



**International Students' Security
and Safety Needs in Australia**

Report - 2009

National Union of Students

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Introduction

'I have lived in the western suburbs for over 20 years. Anyone with half a brain would NEVER take the train after 6pm at night!

If i finished work at 9pm in the city, I'd take a taxi rather than taking the train and risk getting bashed. It would be that or get a lift with a friend. Stop putting yourselves in a position where you could be harmed. This is no different to a young woman getting drunk amongst NRL players. What do you think is going to happen?'

** Posted by: Jossy on June 9, 2009 11:33 AM - The AGE Blogs*

The National Union of Students represents all university students in Australia, and among these students, approximately 25% are full fee paying international students living in Australia temporarily to complete a course of study.

In 2008, there were 182,770 international students enrolled in the higher education sector. In addition to this, there were a further 175,461 international students enrolled in the VET/TAFE sector. (AEI 2009) While this large cohort of students struggle with many of the same educational and financial issues that Australian citizen or permanent resident, TAFE and university students face, NUS is becoming increasingly more concerned with the additional problems that are being faced by international students as the numbers of students grow and the affected students reaches an alarming number. Despite many recent research reports, reviews, roundtables and taskforces that have investigated these issues either singularly or in different cities and states, the problems are becoming worse and affect many more students. Very few concrete solutions have been introduced across Australia that have improved the problems identified in research and government reviews and certainly a more coordinated approach into the experience of international students in Australia is required in order for improvement for all international students.

This report has defined 12 recommendations that will be put to all levels of government in each state and territory of Australia for immediate discussion and implementation. The recommendations reflect those made in the following documents and include discussion based on the findings of each report. This approach is aimed at illustrating that governments identify the importance of international education when making the decision to resource lengthy reviews into the experiences of international students but there is inadequacy in the subsequent actions by these institutions to introduce the recommendations made in each report. Each recommendation in this report is deemed a responsibility of either the State or Commonwealth government.

- Australian Education International - DEEWR, 2007, '2006 International Student Survey', Australian Government

- Department of Education, Employment and Workplace Relations, 2008, *'Review of Australian Higher Education Final Report'*, Australian Government
- Department of Innovation, Industry and Regional Development, 2008, *'Overseas Student Education Experience Taskforce Report (Victoria)'*, Victorian Government
- Economic Development Branch, 2008, *'International Education Futures Brisbane Taskforce Report of Taskforce Findings'*, Brisbane City Council
- Fincher et al, 2009, *'Transnational And Temporary: Students, Community and Place making in Central Melbourne Final Report 2009,'* Jointly funded by ARC linkage grant program and conducted by the University of Melbourne, in collaboration with the City of Melbourne and Victorian department of planning and community Development and Victorian Department of Sustainability and Environment
- Turcic, 2008, *'Needs Assessment of International Students in the City of Sydney'*, City of Sydney work placement project.

Safety

In the past three years the safety of international students in all states and territories has come under some level of scrutiny. The highly publicized death of an international student in 2005 in the ACT and the tragic shootings at Monash University in 2002, brought the safety of international students to the attention of student organizations, education providers and government. In addition, international student safety and the duty of care of education providers and the Australian government quickly became a topic that gained media attention. However, industry and government attention in response to the tragic events was aimed at reducing any negative impact on the fast growing export market. The main focus of most government and education providers throughout these incidents was that most international students are safe, secure and have a satisfying and successful educational journey in Australia. Such thought was backed up by most research into the wellbeing of international students.

Prior to and following the ACT death, other incidents have attracted some media attention, and although they may have been addressed locally or within an institution or region, but not enough government and institution attention for problems to be adequately addressed throughout Australia, . These incidents included: racial violence against international students in South Australia in 2006, organized racial targeting in Newcastle in 2004, a large string of violent attacks in Melbourne in 2007, the exposure of many deaths of international students in Sydney in 2008 and the drowning and house fire deaths of students in Victoria in 2008.

Throughout the past 5 years, the main focus of international student representatives and student associations has been that government and education providers are not doing enough to provide a safe and secure environment for all international students to enable them to succeed in their educational journey in Australia.

There are some education providers, namely University of Queensland and Victoria University that have been extremely pro-active in addressing the safety needs of international students. The June 2009 Universities Australia provided a number of examples of other safety initiatives and programs, however, by it's own admissions there are still many universities and VET education providers that do not provide adequate information to students about life and safety in Australia. Therefore, there is a clear lack of broad level best practice in this area throughout Australian education institutions, despite government funding for projects such as the ISANA Rainbow Guide template, and government legislation, such as the National Code of Practice. It is also apparent that providing information about how unsafe particular activities or practices in Australia are is avoided by marketing agents, as this may deter the students from choosing Australia, a particular city or state or a particular education institution. However, this approach may backfire as the practice of continuing to deny students adequate information increased the number of international students who expose themselves unknowingly to risks and unsafe situations and the Australian education market is now at risk also. Legislation such as the National Code of Practice needs to be amended to include more provision of safety information and duty of care of students, as well as a more transparent and well resourced monitoring and enforcement regime of this code.

In addition to the international students themselves, the Australian community, Australian governments and Australian education providers are all responsible for the safety of international students. The community, such as emergency services, police, non-government organizations and community groups are regularly faced with the negative experiences of international students and in many ways are not equipped to adequately respond to their needs. This is mainly due to the level of cultural awareness training many of these professionals receive. Substantial effort has been made by education providers and police in some regions to try to educate international students about the role of police and other emergency service workers in Australia, however, little has been done to adequately provide professional development training to these workers from which they could gain a much broader understanding of the cultures of the main bulk of international students and, importantly, an understanding of international students lifestyles or issues faced by them as temporary residents in Australia.

- 1. The police in each state need to be provided with professional development that includes cultural awareness and awareness of the particular issues (such as visa concerns) faced by different***

cultures and international students which would impact on non-reporting, not trusting government or the police. (State government responsibility)

2. *The community and government need to be more informed about the working hours, and lifestyles of international students in their communities, in order to address the needs for safer public transport late at night, both in inner suburbs and in outer suburban areas as well as safer areas surrounding train stations and bus and tram stops. (This may include adopting measures such as in Sydney or reinstating staff on train stations after hours and on weekends.)(state government for public transport, local government for community awareness)*
3. *The Commonwealth government needs to make changes to legislation to ensure that safety information & police familiarization sessions are compulsory items in orientation sessions and that attendance at these sessions is compulsory for all international students. (Commonwealth government for legislative changes, State government for monitoring and registration of education providers)*
4. *The state and local governments need to put funding and resources into a student safety centre, that may be accessed by all international and new to the city students that will provide information, advocacy and social support.(Local and State government)*

Employment

While little empirical research has been conducted in Australia on the working experiences of international students, much more relevant are the findings of government reviews that have investigated the experiences of international students that offer an insight into the role of employment in the lives of these students, the effect harsh and outdated visa legislation has on these students' ability to rely on the current workplace relations protections afforded all workers in Australia.

In most cases, empirical research data finds that international students adhere to their visa conditions, and if they are engaged in paid or voluntary employment limit their work to the allowed 20 hours per week. The issues surrounding the work restrictions on international students are complex and are very closely related to the student visa application requirements for funds to meet living expenses in Australia, the

information provided to students about employment opportunities and cost of living in Australia.

Other than the student visa requirements, other sources of information that students may access before coming to Australia are the institution website, study in Australia website and other government websites. Information provided by education agents remains a key source of information that most students rely upon over and above most other information sources. In complete information on institution and government websites impacts on the decisions prospective students make about their ability to fund their living expenses and undertake part-time work in Australia. Misleading information on websites may include for example, housing information costs provided for the on-campus residences and perhaps one or two large student accommodation providers, but very little on private rental, or other options, and nothing on costs of utilities, internet, and setting up a residence. Alternatively, websites may provide detailed information on day-to-day living expenses but provide little information on housing options beyond a real estate web address.

Finally, international students may be provided mixed information on how difficult it may be to obtain paid employment. Students often arrive with the understanding that they could bring the small-required amount of money, and subsidise living costs with part time employment. However, such plans lead to students living in dire poverty after such time as their initial funds run out, they are still unable to find work, have only got work that is low paid or underpaid and they are working many hours more than they expected in order to meet basic living costs.

There are many problems faced by international students in the workplace. These are compounded and caused by the visa restriction that limits international students to working 20 hours per week during semester. Increasingly research on international students in Australia has found that more and more students are engaging in part time employment. The most recent statistics by AEI (2006 data) showed that around 70% reported working part time, at some time in the previous year which differs greatly from research conducted at Melbourne University in 2004, which found that under 40% of international students were in paid employment. The number of hours that students work is generally asked by researchers, however the data obtained from this question is often not deemed reliable as students will rarely admit they are working over 20 hours per week or even working at all if they are working over 20 hours as their visa can be cancelled for this breach. (Rosenthal et al, 2004)

Various problems are encountered by international students in the workplace include -

- Underpay, low pay and cash in hand work*
- Limited understanding or knowledge of workplace rights and minimum wages; partly due to cultural differences and partly information provision.*

- *Because of cash in hand arrangements, they are not afforded workplace safety protection, or job protection*
- *Because of low pay, students work many hours over the legal limit, leaving them open to further exploitation because of their fear of being reported to DIAC. Anecdotal evidence suggests that this is used to withhold money, stop students from leaving roles with poor work conditions, and under payment.*
- *Students miss classes so they can work these long hours and therefore their studies suffer.*
- *With new student visa to temporary to permanent resident visa opportunities, many are working for no pay, or even paying for the privilege of working just to gain work experience required to gain permanent residency.*

More funded research in this area needs to be done to investigate:

- *the work experiences of international students,*
- *collate the types of information prospective students receive,*
- *expectations of prospective students in terms of opportunities to obtain part-time work, and*
- *the level of international students reliance on this income to meet living costs.*

5. *State governments need to provide more funding for employment rights services that may be made available to international student as a compulsory session in orientation for all students. (this would include information is provided on wages, gaining employment, taxes and superannuation rights, and dismissal and discrimination rights.)(State government)*

6. *DIAC amend the migration act to allow international students discretion with regard to working 20 hours per week and that the calculation of this restriction is flexible depending on work and study load. (Commonwealth Government)*

Accommodation

Throughout the many reports on international students living experiences, housing has been a major consideration. The housing shortage experienced in 2008 and the large increase in property prices and therefore rental accommodation availability and access has led to a large problem for all institutions in meeting housing needs in the local areas surrounding many education providers. This is most apparent in the larger inner city campuses in Melbourne and Sydney, although smaller cities, Adelaide, Perth and Brisbane have also been affected to a large extent and have been active in developing initiatives to try to meet housing needs. A

co-ordinated approach to housing requirements is unlikely to occur as housing remains a state based area of address due to legislative jurisdictions and while housing has attracted attention in media and in government, changes and improvements are being addressed very slowly or inadequately.

For example, in 2007-2008, the Victorian government held a housing forum, an residential rental accommodation inquiry and addressed housing in the International Student Experience Taskforce and despite this, following all three, little improvement is evident. In 2007, the Department of Consumer Affairs Victoria conducted an inquiry into residential rental accommodation. Following this, an official government report was never produced despite the large number of submissions to the inquiry. A DVD for students on rental accommodation was produced and is available 'upon request' from Consumer Affairs Victoria. The inquiry highlighted to Consumer Affairs Victoria the large number of problems faced by students because of the lack of knowledge of the law by landlords, often students, and therefore this has been a targeted area in the community education department of Consumer Affairs Victoria. The forum, attended by the Minister for Consumer Affairs and hosted by RMIT University in 2008, discussed many accommodation issues that international students face, and again highlighted legislation inadequacies, and affordability and accessibility problems, however, no report or outcomes were produced. The Victorian Government International Student Experience Taskforce in late 2008 also focused on housing affordability and access, and went as far as developing recommendations to address the many issues, however nothing substantial has been implemented at this stage.

Many international students are unaware of their housing rights and obligations should they rent privately or reside in 'student housing accommodation' options. Boarding house legislation remains confusing and inadequate to address the many rental and safety problems in this increasingly popular and affordable accommodation option. Community and university housing services are becoming more utilized by international students when seeking help with accommodation problems however many do not follow up with complaints. The actual numbers of students who do report exploitative or illegal rental practices are unknown, however as reports are increasing, the problems are understood to be widespread needing immediate attention to both provide more support services to assist and encourage students to come forward to seek assistance when they are experiencing housing problems.

- 7. Every education provider is required under state and/or Commonwealth government legislation to make available affordable accommodation to all new international students for the first 12 months of their education in Australia. (State and Commonwealth government)***
- 8. Government provide increased funding to service providers for accommodation and housing to ensure international students***

have adequate information on housing rights, responsibilities and recourse. (State and Commonwealth government)

Community Awareness

International students are consistently being referred to in media and government documents as a revenue source. From the initial introduction of full fee paying international students into the higher education system and then subsequently into the other education sectors, the money raised by the income derived from full fee paying students has served negatively in the promotion of international students to the broader community and population of Australia. Incredibly, there is remains a significant portion of the general population still believing that international students take domestic students places and their presence reduces the quality of education provided at universities. These beliefs continue because governments and education providers have done little to dispel these as untruths and myths and to put forward accurate information regarding the factors that impact on education quality and the accessibility of university places for Australian students and the relationship between these places, government funding and overseas student full fee places. Additionally, the limited public campaigning for the plight of international students that has been embarked on by government is based on the economic contribution these students make, and which is usually is loosely detailed, providing little evidence on how many Australians are fortunate enough to be employed because of this industry. No public awareness campaign has ever been initiated by any party promoting the cultural and social contribution of the international student community in Australia. The Australian public is very much unaware of the social and cultural contribution and as a result in times of crisis, little empathy or sympathy is afforded the international student but rather uneducated and ignorant public remarks are accepted and unquestioned in media blogs and radio talkback shows and racism is allowed to foster, while duty of care is denied.

- 9. Commonwealth and state governments embark on a public awareness campaign that highlights the contribution the international student community makes to the education experiences of students in Australia and to the community of Australia as a whole. (not just the economic contribution but the social and cultural contribution.) (State and Commonwealth governments)*

Transport Concession

Travel concession is available to international students in all state and territories in Australia except for New South Wales and Victoria. Over the past 8 years, international student representative organisations have embarked upon many campaigns, written submissions to government reviews and even taken and won legal appeals deeming the NSW government is discriminating against international students by denying them travel concession based on their visa status. The NSW government has responded to these campaigns and submissions with silence, and in response to a judgment in the Administrative appeals tribunal in the students favour, changed the law to make it not discriminatory to deny international student travel concessions in NSW. In Victoria, it was openly stated that the transport concession debate would not be considered or entered into by the Victorian Governments International Student Experience Taskforce in 2008. The NSW government has recently initiated a similar taskforce and included travel concession as a term of reference, however it remains to be seen whether submissions and discussion will impact on the current NSW governments' long standing denial of transport concessions. Certainly there is little or no understanding and certainly very little recognition to date by both the NSW and Victorian governments of the norm in most other overseas countries and in the other states and territories of Australia that all students receive transport concession, not because they are entitled by birth or citizenship, but rather because it is recognized that above all they are students, living on low incomes and working hard to gain an education to become a valuable contributor to the workplace and community. The financial cost to the community is minimal in comparison to the economic contribution made by international students and it is the least the state governments of these states can do to demonstrate they value international students contribution to the economy but more importantly, contribute to the social and cultural fabric of the communities and education institutions. Governments and education providers should regard international students as equal to their domestic student counterparts. Such differentiation is seen by researchers Fincher et al, (2009) as yet another contributor to the isolation felt by many international students.

10. Introduce travel concessions for all international students in line with local students

ESOS Act

On May 26 2009, the Minister for Education, The Hon Julia Gillard MP announced in a Ministerial Statement that the Commonwealth government will review the ESOS Act in 2010 - 2011. The last review of the ESOS Act commenced in July 2004. A thorough consultative review process was undertaken involving many forums, workshops, meetings, reports, drafts

*and explanatory guides, over the subsequent **THREE YEARS** before the new National Code of Practice, amendments to the ESOS Act and related amendments to the Migration Act and HESA Act were implemented in July 2007. This process was extremely long, and while thorough, has resulted in a National Code of Practice and ESOS Act that requires further review less than 2 years after it's implementation. Four years from now is too long for international students, education providers and government to wait for necessary changes to be made to the ESOS Act and the National Code of Practice to ensure that international students are safe and secure as temporary residents while completing their education qualification at an Australian institution.*

- 11. Reform the ESOS Act to reflect the areas of concern identified in these recommendations**

Consultation

On May 26 2009 the Minister for Education, The Hon Julia Gillard MP also announced in her Ministerial Statement that the Commonwealth government will be conducting a Roundtable of International Student Representatives to discuss the experiences of international students, in particular welfare, accommodation and safety experiences. A roundtable event such as this would need to ensure that all sectors of international students are involved in such an event. In addition, representation must include international students from a range of cultural and linguistic backgrounds and students studying in all major cities and regions throughout Australia. The process of selecting students for this event must take into consideration their ability to adequately represent other international students, either through recognition of their roles within education institutions, student bodies, community groups, in addition to their own personal experiences as an international student. Consideration needs to be made for students who come from cultures where they may not openly challenge government, authority or education providers, and therefore be forthright in putting forward concerns or discussion points. In addition, there may need to be consideration into holding individual roundtable discussions on particular topics, for particular education sectors (such as English language provider students who may not have adequate English language skills to contribute to formal discussions) and certainly a distinction should be recognized between over and under 18 year old students. The timing of the roundtable is also extremely important as international students are unable to miss class times but quite often return to their home countries during semester breaks. NUS is holding an international student forum in late June 2009 and will run a session on the above points for presentation in order to compile a working paper to inform the government of the current issues of concern to the international students at this forum as suggestions for discussion in the Roundtable event.

- 12. Ensure that the Commonwealth Education Minister's Roundtable is followed by wide, deep and thorough consultation with international students from schools, VET, Private Higher Education provider and universities.**

DEADLINE

The National Union of Students has released this report in June 2009. On the 30th of September the NUS will release a follow-up report tracking university, local, state and Commonwealth government progress (or lack thereof) on each of these recommendations.