimental as providing fissile material".

"(But) it doesn’t extend the same protections to science and research that comparable legislation does in the US," Dr Biercuk said. "It provides only an exclusion for basic scientific research, explicitly defined as research that has no application."

Of particular concern were the “dual-use” goods that can be used in weapons or civilian research, for example, technologies for use in the Square Kilometre Array. He said all that was required was to “extend exclusions to basic and applied research that is in the public interest, that is, research where we intend to publish our results”.

“This (bill) fails to meet the needs we have relating to communication with people offshore: we have many collaborators overseas, (but under the bill) email, data that goes to a foreign server is considered an offshore transfer.”

Defence Minister Stephen Smith’s office confirmed a permit would be needed “if the researcher will be communicating information that is regulated by the Defence and Strategic Goods List to a person outside Australia” and noted that requiring a permit allowed the government to “assess the risk of providing that technology to a person overseas.”

The National Tertiary Education Union has also objected to the bill and the University of Sydney’s deputy vice-chancellor (research), Jill Trewhella, attacked it last week as “dangerous to Australian research and innovation” unless it were amended.

The Defence Department said the roundtable had broad-sector support. The controls were aimed at stopping technology that could be used in chemical, biological and other weapons from getting into the wrong hands.

Dr Biercuk said the legislation also risked being a “compliance nightmare” given that the Defence Strategic Goods List to which these controls applied was 380 pages long and estimated that in his lab compliance could take up to 120 days annually. But Defence insisted “the scope of information that is regulated by this list is narrow.”
University of Sydney physicist Michael Biercuk says he has no objection to freeing up defence sector trade.

Some researchers fear a roundtable convened by Chief Scientist Ian Chubb failed to resolve important issues involving the Defence Trade Controls Bill 2011.
Industry skills councils a barrier to institutional progress

TERTIARY education policy is far too influenced by the institutionalised status quo rather than by principle. A classic case is relations between vocational and higher education.

Vocational education was identified with TAFE institutes and higher education with universities from the mid-1970s until the mid-2000s. Since then the number and types of vocational and higher education providers have diversified considerably. There are also several TAFE institutes offering higher education programs and more than 20 universities offering vocational qualifications either directly or through a subsidiary.

The federal government has to some extent led these developments by promoting interconnected if not integrated tertiary education. While there’s been a subsequent retreat into sectoral divisions, about 90 providers offer vocational and higher education.

The Australian Qualifications Framework Council has caught up by changing its descriptions of qualifications and removing their sectoral designation. But universities find it wrong the AQF compromises institutional autonomy or even impinges on intellectual freedom. But it is hard to see how the tertiary education market can be fair without the AQF applying equally to all providers.

The divisions between the sectors are highlighted by the different processes for assuring quality and maintaining standards. The problem is not directly with the Australian Skills Quality Authority nor with the Tertiary Education Quality and Standards Agency. Having established them as separate bodies, the plan to merge ASQA and TEQSA in 2013 was always incredible.

But they are both new organisations and are still forming their structures and processes. They are responding to input from governments, providers, students and the public, although perhaps not as fast as providers would like.

The main resistance to improving the connections between vocational and higher education is from the bodies that are behind the quality bodies — the 11 industry skills councils, which receive federal funding of between $5-$10 million each annually.

The main role of industry skills councils is to develop industry training packages, which specify qualifications that are funded by government. The portal for the ISCs claims they are “pivotal change agents within the national training system”. In fact they are downright antagonistic toward including educational content or principles in vocational qualifications, and thus provide a barrier to improving connections with schools and universities.

ISCs are dominated by industry, which accounts for two-thirds of board members. Men also dominate, occupying three-quarters of board places.

And while the ISCs claim to “bring together industry, educators and governments and unite them on a common industry-led agenda for action on skills and workforce development”, there are very few government members and few, if any, educators on the boards. A new role is for ISCs to advise the Australian Workforce and Productivity Agency, formerly Skills Australia, which in turn advises the federal government on workforce development policy. The agency also administers the national workforce development fund, worth $700m over five years. Much of this fund is being allocated to private providers, undermining TAFE institutes.

But the main problem with ISCs is that they are peak bodies comprised of other peak bodies or board members from national employers. They are too distant from small- and medium-sized employers and too insensitive to local and regional needs. The result is that educational policy isn’t so much industry-led as peak body-directed.

It is tempting to join the chorus of those urging the abandonment of ISCs. But they could have a useful, if limited role, in establishing national frameworks for qualifications if they included educational expertise on their boards. Approving qualifications should be the responsibility of regional industry bodies and designing qualifications should always be the responsibility of educational institutions.

Gavin Moodie is a tertiary education policy analyst at RMIT.
Redrafted plans still need work

Challenges lie ahead with tertiary policy targets

Matt Brett

Whether by accident or by design, the new draft mission-based compact templates intersect with public discourse around economic, public and private good. They are an important component of higher education’s policy architecture.

The structure of the first compacts, which are in play from last year to 2014, was: mission; teaching and learning; performance funding; research and research training and innovation.

The hard targets were equity-related. Undergraduate low socio-economic targets were non-negotiable, but universities could choose to target a second equity group. Twenty chose indigenous, many chose regional.

The new draft compacts pare back the legal English and are structured by: mission; Aboriginal and Torres Strait Islander access and outcomes; innovation and engagement; teaching and learning; and research and research training.

The elevation of indigenous students’ access and outcomes is not out of step with the sector’s priorities. The recommendations of the Behrendt review have been endorsed and this warrants a prominent discrete focus on indigenous enrolments, completions and employment of indigenous staff.

Whether elevated prominence in the draft compact will be commensurate with increased funding and additional policy change is unclear.

Innovation and engagement also warrant a discrete section in the draft, just behind mission and ahead of teaching and learning and research. There is a clear shift in the draft compacts towards leveraging public investment into economic and public benefit.

University engagement with industry is more assertively promoted in terms of research partnership, knowledge transfer and commercialisation. Universities are encouraged to be more responsive to employer needs through use of mechanisms that include industry involvement in course development and delivery.

Engagement activity with schools, vocational education and training, the professions, international partners and wider community is encouraged.

One might see this shift as a neutral reflection of existing activity, or further encroachment of a neo-liberalist agenda into the pursuit and transmission of knowledge. Whatever one’s perspective, the instrument that mediates government understanding and direction of university activity is being recalibrated and places economic and public leverage ahead of teaching and learning and research.

The draft compacts encourage universities to consider qualitative descriptions and performance indicators around innovation, industry and engagement activity. Isolating and quantifying the benefits of higher education is difficult, but there is significant scope for improvement in the new template.

Indicators such as “number of inquiries by new potential business, industry or community partners” are fuzzy at best. It is unlikely to generate persuasive evidence that money is being well spent. The absence of robust performance indicators creates space for current debates around public good, private good and funding policy.

The challenge now sits with the sector. The recent Grattan Institute report that suggests the public benefits of higher education are overstated looms large. The draft compacts suggest that leveraging economic and public benefit is important. And a sector that cannot persuasively report on its benefits may see its own benefits cut.

Matt Brett is manager of higher education policy, planning and institutional performance at La Trobe University.
Not all of the higher education sector's policy proposals will come up roses