

CONCEPTIONS OF CARE IN INTERNATIONAL HIGHER EDUCATION IN AUSTRALIA

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Abstract

This study analyses how conceptualisations of care and responsibility, both overt and implicit, have shaped international higher education in Australia from 2002-2013. It examines a series of public documents that specifically address questions about ‘care’ and ‘duty of care’, including media articles, witness testimonies from the Senate Inquiry into the Welfare of International Students, government speeches, and two key policy documents from the period.

The study combines critical discourse analysis (CDA) with critical policy analysis (CPA), and uses the theoretical lens of a feminist ethics of care to analyse how care operates within the texts and to open up a critical discussion about how relationships are constituted, the nature of responsibility, how needs are defined, and the role of power within these conceptions of care.

Drawing on Tronto’s (1993) four elements of care: attentiveness, responsibility competence and responsiveness, the study identifies the emergence of care as a key priority in the public discourse about international higher education in Australia. Detailed textual analysis serves to demonstrate that care has largely been grounded in neoliberal consumer and legal discourses, while largely ignoring many of the more complex, unmeasurable aspects of the student experience.

Ultimately, the study raises broader issues around the role of universities in the future, especially in terms of how they conceptualise their roles and responsibilities towards international students. It demonstrates the benefits of having a common language and set of tools by which we might understand how care operates, and the need for a new theoretical framework for thinking about practices of care in the future. Finally, it draws on the work of Robinson (1999) and Tronto (1993, 2013) to offer a new model – a critical and democratic ethics of care – through which international higher education might reconceptualise its relationship to international students and fundamentally shift the student experience and the kind of support students might receive.

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List of Abbreviations

AEI	Australian Education International
CDA	Critical Discourse Analysis
CISA	Council of International Students Australia
CPA	Critical Policy Analysis
DEST	Department of Education, Science and Training
DEEWR	Department of Education, Employment and Workplace Relations
DIC	Department of Immigration and Citizenship
ESOS	Education Services for Overseas Students
PRIMS	Provider Registration and International Student Management System

Statement of Original Authorship

The work contained in this thesis has not been previously submitted to meet requirements for an award at this or any other higher education institution. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made.

Signature: [QUT Verified Signature](#)

Date: June 8, 2017

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Chapter 1: Introduction

“Foreign students: Who cares?” asked a headline in *The Australian* in November 2002. The author of the article was Paula Dunstan, an academic and international student advisor from Monash University. In it, she lamented that when she began as an advisor, the needs of international students were paramount and “their access to proper support was unquestioned” but, as numbers swelled and resources did not, it became ever more difficult to provide the same level of support despite this being “the responsibility all institutes enrolling international students have in their duty of care” (p. 28). She argued that the increase in the numbers of international students to Australia was regarded by many as a good thing, especially for the nation, the education system and the students, and wondered what the implications of this were, asking “But have we lost sight of the need for care?” (p. 28). This question turned out not only to be prescient but also emblematic of one of the main debates in international higher education in Australia for more than a decade. Dunstan was one of the first commentators to use the term ‘duty of care’ within public discussions about the place of international students in Australia. However, within just a few years, ‘care’ became a commonplace in public discussion.

The years 2002-2013 marked a period of tremendous change and turbulence in Australian international higher education. During this period, questions about who was responsible for international students were pushed into the public consciousness with a number of high profile incidents. These included several murders, a number of widely reported attacks on international students, and a series of cases in which international students were exploited, abused or taken advantage of, which received extensive media exposure, both in Australia and internationally. These incidents particularly impacted the two largest groups of international students: students from China and students from India. The phrase ‘duty of care’ became a common theme in public discussion both nationally and internationally, used in conversations about students’ safety, well-being, and academic success. When the government called a Senate Inquiry into the Welfare of International Students in 2009, the committee asked specific questions about the ‘duty of care’ that was, and should be, afforded to international students and their families. Public discussion about the field routinely

ruminated on whose job it was to care for international students? How did the idea of care apply systemically, within institutions and Australian society more generally? What was a university or college's duty of care to its students? What was the government's?

These public conversations around student safety, protection and well-being took an enormous toll on Australia's international higher education sector and its reputation overseas. In 2009, international higher education was Australia's third-largest export industry, with 631,935 international students enrolled in Australian universities and colleges, which represented an annual growth of 13% from the previous year (Department of Education and Training, 2009). A report released in 2009 found that the "value added" to the Australian economy was \$16.5 billion and the sector was responsible for 180,805 full-time jobs (Deloitte Access Economics, 2009). By 2012, however, after years of reputational damage, the sector was in crisis—three straight years of decline left student enrolment numbers at only 515,853. Of the top ten nationalities represented in the data, nine of them had recorded declines, with Chinese students suffering a 21.7% decline in growth over the previous year and Indian students representing a 6.9% decline (Department of Education and Training, 2009).

There were a number of factors said to contribute to these declines in enrolments during this period, including the global recession and movements in the Australian dollar that made Australia less competitive in terms of cost (Marginson, 2011). In addition, countries that were previously source countries for Australian higher education had become destinations in their own right, with *The Australian* running an article arguing that China, a country that barely rated a mention as a destination for international students just ten years before, was now aggressively recruiting students and playing an increasingly dominant role within international education (Matchett, 2011). However, as several commentators noted, these explanations do not tell the full story. Collins (2011), for example, argued that the economy was really only a "compounding factor" (pp. 20-21) while Guthrie (2011) talked about the chilling of

students from India and China because of safety concerns involving international students¹. Marginson (2011) suggested that:

Australian international education is in trouble, and the downgrade is likely to be large and long. But this drop was not triggered by the subprime sector or the global financial crisis. Worldwide demand for international education is robust, driven by continuing high economic growth in Asia. The problem is of Australia's own making. (pp. 20-21)

Conceptions of care and duty of care had become commonplace in discussions about the crisis. Meanwhile, there was an increasing body of Australian research about international student safety and well-being, transition, academic success, and the reasons for the crisis in international higher education. However, throughout this period and beyond, there was very little discussion about what exactly 'care' meant, what assumptions and conceptions underlay notions of 'responsibility', how students' 'needs' were to be identified and imagined, and how policy and governmental rhetoric should take up the challenge of 'caring' for and about international students.

This thesis attempts to fill that gap, arguing that the crisis in international higher education could, in fact, be seen as a 'crisis of care' and that, by deepening our understanding of care, we can deepen our understanding of some of the causes of the crisis and, indeed, imagine new ways of thinking about international higher education in Australia in the future.

1.1 AIMS OF THIS STUDY

This thesis analyses conceptions of care within the public discourse about international higher education in Australia from 2002-2013. These dates encompass both the lead up to the decline in enrolment numbers and the period of actual decline. By examining a series of public documents, including media articles, witness testimonies from the Senate Inquiry into the Welfare of International Students, government speeches and two key policy documents from international higher education that specifically raise questions about 'care' and 'duty of care', I will trace

¹ Concerns around the safety of international students were significant enough to warrant a major collaborative study into the safety and security regimes that are operating in international higher education in Australia, which interviewed 200 students in nine public Australian universities. The study found significant limits in the existing safety regimes, criticizing safety regimes which were based only on consumer protectionism and recommended that a more holistic view of safety needed to take into account international students' human rights. (Marginson, Nyland, Sawir, & Forbes-Mewett, 2010).

the conceptions of care that are articulated within them. Specifically, I will demonstrate how they both constitute and are constitutive of wider social practices, thus generating a critical model of care to help us to understand better how care could operate more effectively.

This is not to say that care is not already a crucial part of the international student experience. This study does not examine the nature of care that is already operating within institutions and between individuals. I do not address the caring relations between, for example, an individual teacher and his/her students, or university advisors and their students. Nor do I address localised efforts within individual institutions to implement caring practices, which may (and do) range from extensive student support, curriculum reform, residential life programs, transition or orientation programs, and safety training programs for international students. Nor do I examine policy documents produced by individual institutions, state-led organisations or industry or discipline specific policies and guidelines. Likewise, I am not making claims about the efforts that individual cities and states have made to support international students within their communities, whether at the local level or within broader policy.

Care is not a new thing. There are individuals and organisations every single day who are caring for and about international students. I am not arguing that care is a new concept in international higher education. While not arguing that care is a new concept in international higher education in Australian, I assert that there is enormous benefit in developing a critical analysis of care that gives us a common language and set of tools – a common and critical way of understanding how care operates and the assumptions that underpin it. In summary, I suggest that there has been very little work undertaken to examine care as a structural and systemic concern beyond the level of the interpersonal.

In the current study, I will focus on conceptions of care at the systemic level, within government rhetoric and policy. I will draw on a methodology that combines critical discourse analysis (CDA) with critical policy analysis (CPA), using the theoretical lens of feminist ethics of care to analyse how care operates within these texts. I also will use this framework to illuminate how care might help us to understand the ‘crisis’ of this time period as fundamentally stemming from a failure of care. Whilst others, such as Marginson, Nyland, Sawir and Forbes-Mewett (2010) and Deumert, Marginson, Nyland, Ramia and Sawir (2005), have examined the same

policy documents, they have done so at the broader, discursive level, or have done so within the confines of a legal or implementation view of such policy. In this study, I analyse how the language and linguistic elements of the policies constitute concepts of care within the texts. By opening up a critical discussion about how relationships are constituted, the nature of responsibility, how needs are defined, and the role of power within these relationships, this study will provide a way to understand the crisis in international higher education from 2002-2013 through the lens of care, and offer a new theoretical framework for thinking about practices of care in the future.

1.2 SELECTION OF DATES

This study predominantly focuses on conceptions of care as they were understood between 2002 and 2013. These dates were chosen because they represent a period of significant change within international higher education in Australia, especially in relation to the social conditions that were shaping international students and the ways in which conceptions of care and responsibility were imagined and re-imagined. In addition, they mark a period during which language about responsibility and duty of care overtly entered public discourse for the first time and became a common framework for the field. This was also a period during which higher education became of concern for the government as international student enrolment numbers rose rapidly and then fell as a result of reputational damage. The period under discussion covers the lead up to the decline in enrolments, the years of decline in enrolment and ends in 2013, after which enrolment numbers started to rise again.

As I shown at the beginning of this chapter, 2002 was the year that Dunstan became one of the first to introduce the concept of care into the public discourse about international higher education in Australia. In her article, she conceptualised care as being a personal responsibility, marked by individual relationships between herself and an individual student.

By 2005, the term ‘duty of care’ was used in a number of articles about the murder of the Chinese student Zhang Jie Hong (a student at the University of Canberra, whose body remained undiscovered for seven months). Her death sparked a public debate about whose responsibility it should have been to ensure her safety and notice that she was missing and about care for international students more broadly.

From 2007-2009, the term duty of care, as well as continued debate about the nature of responsibility became increasingly prevalent in policy, media and government rhetoric. This was in response to a range of issues, including attacks on international students and subsequent protests, the high prevalence of international student drownings and house fires, student accommodation issues and unethical business practices of educational providers. By 2009, the Senate Inquiry into the Welfare of International Students was asking explicit questions about duty of care. Throughout 2009-2013, language related to care, duty of care and responsibility became a commonplace framework for thinking through issues around international higher education, and was being embedded more deliberately within policy. Over this time, care went from being seen as individualised and personal to being framed within contexts that were systemic, influenced by historical forces and broader social and cultural relationalities, and relying on both policy and the full range of social institutions for its enactment.

1.3 RESEARCH QUESTIONS

The core research questions posed in this study are:

- How have conceptualisations of care and responsibility, both overt and implicit, shaped international higher education in Australia
- How might an ethic of care be utilised to rethink international higher education as it operates as interconnected networks of relationships and practices?

These core questions lead to three sub-questions:

- How are prevailing conceptions of care constructed within higher education policy in Australia?
- How are prevailing conceptions of care constructed in the media, in government rhetoric and other aspects of public discourse that inform and are informed by government policy?
- What possibilities are opened up by a consideration of the ethical dimensions of care for an understanding of international higher education that goes beyond current paradigms?

1.4 DEFINITIONS

1.4.1 Care

At the core of this study lies the conceptions of care that underpin international higher education in Australia as demonstrated through government rhetoric, policy and public discourse. There are many different definitions of care, emerging from disciplines as diverse as psychology, sociology, geography, philosophy and feminist theory. While much early care theory focuses on care as constituted through a set of individual relations, with one person as caregiver, such as a mother or nurse, and the other as the receiver of the care, more recent care theory emerging from feminist philosophy has focused on a definition that encompasses the personal, ethical, political, institutional and economic domains of care. The one that best aligns with this study is that of Fisher and Tronto (1990) which sees care as inherently political, and constituted by sociological, economic and political conditions. Further, they view care as not only about the caregiver and the care receiver but also about the relationship between them. Care, for Fisher and Tronto, is very much relational. They write that care is:

a species activity that includes everything that we do to maintain, continue, and repair our 'world' so that we can live in it as well as possible. That world includes our bodies, ourselves, and our environment, all of which seek to interweave in a complex, life-sustaining web. (1990, p. 103)

Theirs is a definition that moves beyond individual and personal definitions of care to a broader conception that sees care as inherently social and political, integrated and holistic. They see care as operating as an interweaving of connections. As such, care is not merely reflective of social conditions but productive, itself generative and capable of bringing about change. They see the idea of relational connectedness as central, and that this connectedness is itself "life-sustaining" (p. 103). They see care as an activity, rather than an abstracted idea, and one that is linked to responsibility. Responsibility here is seen in a multi-faceted way that takes in notions of the individual, the community, the environment and the wider world.

Sevenhuijsen (1998), following Tronto, also emphasises the relational aspects of care, and looks at the elements that need to be in place for what she calls the "practice of care" (p. 82). For Sevenhuijsen, the process of care is ultimately "an ability and a willingness to 'see' and to 'hear' needs and to take responsibility for these needs being

met” (p. 83), what Held (2006) calls an “attitude of caring” (p. 30). In this sense, Sevenhuijsen is less interested in developing a precise definition of care than in exploring what an attitude of care, or an ethics of care, might look like; building a model of care rather than simply providing a definition of care. This is the framework that situates this study.

Why this framework, and not other, perhaps more commonly used definitions of care? I will argue in Chapter 3, many definitions of care are limited in that they see care as operating only within psychological or domestic parameters. For example, there is a strong tendency in the literature to focus care as necessarily involving face-to-face interactions. Cancian (2000) defines care as a “combination of feelings of affection and responsibility, with actions that provide for an individual’s personal needs or well-being in a face-to-face interaction” (p. 137). Other theorists, such as Bubeck (1995) and Noddings (2002) also see personal interactions as crucial aspects of care. Bubeck (1995) writes: “caring for is the meeting of the needs of one person by another person, where face-to-face interactions between carer and cared-for is the crucial element of the overall activity” (p. 129). Bubeck goes on to define care as “a particular subset of basic human needs i.e. those which make us dependent on others” (p. 133). Similarly, Noddings (2002) defines care within the framework of the domestic and home life. Within this framework ideas of dependency are reproduced and reinforced; the priority is given to the personal, domestic and face-to-face, and there is limited consideration given to how care might include “distant others” and the wider political sphere. Many of these models of care are also limited in their failure to take into consideration that there can be such a thing as bad care and that care can serve to reinforce domination (Narayan, 1995).

This study, then, will follow Fisher and Tronto (1990), Sevenhuijsen (1998) and others who see care holistically, emphasise relationality and examine care from a perspective that takes into account the political, social, economic and cultural as well as the personal and domestic. Further, this research draws on a concept of an ‘ethics of care,’ following the work of Tronto (1993). An ‘ethics of care’ is a form of ethics that is premised around the concepts of responsibility and the importance of relationships. Rather than an abstracted system of rules and rights that are applicable universally (which has become known as the rights-based approach in Australian international higher education), an ethics of care takes into account the situatedness –

or concreteness – of care, and is centrally concerned with the actual activity of caring rather than seeking to articulate a set of abstract principles to be followed (Gilligan, 1982; Noddings, 1984; Tronto, 1993). For Tronto (1993), the dimensions of her ethics of care are attentiveness, responsibility, competence and responsiveness, concepts which will form a core component of the analysis in this study of the forces that have shaped international higher education in Australia.

1.4.2 Relationality

The concept of relationality is a core component of contemporary care theory (Noddings, 1984; Sevenhuijsen, 1998; Tronto, 1993; Held, 2006). Relationality refers to the way in which relationships are embedded within social and historical contexts, and where parties involved are “at least partially constituted by their social ties” (Held, 2006, p. 46). As Held says: “The ethics of care . . . conceptualises persons as deeply affected by, and involved in, relations with others We are both enmeshed in and capable of shaping such relations” (p. 46). This focus on relations challenges the “traditional liberal myth of the ‘self-made man’” (p. 46): rather than seeing individuals as starting from a place of autonomy and independence and then coming together to form a relationship, the concept of relationality begins from a place of interdependence, and where their identities are always formed within the context of social dimensions. Sevenhuijsen (1998) refers to the concept of the “relational self” to discuss how the self is “embedded in concrete relationships with other people” and how identities are constituted through “interactive patterns of behaviour, perceptions and interpretations” (p. 55). For Sevenhuijsen (1998), this concept of the relational self is very much linked to global contexts and moves beyond notions of the individual self. Given this global context, and the prevalent use of the term in care theory, it is a valuable one to use in thinking about international higher education. Using the term allows a discussion on not only individual nations and the relationships they form with other nations, but also on how their interaction is shaped by how they mutually constitute each other, how they position themselves in relation to the other, and how these connections are working.

1.4.3 Internationalisation

Internationalisation is a term that has been used across a wide range of disciplines, from political science to trade and international relations. It became a popular term in higher education in the 1980s and has since become a central concern

for universities (Clyne, Marginson, & Woock, 2000; Clyne, Marginson, & Woock, 2001; Knight, 1994; Meiras, 2004).

Arum and van de Water (1992) proposed an early definition of internationalisation that referred to the “multiple activities, programs, and services that fall within international studies, international educational exchange, and technical cooperation” (p. 202). Knight (1994) posited a similar definition, where internationalisation encompasses learning, teaching, research and the administrative functions of universities. However, Knight a decade later in 2004 deemed this definition to be too narrow, and proposed an updated definition of internationalisation as being “the process of integrating an international, intercultural, or global dimensions into the purpose, function and delivery of post-secondary education” (2004, p. 11). For Knight, internationalisation became “the individual institution’s and country’s response to globalisation” (p. 11). This definition is broader than her original one in that it takes into account both the institutional level and the national context. Her definition also takes into account the motivation for internationalisation as a crucial part of its definition. Kreber (2009) also addresses motivation, arguing that:

to be clear, internationalisation is not just about how and where we deliver our educational services. Reflecting on what internationalisation means cannot be separated from critically engaging with the question of what the purpose and the goals of higher education should be within specific programs and across programs and the role of teachers, students, administrators and the institution as a whole in contributing to these services. (p. 9)

In other words, the drivers behind internationalisation play an important role in its definition as an “ongoing and continuing effort” (p. 11).

Other theorists have explored the drivers for internationalisation, identifying a wide range of political, economic, academic, social and cultural drivers to explain the impetus for institutions, or indeed, entire nations, to embrace the concepts of internationalisation. For example, de Wit (2002) argues that internationalisation in the United States can be attributed to the desire of the United States to position itself as the centre of national security, peace, tolerance and global understanding. In Europe, the rise of internationalisation was largely influenced by political and economic rationales, with the commercial aspect of internationalisation and education becoming particularly popular in the UK. Meiras (2004) argues that internationalisation in

Australia was originally motivated by socio-political agendas, but that these were later replaced by market-based or financial drivers, which coincided with the introduction of the overseas student policy in 1995. Writing about internationalisation more generally, Kubota (2009) argues that in recent times, the market-driven concept of internationalisation has become most prominent.

Knight's work on internationalisation has become the standard for many theorists within international higher education, both in the Australian context and more generally. This study most closely aligns with Knight's work. However, it is worth noting that there have been some recent developments in thinking about internationalisation that have shown some of the limits of Knight's definition. For example, Clyne *et al.* (2000) point out that concepts of internationalisation are often normalizing – reinforcing certain concepts and ideas and downplaying others based on ideological underpinnings. As such, they can serve to homogenise culture and to reinforce power differentials both between institutions and between nations. Jiang (2008) makes a similar point, arguing that we cannot examine internationalisation without looking at how the neoliberal policies and economic rationales have shaped international higher education.

1.4.4 Globalisation

The concept of globalisation is also significant to this study because Australia's positioning within international education is influenced by more than its national policies and perspectives. While internationalisation is defined more by national boundaries, globalisation is defined by the transcendence of these borders and a flow of information and economics that render national boundaries less pertinent.

One of the limitations in how globalisation has been theorised is that 'flow' is often rendered within economic terms. Teichler (2004) argues that, within the context of higher education, there has been a significant focus on business aspects, such as marketing, competition and branding and that other components such as global learning, global citizenship or the development of a global knowledge society have received less attention. Marginson and Considine (2000) suggest that universities are corporations in their own right, not only seeking income revenue from international students but also forming satellite campuses in other countries. Marginson (2007c), drawing on Beerkens (2004), argues that, as a result, universities have become disembedded from their national context. By this they mean that, while universities

used to be heavily regulated by the nation, representing the advancement of the nation and its cultural knowledge, they now rely on international students for a large component of their revenue. The nation has reduced its funding support in order to leave universities to function relatively autonomously within a commercial framework while seeking at the same time to regulate the field.

Held, McGrew, Goldblatt and Perraton (1999) talk about globalisation in terms of relationships that span regions and continents and go beyond any two nations. They describe it “as a transformation in the spatial organization of social relations and transactions” and argue that globalisation often takes the form of “generating transcontinental or inter-regional flows and networks of activity, interaction and the exercise of power” (p. 16). For Held et al., globalisation represents a new configuration in terms of how we configure assets, communicate and build relationships, allowing for a conceptualization of globalisation that goes beyond the commercial or economic model.

1.5 SIGNIFICANCE OF THE STUDY

There have been several attempts to analyse and understand the reasons for the crisis in international higher education in Australia in the period 2002-2013 (Collins, 2011; Guthrie, 2011; Marginson, 2011). However, while theorists have illustrated some of the pitfalls of thinking about international education through the neoliberal discourse that dominated the field in that period, there has been little work on how those neoliberal discourses operate through the lens of care. In addition, while there has been considerable public discussion and dissent about who is responsible for various aspects of the student experience, and calls to fulfil a ‘duty of care’, there has been little work on what exactly care is and could be and how the period under study might be seen in terms of a failure of care (Tronto, 2013). What is more, although the years since 2013 have seen further significant changes in the field, including government interventions and protections to support international students (indeed enrolment numbers are on the rise again) many of the underlying issues surrounding the crisis have, I believe, still not been solved.

As I will argue, many of the policy reforms that have been made in support of international students – such as the appointment of an ombudsman or protective legislation – have been made in reaction to specific issues and crises. I believe that

there is a timely and compelling need for new paradigms and new ways of conceptualizing care within the context of international higher education that allow us not only to gain a greater understanding of the social conditions underpinning the time period under study, but also to be proactive rather than reactive in forging new paradigms and new pathways in how we think about, and treat, international students in ways that are ultimately beneficial to all involved.

However, in order to fully appreciate the significance of the dates 2002-2013 and the subsequent shift in conceptions of care in international higher education in Australia, it is useful to understand the history of international higher education in Australia prior to this time. The next section offers such an overview and will be followed by a final section that outlines the structure of the thesis.

1.6 HISTORICAL BACKGROUND

To understand both the past, present and future of international education in Australia, it is important to consider the contexts that have shaped it and indeed continue to influence it today, how Australia has sought to position itself globally and the relationalities it has fostered. Of particular interest are the concepts of care that are both reflected in and have constituted the relationalities shaping international higher education in Australia. In this section, a brief overview is presented of the major themes and movements in the history and the background of Australian higher education in order to illuminate the concepts of care and relationalities that have defined each of them.

1.6.1 The birth of the Australian university: Extending the reach of empire

Australia's first universities were established in the middle of the 19th Century, with one university for each of the original six colonies. As a British colony (Australia would not become an independent nation until Federation in 1901), these universities were heavily based on their British and Scottish counterparts, and fulfilled a function that was very much in keeping with their colonial status (Shils & Roberts, 2004). This meant that the purpose of the universities was an extension of the project of "empire building" for Britain, and a way of "civilizing" the colonies (Shils & Roberts, 2004, p. 213). Roberts, Cruz and Herbst (1995) comment that the views of the colonial powers were that "all the institutions might be said to be trying to broadly do the same thing: to preserve a way of civilised life through the propagation of knowledge from Europe"

(p. 269). These authors refer to the motivation for the growth of universities as the “implantation of a civilization into the wilderness” (p. 269), while Luke (2010) writes that higher education from the 18th to the early twentieth century was very much linked to the project of colonialism and the cause of “extending the . . . reach of empire” (p. 5). Unlike their European counterparts, the universities in the colonies were not seen as contributors to the advancement of knowledge themselves but rather “training grounds” for those who were going to build the infrastructure of the colonies (Luke, 2010, p. 5). As such, they were modelled on European institutions, with European values and European definitions of knowledge. They were staffed almost exclusively by European and British staff, and higher degrees were only available by leaving Australia and returning to the “mother country” (Roberts et al., 1995; Shils & Roberts, 2004, p. 213). Inherent within this relationship between the mother country and its colonies was the constitution of European culture as ‘civilised’ with the association between civility and civilization playing an important part of its identity; this identity, in turn, relied on the colonies being constituted as in need of ‘being civilised’. In other words, Europe relied upon the colonies in order to construct its identity as civil and modern. Responsibility was construed in terms of identity-building and the relationship with European values. The reflexive relationship between ‘motherland’ and colony meant a degree of legitimacy for Australia and ensured the ongoing superiority and status of Europe.

As such early universities were defined as being instruments for empire building and nation building that had little to do with the students or even the universities themselves. For Britain, the universities in the colonies represented a way to expand and consolidate the value of empire; for Australia, higher education was a means of forging links back to European values (Roberts et al., 1995; Shils & Roberts, 2004). Within these structures were well-documented patterns of power and dominance that marked the colonialist agenda, including a one-way flow of information (Australia was to learn from European values, with little to no consideration of what these new universities might in turn contribute to Europe), a highly paternalistic way of imparting knowledge and values (Britain dictating what was in the best interests of the colonies), and an extremely rigid view of what constituted knowledge (where knowledge was synonymous with European modes of thinking) (Luke, 2010).

At the time, Australian universities catered to a small, elite segment of the population and the concept of the ‘international student’ was yet to emerge. However, these interactions set the tone for much of what would come. Less a means to generate or even impart knowledge, these early universities were essentially tools for the advancement of social and political ends, particularly those related to empire and nation-building.

1.6.2 The first international students arrive: Education as aid

During World War Two, the Australian government began to see a conception of the Australian population as “human capital” – a “resource to be harnessed in the national interest” (Marginson, 2007a, p. 590). In the period following the war, the government increasingly located the strength of the Australian economy in the skills of its workforce. In this period of rapid nation building – when Australia sought to build itself as an independent nation separate from its British ties – universities were seen as a way of both educating the work force and establishing its autonomy in the field of education. As Marginson (2002) writes:

The university was seen as a principle tool of modern nation building. The central rationality of government was grounded in the notion of ‘investment in human capital’ whereby the population was understood as a national resource to be harboured and developed. (p. 411)

International higher education in Australia had its official beginnings in the post-World War Two era, when Australia introduced an ‘education as aid’ plan for students from neighbouring Asian countries to attend Australian universities (Auletta, 2000; Oakman, 2004). This plan, known as the Colombo Plan, emerged from a 1950 Commonwealth meeting on foreign affairs, a meeting that, as Auletta (2000) points out, was significant because it was the first time that foreign ministers of Commonwealth countries, including the UK, Canada, Australia, New Zealand, South Africa, came together to discuss foreign affairs and international relations. It is worth noting that even at this time, international higher education played a prominent role in foreign affairs and international relations – a trend that would continue over the next several decades. Responsibility, within this model of international education, was seen in terms of the need to fight communism and to establish Australia’s dominant role within the region.

1.6.3 Repositioning the Australian university within a global economy

The Colombo Plan program continued to provide aid scholarship to students from the Asia Pacific throughout the 1950s and 1960s. In addition, the Colombo Plan paved the way for other, non-scholarship, international students to come to Australia, mostly from countries in the Asian Pacific region (Auletta, 2000; Smart & Ang, 1993). With these new students, as well as a population boom, the demand for higher education in Australia continued to grow during this post-World War Two period. At this time, higher education was funded through state governments. As demand for higher education grew, however, pressure increased on the federal government to raise its funding and assume more of the funding load for the growth of higher education (McGuire, 1997). In 1974, two significant events occurred that changed the higher education scene in Australia and prompted a policy shift from aid to trade. The first event was the abolition of tuition fees. This was a step taken by the government towards making higher education accessible to the whole Australian population, and not reserved for the elite members of society. The move also made higher education more accessible internationally, significantly increasing the number of international students in Australia (Cuthbert, Smith, & Boey, 2008). The second significant event was that higher education in Australia became centrally funded, with the federal government taking over responsibility from the states and repositioning Australian higher education as part of a national agenda (McGuire, 1997; Marginson, 2007; Smart & Ang, 1996). A key problem, however, in the converging of these factors into a centralised funding structure was that it coincided with Australia experiencing an economic crisis, leaving the federal government struggling to balance budgets. Universities were left with little to no funding, even while the number of people wanting to attend university was rising dramatically. Universities were left needing to find funding elsewhere (McGuire, 1997).

In the early 1980s, the government commissioned an investigative report that related to government policy around higher education. The 1984 *Jackson Report*, which was commissioned by the Liberal-NCP coalition government to review overseas aid policy in particular, went on to have significant impacts on both government foreign policy and higher education. It advocated a free market economy and argued that Australian universities should be competing in higher education markets in Europe and the US: “Australian tertiary institutions . . . are criticised in the

Jackson Report for its lack of entrepreneurial zeal” (Fraser, 1984, p. 17). The *Jackson Report* recommended that international students pay full cost fees, a recommendation the government subsequently adopted. In doing so, a new era began which positioned higher education as a commodity. Responsibility, then, was linked clearly to wider questions of economy and revenue.

1.6.4 The international student as a ‘potential profit centre’

In implementing the recommendations of the *Jackson Report*, Australia moved from a model of international education that was based on aid, to a model where education became a commercial operation. Marginson (2007b) points out that the government had a number of objectives in making this decision, including improving Australia’s trade balance, addressing the crisis in funding by providing financial support for domestic students through fee-paying international students, and using international education as a way to establish its global positioning and deepen its engagement with the Asia Pacific. For the first time, government policy began to speak of international students in economic terms—a “potential profit centre” and their value was seen in terms of gross domestic product (Douglass & Edelstein, 2009). Universities were still playing an important role in the nation-building agenda, except that in this era, the focus was less obviously on the connections with culture and modernity, and more to do with gross domestic product (GDP) and global flows of capital (Marginson, 2002). We see here another shift in the underlying assumptions of responsibility – where responsibility was seen in terms of profit and capital.

1.6.5 “Teething problems” in the trade model

During the period between the 1980s and the early 1990s, international education in Australia was almost entirely market-driven (Douglass & Edelstein, 2009). From 1975 to 1990, the number of international students doubled, going from 600,000 to 1.2 million (Douglass & Edelstein, 2009). Under this trade model, students were a major source of revenue, both for the individual universities themselves and in terms of bolstering Australia’s position within the global economy. However, as Smart and Ang (1993) point out, along with this rapid growth there were also significant “teething problems” (p. 1). Within the trade model, education was posited as an export industry and the international student was seen almost entirely as a source of income. In a competitive marketplace with no codes of conduct for the “industry”, many universities were forced to compete against each other for students, using market and

commercially-orientated strategies. At the same time, the rapid shift from aid to trade also “inexorably delayed the development of a non-commercial approach to international education” (Adams, 2007, p. 411). Many of the educational values of university student life were lost; as Kumar (2004) writes, “The subjectivity of the students was subsumed under an economic profile” and international students began increasingly to be discussed under headings such as “‘marketing’, ‘recruitment’, ‘full-fee paying student’ and ‘profit margin’” (p. 211). Within this framework, “teaching and learning were relegated to the margins” (p. 211).

What resulted was a significant backlash from other countries, particularly from many Asian cultures where the trade view of education and the positioning of international students as a “money-making racket” ran counter to what Ang and Smart (1996) call a more altruistic view of education, where education has a more social purpose (p. 1). As Kumar summarises, “the education industry in Australia was in danger of developing a bad name and there was concern about losing the South East Asian education market” (2004, p. 211). Developing a “bad name” started to become a key political problem, for two reasons: first, potential international students were starting to go elsewhere and, second, it affected Australia’s positioning as a hub in the Asia Pacific region, and the extent of Australia’s export industries into Asia, of which education was a significant part (Cuthbert et al., 2008).

1.6.6 Not just a commodity: The birth of “internationalisation” and consumer choice

In the early 1990s, in response to this backlash and concerns about Australia’s reputation internationally, the government’s rhetoric shifted yet again to emphasise the university as “benefactor, a provider for the public good” rather than simply as “marketer” (Dixon, 2006, p. 331). As Cuthbert, Smith and Boeoy (2008) note:

Aware of some resistance to, and distaste for, the rhetoric of ‘education as trade’, the federal government moved in the early 1990s to a different articulation of policy on international education deemphasizing the ‘trade’ and emphasizing ‘internationalisation’, a process by which international students were to be but one component of a truly international sector characterised by international research and teaching links, and international curriculum from which local students would also benefit. (p. 257)

In a ministerial statement in 1992, Australia's foreign minister, Kim Beazley, announced this official shift in governmental priorities, acknowledging that Australia's tactics had been "too narrowly commercial with insufficient recognition of student needs and the benefits of international education" (p. 5) and assuring foreign governments that:

the government recognises that international education is an increasingly important part of Australia's international relations. It uniquely spans the cultural, economic, and interpersonal dimensions of international relations. It assists cultural understanding for all parties involved. It enriches Australia's education and training systems and the wider Australian society by encouraging a more international outlook. (p. 1)

This speech marked the official shift from the model of international education as trade to one defined by internationalisation and the associated concepts of reciprocity, mutual exchange and shared learning. Responsibility, then took on connotations of reciprocity, mutual exchange and shared learning, as well as the need to continue to be economically profitable.

Many critics have argued that this shift to internationalisation was a direct result of the fear of losing international students to elsewhere and the realization that Australia's bad reputation could significantly damage its economic advantage (Meiras, 2002; Marginson, 2007b; Smart & Ang, 1993, 1996; Sidhu 2004). With the recognition that students could choose to go elsewhere, consumer choice became a major organizing principle, marking the shift from student as 'commodity' to student as 'consumer.' Universities responded by becoming more like corporations and were increasingly run according to business models and economic imperatives. As Marginson (2002) writes, a new "culture of corporate management" emerged (p. 420). He argues further that: "Whereas in the heyday of nation building policies, governments protected the special character of universities from the sharp end of economic fluctuations, neoliberal governments welcomed the directive effects of market forces and corporate practices" (p. 420). Following market forces, Australian higher education sought to respond to the global commercial competition through the promotion of Australian higher education as a "brand" (Gürüz, 2008, p. 63).

1.6.7 The projection of a new image: Brand Australia is born

The question arose as to what constituted this ‘Australian brand’. Students were encouraged to see Australia as ‘friendly,’ ‘safe’ ‘welcoming’ and ‘multicultural’. Sidhu (2004) writes, “the marketing message that is used to promote Australia as a study destination in Asia rests on projecting an image of friendly, multicultural campuses and cities, which are free from racist violence and law and order problems” (p. 57). In this sense, diversity was reframed as part of the new enterprise culture that was intended to help Australia meet its economic and political positioning. In addition, the branding was put in economic terms: Australia was posited as a cheaper alternative than the United States and the United Kingdom:

Australia has sought to differentiate itself from the United States and the United Kingdom, not through educational and cultural contents of its programs, but on the basis of a cheaper price because of the depreciated Australian dollar, proximity, safety, tolerance, and non-academic services, climate and other tourist benefits and generic claims about excellence. Essentially, Australia has promised to supply American education but in a friendlier setting. (Marginson, 2007b, pp. 25-26)

From 2000 on, international higher education became an increasingly significant contributor to Australia’s economy. In fact, international education had become the third biggest export earner for Australia, bringing in \$16.3 billion in export income to the Australian economy in 2010-11 (Australia Education International, 2011). Notions of responsibility within this model included aspects of safety and protection, as well as national economics.

1.6.8 The safety debate and Australia’s racism

One of the key ways Australia branded itself was that it was ‘safe’ (Forbes-Mewett & Nyland, 2008). In particular, it claimed that Australia was safer than the US, which was a major selling point in gaining a competitive advantage. Nyland, Forbes-Mewett and Marginson (2010) talk about how a “safe study environment is a valuable asset” in the international student market (p. 89). However, even though it is regarded as valuable, and therefore a competitive advantage, they point out that education exporters rarely talk about what safety actually means. From the mid-2000s onwards, there has been growing concern about the safety of international students in Australia. Initially, this concern came from academics, journalists and police officers

(AAP, 2007; Forbes-Mewett & Nyland, 2008; Levett, 2008; Vembu, 2009). However, these expressions of concern received little notice from the government, universities or the industry as a whole (Nyland et al., 2010). Then, in 2008, the Chinese Consulate demanded a stronger focus be placed on the protection of international students after they received reports of a high number of robberies and assaults targeting Chinese international students (Forbes-Mewett, Nyland, & Shao, 2010; Levett, 2008). The Australian government denied these allegations and the industry as a whole ignored the concerns which led to China putting increased pressure on Australia to take immediate action. However, as several critics, such as Forbes-Mewett *et al.* (2010), Marginson (2000) and Nyland (2008), have pointed out, not only did the Australian government deny the situation, they had no data or information about what was occurring – nobody was studying or tracking the safety of these students (Forbes-Mewett & Nyland, 2008; Forbes-Mewett et al., 2010; Marginson, 2010; Nyland et al., 2010).

Meanwhile, as China became increasingly vocal about its concerns, an incident occurred that received further national and international attention. An 18-year-old international student from China, her boyfriend and two friends were held at knife point and raped by an intruder in their home in suburban Sydney. The student tried to escape out of her balcony and died. Her mother, Ms. Wu Peling, a well-known Chinese businesswoman, arrived in Australia to claim the body of her daughter. Amidst considerable national and international media attention, Ms. Wu announced that she would be using her victim's compensation money from the Australian government to establish a fund to help international students to stay safe in Australia. She was quoted in the *Sydney Morning Herald* as saying "I'm hopeful that every school here will raise their concerns about students' safety issues and make more effort to promote their safety" (Welch, 2008). *The South China Morning Post*, an English newspaper in Hong Kong China, reported "if any good can come of such a tragedy, it may be in a legacy of improved awareness among young foreign students of the potential dangers of life in Sydney" ("Attack stirs grief, and resolve to step up help City Views Sydney," 2008). Ms. Wu was also quoted as contemplating further legal recourse against her daughter's college: they reported that Ms. Wu "had not ruled out pursuing legal action against the college for failing in its *duty of care* towards her daughter." (Welch, 2008). Here was a situation where it took an international student's mother to put a system in place for

supporting international students' safety. As Nyland *et al.* comment, years of efforts by the Australian government to brand Australia as safe and multicultural were undermined almost overnight (Nyland et al., 2010).

In the same period, South Asian students were facing growing anti-Asian sentiment in Australia (Altbach & Welch, 2011). Indian students for the first time took their concerns to the streets, occupying major city intersections and calling on their government to force Australia to acknowledge the problem (Nyland et al., 2010). The protests led to a “firestorm of criticism” (Altbach & Welch, 2011, p. 23) abroad. Although the Indian protests were not triggered by any one particular incident, the spokesperson of the Federation of Indian students in Australia went on record as saying:

the students had raised their concerns with the [Australian] government discretely and been told there was no systemic problem and this message has been echoed as one Indian student after another fell victim and despite the fact that the police were aware of a disproportionate number of Indians had been victims of robbery related crimes. (Marginson et al., 2010; Nyland et al., 2010, p. 97)

No longer able to ignore the problem as it had been doing so consistently, the Australian government was forced to respond. In 2009, two new task forces were established by the Brisbane City Council in the state of Queensland and by the Victorian State Government to set new policy directions and to gain more insight into the international student experience. The Australian federal government at the time also created a new hotline for students to report safety concerns and issued a revised “Guide to Studying and Living in Australia” (Nyland et al., 2010). Nyland, Forbes-Mewett and Marginson (2010) point out that while the second edition of the guide mentions the word safety only once, the third guide addresses safety and its complexity more explicitly.

The perceived crisis generated not only a flurry of media reports, but also a proliferation of commissioned governmental reports. These reports shared similar concerns, and marked another significant language shift in the conversations about higher education. These reports, written from 2008 onwards, share a significantly heightened use of the language of student well-being, safety and the student experience. All of them try to map a new direction for higher education, with a focus

on a sustainable, stable, long-term approach. They appear to indicate a need to move away from thinking about higher education as an export industry, to reconceptualised notions of responsibility to be more sustainable and holistic.

One of the most prominent of these reports was Bradley's *Review of Australian Higher Education*, initiated by the Australian Government in March 2008 (Bradley, 2008). The goal of the review "was to examine the future direction of the higher education sector, its fitness for purpose in meeting the needs of the Australian community and economy, and the options for ongoing reform" (Bradley, 2008, p. 90). The final report from the Review articulates the importance of developing the "long-term growth and sustainability" of the international education market was to be characterised by a more "holistic approach" (2008, p. 91). Specific recommendations included: seeking to diversify the international student body to improve the sustainability of the industry; attracting a higher proportion of research higher degree students to help build Australia's future research and academic workforce; focusing more on the quality of the experience for international students on- and off-campus and on preparing them for subsequent employment in Australia; adopting a more coordinated approach across governments to better align policies supporting industry development, regulation and quality assurance and facilitating skilled migration; and increasing the focus on building international research collaborations and research networks (and the recruitment of high quality research students as part of this). The recommendations show a marked departure from much of the language that had previously been used to discuss international students. Rather than focusing on economics and the language of export, the report takes seriously some of the concepts of *internalisation* – beyond mere rhetoric – emphasising a renewed effort to build collaborative international research networks and identifying the need for quality student experiences. That is to say, the report gestures towards the need for a different kind of relationship between the nation, the university and the international student.

Other policy responses at the time included the *International Student Strategy for Australia 2010-2014*, developed collaboratively by the Commonwealth, State and Territory Governments through the Council of Australian Governments in 2010. It reinforces the Bradley Report's desire to examine more critically the quality of the international student experience and "to support a high-quality experience for international students to ensure a sustainable future for quality international education

in Australia” (p. 8). In particular, the report outlines four areas of action related to the student experience: student well-being, quality education, consumer protection and better information. There is a strong focus in the strategy on implementing codes and practices, mechanisms through which consumers can raise their concerns, such as an international student ombudsman, and providing more information.

What these reports have in common is that they place an increased emphasis on student well-being, the student experience, and student safety, within a broader concept of a ‘duty of care’. Within this framework, the university and government are obliged to provide the student with protection and offer them a positive student experience.

It is within the domain of ‘duty of care’ that the current study is situated. The study seeks to understand the conceptions of care that have underpinned international higher education from 2002-2013 and specifically how they continue to impact Australia’s global positioning but also the ways through which the policies seek to respond to, and construct the international student experience in Australia. The notion of ‘duty of care’ has become central, but it is problematic to pursue this way of thinking without a deeper understanding of the conceptions of care that are operating.

1.7 STRUCTURE OF THE THESIS

This thesis is divided into eight chapters. This introductory chapter contextualises the research study, articulates the questions that underpin the thesis, defines key terms, and situates my thinking within the broader historical context of the rise of international education in Australia.

Chapter Two provides an overview of the literature that informs the thesis about international education in Australia. It focuses predominantly on the literature from the last decade and traces three significant shifts in the literature that, taken together, demonstrate a trend towards ways of thinking about higher education which highlight networks, connections, collaborations and relationships. The second chapter also situates my own study within the literature, demonstrating how it not only fills a gap in the current literature, but also complements current thinking and offers a way of moving forward in the field.

Chapter Three situates the research topic in relation to care theory and defines the conceptual tools upon which this study draws. It is argued that “care theory” – a

body of literature that has developed to illuminate the relationships associated with care and caregiving – provides a relevant framework to develop a more complex and layered understanding of international education in Australia. The chapter also posits a set of critical tools from care theory that might be effectively used to see the current situation in international higher education in Australia in a new light, to ask different questions, and potentially map a new direction for a future where a view of international education might be rooted in an ethics of care. In order to do so, the chapter draws upon the work of Tronto and her 1993 book *Moral Boundaries: A Political Argument for an Ethic of Care*, and what she calls the four ethical elements of care, which are tools by which we can examine caring relations and understand how they might operate. These tools are: attentiveness, responsibility, competence and responsiveness. The chapter argues that these four pillars provide a useful set of tools to analyse how care has been and continues to be constituted in higher education, and how we might reimagine the ethical relationalities associated with it.

Chapter Four elucidates a research methodology and project design for the study. The chapter frames how I bring together Fairclough’s version of critical discourse analysis (CDA) – the study of how power is exercised through language – with critical policy analysis (CPA), a framework which allows me to assemble a toolbox to undertake both the structural and the micro-level examination of particular texts. I will use CDA and CPA – within a theoretical lens of an ethics of care – to examine the discourses surrounding international higher education in Australia, and in particular how the language of care with regards to Australian higher education has changed over the years, how concepts of care are reflected and constituted in higher education policy, how it reflects wider social change and ideology, and how it has been (and can be) used to foster change. This chapter also provides an approach to textual analysis, provides a brief overview of the texts chosen for analysis, and articulates my own position as researcher within the study.

Chapter Five examines the initial introduction of the concept of duty of care to public discourse about international higher education in Australia in the early 2000s and the subsequent popularization of conceptions of care within the field over the ensuing decade. Using critical discourse analysis, the chapter analyses a variety of public discourses, including print media, government speeches and the transcripts from the Senate Inquiry into the Welfare of International Students (2011), to examine

the prevalent conceptions of care in these discourses and how they operate within a broader social political context. In particular, the chapter focuses on how different conceptions of care constitute international students in a relational context. The purpose of this chapter is, following Tronto, to “de-familiarise care” and to “make explicit certain elements of care that go unspoken” (2010, p. 159) so as to better understand the complex power relationships inherent within caring relations that are often so “unspoken” (2010, p. 159).

Chapter Six examines how conceptions of care in international higher education in Australia have been constituted through national policy. The chapter analyses two policy documents: the *National Code of Practice for Providers of Education and Training to Overseas Students 2007* (National Code) – the legislative document that supports the *Education Services for Overseas Students Act* (ESOS Act) - and the *2013 International Student Good Practice Program for Australian Education Providers* (Good Practice Program) produced by the Council of International Students Australia. The chapter takes policy as an example of what Tronto calls the “prosaic level” of care and a form of the “caring process” (1993, p. 124). Tronto (2013) argues that “charting the flow of caring” in this way can help us to better understand how social structures shapes our values and practices and reveal relationships of power within those social structures (p. 148). Using critical discourse analysis, the chapter will examine these two policy documents in detail to ascertain how they each take up Tronto’s four ethical elements of care: attentiveness, responsibility, competence and responsiveness.

Chapter Seven examines the possible implications of bringing a “critical ethics of care” (Robinson, 1999, p. 110) into the philosophy and practice of international higher education and specifically how an ethics of care might help to transform the way we conceptualise and practice care as we shape the future of Australian international higher education. Using data from Chapters 5 and 6, this chapter examines the limits of the neoliberal worldview in terms of how it conceptualises individual responsibility, choice and autonomy; advocates for a critical and democratic ethics of care; and makes the original argument for how a “critical ethics of care” (Robinson, 1999, p. 110), as both a “value and a practice” (Held, 2006, p. 9), can be used to further both the theoretical conversation around international higher education and to offer a new common language and framework for practitioners within the field.

The chapter also proposes a series of practical ways in which an ethics of care might be applied to a wide range of contexts with international higher education in Australia.

Chapter Eight offers a summary of the findings in this study and an articulation of how this study represents an original contribution to knowledge. It also highlights the limitations of the study, future research opportunities, and an overview of the current state of the field post-2013. The chapter ends with a call to action for how an ethics of care might be integrated into the future of international higher education, both here in Australia and internationally.

Chapter 2: Literature Review

This chapter examines the major trends in the literature on international higher education in Australia over the past 15 years, with a specific focus on the influence of policy, government rhetoric and public discourse around conceptions of care. Specifically, this chapter reviews three significant threads that relate to conceptions of care within international higher education in Australia. These threads are organised thematically but also trace historical shifts and the ways in which thinking about international higher education has changed over time². Taken collectively, I trace the shift towards models of international education that highlight networks, collaborations, connections and relationships and provide an indication of where the field currently stands in its thinking about care.

My review focuses on the literature that has some relationship to concepts of care and the student experience. These include studies that directly reference notions of care, as well as those that are connected to care, such as support, protection, safety, responsibility, students' needs and so on. The focus is specifically on the experiences of incoming students in the Australian context. The studies I quote are deconstructions of policy, highlighting elements of how policy influences the student experience. With these parameters, my review deliberately excludes some aspects of international education, such as global mobility studies (including Australian students studying in other countries), intercultural studies and foreign language acquisition; and the internationalization of the curriculum or cultural adjustment studies.

My review is structured into four sections, identifying three significant trends in the literature. The first section explores a shift in the literature in terms of how the needs of students have been defined by governmental and institutional policies. Specifically, it traces the shift from seeing students' needs from a consumer protectionist perspective to a more holistic conception of student welfare that has most recently focused on international students as the bearers of human rights. The second section explores a shift in the literature in terms of how notions of responsibility have

² However, it should be noted that the historical periods cannot be rigorously defined as starting and ending at particular times; often themes in the literature co-existed for many years and in many cases continue to be themes in the literature alongside more recent developments.

been defined. It traces the shift from top down regulatory approaches to multilateral, multinational and networked forms of governance. The third section explores a shift in the literature in terms of how student identities have been conceptualised, tracing the shift from seeing students as victims (of exploitation, of violence, of racism) to seeing them as advocates, activists and change agents, capable of transforming their own experiences and communities. Finally, the fourth section situates my own study within the literature, demonstrating how this work not only fills a gap in the current literature, but also complements the current thinking and offers a way of moving forward in the field.

2.1 FROM CONSUMER PROTECTION TO HUMAN RIGHTS

A significant thread in the literature about the international student experience has been changing ideas about what international students' needs are. This section traces the shift from a conception of students' needs that saw students as consumers to a view of needs as being inherently connected to arguments about human rights.

2.1.1 Students as consumers

A significant thread in the literature is the student as consumer theme. Whether in terms of the student services provided, or analyses of the factors that went into students' decision-making, this consumer model was often framed around the idea that the way to understand and respond to student needs was to understand and respond to their consumer choices and what they needed to make 'good' decisions for themselves.

Pimpa (2003, 2005), for example, focused on the consumer behaviours of Thai students coming to Australia. Her 2003 study involved 24 personal interviews and compared the influence of peers and student recruitment agencies on the decision-making of Thai students. The study concluded that their decisions were heavily influenced by "different levels of education" (p. 189) where the more educated students trusted their peers more, whereas the less educated the students were, the more they trusted educational agents. Pimpa's 2005 study, likewise, focused on consumer behaviours related to family influences, finding that the family's influence was "multidimensional" (p. 445) and that one of the strongest predictors on a student choosing to study in Australia was if a member of their family had personally studied abroad.

There were a number of other studies about students' decision-making processes to study in Australia. Several of these were commissioned by Australian Education International (AEI), which was the international arm of the then Australian Government Department of Education, Employment and Workplace Relations in collaboration with IDP Education Australia, a non-profit international development program owned by Australian universities. These studies were specifically designed to understand the international student market and to understand where marketing efforts were best directed, and which aspects of the decision-making process should be invested in to attract more students. For example, Back, Davis and Olsen's (1997) study on the cost advantages of studying in Australia determined that Australian fees compared well with the US and the UK and that Australia was a very cost-effective option. Baker and Rhall's 1996 study on the impact of international students on the Australian labour market affirms, among other things, that word-of-mouth was a highly important means of marketing. Other key studies that were undertaken during this period include Hill, Romm and Paterson's 1992 report on pre-purchase decision-making by international students prior to arrival in Australia, and Lawley's 1993 research on the factors that impact international students' choice of destination. Other studies include Mazzarol and Souta's 2002 study, undertaken on behalf of AEI, which interviewed prospective students from four countries. Their research primarily focuses on how universities might take advantage of differential marketing strategies to market themselves within the international context to attract their target students and position themselves globally. There are also studies that look at why students might choose other countries instead of Australia. For example, Chen and Zimitat's 2006 study on the factors influencing students' decisions about study destinations surveyed 518 students and discovered that, for Taiwanese students, attitudes and perceptions towards Australian higher education institutions were the most important factors, whereas in the context of US higher education, family and friends were the greatest influencing factors. Other examples include Mazzarol, Soutar, Smart and Choo's (2001) study that examined the country decision making process for Chinese students; Mazzarol, Choo and Nair's (2001) study about Indian students choosing other countries, and Mazzarol, Kemp and Savery's (1996) examination of Taiwanese and Indonesian students who choose not to study in Australia. It is significant that many of these studies were done on behalf of AEI and within a specific selection of markets – a strategic move on Australia's part to position itself specifically within Asia. All of

these studies emerge from a business and marketing framework, and the focus on students is on understanding them as consumers and learning more about the market.

Other studies focused on which aspects of the student experience and, in particular student services, were likely to be most effective in marketing efforts. For example, Arambewela and Hall (2006) conducted a mail survey among international post-graduate students from China, India, Indonesia and Thailand, studying those aspects of the operations and services of the university that were most likely to be predictors of students choosing to study in Australia, and express satisfaction with their (consumer) choices. This study offered valuable data for differential marketing efforts, such as revealing that “quality of teaching” was the most valuable asset identified by students from China, Thailand and India, while “quality of lecture material” was found to be the most significant asset for students from Indonesia (p. 153). While students’ needs in this case were seen as non-homogenous, they were nonetheless vague, with terms like “quality” being culturally bound and meaning different, undefined things to different cultural groups and nations. Prugsamatz, Pentecost and Ofstad (2006) also examine Chinese students’ expectations of service quality in Australian universities by collecting data from undergraduate students from two Australian universities. They found that the three key factors that determined expectations of service quality were past experience, advertising and word of mouth, and especially “the influence of explicit and implicit service promises on Chinese students’ expectations of overseas universities” (p. 129). Similar focuses were found in other studies including Furrer, Liu, and Sudharshan’s (2000) study which examined students’ perception of quality, and LeBlanc and Nguyen’s (1997) work on students’ perceptions of service quality. What is significant about these studies is the overwhelming focus on students’ pre-arrival expectations and their initial decision-making. The focus in these studies, then, is more on how students make their initial consumer choices, and what marketing is needed to support this process – especially in the form of service promises than on the students’ experiences once they have arrived in Australia and begun their study.

Several studies also look at how the consumer discourse works within educational institutions once students have arrived. For example, Sherry, Thomas and Chui (2010) discuss the increased attention to students’ needs in light of increasing international student numbers and greater competition to attract students, arguing that in this new economic model, attention to student needs are equated with an increase in

resources, usually in the form of student services. Thus, the needs of international students came to be equated with the number of resources allocated to them (Sherry et al., 2010). Taylor, Craft, Murray, and Rowley (2000) identify in their study that there is a pressing need to offer more tailored services to international students in response to a growing consumer need. These services usually focus on such issues as language, finances, housing and problems related to social adaptation and exclusion (Chataway & Berry, 1989; Church, 1982; Rohrllich & Martin, 1991). Not only did universities rely on the funding that international students brought in, justifying the extensive marketing efforts put into recruiting them, but this model formed the basis of shifting relationships between students and staff, with “Students [being] seen as clients receiving the services of an educational profession” (p. 43) and senior university management being tasked with the responsibility for student satisfaction (Mavondo et al., 2004). Success was then measured not through educational outcomes but through student satisfaction surveys, which took their model from the customer satisfaction surveys of the business world. For example, a sample of 336 self-funded international students demonstrated a concern with what they identified as “inferior service” and were revealed to be unlikely to recommend Australia as a destination of choice as a result (Carr, McKay, & Rugimbana, 1999, p. 167). Thus, needs were equated with consumer services and resources, which were intended to lead to high satisfaction rates that would encourage further students to choose the university.

Another thread in this student as consumer literature were studies that showed the tension of bringing together consumer frameworks with educational ones. For example, the 2004 study by Mavondo *et al.* shows that certain campus resources and services have no impact on student satisfaction levels. They studied teaching, learning, student services, technology and student orientation, and discovered that core services, like technology services and the library system did not have an impact on student satisfaction. They also found that the quality of teaching was not significantly linked to student satisfaction. Within a market-driven model, the fact that these aspects of the university experience do not influence customer satisfaction, might be seen as a reason to cut these resources, especially within a climate of budget cuts, resource re-allocation and concerns about the bottom line. Clearly, student satisfaction as it was defined on surveys did not tell the whole story for institutions like universities, with their need to aim for outcomes that go beyond merely short-term economics.

Likewise, Kamvounias and Varnham (2006) highlighted the tension of bringing consumer rights frameworks into the context of universities. They studied how consumer law helped students resolve grievances and concluded that, while there may be mechanisms for students to initiate litigation, they were met with multiple and considerable challenges when they did so. They explained that “the conundrum is that, while litigation initiated by aggrieved students does demonstrate a clear acceptance that consumer law applies to today’s higher education environment, very seldom does it appear to help students in the courts” (pp. 327-328). They further explained that this is mainly because “the courts simply have difficulty determining in each particular case whether the aggrieved student is frivolous and vexatious or whether he or she is rightly wronged” (p. 328). In other words, within the application of consumer law to higher education, there were not appropriate precedents and that when the law was actually applied, it did not always effectively solve the issues for international students.

Consistently, in this thread of the literature, students’ needs are equated with consumer needs and protections, and contextualised within broader marketing and recruitment initiatives.

2.1.2 Student welfare and security

As more and more theorists began to point out the limits and tensions of applying consumer frameworks to students, and as there was more public attention paid to international higher education as a result of publicly documented incidents of violence and exploitation, there was a corresponding shift in the literature from students’ needs being conceptualised purely within consumer discourses to wider definitions of student welfare. While terms such as “support services,” “academic success and “student satisfaction”, had dominated the previous literature, new terms started to emerge such as “well being”, “welfare”, “security” and “social protection” (Robertson, 2011, p. 2199). This had the effect of expanding the definition of ‘needs’ for international students beyond those of a consumer. This is reinforced by Burdett and Crossman (2012) whose study analysed reports from the Australian Universities’ Quality Agency (AUQA)³. They demonstrated how measures of quality on educational institutions shifted in 2009-2010 from measuring “student standards of achievement using course grades as indicators of quality” to measuring “the whole

³ Now superseded by TESQA – the Tertiary Education Quality Standards Agency.

student experience” (p. 208). They concluded that “[u]nderstanding and measuring the student experience has taken centre stage in quality interests” (p. 208). The field had gone from a relatively limited scope on students as consumers to a proliferation of research on a wide range of diverse aspects of the student experience.

One of the key texts that openly invited this shift to a focus on a broader conceptualization of need and student security that went beyond the consumer model was the book by Marginson *et al.* (2010) *International Student Security*. This book represented one of the first comprehensive and wide-scaled studies and about student security and student welfare through a wide range of lenses. It examined concepts of student security in the context of both formal regulation and informal regulation and covered a range of issues including finances, housing, health, safety, language, family and friend networks, intercultural relations and the role of the university, among others. As such, it was one of the first major works to provide a holistic approach to the student experience and led to a proliferation of further studies and work on student welfare that deliberately and transparently looked beyond the student as consumer and education as a product model of thinking.

Other works on safety included Nyland, Forbes-Mewett, and Marginson’s 2010 article, “The international student safety debate: moving beyond denial”. In this article, the authors maintained that student safety is a key issue and they argue that “a safe study environment is a valuable asset in the international education market” (p. 89). However, they are deeply critical of the context in which the question of safety has emerged, arguing that countries really only address the issue in response to some kind of shock or significant media event. They posit, for example, that Australia was sluggish in responding to safety concerns of international students because it was under the mistaken assumption that the inflow of students into Australia would remain constant due to its very open immigration policies. They went on to argue that Australia, along with other countries, practiced what they call “stigma management” (p. 89). This approach – which the authors point out is very much related to a business model, with little concern for the students involved – begins with concealment and denial, and only becomes any kind of assurance when concealment and denial are no longer viable. Nyland *et al.* argued that policies created to support student welfare, both in Australia and elsewhere, were only developed in response to public outcry and not in response to a genuine concern for student welfare. They also pointed out that,

when security concerns were finally taken seriously, it was partly in response to Mazzarol and Soutar's (2002) research that showed security was a key factor influencing students' decision-making in where to study. If countries did not take security seriously, they stood to lose students and, therefore, revenue. For Nyland *et al.* (2010), the policies that emerged in response to safety concerns were more marketing materials to reassure potential students than they were genuine responses to students' safety issues.

In their interviews with students at Monash University, Forbes-Mewett and Nyland (2008) found that cultural differences are extremely significant. For example, one aspect of a holistic view of safety is that students have access to healthcare, yet the study found many students regard the medical system in Australia as "strange". In addition, many students did not understand the role of health insurance or what it meant to purchase it. Many students purchased health insurance initially, as per mandatory requirements, but then failed to renew it, or take it out and then cancel it. Another theme that emerged in the interviews is the issue around housing. The study drew attention to the fact that international students often found it difficult to locate off-campus housing, and were particularly vulnerable to being exploited by private accommodation owners. Female students in particular were more likely to be victims of exploitation. Community-building also arose as an important issue, especially among Muslim students. Many Muslim students reported feeling shunned by local students, and that they felt that they were treated very poorly. Many Muslim students reported that they chose not to mix with local students for fear of rejection. The authors of the study concluded that it is vital that cultural differences are included within notions of security. They also maintained that, despite official policy moves and legislation such as the *Education Services for Overseas Students Act* (ESOS Act) at government and institutional levels⁴, the processes that are used to ensure the safety and security of international students continued to be inadequate.

After the publication of this work on safety, the field expanded to a wide diversity of studies exploring the student experience, including aspects of the student experience that had received very little attention previously. Dunn, Pelleri, and Maeder-Han (2011), for example, examined the denial of racism as a cause of the attacks on international students and the discourse of denial and victim blaming in the

⁴ I examine the National Code, the legislative instrument of the ESOS Act, in detail in Chapter 6.

public response to racialised attacks. A number of studies looked at international students' fear of crime. For example, in 2015, Xiong, Nyland, Fisher, and Smyrniotis interviewed 600 students to better understand their perception of safety and fear of crime. Their study differentiated between the fear of crime as an emotional response and perception of safety as a cognitive phenomenon, and posited recommendations for how to address both. Forbes-Mewett *et al.* (2010) interviewed prospective Chinese students and their families about their perceptions about how safe it is for international students, learning that lower-achieving students were more likely to come to Australia despite their safety concerns, and that perceptions of safety were highly gendered. In this way, the study was significant in its capacity to move beyond national borders and consumer behaviour to a more holistic view of the student experience and how international students' decision-making is affected by a broader network of global connections.

After their initial study on security, Sawir, Marginson, Forbes-Mewett, Nyland, and Ramia (2012) also worked with their original data to analyse the impact on English language proficiency for international students and their capacity for “self-determining human agency” (p. 448). They conclude:

not only is English the medium of study but also proficient communication enables the student to understand, cooperate and exchange with all parties; to meet the regulatory and administrative requirements of governments and universities; to deal with financial institutions, the health sector, housing, and retail firms; to perform paid work involving direct dealings with local people; to maintain broad networks of friends and contacts; to navigate personal problems and crises effectively; to exercise the full rights of students and humans. (p. 448)

This statement is significant in its multi-faceted approach to the student experience and its recognition of the intersection of both formal and informal contexts in which international students find themselves. In addition, the argument about international students as bearers of human rights has become one of the most significant recent additions to the literature in the field. I will offer a summary of the rights-based literature in the field in the next section.

2.1.3 Human rights

A significant addition to the literature on international education in Australia has been Marginson's (2012) work on international students and human rights. He argues that we must view international students "through the lens of comprehensive human rights, rather than, say, the lens of pastoral care or consumer regulation" (p. 499). His work stems from his observation that "the international student experience is mediated by non-citizen outsider status" (p. 498) where they have full citizenship rights but only in their country of citizenship and not in their country of study. As a result of their status as non-citizens, and their mobility, "these students are located in a 'gray zone' of regulation with incomplete human rights, security and capabilities" (p. 497). He was deliberate in his critique and movement away from a consumer discourse, noting that "consumer protection addresses only some aspects of human rights and security" (p. 502). For Marginson (2012) one of the defining features of a rights-based approach is what he called "self-determination": "the effective exercise of human rights depends on the capacity for self-determining agency; and human agency in turn rests on security and capability" (p. 504). In turn, he argued, that in order to "support the self-determining agency of international students . . . it is necessary to look beyond the economic market" (p. 508). At the centre of his work, then, is the question of what it would mean for students to be able "to access comprehensive protections, empowerment and human rights as defined in the United Nations' universal Declaration of Human Rights" (p. 497). What, Marginson asked, "might be done to lift their dignity and position in the world?" (p. 498).

The rights-based approach came out of work on student security, and was introduced into the Australian context in 2005 by Deumert, Marginson, Nyland, Sawir, and Ramia. It emerged out of two movements in the field: the call for students to be seen holistically and as a response to the incidents that brought attention to student safety. Deumert *et al.* (2005) advocated that international students had been falling through the cracks and not receiving the protections they needed, noting that "existing social protection instruments fall significantly short of providing adequate coverage" (2005, p. 330). The authors identified two primary reasons for this. Firstly, when students are seen merely as consumers, protections are seen in terms of consumer protection; students are not also regarded as humans who have fundamental rights, but rather as targets for "marketing strategies" and discussions about "the economic

factors” (p. 330) that impact “student choice” (p. 330). Secondly, they pointed out that “the social governance of international education remains in a state of flux” (p. 330), leading to a scenario where there is little coordination between the different levels of host institutions, global institutions and regional areas. As a result, no one authority takes responsibility for students’ protection. As a response to this shortfall, they put forward the idea of a “security regime” (p. 330), arguing that

A student security regime includes not merely laws attached to welfare states and other protective programmes, but also recognition of social and economic rights channelled through the formal and ad hoc practices of host universities and colleges, and civil society networks, and non-governmental organizations.
(p. 330)

Deumert *et al.* (2005) draw on the New Zealand model of pastoral care⁵ as an example of what they saw as a more “care focused approach” (p. 344). Their work is important because they challenge the consumerist model and introduce an idea of a rights-based approach to international education, which offers a holistic conception of the student as someone with “multiple right-bearer status” (p. 330). Sawir *et al.* (2009), writing about international education more broadly, also advocated for a more holistic view of students, writing that “International students are not just economic units but also complex people. No industry or educational enterprise will survive if it neglects the concerns of those it serves” (p. 46). They pointed out that international students lack comprehensive protections and the protection they do receive is somewhat arbitrary, depending on where they are studying:

cross-border students have an ambiguous status in relation to social and economic protection and entitlements. As temporary sojourners in a foreign country, they lose access to many of their home country’s protections...But as non-citizens in their country of study, they lack automatic access to the

⁵ New Zealand’s model of pastoral care has received a considerable amount of attention within the literature on Australian higher education, partly because of its geographic proximity and partly because it has taken a different approach to thinking through its responsibilities to students. The New Zealand model is comprehensive. It makes institutions responsible for a wide range of protections, including language preparation student accommodation, and providing information about travel, health, and student welfare. Each institution is required to have a mechanism, via an independent body, through which students can appeal if their requirements and rights have not been accommodated by the provider institution. Institutions are also required to monitor students, including whether they are attending classes, to determine if they are at risk (Sawir, Marginson, Nyland, Ramia, & Sanaei, 2009). Sawir *et al.* (2009) address the question of whether the New Zealand model – based on the New Zealand code of Practice for the Pastoral Care of International Students – is actually addressing the needs of international students. In particular, they examine the implications of the way that the government passes on responsibility for certain protections of students to the individual institutions. However, New Zealand is outside of the scope of my study, and so I have not addressed this particular care practice further.

protections and entitlements provided to their citizens. There are no common global protocols here. And the question of protections and entitlements... is open – a voluntary matter determined by the country of study. (p. 46)

As such, students are highly vulnerable, potentially left without access to human rights. Sawir *et al.* (2009) went on to identify three primary “regimes of student security” that they see operating in the international education market (p. 46). The first regime is the pastoral care tradition, such as the model that is often used by universities in New Zealand. According to Sawir *et al.* (2009) this model posits the international student “as a dependent subject in a paternalistic relationship with the educational provider”, suggesting that, in this tradition, the student is seen as “less than fully able to make decisions on his or her own behalf,” leaving the institution taking ultimate responsibility for the comprehensive needs of the student (p. 46).

The second regime is the consumer-protection regime that I have previously cited in the Australian context. In this model, the student is posited as an independent “consuming subject in a marketplace” (p. 46) who has full autonomy and agency to make his/her own decisions. In this model, the assumption is that the student has autonomy with “the full capacity to make decisions on his or her behalf” (p. 46). The authors point out that this consumerist model is limited – useful in terms of issues that are related to the consumer, such as paying a fair price or buying a quality product – but not for any rights that go beyond just consumer rights.

The final regime they discuss is the “quasi-citizenship regime” (p. 46). In this model, the “student is imagined as a self-determining, rights-bearing subject with normal access to the same protections and entitlements as domestic students, aside from a small number of areas where exceptional treatment is unavoidable” (p. 46). It is this third model that they advocate, although with caution, pointing out that

The paradox of agency in an education marketplace is that while it positions individual students as free individuals, nominally active in their own interest and no longer subject to educational paternalism or government bureaucracy, in practice, there is little the students can do to advance their position... Unlike domestic students, they cannot claim the rights of a citizen with confidence and certainty. (p. 57)

The work of Sawir *et al.*'s is very useful in that they challenged both the paternalistic view of pastoral care and the consumerist view, but their alternative is complex since

they recognised that there is a lack of policy at the global level to protect the rights of students. As a result, the idea of a security regime that offers quasi citizenship rights is very much dependent on the host nations' willingness to acknowledge the rights of students and the individual institutions' responsibilities to their students. As a result, international students continue to find themselves in a precarious position – unprotected by the laws of their home country but subject to laws in their host country that have been primarily written for domestic students (Marginson, 2012).

This body of work, of which the research above provides just examples, has represented a significant shift in how the needs of international students are constituted. The authors of these studies have shifted from narrow conceptions of needs – based on simplistic models of welfare or consumer protection models – to a model of student needs that is complex, interconnected and multi-national and has human rights at its centre. Within this model, concepts of connectedness and relationality are core. This emphasis on international students as possessing transnational human rights represents the field as it currently stands in 2016 with regards to how the needs of international students are being conceptualised.

2.2 FROM TOPDOWN GOVERNANCE TO MULTILATERAL NETWORKS OF GOVERNANCE

The second significant thread in the literature has been changing ideas of who is and should be responsible for international students. This section traces the shift from the responsibility being assigned to top down government regulations to research arguing for multilateral, multidimensional, transnational and networked forms of governance.

2.2.1 A security regime is born

In the previous section on the human rights approaches to the needs of international students, I introduced the work of Deumert *et al.* (2005) on students' social protection rights. These authors argued that students fall through the cracks and do not receive the protections they need because “existing social protection instruments fall significantly short of providing adequate coverage” (p. 330), pointing out that there is little coordination between the different levels of host institution, global institutions and regional areas, leaving many gaps between different kinds of

protection. As a response to shortfall, they put forward the idea of a “security regime” (p. 330), arguing that

a student’s security regime includes not merely laws attached to welfare states and other protective programmes, but also recognition of social and economic rights channelled through the formal and ad hoc practices of host universities and colleges, and civil society networks, and non-governmental organizations. (p. 330)

Here, they began to advocate a shift in international education, where notions of responsibility are distributed across multiple levels of social support, including levels of government institutions and non-governmental organisations. In addition, they introduced the idea that regulation is not just the formal protections but also a series of ad hoc practices or informal practices. Both of these ideas were later to become a dominant thread in the literature around international higher education in Australia, and one which the authors themselves returned to over and over again over subsequent years. I will explore some of these later works in detail below.

Ramia, Marginson, and Sawir (2013) explored the effectiveness of Australia’s “direct regulation approach” (p. 107), with a specific emphasis on the discourses through which that approach has been constituted. They observed that “international education provides a case study in political economy, with a vibrant global market and vulnerable transnational buyers” (p. 107). In particular, they analysed the ESOS Act as a “top-down, nation-bound regime”, arguing that although it provides “for the rights of students as education consumers” it nonetheless “falls short” of being the “welfare instrument” it claims to be (p. 107). Drawing on Cerny (1997) and Lewis (1995), they attributed this shortfall to the fact that Australia’s approach to regulation had been executed primarily within a neoliberal framework. “[I]nternational education in Australia”, they argue, “is pursued by government as part of the broader strategic program of the ‘competition state’” (p. 108). They go on to “expose how this strategic program relies on the maximization of global market share over the welfare of market subjects” (p. 108), where “market share” is a euphemism for the income generated and the “market subjects” are, of course, the students (p. 120). In other words, the predominant responsibility of the government is to the ‘bottom line’, and not to the students and their welfare. The authors concluded their analysis of the Act by arguing that: “In relying on the *ESOS framework* as the regulatory centrepiece, successive

Australian governments have effectively offered students the appearance of legally mandated welfare services . . . while what it delivered in practice is mainly consumer protection” (p. 109). This is an important counter to much of the previous literature which did not overtly differentiate between student welfare and consumer protection, often eliding any difference between them. However, they also recognised a tension between the top-down approach and the market in that, within this model, students have to become “partially responsible for their own welfare” (p. 109) by advocating for themselves, while at the same time the top-down approach does not actually give them any agency with which to do so. In addition, they argued that even this kind of top-down regulation becomes “de-centred” with “some of the responsibilities of the state becoming devolved to actors in the market and civil society” (p. 109). In this way, Ramia, Marginson, and Sawir (2013) identified a tension about notions of responsibility and what exactly responsibility should involve. I will return to this notion of responsibility in later sections.

After deconstructing the limits of top down regulatory frameworks, the authors posited a shift to a conceptualization of regulation that is based on a more collaborative approach across different levels of both governmental and non-governmental organisations and networks. They argued that in order to counter the problematic assumptions of regulation within a neoliberal discourse,

reform needs to take a more simultaneously horizontal or whole of government approach to international students service and rights provision and adopt genuinely consultative decision making which incorporates students into the process. (p. 121)

This focus on horizontal approaches, student rights and “consultative decision making” marked a significant departure from the neoliberal approaches they critique. They went on to say that it is not enough to take a state by state approach to education but advocated for coordination at a national level and, also, at a transnational level, with Australia working with other nations to create approaches to regulation that cross boundaries and are applicable no matter which nation a student happens to be in at the time. They argued “that regulating any area of human well-being requires more than just applying the traditional conception of one legislative framework for one area . . . [g]overnments needs to run agendas through pluralities of agencies within and outside their borders” (p. 124). They conceptualised this kind of transnational agreement as

being similar to the Bologna Process⁶, arguing that we need a similar agreement with regards to student welfare.

Nyland, Forbes-Mewett, and Hartel (2013) built on this work and explored the lessons that can be learnt from the Australian international education model. In particular, they posited that:

If communities are to build a stable, commercially orientated international education sector that has long-term stability, they need to underpin their efforts with a governance network that is multi-dimensional. (p. 657)

They explained that “a regime of networked governance” (p. 667) stands as a counter to the top-down regulatory framework which they see as being defined by “hierarchical rules by the state and competitive regulation by firms in the market” (p. 656). The authors argued that this network should be “pluricentric”, involving multilateral agencies, foreign governments, scholars, trade unions and ranking agencies, among others (p. 667). One of the defining aspects of this network, they argued, should be that it permits the “exercise of negotiation” (p. 657) and “is comprised of a range of stakeholders who have the capacity to countervail each other’s power and by doing so curtail practices that place international students and academic values at risk” (p. 656). This call for values such as the countervailing of power, negotiation, and the importance of networks is significant here as it represents a shift to a multilateral way of assigning responsibility, rather than assigning responsibility to single regulatory bodies or even single universities.

Paltridge, Mayson, and Schapper (2012) had a similar focus on regulatory collaboration and the distribution of responsibility. They argued that, while responsibility for international students used to lie with the government, “official responsibility for providing support for international students . . . has been devolved from governments to educational institutions” (p. 29), leaving institutions with the bulk of the responsibility. They argued that this is problematic because “while educational institutions have a significant role in supporting international students, there is a large gap in social support provided to them when off campus” (p. 29). Again, we see tension around notions of responsibility and who should take responsibility for students in different contexts. They argued that there is a role to play in governments

⁶ The Bologna Process is a series of agreements among universities in Europe to ensure compatibility of degrees across national borders. It includes compatibility of duration, structure, depth and breadth of degree components, among other things.

and local communities working together to support international students, especially in the context of informal responsibilities beyond campus: “local governments need to acknowledge the presence of international students within the community they serve and provide them with appropriate support, services” (p. 36). They included among these responsibilities such things as providing tenancy information, advocacy when a tenancy goes wrong, playing a role in multiculturalism, and helping international students understand their employment rights. Again, the authors specifically mentioned notions of responsibility and articulated what kinds of responsibility they are conceptualising, and offered a framework for who should assume this responsibility.

The authors posited a number of possible ways that local councils could meet these responsibilities, such as students sitting on councils, students volunteering at local events such as multicultural fairs, and establishing local student advisory groups, where students play a role in their own advocacy: “these committees permit a dialogue between councils and students, giving international students a voice that is easily heard by council” (p. 35). They also examined some of the difficulties in their thinking, for example drawing attention to the fact that the funds of local councils are often limited, and that international students are not necessarily seen as members of the local community, making it difficult to justify the use of funds on supporting them; “the needs of international students might not be high on local governments’ to do lists” (p. 34). Their suggestions, then, come out of the need to generate cheap and cost-effective ways of engaging international students in community events.

Forbes-Mewett and Nyland (2013), like Paltridge and Mayson in the example above, also examined how resources and financing for international students can be highly contested, arguing that the current funding models of universities give rise to a series of tensions and contestations about resources. Drawing on Bourdieu (1988, 1996), they argued that universities themselves constitute “fields of power” (p. 190). One of the results of this is that how universities tend to prioritise research is inherently driven by the value allocated to different functions of the university. They argued that we need to fund international student services as it is a crucial part of supporting international students, but that the way universities allocate funding usually equates to what they call “intellectual capital” (p. 183)—that is, investment in those aspects of the university that lead to status, such as investing in research and students are often not

prioritised within that arrangement. The authors argued that to counter this difficulty, “universities should quarantine support services from divisional struggles over how the revenue generated by international students should be distributed” (p. 191), so that universities are able to meet their duty of care towards students. This article is significant because it is one of the few in the Australian literature that specifically brings together issues of power with notions of duty of care towards international students, a connection I will be discussing in great detail in later chapters.

2.3 FROM STUDENTS AS VICTIMS TO STUDENTS AS ACTIVISTS

The third significant trend in the literature is the ways in which students’ personhood is recognised. This section traces the shift from seeing international students as victims of racism, exploitation, and violence to international students as advocates, activists and change agents, able to transform their communities.

2.3.1 Students as victims

There has been a noticeable shift in how international students are constituted within the academic literature in the field. I have already addressed the dominant conceptualization of international students in the 1990s and 2000s as consumers within a neoliberal framework. However, with the rise of a focus on international students’ welfare and security – and the very public scrutiny of attacks and acts of racism – the literature in the field turned to wider discussions of international students as victims of violence. Moving away from the idea that students were just consumers, theorists such as Robertson (2011) and Mason (2010) started to see international students as victims – not just victims of stereotyping, racism or exploitation, but also victims of the pervasive discourses that led to their being perceived in particular, often disempowering, ways. In particular, the literature shifted in the direction of seeing students as being constituted through discourse, which led to the overt naming of racism as well as a number of studies which showed how racism was being denied in the public discourse. For example, Tran and Vu’s (2016) study looks at how international students are victims of stereotyping, particularly as “migration hunters” (p. 203). In their four year study, they conducted 150 interviews with international students enrolled in vocational education institutions as well as classroom fieldwork. They revealed that “teachers’ fulfilment of [their] duties can be considerably undermined if their pedagogic practices are overridden by the stigma attached to

international students as mere ‘PR hunters’” (pp. 209-210). They discovered that when teachers hold this stereotype about their students, their level of commitment to supporting those students is adversely impacted.

Azmat, Osborne, and Rentschler (2011) looked at students’ perceptions of the physical attacks against international students, taking a qualitative approach by facilitating focus groups with 53 male Indian students to assess their awareness of these attacks and their perceptions of the causes of the attacks. Their study found that students’ perceptions are divided between those who perceived the attacks as crimes of opportunity and those who saw them as racially motivated. Common among the students was the perception that the blame should be placed on the justice system which they feel is “too liberal” (p. 323) and that there is an ineffective police response to drunken behaviour and disorderly conduct, with many perpetrators receiving too light a sentence.

Mason’s (2010, 2012a, 2012b) work focuses on government rhetoric around racism. In her 2012 article “Naming the R Word in Racial Victimization: Violence Against Indian International Students in Australia” she focuses on “reactions in Australia to . . . claims of racial victimization” (p. 40), arguing for the ways in which Australian politicians employ a variety of strategies for avoiding using the language of racism. By deconstructing speeches by key politicians, she examined their rhetoric and identified several “discursive strategies” (p. 40) they use to avoid talking about racism. These include “outright denial” by refusing to use the word racism, by overtly denying racism, by using deflection and by reasserting “messages of decency, harmony and fairness” (p. 47). In a further study (2012a), after examining a range of government documents, press releases, interviews with Australian parliamentarians, police and government agency representatives, she looked at what she calls a “discourse of denial” (p. 4) and argued that “the failure of Australia’s government to acknowledge and take racism seriously trivialises the harm to the victim community and impedes effective intervention” (p. 19). Thus, international students are constituted not only as victims of violence but also as victims of the discursive practices that render their experiences invisible, insignificant or apoliticised.

At the same time as researchers were articulating the ways in which students are constituted by discourses in various ways, there was also an emergence of researchers pointing to how international students were resisting and challenging these discourses.

For example, Haugh (2008) examined how international student identities are constituted through various discourses, but also made the argument for how students were challenging some of these discursive constructions. In particular, he was interested in the prevalent discourse that he argued emerged between 2005 and 2007 in which international students were linked to a failure of standards. He was interested in challenging “the focus of simplistic stereotyping” of international students where “they are frequently identified as one of the forces behind declining academic standards or as cash cows for cash-strapped universities” (p. 207). Yet he also identified a counter-force in 2005-2006 and examined how international students are constructing identities for themselves. For Haugh, this shift to students constituting their own identities is a positive one but one that is not unproblematic; he raised concerns about this new body of research because of its basis in what he called “a somewhat uncritical view of the actual process by which identities are constructed through discourse” (p. 208), pointing out that a lot of these studies quoted students and took what they said at face value without examining how what they say might be limited by this very discursive positioning.

Koehne (2005, 2006) also argued against the stereotyping of students, and focused on “the power that academic and other discourses have to develop subject positions for international students and the ways in which students have accepted and rejected these ways of talking about them” (2006, p. 241). In particular, she argued that in much of the research international students are frequently spoken about “as an entity rather than as individuals with a range of personal histories and experiences” (p. 241). She examined “the power of discourses to speak subjects into being” (2006, p. 241) and called for “a richer way of taking about subjectivity for international students” (2006, p. 118). Working with a post-structuralist conception of identity, she argued that because identities are inherently unstable and iterative, there is always a process of change. Her work focused on how these instabilities or “discontinuities” facilitate the emergence of “new identities” (2006, p. 242) as well as on how international students develop their subjectivities and ultimately accept or reject the “power discourses” (2006, p. 242) that constitute them. Her analysis of 25 semi-structured interviews with international students from South East Asia, China, Europe, Africa and South America led her to reach the conclusion that “in talking about themselves as international students, individuals weave together many strands to

develop a storyline of self”, observing that “the dominant storylines are those of strength and a willingness to take up positions that may not be comfortable” (2006, p. 255). These positions are in stark contrast to many of the dominant discourses of victimhood which Koehne observed are often used to constitute international students.

Bullen and Kenway (2003) also engaged with questions of the politics of representation. Their study focused on postgraduate women from Pacific countries and the differences between how they represent themselves and how they were represented by academics. They argued that these students are “constituted within a politics of representation that reproduces certain neo-colonialist practices of culturalism, positing the third world woman as a passive victim in a dichotomy between first world and third world” (p. 43). This literature on racism in universities demonstrated the flaws in theories that position international students as just needing to “try harder” to adapt to their new culture. It also raised the question about how student centres in universities and even policies can address the systemic changes required to shift the discourses associated with racism and ethnic and linguistic stereotyping.

Kettle (2005) pointed out that much of the research on international students has been focused on students’ cultural backgrounds and cultural differences and how these can be overcome. She critiqued these representations of international students for failing to engage in discussions about discourse and agency, and her position is that it is only by taking these aspects into account that we will truly be able to capture the international student experience.

Doherty and Singh (2005) focused on the ways in which international students challenge the representation of themselves as “passive receivers of Western pedagogies” (pp. 59-61). They argue that Western students are often represented as active, independent, confident and active co-constructors of knowledge in the classroom, while international students are passive and non-interactive:

The otherness of the international student is socially constructed in relation to the category of Western student. Moreover, the social and cultural difference of the other, in this case the international student, is typically constructed in negative or deficient terms and as potentially risky to Western traditions of the university. However, the continuing and growing presence of international students in the globalizing Western University, suggests that such a claim to

a pure, authentic tradition, is nostalgic, a simulation seeking to recreate an imagined purity which is no longer there, if it were ever so. (2005, p. 53)

Doherty and Singh (2005) focused on the ways international students negotiate these different discourses of learning and actively engage with them in purposeful ways to address their own needs and to exploit opportunities (2005, p. 68).

Dixon (2006), too, questioned some of the discourses that have constituted international students as other within the Thai context. Her study, from 1999-2001, looked at an international educational partnership run by Australian universities in Thailand. She challenged the “apparent domination of the neoliberal discourse” (p. 319) that drives the Australian provider to arrive and provide “help” to students who do not know any better. Rather, Dixon argued, that Thai students are strategically choosing to buy a Western education but are not subscribing to paternalistic assumptions about western dominance. As such, she argued that power in this context is constantly shifting, being negotiated and renegotiated. In this way, she challenged a simplistic understanding of globalisation, arguing that an understanding of the complexity of power and exchange is vital; in a market economy, everyone is taking advantage of everyone. Dixon’s work provided an important insight into the changing relationalities of 21st century international education.

Burke (2012) also contributed to this shift by arguing that conceptualisations of international students are linked to the discourses that underpin perceptions of international higher education. Through an analysis of discursive representations of international students within media accounts, she identified the shift from students as commodities to students as consumers, and then a further shift when the consumer discourse becomes linked to a broader discourse around internationalization.

In each of the above works, we see the tension between the ways in which international students have been constituted by prevalent discourses and the ways in which international students negotiate their own identities and subjectivities. This earlier work on the deficit model of characterizing international students, and the work on the ways in which discursive practices constitute international students within wider political and historical conditions were both highly significant in terms of later shifts in the field; a shift from seeing international students as victims towards seeing them as advocates and active agents in their own education and in wider social change.

The work of Robertson (2011, 2013a, 2013b, 2014, 2016) has been particularly significant in tracing this shifting conceptualization of international students' identities. Robertson's work examines the identities of international students in Australia through the shifting lens of migration policy, and "the impact of specific policies and discourses on international students as students, migrants and workers" (2011, p. 2193). In common with others, she argues that prior to the late 1990s, international students were primarily conceptualised as consumers, with the push to recruit international students being undertaken with the specific mandate to fill the funding gaps in higher education left by government cuts. However, a shift in migration policy in the late 1990s also shifted the identity of these students: "in the late 1990s, the nexus of education and migration policy began, which facilitated a fundamental shift from international students as transients/sojourners to potential residents/workers/citizens" (2011, p. 2194). She saw the "education-migration nexus" (2011, p. 2196) as a distinct political structure. International students were awarded extra migration points if they obtained an Australian qualification, and the new migration policies included a new visa category where students could switch their status from international student to migrant and apply for permanent residency from within Australia. In addition, the Australian government sought to use international students to plug gaps in trade occupations, publishing a list of migrant occupations in demand. Where previously, the students coming to Australia were doing so primarily to seek higher education qualifications before returning to their home countries, now they were often coming as workers and migrants. The result of this, Robertson argues, was that:

the boundaries around categories of student, migrant, and worker have become increasingly fuzzy. This fuzziness has called into question how rights are framed, with discourses of human rights and consumer rights becoming intertwined in complex acts of citizenship that produce multiple subjectivities. (2011, p. 2193)

Increasingly, international students were moving across "membership categories" (2011, p. 2196) and identified not just as international students and consumers but also as migrants and workers, with "multiple subjectivities at play" (p. 2193), resulting in a forced coming together and blurring of education policies and migration policies.

Robertson (2013a) used this examination of migration policy to analyse the recent history of international student activism in Australian cities to argue that international students are not only constituted by the cities in which they live but are also actively constituting these cities: “a great deal of literature has emerged on international students in Australia, but little has been done to analyse their activism and to understand what the protests have meant to the reclaiming and rescaling of urban bases” (p. 973). For example, she looked at a series of protests in 2008 –by international students in relation to course quality, the advocacy of a prayer room for Muslim students at an Australian university and a protest against violence against taxi drivers. In contrast to the literature that focuses on the victimisation and racialisation of international students, she analyses how the protests have shaped student identities and transformed the cities in which the protests took place. She argued that “If the visible and embodied presence of international students in public spaces is linked to their victimization and marginalization, then their deliberate visibility on mass through protests also needs to be considered” (p. 977). She saw these protests as enabling students to be “reconstituted” (p. 973), with the act of protest not only enabling new solidarities but also an example of “how students are transgressing the boundaries around the fixed identity of ‘transient student’ and making claims to belonging that jump across the social and geographic scales of city, campus and nation” (p. 984).

Robertson’s work is significant, then, as it calls into question the idea of students as passive victims of their circumstances, instead positing them as active agents and activists, able to advocate for change. It is also significant in its identification of students as not only being constituted by, but also in turn, constituting the communities and cities in which they are studying, living and working.

2.4 SITUATING THE CURRENT STUDY

There has been considerable research in the field of international education in Australia, covering a wide range of related themes and topics. I have included some of the dominant themes in this review, including the emergence of the ‘human rights’ approach to international students; the call for forms of governance that are multilateral, transnational and networked, involving multiple levels of responsibility from both government and non-government groups; and the growing awareness of the multiple subjectivities that international students hold – that they are not just consumers, or victims, but have complex, multifaceted identities and relationships

with their local, national and global communities, as well as political valency and the capacity to be change agents and activists as they work to transform these communities. I have particularly emphasised those studies that address the areas of the intersection of policy and care in some way.

2.4.1 A gap in the literature

As my review of the literature has demonstrated, the present study aims to fill a gap in the literature to date. There is an apparent lack of published work that overtly brings a feminist ethics of care into work on Australian international higher education and that examines policy and public discourse through the lens of care. Even works that do not explicitly mention care often invoke care concepts, such as the needs of students, or who should be taking responsibility for them. In other words, concepts of care are underlying many of the assumptions that are shaping the literature in the field, and in particular the more recent literature. Yet we have no cohesive way of thinking about how these concepts of care constitute international students and international education. Within this literature, there is room – and need – for a more critical understanding of the role that concepts of care play, not only in terms of understanding what the concepts of care are but also what kind of work they are doing to constitute particular kinds of relationalities within international higher education policy, how they are shaping international student experiences, and how they are influencing perceptions of Australian higher education, both domestically and abroad.

2.4.2 Responding to unspoken invitations

Why is another framework needed in the field? This study does not contradict or oppose the current thinking about the international higher education field. Rather, it complements it, picking up loose strands and offering new insights and possible answers to as yet unspoken questions and invitations for further thought within the literature.

Perhaps the most significant contribution to the recent literature has been the development of an approach to thinking about international students as bearers of human rights. Here, too, there is much that an ethics of care can contribute to developing this notion and helping to make the transition from the abstract notion that students (should) have rights to a greater concretisation of what this might look like in practice. For example, as I have discussed, Marginson (2012) places considerable

focus on rights and responsibilities, trying to develop clear delineations of who is, and should be, responsible for the different aspects of a student's experience, trying to close the gap between these areas. He also notes that students are affected by both formal regulation and informal conditions that cannot be regulated so easily and tries to parse responsibilities for these areas as well. However, he does not unpack these conceptions of responsibility and care that underlie their recommendations. While he extends the idea of responsibility beyond legal and legislative obligations, he does not interrogate the concept of responsibility itself. Likewise, he does not define the flow of care that might be wrapped up in these assignments of responsibility. While Marginson (2012) and Sawir *et al.* (2012) have taken the idea of student security and unpacked it as a concept and rendered it transparent, the present study runs alongside this and seeks to render transparent these notions of responsibility and care. Within an ethics of care, who is responsible is only part of the puzzle; questioning how we conceptualise responsibility itself is also vital.

In a similar vein, much of the current literature is already both explicitly and implicitly relying on concepts that are linked to care. Yet none of the authors appear to be using an ethics of care to interrogate the concepts in further detail, or as a way of overcoming some of the many practical issues that arise from their proposed solutions. For example, Paltridge *et al.* (2012) advocate for a distribution of responsibility that includes local councils. They use phrases such as “dialogue”, “listening” and “giving international students a voice” (p. 34) and offer several suggestions for how local councils might engage international students in cost-effective ways, such as asking international students to sit on committees or asking them to volunteer in multicultural events. Their article is heavily dependent on notions of relationality, yet without the language of care theory, there is no examination of what concepts like dialogue, listening and voice might actually mean. Nor is there any articulation of how these proposals might be carried out in ways that are ethical. These ‘cheap’ ways of connecting with students are, of course, cheap for the council, but come at a cost to the students. The solutions they posit transfer the resource burden to the students themselves, and there is no evaluation of the power imbalances that may influence this transaction. Student involvement is not an inherently good thing without a model by which to evaluate it. One can imagine a situation where local councils do indeed involve students in these ways, but do so in coercive and potentially exploitative ways,

where international students simply become a means for free labour or tokenistic gestures towards diversity. Likewise, if a local council decided to answer the call for dialogue, they might be left wondering exactly what this means, who determines what the students' needs are, how to make sure it is conducted in ethical ways, and how to measure its success. As will be shown in later chapters, Tronto's (1993, 2013) elements of care could act as a guide for this. There is an unspoken gap, here, then, where the solutions proposed raises complex questions around ethics and the nature of relationships between international students and the communities in which they are living, working and studying.

This is by no means the only unspoken gap in the literature. In fact, an overview of some of the dominant concepts in the recent literature show that there are many similar gaps. Throughout this literature, we see contestations of responsibility (Marginson, 2012; Nyland et al., 2013; Paltridge et al., 2012; Ramia et al., 2013); contestations about the needs of international students (Burke, 2012; Deumert et al., 2005; Robertson, 2011; Sherry et al., 2010; Xiong et al., 2015); questions about aspects of power in relation to care and responsibility; proposals for networks of governance (Forbes-Mewett & Nyland, 2013; Koehne, 2006; Nyland et al., 2013; Robertson, 2011); reference to concepts of othering and agency (Bullen & Kenway, 2003; Kettle, 2005); collaboration; as well as concepts such as well-being, welfare, dignity, dialogue, self-determination, understanding and exchange (Marginson, 2012; Marginson et al., 2010; Robertson, 2011). Yet all of these concepts, as I will show in Chapter 3 and in my later textual analysis, feature prominently in an ethics of care. References to these aspects of care then, can be seen as unspoken invitations to take up these issues, and to help to develop ethical ways of achieving the networked governances. Nyland *et al.* (2013) concluded their work on network building by saying "we urge scholars to contribute to the theory building that will be required to forge an effective network" (p. 671). The current study, integrating an ethics of care, can be seen as part of the response to that call.

2.5 SUMMARY

My review of the trends and movements in the literature about international higher education in Australia during the period of 2002 to 2013 has shown a consistent trend towards frameworks of higher education that are rooted in ideas of relatedness, networks, connection and collaboration, as well as concepts within care theory such as

responsibility and needs. The review reveals that there is now a need for further examination and analysis of what these concepts mean, how they might work in practice, and how we might develop ethical frameworks within which to implement proposals which emerge.

Chapter 3: Theoretical Framework

As has been revealed in Chapter 2, concepts of care have historically informed Australian international higher education, whether it is how student support has been conceptualised, how Australia is positioned within a global economy, or how policy has been developed. However, the concepts of care that are informing these choices are rarely, if ever, discussed overtly and transparently. There is a pressing need to understand how these concepts of care constitute students in particular ways, how policies enact practices of care, and how we might rethink the future of international higher education within frameworks that are more attentive to the needs of students. This is especially important given that care theory gives us a language for understanding that care is not, of itself, necessarily positive, but can be coercive (Narayan, 1995; Sevenhuijsen, 1998). This makes it all the more pressing to develop theorised frameworks for how we might practice good care.

This chapter maps out prevailing theories of care and, in particular, how these theories will be used in this study. It will situate the current study within theories of care, indicating those aspects of care that are useful to this study as well as those which are not, and will examine how these theories of care may be used to develop a framework for analysing the concepts of care within policy and media that have shaped today's international higher education in Australia.

3.1 EARLY CARE THEORY: FROM ABSTRACT TO PARTICULAR

By way of tracing how the current study conceptualises the idea of care, and also to define those theories of care which are not informing this study, it is useful to begin with a discussion of early care theory, in particular, focusing on three central figures in the early work on theorizing care: Gilligan, Ruddick, and Noddings.

Gilligan's 1982 *In a Different Voice*, first laid the groundwork for the concept of an ethic of care. Her work is an explicit rebuttal of Kohlberg's theory of moral development. Kohlberg (1981) argues that people go through six stages of moral development: the "Punishment and Obedience Orientation", the "Instrumental-Relativist Orientation", the "Interpersonal Concordance", the "Law and Order Orientation", the "Social-Contract, Legalistic Orientation" and the "Universal-Ethic-

Principle Orientation” (Kohlberg 1977, pp. 189-191). Kohlberg makes the claim that these are universal stages. For him, these stages built incrementally on each other and are “geared towards arriving at an objectively fair or just resolution to moral dilemmas upon which all rational persons could agree” (1981, pp. 21-22). As such, his argument is very much based on concepts of justice and relied on a high level of distance and abstraction. Gilligan contests Kohlberg’s claims, challenging his assumption of a common moral development between men and women. Instead, she argues that women operate according to a different form of moral development based on a “different history of human attachment, stressing continuity and change in configuration, rather than replacement and separation” (p. 48). She argues that: “the psychology of women that has consistently been described as distinctive in its greater orientation towards relationships and interdependence implies a more contextual mode of judgment and a different moral understanding” (p. 22).

Gilligan’s (1982) *In a Different Voice* was, in many ways, ground-breaking. However, it was also problematic, especially in terms of the gender essentialisms that underpin her arguments. Her ethic of care relies heavily on these gendered arguments, creating what Sevenhuijsen, drawing on Davis (1992), calls an “unproductive polarization” (1998, p. 39). Tronto (1993) also points out that although Gilligan’s work draws attention to what she calls the “gender boundary” (p. 63) in Kohlberg’s work, it doesn’t “disturb the basically exclusive logic of Kohlberg’s theory” (p. 63). As a result, Tronto (1993) argues, the “potentially radical effects of Gilligan’s writings have been blunted” (p. 63). Further, Gilligan’s work relies heavily on an emphasis on the personal and private sphere, where women become associated with the home.

These criticisms aside, however, Gilligan’s work effectively paved the way for much of the later thinking that would prove to be extremely useful in thinking about concepts of care. Her work challenges the autonomous nature of the individual who is differentiated from the other, taking the idea of care away from merely a personal exchange and placing it within a relational context. In other words, within a care relationship, each individual is not acting independently but is being constituted by the relationship; her ethics of care posits a different account of the self. At the same time, she challenges the notion of universality, instead paying attention to the situatedness and context of such relationships. As Gilligan observes about one of her subjects: “In seeing individual lives as connected and embedded in a social context of relationship,

she expands her moral perspective to encompass a notion of ‘collective life’. Responsibility now includes both self and other, viewed as different but connected rather than as separate and opposed” (1982, p. 147). This observation could be used to describe not just this individual subject, but Gilligan’s contribution to the field as a whole. The shift in thinking about the relationships that constitute a ‘caring’ relationship was a significant one.

Ruddick (1989) makes a similar case of an ethic of care being linked to gender, placing the experiences of women and maternal practices at the centre of this notion of care, and arguing that this maternal work “gives rise to a distinctive kind of thinking” (p. 61). Her goal is to argue for specific “metaphysical attitudes, cognitive capacities and conceptions of virtue that arise from mothering” (p. 61) and to use these qualities to articulate “notes toward a feminist maternal peace politics” (p. 219). Ruddick points out that she does not restrict the role of mothering to women alone and takes care to situate this type of caring to remove it from universal, abstracted claims: “neither a woman nor a man is born a mother; people become mothers in particular historical and social circumstances” (p. 52). As a result, although she speaks of an ethic of care that is situated and not universal and tries to avoid gender essentialisms, she nonetheless reinscribes caring as based on the experience of women and restricts her discussion to the caring relationship between a mother and child. Consequently, her argument, like that of other care theorists, is not one that can be applied to the public sphere in any meaningful way. When this study refers to an ethic of care, it does not define care within the framework of these gender essentialisms, nor is it asserting that care is exclusively a feminine domain.

In many ways, the work of Noddings stems from a similar foundation to both Gilligan’s and Ruddick’s work. She argues for a concept called “natural caring,” which she sees as being the kind of care shown by a mother towards a child, “a form of caring that arises more or less spontaneously out of affection or inclination” (2002, p. 29). Her analysis stems from both generalised assertions about mothering care and from specific memories of the way we were mothered. She differentiates between natural caring and what she calls “ethical caring”, where ethical caring, or caring that requires an “ethical effort” (p. 2), relies on the natural response being “summoned” (p. 3). For example, she argues that when we are in a position where we are called upon to care

for someone we do not know, that we “summon” the caring response and put ourselves in a position of intimacy to evoke that natural caring.

Like Ruddick, Noddings’s ideas are very much focused on mothering and the private sphere of the family. This has been one of the principle criticisms of her work. However, Noddings articulates two ideas that are extremely important in the development of notions of ethics of care. The first – and this was quite revolutionary and served to shift the paradigmatic assumptions about care that had informed the thinking of many of her predecessors – is the awareness that care is inherently relational; that it is not fixed, subtracted or universal, but emerges from the context of a relationship. “Caring is not controlled entirely by the carer, it is a mode of shared control” (2002, p. 14), she argues. For her, caring begins “in the form of encounter” (2002, p. 12). She advocates for an ethic where needs are not articulated *prior* to the encounter but are articulated *through* the encounter – caring becomes a means through which needs become articulated and met. What is unusual in her argument is that, for her, it is the “cared for” who drives the process – a stark contrast from the view that the carer is an active agent while the cared for passively receives the care. Turning the idea of the “pathetic fallacy” – in which somebody tries to understand another’s needs by projecting on to that person their own experiences – on its head, she argues instead for the notion of “receptive attention” (2002, p. 17) in which the needs of the cared for are key. Receptive here becomes an antonym for “projective” – that is to say the carer is receptive to the needs of the cared for, rather than projecting their own perception of the needs:

In a relational view we have to ask about the effects on the cared for, and the carer’s actions are mediated not only by the initial needs of the cared for, but also by the observable effects or whatever the carer does. (2002, p. 19)

This is very different from Kohlberg’s (1981) theory of moral development which relies on an ethic of justice based on abstract, detached and universal concepts of needs that can be objectively determined and met, based on a model of rights. Noddings (2002) argues that:

Caring will also depend on the connection between caring and cared for. It is easy to forget this, and so the world is filled with claims to care and accusations that professed carers do not care (‘nobody cares’) and even that they exploit the recipients of their pseudo-care. It is essential, then, to maintain

the distinction between care as a virtue and care as an attribute of relation. (p. 20)

Within this model, caring is seen as the relation between two parties, and articulates that both parties have a responsibility for that relation.

The second central idea that Noddings (2002) makes clear in her work is the distinction between “caring for” and “caring about” (p. 24). She first articulates this difference in her earlier work, *Caring: A Feminine Approach to Ethics and Moral Education* (1984), arguing that “caring for” is an action, whereas caring about is more abstracted. For Noddings, “caring for” relies on an interpersonal, face to face relation, whereas “caring about” can be for someone unknown in the wider public (p. 24). She acknowledges that there are circumstances when you are called upon to care for others but it is not direct, such as caring about Cambodian orphans. She admits to brushing aside this idea of caring in her first book, asserting that you cannot care for distant others because you can never fully know what their needs are – that care is always mediated through a form of projection of needs. In *Starting at Home* (2002), however, she returns to the idea of “caring about”, and links it back to wider discourses of justice and social policy, arguing that:

caring about (or, perhaps, a sense of justice) must be seen as instrumental in establishing the conditions under which caring for can flourish. Although the preferred form of caring is caring for, caring about can help in establishing, maintaining, and enhancing it. (p. 23-4)

Here, she continues to root the notion of caring within the concept of home, but also starts to think of this type of care as a starting point, or even as a metaphor, for thinking about social policy that goes beyond interpersonal relationships, asserting that “an acceptance of interdependence is learned in the best homes, and it can be used effectively in making social policy” (2006, p. 33). Like the other first wave care theorists, her argument is limited by its emphasis on care as belonging to women and on interpersonal, family relationships, as well as her reliance on gender essentialisms. As Sevenhuijsen (1998) comments in her discussion of this first wave of care theory: “If you were ‘for’ care ethics . . . then you *had* to be an adherent of natural sexual differences or – even worse – essentialism” (p. 39). However, Noddings’s work is nonetheless extremely important, as it offers a model of care that is based on needs and responses that are situated and based on relationalities. The fact that she posits a

definition of care that is inherently relational, challenging notions of care that are based on universality as an ethic of justice, and sees individuals within a care relationship as not independent but interdependent and interconnected marked a significant shift from previous thinking. What is more, this ethics of care may be seen as deeply embedded within social structures and in who the individuals are, with both the carer and the cared for being constituted through the encounter.

Despite their limits – including their gendering of care and locating it largely within the private sphere – these early care theorists spoke back to the neoliberal notion of the detached individual, challenging an ethic of justice that was based in abstract, universalised notions of the collective good. By seeing care and justice as separate spheres, often in opposition to each other, these theorists opened up an awareness of difference and the situatedness of care, which in turn illuminated what it meant to provide, receive and indeed constitute, care.

3.2 LATER CARE THEORY: MAKING CARE PUBLIC

While other care theorists continued to see care as being a feminine domain and to essentialise gender, these limitations were challenged by later care theorists, who moved from ‘feminine’ conceptions of care to ‘feminist’ conceptions of care, arguing that the transformative aspect of care actually does not rest on an ethic of care’s association with women (Hankivsky, 2004; Robinson, 1999, 2006; Tronto, 1993). These later theorists also moved beyond thinking about care purely in terms of the private sphere of family and mothering, instead asserting the centrality of the care in the social and political sphere, as well as in notions of state and citizenship. Three theorists in particular are useful to the theorising of the study in this field: Fiona Robinson, Selma Sevenhuijsen, and Joan Tronto.

In her 2006 article, “*Ethical Globalization? States, Corporations, and the Ethics of Care*”, Robinson’s goal is “to think about how care ethics could be used as a normative framework for rethinking the nature of the state, and the relationship between states and citizens, in an era of globalisation” (p. 165). She is concerned with moving beyond the earlier focus on a “generalized other” (Benhabib, 1992, p. 164) and on the private sphere to a discussion of “how social structures and institutions give rise to relations and practices of responsibility that privilege some groups over others and that make caring difficult or unlikely between members of groups” (Robinson,

1999, p. 166). Robinson in her book 1999 *Globalizing Care: Ethics, Feminist Theory, and International Relations*, and advocates for what she called “a critical ethics of care” which “reinvent[s] . . . the ethics of care which is responsive to the wider structural and institutional causes of human suffering and is critical of its treatment of relationships, difference, and processes of exclusion” (p. 116). In other words, she builds on the notion that care is relational, going beyond particular and individual relationships to focus on what she calls the wider structural and institutional causes:

It [a critical ethics of care] emphasises the importance of locating care within the context of the wider institutions and structures which shape the global order; understood in this way, relational thinking can assist us in exposing the often hidden values and norms which reinforce and reproduce established exclusionary social practices and attitudes. (p. 110)

She argues for a “relational ontology” – the belief “ that people live in and perceive the world within social relationships” (p. 2). She posits that:

A critical ethics of care shares with Marxist epistemology a refusal to see social norms and institutions – and indeed, all ‘knowledge’ – as natural or given, but rather to reject the apparent ‘objectivity’ of knowledge, and to regard all knowledge as socially constructed and historically contingent. (p. 113)

What is really useful to the current study is that Robinson challenges the concept of care as good for its own sake, but embeds a critical understanding of the concept such that individual acts of care are seen as connected to institutions and systemic social structures, mutually constituting one another. Within this framework, individuals are not autonomous individuals but interdependent and constantly constituted by the relations that define them. This was a significant shift away from models of care that saw only independent, private acts of caring.

Like Robinson, Sevenhuijsen, (2006) sees care as extending to the political sphere, arguing that:

the process of care should be seen in a holistic manner, and also from the perspective of both caregivers and care receivers. Since care is understood as a process of human existence it concerns not only privatized relations but also social and political institutions and cultural values. (p. 82)

She argues that the need for care has often been figured as a “handicap, a burden” (1998, p. 28), based on a norm of “self-sufficiency” of “a detached individual whose aim is autonomous behaviour” (1998, p. 28). Based on this model, care is only necessary when something goes wrong, and the autonomous individual is made vulnerable and a burden. She, however, refutes this view of care, seeing instead that care is “at the heart of citizenship practices” (2006, p. 84). When placed in this realm, care is taken out of the context of handicap or burden and seen as a normal part of social and political life. She challenges the idea of care as being ‘natural’, arguing instead that care is always socially based, and always substantiated through formal and informal institutions. Care practices neither are natural nor neutral for Sevenhuijsen but always bound up by discourse. She states:

Against this background, care can be seen as a mode of acting in which participants perceive and interpret care needs and act upon these needs. How their interpretation and acting proceeds varies according to the situation and social and institutional contexts, and depends on a variety of factors, such as norms and rules about good caring and relational dynamics between the actors concerned. (p. 22)

There are several key ideas in this statement: care – rather than being universal, abstract and based on a view of a normalised, homogenous view of moral conduct – is very much situated and, further, very much open to interpretation and perception according to those involved in the relationship. She introduces the idea that these interpretations and perceptions are informed ‘norms’, which are based on context, and the importance of relational dynamics – the interdependence of the individuals involved as they are constituted by each other and by their relations. Finally, she introduces the concept of good caring, suggesting that care is not inherently a moral good and in fact might not be good at all. In *Citizenship and the Ethics of Care* she calls for care to be acknowledged as something that can be conflicted and contested: “Caring for others can also stem from less noble motives, such as the urge to meddle or control others . . . care can . . . figure as an element in power strategies that are directed towards the construction of specific forms of . . . identity and subjectivity” (p. 20). In this model, care is not only not good or neutral, but is seen as potentially coercive and less than “noble” (p. 20). In this, she moves considerably away from the early care theorists.

Similarly, Sevenhuijsen (1998) also challenges the separateness of care and justice that the earlier care theorists expounded; rather seeing them as crucially intertwined, albeit in a radically different way from the earlier views of justice that assumed universalism and abstraction:

The feminist ethics of care offers a radical alternative to the liberal justice idiom. The manner in which moral subjectivity and moral situations are considered in the ethics of care leads to a relational image of human nature which is incompatible with the atomistic, individualized subject of liberal political philosophy. (p. 34)

Sevenhuijsen sees the “relational self” as a “moral agent”, and in setting up this form of moral identity in contrast to the “atomistic view of the individual”, she tries to posit a more situated approach to judgment and justice, which allows for a commitment to dealing with difference (p. 34). As such, she moves away from the concept of the “generalized other” (Benhabib, 1992, p. 164) and opens up a space where difference is mutually constituted – the person being cared for is an active agent, and the need comes not only from the person being cared for but from the interdependence of the carer and the cared for. In this way, we might attempt to become “truly moral” (p. 19):

It [an ethic of care] is political in the broad sense because it wants to break with the patterns of domination that have surrounded caring activities and moral feelings for too long and to establish new modes of being ‘truly moral’ It is political in the narrow sense, since it wants to transform systems of instrumental and bureaucratic rationality, which aim at banishing the unexpected and uncontrollable . . . and argue instead for new forms of creative power . . . and thus for renewed forms of political agency, political judgment and social justice. (p. 19)

For Sevenhuijsen, then, care is always situated in two ways: it is both about the particular needs or practices of the individual and situated in terms of wider frameworks of knowledge and power; the practice of care is always bound up by discourse.

Sevenhuijsen (1998) also makes a crucial distinction between the concept of obligation and the concept of responsibility, releasing the idea of care from the sense of burden – both for the carer and the cared for:

When the ethics of care is released from its ties with the ethics of rights and duties and is more appropriately expressed in the vocabulary of responsibility, the care is no longer by definition a burden: in addition, a more open form of deliberation becomes possible, involving such questions as whether and how we can/want to give shape to responsibilities and how we can deal constructively with dependency and trust. (p. 59)

This marks a movement from seeing responsibility simply as a burden or transaction to seeing that responsibility as being about interconnectedness. In other words, there is no such thing as my rights and your rights, but rather our relationship establishes what those rights are. At the core of an ethic of care is the question of how best can institutions realise their care responsibilities. For Sevenhuijsen, that question is always coupled with communication. She asks, how can we best know the situation?

the ethics of care implies being open to the ‘other’; it thus attributes an important place to communication, interpretation and dialogues From this perspective, knowing is a social and dialogic process. There is not just one way to know a social situation. In the contrary, it is important to become acquainted with the many ways in which different social agents interpret a situation and act in it. (p. 61)

In other words, relationships are a product of the social and institutional practices and discourses, and we need to engage those in order to articulate our responsibilities to one another.

3.3 MOVING BEYOND INDIVIDUAL CHOICE: CARE AND THE NEOLIBERAL DISCOURSE

An ethics of care also makes some important contributions to discussion about the limits of neoliberalism, and in particularly about notions of autonomous choice, which features prominently in much of the discussion about international higher education in Australia. Care theorists see neoliberalism as inherently problematic in ethical models of care.

The theoretical paradigm of neoliberalism emphasises individual choice, personal responsibility and autonomy. As Tronto (2013) argues, “The neoliberal worldview . . . sees people primarily as workers and consumers, who already have autonomy and clear ideas about their ‘preferences’ . . . the logic of consumption is

relentlessly individualistic” (pp. 38-39). Within this framework, care also becomes focused on individual choices:

From the standpoint of a neoliberal society . . . human life is viewed as the sum of an individual’s own ‘choices’ for which he or she will be responsible. Care thus becomes entirely a personal and private matter; individuals make ‘choices’ about care for themselves and for those around them. (p. 40)

For Tronto (2013), Held (2006) and other care theorists, this idea of the individual as autonomous and existing “prior to social relations or groups” is deeply problematic and one that Held describes as “artificial” and a “false construction” (p. 101). Instead, she argues for the need to consider that “the material and experiential realities of any individual’s life are fundamentally tied to those of others and how the social relations in which persons are enmeshed are importantly constitutive of their ‘personhood’” (p. 101). In other words, for Held, and other care theorists, one of the core paradigms of care is that there is no such thing as an individual prior to social relations. We are not individuals first who fall into social relations but are always inherently bound up in social relations. As Tronto (2013) says “‘Choice’ . . . is not freedom. If one is oppressed, then the choices before one will often be only bad choices. . . . The problem with personal responsibility is when it seems to be the only form of responsibility that is important in democratic life” (p. 40).

As we think about students within Australian international higher education, developing a framework for thinking about the conceptions of care allows us to consider how relationships are constituted, how needs are defined, and the role of both power and difference within these relationships. This leads to further questions, such as, are the relationalities between international students and their universities or the government seen as being mutually constituted? Or are universities still falling into the tendency, as they have in the past, to see needs as determined by the carer (the institutional context) on behalf of the cared for (the students)? Are international students seen as active agents in their own care and as a crucial part of the relational ontology? Sevenhuijsen (1998) introduces us to the concept of a “care ethicist” (p. 61) commenting that

The care ethicist does not place herself outside and above the practice of care and human interaction in order to observe and analyse, she sees herself preferably as a participant within caring practices. The recipient of care is, for

her, not an ‘object to be known’ but someone to whom she listens, whom she tries to understand, and with whom she communicates. (p. 61)

What does it mean for policy makers to see themselves in the role of care ethicist? How do policy makers take into account the context and situatedness of the care practice, or do they have a tendency to fall into universalising, homogenising assumptions? When universities are thinking about programming or creating policy to support international students, do they take into account how the needs of these students might be constituted through larger discursive frameworks, and might be a reflection of larger discourses of power, or are these wider social discourses largely unaccounted for? And, perhaps most importantly, how might frameworks that see the caring relationship as one of interdependence redefine the role of the university in relation to the international students and what would this open up?

Sevenhuijsen (1998) argues that when we are dealing with policy, these texts always:

include patterns of dealing with things which are often the result of political compromises and discursive traditions. They often contain fixed patterns of speaking and judging, but they can also open up unexpected discursive spaces, where new forms of thinking and judging can start. (1998, p. 30)

The present study is interested in what those “unexpected discursive spaces” (p. 30) might be when we apply a deeper understanding of concepts of care to discussions about international higher education in Australia.

Tronto’s 1993 book *Moral Boundaries: A Political Argument for an Ethic of Care* provides an opportunity to apply some specific tools that help with this work. Tronto asserts that we cannot understand care until we situate it within its full moral and political context, and tells us that “care delineates positions of power and powerlessness” and is frequently “deployed by the powerful both to demonstrate and to preserve their power” (p. 122).

Held (2006) picks up on this argument and expands it, arguing for a conceptualization of care that includes what she called both practice and value. For Held, care on its own is neither good nor bad and she seeks to explain the nature of effective care. She argues that “it is not enough to think of care as simply work” (p. 38) but that:

Care is a practice involving the work of care-giving and the standards by which the practices of care can be evaluated. Care must concern itself with the effectiveness of its efforts to meet needs, but also with the motives with which care is provided. (p. 36).

Held advocates for a view of care that is holistic and takes account of motivations; she is suspicious of any model of care that sees it only as practice, but also suspicious of models of care that see it merely as a virtue or an attitude (p. 35). When care is seen only as a virtue and not as a practice, the focus, she argues, becomes entirely on “the states of character of individuals” (p. 19). When it is seen as both a practice and a virtue, it is important to chart the flow of care and see it through a “web of relations” (Tronto, 1987, p. 658) – it is that web of relations that ultimately determines whether good care has been achieved. Tronto goes into considerable depth to articulate the nature of good care through the use of what she calls the four ethical elements of care, before considering whether institutions, as well as individuals, can care.

Tronto’s four ethical elements of care are at the heart of her argument, and, as I will show in later chapters, are extremely useful tools in considering what concepts of care underpin how policy and media both reflects and constitutes the needs of international students. These tools are: attentiveness, responsibility, competence and responsiveness.

3.4 ATTENTIVENESS

For Tronto (1993), attentiveness means paying attention to the needs of others, in a way that recognises those needs without imposing or projecting our own needs on them. She writes: “We have an unparalleled capacity to know about others in complex modern societies. Yet the temptation to ignore others, to shut others out, and to focus our concerns solely on ourselves, seems almost irresistible” (p. 127). She further elaborates that “attentiveness, simply recognizing the needs of those around us, is a difficult task, and indeed, a moral achievement” (1993, p. 127). In the context of higher education in Australia, there has been a tendency to respond to students’ needs by asking how we should develop better checks and balances, how students’ consumer interests should be protected, and what policies need to be in place to ensure fair transactions and quality control? Tronto’s framework provides a valuable way by which we might develop a deeper understanding of the concepts of care that underlie these approaches to addressing student needs, and provide these kinds of consumer

protections. In what ways have we failed to pay attention to the needs of international students? How has systemic discrimination been ignored or re-narrated? What ignorance are we continuing to perpetuate? In other words, are we actually doing the difficult work that Tronto advocates? How could these concepts help us to understand the acts of violence that international students have faced, and the public media attention that followed? Is the safety debate a failure of checks and balances, or consumer protection models, or a more fundamental failure of attentiveness?

3.5 RESPONSIBILITY

The second ethical element of care is what Tronto (1993) calls responsibility. The concept of responsibility has played an important role throughout the literature on care. Robinson (2006), for example, discusses the concept of responsibility as a practice and not just a set of obligations an individual may have towards another individual (p. 166). Within this context, the focus is not just on responsibility toward particular others but also on “how social structures and institutions give rise to relations and practices and responsibilities that privilege some groups over others and that may make caring difficult or unlikely between members of groups” (p. 166). Tronto (1993), like Robinson (2006), sees a difference between concepts of obligation and concepts of responsibility, whereby obligations are bound by formal agreements while responsibility has a larger mandate:

Compared to obligation, responsibility has both a different connotation and different context. It seems at first to be a more sociological or anthropological concept, rather than a political or philosophical, concept. Responsibility is a term that is embedded in a set of implicit cultural practices, rather than in a set of formal rules, or series of promises In the question of obligation, we might look for formal bonds, previously stated duties, formal agreements. We may conclude that we know nothing. Concerning responsibility, we might look behind formal or legal ties to try to understand The question of responsibility to care is more ambiguous. Ultimately, responsibility to care might rest on a number of factors; something we did or did not do has contributed to needs for care, and so we must care. (pp. 131-132)

This last part is especially important: Tronto here explicitly links the need for care with a wider system of social responsibility. Both Tronto and Robinson argue for responsibilities as being bound up in the concept of the nation state, and Robinson

(2011) uses the term “web of relations of responsibility” (p. 4) to discuss how responsibilities are distributed and accounted for. At the heart of this concept is the idea that responsibility is not abstract and neutral but informed by norms and social practices.

Thus, this framework opens up the opportunity to ask, within the context of international higher education, what are the patterns of responsibility that are operating? How are those patterns justified? How are those responsibilities accounted for through social practices? For example, in the early days of Australian higher education, the patterns of responsibility that informed decision-making focused on the importance of educating the colonies. Later, this pattern shifted to the norm and social practice of representing Australia as an independent nation that was generous and educated. Later again, the emphasis shifted to a focus on consumer protection and quality control, where the responsibility was to protect the brand and, later again, the economic structures which relied upon international education. In these cases, the primary responsibility was connected to the norms of seeing international students as consumers. At each of these times, prevailing norms and social practices informed the perceptions of responsibility at play in the relationships with international student. How might this idea of responsibility help us to understand such things as the revamping of the *ESOS Act 2000*, or the formal agreements and policies that have been put in place to protect students? Is there a difference, in these policies, between responding to obligation and responding to responsibility? When we assess the current situation in Australia using Tronto’s lens of responsibility, do we find limits of policy or a failure of responsibility?

3.6 COMPETENCE

Sevenhuijsen (1998) uses the concept of good caring, challenging the idea that caring is necessarily and inherently morally good. Tronto (1993) takes this track too, making “competence” her third ethical element of care (p. 133). For her, competence means recognizing that the intention to provide care or to accept responsibility for caring is not enough. Even if we have good intentions and we don’t meet those intentions, then that is a failure because the ultimate need is not met: “making certain that the caring work is done competently must be a moral aspect of care if the adequacy of the care given is to be a measure of the success of care” (p. 133). So in educating international students, we cannot say that international students are important to the

economic (or social and cultural fabric of the country) if we are not actually willing to meet the needs of those students. To do so is, to extrapolate from Tronto, bad caregiving, or a failure of competence. Likewise, it does not really matter how much time, energy, resources or, even good will, have been put into supporting international students – such as support services, additional staff, policy documents, recruitment, or political reassurances – if these still fail to meet the needs of the students competently.

3.7 RESPONSIVENESS

Tronto's (1993) concept of responsiveness is, quite simply, how the care recipient responds to the care. It stems from a recognition that there needs to be a balance between the needs of the caregiver and the needs of the care receivers:

Responsiveness suggests a different way to understand the needs of others rather than to put ourselves into their position. Instead, it suggests that we consider the other's position as that other expressed it. Thus, one is engaged, from the standpoint of the other, but not simply by presuming that the other is exactly like the self. (p. 136)

This concept becomes crucial in thinking through not only difference but historical and contemporary expressions of power. As Hankivsky (2004) writes,

Responsiveness goes beyond being sympathetic to others, or even taking into account their needs, as *we* perceive them. It goes beyond determining what others need, by generalizing from our own experiences. It differs from trying to imagine what it would like to be in another person's situation. Responsiveness constitutes a unique way of listening to and observing those different from us . . . Responsiveness involves taking seriously the perspective of citizens who may be experiencing inequality, and involves doing this by listening to their voices and being open to hearing how they articulate their discrimination. (pp. 35-36)

In other words, the receiver's experience of the care is as important as the experience of the care giver, and care cannot be based merely on the caregiver's perceptions of the care given, or the caregiver's projections as to what those needs might be.

Throughout the history of international education in Australia, the response of the students to the care they have received (even when it has been seen as the service or product they have received) has failed to feature prominently. This has changed recently, with prominent examples of international students publically talking about

their experiences, usually in reference to the systemic racism they face. However, this has usually been unsolicited feedback and has been almost exclusively negative, usually in response to particular events. More recently, the government has begun to hold formal focus groups in an attempt to listen to what students are saying, particularly as a response to widespread negative publicity, backlash from the home countries of international students, high-profile occurrences of protest or violence involving international students, and decreasing international student numbers (Marginson et al., 2010). However, the fact that they are speaking, even in contexts in which their caregivers have asked them to speak, does not mean that they are being listened to, or listened to in the ethical ways that Tronto and others advocate. This may have nothing to do with whether they care or what is behind their caring – officially, at least, they ‘care’ very much – but that does not mean that the government, or other institutional bodies mandated to care have the framework to listen truly. Are they actually creating a responsive framework? Are they able to hear the students in a way that takes into account wider social, cultural, economic, historical and political contexts and controversies? Are they able to listen to the students’ experiences, without assuming or projecting their own viewpoint on to those experiences? When they listen, are they able to hear the situatedness and context of these experiences, without universalizing or homogenizing? Further, are the questions that are informing these attempts to listen focused on questions such as ‘What are the needs of international students?’ or ‘Why aren’t our current efforts working?’ or are the more difficult questions being asked, such as ‘What does responsiveness mean?’, ‘How might we use this idea of responsiveness?’ and ‘How do we create frameworks in which the students might actually be heard?’.

Tronto’s four ethical elements give us a way of thinking about what concepts of care are implied and the relationalities that are constituted within such things as quality assurance, consumer protection and policy making. As we consider the future of international higher education in Australia, understanding these concepts of care may offer ways in which we can build mutually beneficial relationships which take all parties to be active agents in their own care. As we examine the conditions that have led to the current uncertainty, understanding concepts of care gives us the opportunity to ask: How might this be a failure of attentiveness? Of responsibility? Of competence? Of responsiveness? What could we do to pay attention? Where do our obligations and

responsibilities intersect? How might we respond better to international students and empower them to be active agents in their own care. With this deeper understanding, we may also be open to using models of care to open up new ways of thinking about the social, cultural, economic and political relationalities that will pave the way for the future of Australian international higher education.

3.8 CAN INSTITUTIONS CARE?

I have already framed an ethics of care within wider social contexts that go beyond personal caring relationships between individuals. However, in the context of this study, it is also important to frame an ethics of care within institutions, as this is the level at which much of my analysis takes place, whether it is the institution of government, or particular universities and colleges. Tronto (2010) argues that institutions can, indeed, care and, in fact, must. In her “Creating Caring Institutions: Politics, Plurality and Purpose” (2010) she argues that:

public policies as well as less formal care practices, all work through institutions. If we are committed to policies to improve care, we need also to be able to answer the question: how can we tell which institutions provide good care? (p. 158)

This question, with its emphasis on public policy as well as less formal care practices, its focus on the institutional level of care, its commitment to improving care, and its questioning of what we mean by “good care” is crucial to this thesis. How can we tell when international students are receiving good care? How can we tell when we are putting into place the mechanisms by which institutions can provide this care? Tronto (2010) argues that in order to do so, institutions must “make explicit certain elements of care that go unspoken and that we take for granted” (p. 159), a process which she refers to, drawing on Lewis (1997), as the “defamiliarization” (p. 159). For her, there are three components of the defamiliarisation process:

- Understanding the care itself and its purpose
- Recognizing the power relations that underpin conceptions of care
- Looking at what she calls the “particular tailoring of care” to meet the needs of individuals (p. 158). She points out that care has to be pluralistic; what is good care in one context might not be good care in another.

As such, she explains that “in any . . . institution . . . aspects of care within the institution need to be worked out consciously. This does not make these elements less achievable, but it does mean that they become more visible and require a deliberate, political processes to enact them (p. 162).

She also explains what “bad care” might look like, arguing that when the process is not deliberate and there are not “adequate accounts of power, purpose and plurality” (p. 163). She identifies specific signs that an institution is failing to provide good care: for example, when care is homogenizing and over-generalises between different contexts; when care becomes reactionary as a result of a crisis; when needs are assumed; when care becomes a commodity rather than a process; when care receivers do not participate in the process and when the process of care is fragmented; and when not all aspects of care are taken into account (as when, for example, someone takes responsibility for care but fails to demonstrate competence or responsiveness); and when care becomes a means through which certain power relationships are reinforced.

One of Tronto’s (2013) categories of bad care is considering how people and organizations typically engage in power exchanges to avoid responsibility and exercise what she called “responsibility passes” (p. 117). She argues that there are three basic ways through which responsibility is avoided at an institutional and governmental level:

Ignorance

The first way through which institutions and governments avoid responsibility is through ignorance. This ignorance often involves focusing on one small aspect of the issue, and thus obfuscating wider, systemic issues that might require a different kind of responsibility. By being ignorant of wider issues and localizing the problem to a particular individual, institutions are able to avoid taking responsibility.

Obscuring the lines of responsibility

The second way that institutions and governments avoid responsibility, according to Tronto (2013), is through obscuring the lines of responsibility. This is often articulated as nobody taking responsibility or passing the blame to someone else. In addition, responsibility is often defined in these cases very narrowly, with an institution, for example, claiming that because it has followed correct procedure it has fulfilled its responsibility. An ethics of care gives us a way of reconceptualising what

responsibility is, seeing how these systems could be interacting in order to prevent the gaps between them, and to identify where institutions are obscuring the lines of responsibility.

Privileged irresponsibility

The third way institutions and governments avoid responsibility is through what Tronto (2013) calls “privileged irresponsibility” (p. 60). She argues that “The neoliberal economic worldview, which posits individual responsibility as the only meaningful level upon which to understand responsibility, functions as one of these irresponsibility machines” (p. 61). Essentially, the paradigm within which you conceptualise responsibility affects how you take responsibility. An example might be in the case of a crime, blaming the victim for making ‘bad choices’ rather than the perpetrator or wider social issues such as racism. Responsibility is thus attributed to the individual student, rather than with any wider cultural or social factor.

These categories of “responsibility passes” will be used as a tool by which to analyse how responsibility operates (p. 117).

3.9 SUMMARY

As I move forward with my analysis of conceptions of care in international higher education in Australia, I draw on a number of key concepts from care theory, including four ethical elements of care, the difference between substantive and “relational responsibility” (Tronto, 2012, p. 308), the limits of neo-liberalism within frameworks of individual choice and social responsibility, and the ways in which institutions can be said to provide “good” or “bad” care. In Chapter 5, I chart the flow of care in media and public discourse, in Chapter 6 I explore the practice of care within policy, and in Chapter 7, I argue for the need for a “critical ethics of care” (Robinson, 1999, p. 110) within both our theoretical models and our practice of care within international education. First, however, I outline my research design and method, which I use in conjunction with the theoretical framework of an ethics of care outlined in this chapter.

Chapter 4: Research Design

In my previous chapter I situated this study within the theoretical lens of care theory, and argued for a conception of care that is political, relational, historicised and concerned with the workings of power, as well as productive and generative. In order to trace the flow of care in international higher education in Australia in the period 2002-2013 adequately, it is important to have a methodology that aligns with this theoretical lens and is capable of doing the work of analysing the practices of care within the chosen texts.

To this end, I now outline the methodology that I will use – a strategic coupling of critical policy analysis (CPA) and critical discourse analysis (CDA), which I will use in conjunction with care theory. In particular, I will bring a globalised view of critical policy analysis, as proposed by Lingard (2007; 2013), with the version of critical discourse analysis propounded by Fairclough (2001a; 2003). This methodology will allow me to examine how conceptions of care in international higher education in Australia are constituted, as well as how they themselves serve a constituting function.

This chapter is divided into five sections. The first section introduces the salient concepts of critical policy analysis that inform my own study, and offers a fuller justification for my choice to combine two methodological approaches. In particular, I address Ball's (1993) assertion of policy as both text and discourse, the concept of policy as trajectory and take up Lingard's work about policy analysis in the context of a globalised world, a nuance that is especially important in the context of international higher education with its focus, by definition, on the global. The second section explains Fairclough's approach to CDA and details four aspects of CDA that make it particularly salient in the context of an analysis of care in international education. This section also explains my approach to textual analysis using CDA. The third section explains the importance of the "critical" in both CPA and CDA⁷ and their roles in examining power and ideology. The fourth and fifth sections outline my choice of texts for this study and explain my rationale for choosing them, and outline my own position

⁷ In a later chapter, I also explain the significance of choosing a "critical" ethics of care.

as researcher in relation to my method and research design (Denzin & Lincoln, 2003, p. 9).

4.1 CRITICAL POLICY ANALYSIS

4.1.1 Policy as text and discourse

Writing in 1993, policy theorist Ball was one of the first theorists to see “policy as text and policy as discourse” (p. 10), seeing policy as inherently situated within a broader set of constructs. He argues that rather than analysing policy using a modernist approach which sees meaning as fixed and abstract, we should see policy through more of a post-modern lens of “localized complexity” (p. 10). He argues that

We can see policies as representations which are encoded in complex ways (via struggles, compromises, authoritative public interpretations and reinterpretations) and decoded in complex ways (via actors’ interpretations and meanings in relation to their history, experiences, skills, resources and context). (p. 11)

Moving away from the idea that there is a central meaning that needs to be deciphered in texts, with the role of the analyst being to decipher that meaning, he argues instead for a methodological approach to policy that sees policy as representations of wider struggles and broader histories. The role of the analyst in this framework is to encode and decode the policy in relation to these wider politics and relations of power: “Policies shift and change their meaning in the arena of politics; representations change, key interpreters...change...policies have their own momentum inside the state” (p. 11). A policy, he argues is not fixed but “both contested and changing, always in a state of ‘becoming’, of ‘was’, and ‘never was’ and ‘not quite’” (p. 11). Furthermore, by recognizing policy as both text and discourse, the analyst is able to recognise not only how the policy reflects relations of power within a wider social context, but also that the policy itself has a constitutive function – the policy both is shaped by and itself shapes these wider social discourses. Ball argues that “we need to appreciate the way in which policy ensembles, collections of related policies, exercise power through a *production* of ‘truth’ and ‘knowledge’, as discourses” (p. 14). Ball’s conceptualization of policy as both text and discourse is significant; for Ball, “policies do not merely represent” competing interests but in fact have a constitutive function that limits what can be said and heard (p. 14). In the context of international higher education, the “ensembles” (p. 14) of policies that I am analysing in this study do not

only reflect wider attitudes and the workings of power with a wider socio-political context but themselves play a role in constituting these attitudes and relations.

Because of the complexity of policies as both texts and discourses, and the need for a “localised complexity” (p. 10), Ball advocates that policy analysis cannot rely on a single fixed methodology but should be determined by the project itself. He argues that “the complexity and scope of policy analysis . . . preclude the possibility of single theory explanations. What we need in policy analysis is a toolbox of diverse concepts of theories” (p. 10). This need for a “toolbox” (p. 10) is especially true of this study, with its focus on both the detailed textual analysis of texts and on the broader historical and political discourses about care in international higher education in Australia. In addition, the study is concerned with both how conceptions of care are constituted as well as care as a constituting function. As such, Ball’s assertion that the methodology underlying policy analysis must be driven by the needs of the project itself is particularly fitting. In this case, the “toolbox” I am assembling is a combination of CPA and CDA, along with the theoretical lens of an ethics of care. This combination allows me to understand the predominant discourses of care throughout the period in question as they operated at both the level of the text and within broader discursive systems. In bringing together the methodologies of both CPA with CDA in this study, I am able to take account of what Ball (1993), drawing on Ozga (1990), calls “the *ad hocery* of the macro with the *ad hocery* of the micro without losing sight of the systemic . . .” (p. 10). In other words, this toolbox, assembled to respond to this particular project as per Ball’s proposal, allows me to both “encode” and “decode” the texts to examine how these texts are functioning as discourse and how these discourses constitute truth and knowledge (p. 11). In this way, I am able to draw together “the structural, macro-level analysis of education systems and education policies” with “micro-level” textual investigation (Ozga, 1990, p. 359) into conceptions of care in international higher education in Australia.

4.1.2 Policy trajectory in a globalised world

Ball’s (1997) concept of “policy trajectory” challenges an approach to textual analysis that focuses on what might be considered a single level of analysis, and which is “cut off from the broader field of social policy change” (p. 266), instead advocating for an approach where the analyst commits to “trace through the development, formation, and realisation of those policies from the context of influence, through

policy text production to practices and outcomes” (p. 266). In this process, the analyst looks beyond the policy as either text or discourse but also examines how the policies become constituted and the ways in which they are contested, as well as understanding their formation and the forces influencing their development. This involves reading policy within the historical and socio-political context of its formation. This is crucial to this study, as the context within which the texts were developed is vital to an understanding of how conceptions of care became constituted and articulated. Educational policy theorist Lingard (2013) also offers a crucial addition to Ball’s model, arguing that “globalization means that we have to reconsider the way we do policy analysis” so that our analysis can consider “new relations and agencies above the nation” (p. 163). He argues that “Critical policy analysis has always required critical *reflexivity* and awareness of the *positionality* of the policy analyst...the disposition of critical policy analysis in an era of globalization also demands that we recognise the relationality and interconnectivity of policy” (p. 174). Any given policy document, in other words, cannot be analysed in isolation but must be seen within the “context of the relations” and interconnectedness it has to a context beyond the document, a context that includes the workings of “geographies of power” (p. 171) and this awareness must be global in scale. In the context of this study, understanding the wider discourses of care, in the form of newspaper articles and wider debates, that shape and are shaped by the individual policy documents, is crucial.

4.1.3 Offering an alternative social imaginary

There is another crucial way in which CPA can be seen as a valuable methodology for my work in care in international higher education. Lingard (2013) argues that “Beyond critique, another purpose of critical education policy analysis is to suggest how policy could be otherwise – to offer an alternative social imaginary of globalization to the neoliberal construction” (p. 175). Further, he argues that the policy analyst “should not only describe relations of power and processes through which policies are developed and allocated, but also point to strategies for progressive change which might challenge oppressive structures and practices” (Lingard & Ozga, 2007, p. 55). In this study I address Lingard and Ozga’s concern in several ways, first by not only describing the relations of power within the texts I examine in Chapter 5, but also highlighting the gaps and the ways in which these power relations are obfuscated, refuted or rendered invisible. In Chapter 6, I continue this work by comparing two very

different policy documents in terms of the conceptions of care that are implicitly and explicitly represented and the implications of this for the wider discussion. Finally, in Chapter 7, I bring these textual examples together in an explicit discussion of how an ethics of care might be used to offer this “alternative social imagery” that Lingard suggests (p. 175).

4.1.4 Expanding the definition of policy

Another key component of CPA that is important to this study’s methodological approach is the use of critical policy to analyse texts which may not be traditionally regarded as policy. I have already shown how policy must be read within a wider context, thus justifying the use of texts beyond the actual policy document. Lingard (2010) also argues that with a globalised world, policy has taken on a meaning beyond that of a single official or legal document. He argues that “while policy is often synonymous with decisions, an individual decision in isolation does not constitute a policy. Policy expresses patterns of decisions in context of other decisions taken by political actors on behalf of state institutions of authority” (p. 4). As a result, policy extends beyond the actual policy document:

Policy texts often take the form of a legal document, but not always. Other kinds of texts, such as speeches and press releases by government ministers and papers by senior policy makers, can express policy intentions and have real effects. (p. 5)

Within a globalised, media-heavy world, Lingard goes on to acknowledge that policy has become much more “mediatized” (p. 19) with a much closer link between what is being said in the media and the policy text itself, with policy often including at least an element of “public relations” (p. 19). As a result, he draws on Ozga’s (2000) definition of policy as any “vehicle or medium for carrying and transmitting a policy message” (p. 5). Furthermore, he argues that “In considering a global analysis of contemporary state activities and relations, we need to take account of history, political aspirations, and the state’s geopolitical location within a changing world order” (p. 16).

This study takes up this challenge. In addition to close textual analysis of actual policy documents, it also frames concepts of care in international higher education within broader political and historical contexts, using CPA and CDA to analyse a range of texts that include newspaper articles, government speeches, and witness testimonies

to a Senate Inquiry into the Welfare of International Students, as well as a framing of wider historical and socio-political contexts. This is in keeping with critical policy analysis and its emphasis on the wider context and its geopolitical location. CPA is thus a kind of meta-level methodological approach, with more detailed analysis of texts being undertaken through a Faircloughian critical discourse analysis.

Having situated my study in light of CPA, I will now turn to Fairclough's model of CDA to articulate the role of a linguistically driven model in analysing the texts.

4.2 FAIRCLOUGH'S METHOD OF CDA

Fairclough's approach to CDA recognises how fundamental language is to social and cultural change, arguing that "discourse practices" are "part of the engineering of social and cultural change" (1992, p. 8). He argues that this change is possible because we are in a "linguistic turn" whereby "the ideological shaping of language texts contributes to reproducing . . . power relations" (p. 2). He sees this as a very conscious act, arguing that "the increased importance of language in social life has led to a greater level of conscious intervention to control and shape language practices in accordance with economic, political and institutional objectives" (Fairclough, Mulderrig, & Wodak, 2011, p. 360).

Chouliaraki and Fairclough (1999) argue that CDA is firmly located within critical research on social change: "the basic motivation for critical social science is to contribute to an awareness of what is, how it has come to be, and what it might become" (p. 4) and is "a way of seeing and researching social life as both constrained by social structures, and an active process of production that transforms social structures" (p. 11). Fairclough and Chouliaraki's approach challenges a structuralist view of language; rather than seeing language and discourse as fixed, their method argues that much of its usefulness as a way of researching social life is in the way that it shifts. In fact, they see "stabilization as an effect of power" (p. 32). That is to say that discourse gains its power not through its fixity or "truthfulness" but rather through repetition and constant re-articulation that acts to "stabilize" a given discourse. These discourses, through repetition, are constantly being produced, and as such can speak to the power structures that are creating and recreating that discourse. Discourse gains its power through that repetition and through those relative permanencies. Because they are not fixed but are constantly being recreated, they are subject to fractures,

fissures and gaps and opportunities for transformation that allow them to change over time (Fairclough, 1992). CDA is interested not just in the power relations that stabilise discourses, but also in examining how they shift over time and what forces contribute to these shifts – who is sustaining the discourse, how is it stabilised and how is it subject to change over time. As such, CDA offers a way of analysing social life that is attentive to models of social power and to discursive shifts over time, seeing it as active and fluid, rather than fixed and static. As Fairclough and Chouliarki (1999) argue, CDA: “is structuralist in that it is orientated to relational systems which constitute relative permanencies within practices; it is constructivist in that it is concerned to explicate how those systems are produced and transformed in social action” (p. 32).

This study is concerned with what kind of change has been, and continues to be, produced through language and discourse in Australian international higher education in relation to conceptions of care. What have been the changes in how we talk about caring for and about international students? As a way of thinking about social life, how have concepts of care been both constrained by social structures while simultaneously transforming them? How has the language around care – and the use of such concepts as attentiveness, responsibility, competence and responsiveness – changed? How do those conceptualizations speak back to larger ideological and social systems of power within, both the Australian context and abroad? And how have economic, political and institutional objectives shaped and controlled the language practices associated with international education? Fairclough’s model of CDA, with its aim “to show the non-obvious ways in which language is involved in social relations of power and domination, and in ideology” provides a means through which to analyse a variety of texts that have informed, and continue to inform, how conceptions of care are constituted within Australian international higher education policy (2001a, p. 229).

There are four components of Fairclough’s CDA that are particularly of significance within the context of this study.

4.2.1 CDA as multidimensional, multifunctional and historical

Fairclough’s CDA provides a highly systematic approach to understanding discourse and power, through a “textually oriented approach to discourse analysis” (Rogers, 2003, p. 6) that is multidimensional, multifaceted and historical (Fairclough, 1992). His methodology moves between micro and macro analyses of texts, offering on the one hand, a detailed description of a given text, while simultaneously examining

how the text operates within the social realm. His analytical procedure includes a three-tiered model that includes “description, interpretation, and explanation of discursive relations and social practices at the local, institutional and societal domains of analysis” (Rogers, 2003, p. 7). This approach enables an assessment of the “relationships between discursive and social change . . . and detailed properties of texts to be related systematically to social properties of discursive events as instances of social practice” (Fairclough, 1992, p. 8). Any given “discursive event” operates “as simultaneously being a piece of text, an instance of discursive practice, and an instance of social practice” (Fairclough, 1992, p. 4). This multidimensionality allows for a reading of how textual discourses relate to their social context. Fairclough argues that changes in discourse practices not only facilitate changes in knowledge and beliefs but also changes in social relations and social identities. This is why he refers to CDA as “multifunctional” (1992, p. 8). He argues that “changing discourse practices contribute to change in knowledge (including beliefs and common sense), social relations, and social identities; and one needs a conception of discourse and a method of analysis which attends to the interplay of these three” (1992, p. 8). Further, CDA is historical, in that it does not merely attend to the interplay of text, discourse and social practice, but also takes into account how these change over time. He calls these “orders of discourse” and argues that the “relationships among and boundaries between discourse practices in an institution or the wider society are progressively shifted in ways which accord with directions of change” (1992, p. 9). As a multidimensional, multifaceted, historical approach, CDA allows for an analysis of how “discursive practices may have major ideological effects” and how “they can help produce and reproduce unequal power relations” (Fairclough et al., 2011, p. 358). One of the goals of CDA is to make these “opaque aspects of discourse more visible” (Fairclough et al., 2011, p. 358).

Since this study examines the discourses of care that have informed the current situation of international higher education in Australia, using a methodology that operates at a multidimensional, multifaceted and historical level, will allow an analysis of how the chosen texts are functioning in relation to wider social currents, how they might be constituting not only knowledge and beliefs, but also social identities and social relations, and how they have responded to how relationships between institutions (the Australian government, foreign governments, the universities, the socioeconomic system) have historically shifted. These orders of discourse will form

a foundational part of my analysis in understanding and contextualizing the current conceptions of care within the context of international higher education in Australia.

4.2.2 CDA as shaped by intertextuality

CDA recognises that context is vital and that “changes in language use are linked to wider social and cultural processes” (Fairclough, 1992, p. 1). It recognises the importance of the relationships between discourse and context, both the context of the specific discursive events and also how these discursive events are shaped by earlier discourses and the intertextual dimensions of the text:

[W]hereas linguistic analysis shows how texts selectively draw upon linguistic systems . . . intertextual analysis shows how texts selectively draw on orders of discourse – the particular configurations of conventionalized practices (genres, discourses, narratives, etc.) which are available to text producers and interpreters in particular social circumstances. (Chouliaraki & Fairclough, 1999, p. 184)

Drawing on Bakhtin (1981), Chouliaraki and Fairclough’s (1999) intertextuality recognises that texts always contain traces of previous texts, which can be both direct and indirect: intertextual analysis makes apparent how texts depend upon society and history. This emphasis on intertextuality and context is crucial to CDA:

[D]iscourse is not produced without context, and cannot be understood without taking the context into consideration. Discourses are always connected to other discourses which were produced earlier as well as those that were produced synchronically and subsequently. (Fairclough et al., 2011, p. 372)

As Rogers (2003) writes, “What is important to remember is that there is attention paid to the ways in which the local, institutional and societal domains construct and are constructed by discourses and how these contexts change over time” (p. 7). In this sense intertextual analysis has a mediating function, serving to forge a “connection between language and social context” and to facilitate a “more satisfactory bridging of the gap between text and contexts” (Chouliaraki & Fairclough, 1999, p. 185).

With this in mind, the “context” of Australian higher education does not just include the history of international higher education, although this is very important, but also the much wider context of Australian politics; its shifting international relations – including its early role as a British colony, its budding assertion of national

identity, its deliberate situating of itself as a leader in the Asia Pacific region; its attempts to respond to the priorities and growth of other partner nations; Australian cultural trends of ‘self’ and ‘other’; its identity within larger economic and trade frameworks; the position of higher education in relation to national futuristic aspirations; the economic climate of universities throughout Australia (and abroad), and so on (Marginson, 2007b; Marginson & Considine, 2000). As such, the growth of international higher education – and the texts that reflect and constitute it – cannot be seen as disparate or operating in isolation; the wider social and political discourses and ideologies that inform it are absolutely pivotal.

4.2.3 CDA as emphasizing power and discourse

Fairclough sees discourses as sites of power struggles and his approach to CDA is particularly interested in “the effects of texts in inculcating and sustaining or changing ideologies” (2001b, p. 9). He challenges the “‘descriptive’ views of ideology as positions, attitudes, beliefs, perspectives, etc. of social groups without reference to relations of power and domination between such groups” (2001b, p. 9). Rather, he posits a “‘critical’ view of ideology, seeing it as a modality of power” (2001b, p. 9), and a “place where power relations are actually exercised and enacted” (2001b, p. 36). He argues in *Language and Power* (2001b) that “Power, ‘in’ discourse or ‘behind’ discourse, is not permanent and an undisputed attribute of any one person or social grouping” (p. 57), but notes that “those who hold power at a particular moment have to constantly reassert their power, and those who do not hold power are always likely to make a bid for power” (p. 57). This relationship of power and language is in fact one of the primary arguments upon which Fairclough’s work relies. What is at stake here for Fairclough is a recognition that power is exercised not through control but through ideology (Fairclough, 1992, 2001b):

Discourse as a political practise is not only a site of power struggle, but also a stake in power struggle: discursive practice draws upon conventions which naturalise particular power relations and ideologies, and these conventions themselves, and the ways in which they are articulated, are a focus of struggle. (Fairclough, 1992, p. 67)

This study is interested in how the discourses of care around international higher education draw upon these conventions that “naturalise particular power relations and ideologies” so that, as texts, they are not seen as neutral but as loci for this political

struggle, what kinds of power are naturalised through discourse and how these position the international student in particular ways. Using CDA, it will be able to examine the unspoken assumptions that operate in these discourses of care, how they gain permanence, whose interests they serve and how those people who are not served by them have gone about seeking to challenge them.

4.2.4 CDA as generative and constitutive

One of the most important aspects of Fairclough's approach to CDA is that it sees discourse not merely as reflective of social concerns, but also generative and constitutive. That is to say it does not merely reflect what is already there but is itself part of the creation of change. Fairclough (1992) writes that "Discourse is a practice not just of representing the world, but of signifying the world, constituting and constructing the world in meaning" (p. 64). He goes on to say that "Discursive practice is constitutive in both conventional and creative ways" and refers to discourse as "a mode of action, one form in which people may act upon the world and especially upon each other" (p. 63).

In other words, discourse practices can reinforce what already exists and the structures that are already in place, but also have the capacity to contribute to transforming society. As such, for Fairclough (1992), the relationship between discourse and social structures is "dialectical" (p. 65):

It is important that the relationship between discourse and social structures should be seen dialectically if we are to avoid the pitfalls of overemphasizing on the one hand the social determination of discourse, and on the other hand the construction of the social in discourse. The former turns discourse into a mere reflection of a deeper social reality, the latter idealistically represents discourse as the source of the social. (p. 65)

Fairclough sees discourse as being a social practice: "my view is that there is not an external relationship 'between' language and society, but an internal and dialectical relationship. Language is a part of society" (2001b, p. 19). Fairclough, Mulderrig and Wodak (2011) add that:

Critical discourse analysis sees discourse . . . as a form of social practice. This implies a dialectical relationship between a particular discursive event and all the discursive elements of the situation(s), institution(s), and social structure(s) that frames it. (2011, p. 257)

What is significant here is that Fairclough and Wodak challenge the notion of language as a transparent medium that merely reflects reality, instead seeing language as “constitutive and intimately connected with the production and reproduction of power relations” (Fairclough et al., 2011, p. 358). Language is not neutral, but always wrapped up in histories of power and knowledge.

Fairclough (1992) argues that there are three ways in which discourse is constructive. Firstly, “discourse contributes . . . to the construction of what are variously called ‘social identities’ and ‘subject positions’” (p. 64). He calls this the “identity function of language” (p. 64). Secondly, “discourse contributes to the construction of social relationships” (p. 64). He calls this the “social function of language” (p. 64). Thirdly, “discourse contributes to the construction of systems of knowledge and beliefs” (p. 64). He calls this the “ideational function of language” (p. 64). These functions of language are important because at the heart of Fairclough’s argument is his interest in the creative and generative aspects of discourse and its potential to generate social change when discourses are reinvested and changed. It is not merely that discourse is ideological, or even that it is constitutive, but that CDA is about understanding how discourse can help reconstitute power imbalances, at the levels of “social identities, social relationships, systems of knowledge and belief” (p. 65).

As such, Fairclough’s methodology allows not only an examination of how the discourses are reflecting wider ideological positions, but also to see language as playing a key role in reconstituting and reshaping those social forces, both historically and in the future. Specifically, the chosen texts will be analysed to identify how concepts of care have been articulated through the discourses that underpin international higher education in Australia. In particular, there will be a focus on how these discourses articulate relationalities in the context of higher education policy and Australia’s global positioning, and how certain concepts of care and relationalities achieve power and dominance, as well as how this dominance is represented in particular contexts.

The discourse analysis in this study will also focus on how these discourses constitute international students in particular ways, how they reflect and shape Australia’s view of itself, and how the shift in language reflects and constitutes changes in public and institutional policy. In particular, it will pay attention to how

various discourses of care are used to naturalise particular power relations and, in turn, how they become generative and constitutive (for example, the shift, over the history of Australian international education, from international education as part of a colonialist agenda, to forming part of a national identity, to a model of student as consumer and education as product, to the emergence of the safety debate, and so on). It is also interested in how discourses of care have become re-invested in different meanings.

4.2.5 Approach to textual analysis

This study will use the method of textual analysis that Fairclough outlines in *Language and Power* (2001b) as later expanded upon in 2003. As Fairclough argues, “CDA provides a way of moving between close analysis of texts and interactions, and social analyses of various type” (Fairclough, 2001a, p. 229). He also argues that:

Textual description and analysis should not be seen as prior to and independent of social analysis and critique – it should be seen as an open process which can be enhanced through dialogue across disciplines and theories, rather than a coding in the terms of an autonomous analytical framework or grammar. (2003, p. 16)

Fairclough (2001b) identifies three stages of discourse analysis: description, interpretation and explanation. In keeping with this, at the description level, this thesis will undertake a formal analysis of the properties of the text at the micro level. This will include a close analysis of the values of words (experiential, expressive, relational), grammatical features (modes of sentence, modality). At the interpretative level, the thesis will examine the processes of production and interpretation that impact how the text is received and produced. At the explanation level, the relationship between the interaction and the social context will be explained. As Fairclough writes:

in seeing language as discourse and as social practice, one is committing oneself not just to analysing texts, nor just to analysing processes of production and interpretation, but to analysing the relationship between texts, processes, and their social conditions, both the immediate conditions of the situational context and the more remote conditions of institutional and social structures. (2001b, p. 21)

The sequence of this analysis – description, interpretation and explanation – “while convenient in procedural terms” (2001b, p. 91) should not be taken as a linear process, but rather as a constant interchange between each level.

4.3 THE ‘CRITICAL’ ASPECT OF CRITICAL POLICY ANALYSIS AND CRITICAL DISCOURSE ANALYSIS

Both CPA and CDA share the word ‘critical’ as a pivotal aspect of their thinking. An important component of establishing the methodology for this thesis, then, is to interrogate how each uses the concept of ‘critical’. The term, as it is used by both methodologies, comes from Foucault’s concept of “critique”, which is closely aligned with notions of power and ideology. As Foucault (1988) argues: “A critique is not a matter of saying that things are not right as they are. It is a way of pointing out what kinds of assumptions, what kinds of familiar, unchallenged, unconsidered modes of thought, the practices we accept” (Foucault 1988, p. 154). Rather than analysis being based on transcendental, abstract truths, Foucault’s concept of critique is based on the “demystification of relations of power and the assumptions that underpin it” (Olssen, Code and O’Neil, 2004).

Both CPA and CDA take their use of critical from this Foucauldian tradition. For example, Fairclough (1992), writing about CDA, argues that:

Critical approaches differ from non-critical approaches in not just describing discursive practices, but also showing how discourse is shaped by relations of power and ideologies, and the constructive effects discourse has upon social identities, social relations and systems of knowledge and belief, neither of which is normally apparent to discourse participants. (1992, p. 12)

Here, Fairclough’s conception of critical, like Foucault’s invites the charting of power, and reinforces how a critical analysis renders transparent how discourses shape social identities and defamiliarises the workings of power. He also reinforces Foucault’s notion of power as having productive capacities. Likewise, Taylor (1997), talking about CPA, argues that the role of the critical policy analyst is to render transparent “the forms of tensions and contradictions, or competing discourses, in the resulting policies themselves” bring textual analysis together with an “ideology critique or deconstruction to highlight the constitutive practices texts use” (p. 27). Furthermore, she argues that another role of the critical policy analyst is to “emphasise the many layered nature of policy making and the importance of exploring *linkages* between

various levels of the policy process with an emphasis on highlighting power relations” (p. 32).

This capacity of both CPA and CDA to examine unspoken and unrecognised relations of power is a significant aspect of my choice of these methodologies to investigate conceptions of care in international higher education in Australia. My textual analyses will not attempt to explore fixed, abstract, decontextualised and ahistoricised meanings within the texts, but rather to examine how power operates within them, and how they are situated within wider contexts. In turn, this emphasis on the ‘critical’ and the workings of power make these methodologies an excellent fit for a study that uses the theoretical lens of an ethics of care, which also places a strong emphasis on the workings of power within situated contexts.

4.4 METHODOLOGY FOR SELECTION OF TEXTS

To select the texts I would focus on, I employed a purposive sampling approach (Waller, Farquharson, & Dempsey, 2016). Purposive sampling, also known as Purposeful sampling is a “non-probability sampling procedure in which elements are selected . . . on the basis of their fit with the purposes of the study and specific inclusion and exclusion criteria” (Daniel, 2012, p. 7). As a qualitative research methodology, it is deliberately selective, with its purpose being to “select information rich cases that best provide insight into the research questions . . . and the issues considered by the researchers to be of central importance” (Emmel, 2014, pp. 2-3).

In keeping with this approach, I first selected texts from these three categories based on whether they raised questions around conceptions of care, notions of responsibility or the protection of international students. This included texts that both explicitly used these keywords and those that covertly addressed the issue. They also shared the following criteria:

- were written in the English language;
- were published within the time frame indicated, as this was a period of significant change in the sector; and
- were written texts. As such, my samples exclude television or radio media. (In the case of the speeches and witness testimony, I have restricted my

analysis to the written text, and have not analysed aspects of performativity, such as body language, tone, cadence or appearance).

I then selected those texts that were specifically about the student experience and student well-being (thus excluding more generic discussions about political economy). After classifying them into subsets based on the conceptions of care they expound, I chose some pertinent examples that were both representative of their subset and also contained textual elements that allowed me to analyse them using CPA and CDA.

In choosing the specific policy documents to analyse in-depth, I also used the following further criterion in addition to the above:

- were national in scope and seminal in influence (as opposed to state/territory policies, those produced by individual institutions, or those written for particular sub-sectors of the education sector).

4.4.1 Choice of texts

This study examines a variety of different texts and the way in which they constitute the notion of care. The texts, which range from 2002-2013, are selected because they specifically address questions of care, duty of care and responsibility within the context of Australian international higher education. The texts include the following:

Media articles

These are articles that address questions of care and responsibility towards international students in Australia. These articles were selected because they specifically use the language of care and responsibility. They were written by a range of writers, from general journalists to those working in the field of international education. Media outlets include *The Australian*, *The Age*, *The Sydney Morning Herald*, and *The Sun-Herald*.

Hansard record of parliamentary speeches

These are the transcripts of speeches given in either the Senate or the House of Representatives that address aspects of care and responsibility towards international students in Australia.

In addition to the selection methodology outlined above, in choosing the media articles and Hansard transcripts to focus on, I used key word searches including;

international student, foreign student, overseas student, responsibility, care, student experience and student well-being, and narrowed the field to my chosen time period (2002-2013) and geographical parameters (Australia). Within those articles, I analysed the content of each to identify dominant themes and trends, which then helped to inform my structural choices in Chapter 5.

Transcripts from the Senate Inquiry into the Welfare of International Students

The Senate Inquiry into the Welfare of International Students in 2009 interviewed hundreds of students, student advocates and other stakeholders. Although the final stage of the process was the publication of an official list of 16 recommendations, I have selected some of my sample texts from the original full written transcripts. The sample excerpts were chosen because they specifically take up conceptions of care and focus on issues of well-being and rights. I chose the Senate Enquiry in addition to the above texts, as it was a highly significant and very public enquiry that not only received a lot of attention within and beyond the field at the time but went on to make a variety of significant recommendations for change across multiple levels in the field, ultimately helping to reshape the conversation about international higher education in Australia.

Policy documents

This study offers in-depth analysis of two policy documents in particular. The first is the *National Code of Practice 2007* (“the *National Code*”), the legislative policy document established by the Australian Government under the *Education Services for Overseas Students (ESOS) Act 2000*. The second is the *International Student Good Practice Program for Australian Education Providers (Good Practice Program)*. This was a non-legislative policy developed by the Council of International Students (CISA) in 2013 and was the first policy document written by international students themselves.

My choice of policy documents was informed by a number of factors. Firstly, both the *National Code* and the *Good Practice Program* specifically refer to the idea of care and duty of care of students by institutions and government. The *National Code* was the leading, national document with the greatest scope over every level of international higher education in Australia at the time (including high schools, colleges and universities) and thus played a significant role in establishing legislative guidelines

for the field. My choice of the *Good Practice Program* was partly influenced by care theory, which places a significant emphasis on “attentiveness” - or the role of the cared for in establishing their own care. The *Good Practice Program*, as the only national policy document at the time written by students and with the main focus being on students, offered an alternative view of care that is both similar to and different from the *National Code*, thus offering a particularly rich opportunity for analysis.

The media articles, Senate Enquiry transcripts and Hansard records are analysed in Chapter 5. This chapter examines the broader social conditions surrounding conceptions of care within which the policy documents were written. Chapter 6 then examines detailed conceptions of care within the two policy documents.

4.5 POSITIONING OF THE RESEARCHER

4.5.1 Background and the researcher as “bricoleur”

Lingard (2013), in his work on globalising educational policy, identifies one of the key aspects of CPA is to make overt “the positionality of the researcher and the significance of that positionality to policy analysis” (p. 164). To this end, I provide the following observations about my background, which, in conjunction with my theoretical and methodological positioning, and the following section on the researcher as “bricoleur” (Denzin & Lincoln, 2003, p. 9) serves to locate the researcher within this research:

- I have spent the past 15 years working at universities in various Western countries, working with both international and domestic students on issues of student success;
- I am currently employed at an Australian university;
- I myself have been an international student, and am bilingual; and
- I have an intellectual background in feminism, literature, post-colonial theory and education and often work at the intersection of these fields.

Given its use of CDA and CPA, this study is qualitative, as opposed to quantitative, in nature. Within this context, the position of the researcher is that of “bricoleur,” drawing upon Denzin and Lincoln’s (2003) work on qualitative research (p. 9). A bricoleur does not see the text as a fixed object that needs to be deciphered but rather recognises that texts are performative and that we can only know the text through its

representations. These representations, in turn, are always political and wrapped up in questions of power and ideology. As Denzin and Lincoln write: “the interpretive bricoleur understands that research is an interactive process shaped by . . . history . . . gender, social class, race and ethnicity” (p. 9). A bricoleur then is like an assembler, involved in a constant interpretive process, whereby the “choice of research practices depends upon the question that are asked, and the questions depend on their context” (Nelson, Treichler, & Grossberg, 1992, p. 2).

In the context of this study, for the researcher to be a bricoleur means a recognition that in the analysis of discourse there is no objective reality that can be captured, but rather that this analysis necessitates an understanding of how representations are constituted and sustained. For example, in an analysis of the concepts of care that are articulated in the *National Code*, there needs to be an understanding of such aspects as the histories and politics and whose interests they serve. In other words, the study involves a constant set of interpretive practices that seek to understand the orders of discourse that are present in any given text.

4.6 SUMMARY

In this chapter, I have outlined the ways in which I will bring together CPA with CDA to create a methodology for my textual analysis that aligns with the theoretical lens of an ethics of care. I have also positioned myself as researcher in light of my methodology. In the following chapters, I will apply this methodology through a detailed textual analysis of the conceptions of care within a range of texts in the public domain about international higher education in Australia.

Chapter 5: Conceptions of Care in Government Speeches and Media Reports from 2002-2013

In 1992, Minister for Employment, Education and Training Kim Beazley made a public announcement that Australia's approach to international higher education was too narrowly commercial, with "insufficient recognition of student needs" (p. 5). With this announcement, the public discourse around international higher education in Australia shifted to a model that was more based on the needs of the student or "consumer", with a new focus on the importance of the student experience and on the quality of education that students were receiving in exchange for their fees. This became the prominent discourse through to the early 2000s, when the *Education Services for Overseas Students Act 2000* (ESOS) was enacted. It was not until the late 2000s, however, with a number of highly public, culminating events – including violent attacks on students, a growing public awareness of safety concerns facing international students and a number of unethical business practices exploiting international students, amongst other concerns – that the language of 'duty of care' moved from latent to manifest and entered public discourse. Questions concerning who was responsible for international students and in what ways these responsibilities would be articulated and fulfilled became common, as well as highly contested, with attention brought to the numerous grey areas around what 'duty of care' involved, issues of legislation, the power of regulatory bodies, and the limitations of allocations of responsibility.

In this chapter, I will draw out some of the prevailing conceptions of care and notions of responsibility within a variety of public discourses around international higher education in Australia from 2002-2013 in order to illuminate how these conceptions of care were operating, the ways in which they were reflective of wider social orders, and the ways in which they proved to be generative and capable of shaping social change. I end the chapter by considering the counter-discourses that arose towards the end of the period in question, especially those that conceptualise care more within a more relational framework.

Tronto (2010) argues that “to provide good care in an institutional context requires that we make explicit certain elements of care that go unspoken” (p. 159). She calls this, drawing on Lewis (1997), the “de-familiarization of care” and explains that conceptions of power involved in caring relationships are often normalised to the point of being “familiarised” and unable to be seen (p. 159). The process of “de-familiarizing” involves making the workings of power explicit and identifying how they are linked to social and economic structures, and to the formations of identities, relationships, values and beliefs. With this in mind, I will analyse the conceptions of care within a range of media texts and government documents from the period in order to ‘de-familiarise’ the assumptions about care, and responsibility, within them. I will show the implications of these conceptions of care, their limitations from the perspective of care theory, and how they operate within broader social contexts.

The period between early 2002 and 2013 was one of significant change within international higher education in Australia, especially in relation to the social conditions that were shaping international students and the ways in which conceptions of care and responsibility were imagined and re-imagined. As Fairclough (1992) observes, discourse analysis is one method for investigating social change and that discourses shift in direction according to social change. He argues that it is often illuminating to analyse the relationship between changes at the social level and discursive changes or shifts at the level of the order of discourse, as “changing discourse practices contribute to change in knowledge (including beliefs and common sense), social relations and social identities” (p. 8). In the context of international higher education, discourse becomes one of the lenses through which we can understand the changes of the period. The goal of this chapter, then, is to de-familiarise conceptions of care in order to investigate the relationship between social change and the discursive changes that were occurring around notions of care and responsibility within the public rhetoric about international higher education during the period 2002-2013.

5.1 THE TEXTS

The texts for this chapter, published between 2002-2013, are selected because they specifically address questions of responsibility, care and duty of care within the context of Australian international higher education through a range of discourses in three broad categories. These are as follows.

Media articles

These are articles from mainstream Australian print media written in the English language that address questions of care and responsibility towards international students in Australia. They were written by a range of writers, from general journalists to those working in the field of international education. Media outlets include *The Australian*, *The Age*, *The Sydney Morning Herald*, *The Sun-Herald* and *The Herald Sun*.

Transcripts from the Senate Inquiry into the Welfare of International Students

The Senate Inquiry into the Welfare of International Students in 2009 interviewed hundreds of students, student advocates and other stakeholders. Although the final stage of the process was the publication of an official list of sixteen recommendations, I have selected some of my sample texts from the original full written transcripts, which were made public online through Hansard. A summary report on the recommendations was produced and also made publicly available.

Hansard record of parliamentary speeches

These are the transcripts of speeches given in either the Australian Senate or the House of Representatives that address aspects of care and responsibility towards international students in Australia.

To select the texts I would focus on, I employed a purposive sampling approach (Waller et al., 2016). In keeping with this approach, I first selected texts from these three categories based on whether they raised questions around conceptions of care, notions of responsibility or the protection of international students. This included texts that both explicitly used keywords such as ‘care’ and ‘duty of care’ as well as those that discussed aspects of notions of ‘responsibility’, ‘welfare’, ‘student support’, ‘safety’, ‘crisis’, ‘well-being’, and ‘student experience’. They also shared the following criteria:

- They were published within the time frame indicated, as this was a period of significant change in the sector; and
- They were written texts. As such, my samples exclude television or radio media. (In the case of the speeches and witness testimony, I have restricted my analysis to the written text, and have not analysed aspects of

performativity, such as body language, tone, cadence and appearance, nor have I analysed accompanying visual materials such as photographs or political cartoons.)

I then selected those texts that were specifically about the student experience and student well-being (thus excluding more generic discussions about political economy). After classifying them into subsets based on the conceptions of care they expound, I chose some pertinent examples that were both representative of their subset and contained textual elements that allowed me to analyse them using CDA.

The subsets of discourses that emerged from my purposive sampling approach are:

- Legal discourses. Discourses that address the notion of care through a legal or justice-based framework;
- Consumer discourses. Discourses that articulate care within a consumer protectionist framework, and conceptualise the international student as the consumer of a product (their education);
- Emotional discourses. Discourses that connect notions of responsibility with an emotive or affective response, either within an individual or at the level of the community or nation; and
- Counter-discourses (relational discourses). Discourses that frame care within the context of reciprocity, relationality and wider socio-political conditions beyond that of legal and consumer frameworks.

It is important to note that while I have categorised these conceptions of care by theme in order to understand them better, they rarely appear in isolation; in almost every article or transcript, there are usually multiple subsets expressed, often in ways that compete, or are in contestation, with one another.

The chapter is structured around each subset. I begin an examination of the notion of care through legal discourses, then articulate care within a consumer protectionist framework. The chapter then moves to an analysis of emotional discourses and the counter discourses that merge towards the end of the period in question. For each one of these subsets, I provide some contextualization for how that discourse operates within the texts as a whole, drawing out the dominant tropes and

commonalities between them. I will then analyse a small number of key examples by way of drawing out how they are operating within a model of care, how they constitute international students in particular ways, and the potential limitations of them within the context of conceptions of care.

5.2 LEGAL DISCOURSE

The term ‘duty of care’ originally comes from tort law and relates to social contracts. As such, when concepts of ‘duty of care’ begin to enter public discourse around international higher education, it is frequently in reference to the legal obligations and responsibilities that various stakeholders – whether Australia as a nation, government (national or state), individual departments, or higher education institutions – might be seen to have towards students. The assumptions of responsibility embodied in such conceptions of care see responsibility as being explicitly linked to questions of law and legal processes. In some cases, this is through policy and legislation; in others, justice and the processes of criminal law.

5.2.1 Care as legislative and regulatory

Conceptions of care are frequently evoked in ministers’ and senators’ introductions of legislative and legal reform. In one of the more explicit examples, Liberal MP John Alexander, in debating the ESOS Amendment Bill in 2009 says “I will be working to ensure that preliminary negotiations on [the] future legislation include discussions on a university’s duty of care to their overseas students” (Commonwealth of Australia, House of Representatives, March 3, 2011, p. 2326). Here, considerations of what a university’s duty of care is towards students is explicitly linked to legislative concerns. Likewise, the means of “protecting” students is often seen as legislative: “I look forward to introducing my amendments to protect students further from the costs of dodgy operators in this industry”, Independent Senator Nick Xenophon declares (Commonwealth of Australia, House of Representatives, February 3, 2010 p. 246) while Senator Lee Rhiannon of the Greens observes that “protection needs to be in place” and goes on to argue that “These bills are . . . tightening regulation around the industry and protecting students’ interests” (Commonwealth of Australia, House of Representatives, February 29, 2012, p. 1174). Here, legislation and “protection” are discursively linked: legislation is the means by which students will be protected. Elsewhere, the object of the protection is not the student, but the “industry”,

with MP Nola Marino of the Liberal Party arguing that: “If the government is serious about protecting and maintaining Australia’s third largest export it must *tighten* the legislation” (Commonwealth of Australia, House of Representatives, October 19, 2009, p. 10128). The discourse chain remains intact: even though it is the industry that must be protected and not the student specifically, there is still a link between the need for legislation and the concept of protection. Elsewhere, the quality of international education is also linked to regulatory measures and legislation, with MP Maria Vamvakinou of the Australian Labor Party stating: “By delivering quality as the foundation of Australian education through the regulatory measures outlined in this bill, we will be supporting the interests of students as well as creating a sustainable international education sector” (Commonwealth of Australia, House of Representatives, October 19, 2009, p. 10132). Here, the word “through” serves to qualify the notion of quality; it is *through* regulatory measures that quality will be delivered. Implicit within these connections are notions of responsibility, whereby governments or institutions are accountable in terms of their capacity to create, enact and (to a lesser extent) enforce legislation and the rule of law.

5.2.2 Care as criminal justice

Elsewhere, conceptions of care are constituted through the lens of justice and criminal law. For example, in responding to the attacks on Indian students in 2009, MP Michael Danby of the Australian Labor Party, asserts that “Every action should be taken by state police organizations wherever there are international students or people travelling late at night on trains to protect their safety and look after their well-being” (Commonwealth of Australia, House of Representatives, June 15, 2009, p. 6025). Here, care is equated to physical protection and safety, which is enacted through actions taken by state police. Presumably, this type of care and protection would be before the fact, i.e. preventing an attack. In other instances, the call for protection is articulated as a response to an attack, with the need to ensure that perpetrators are “brought to justice”, as in the following passage from MP Malcolm Turnbull of the Liberal Party:

We expect to see the Victoria police address these recent violent attacks with the full weight of the law . . . I expect to see this criminal behaviour treated with the urgency and the seriousness it deserves . . . to ensure that the perpetrators of these violent crimes are brought to justice without delay.

(Commonwealth of Australia, House of Representatives, June 1, 2009, p. 4906-07)

Care is constituted as “protection” through law and justice in each case.

To further understand how these legal discourses constitute care in particular ways, and in turn constitute the international student, I examine three textual passages in closer detail.

The first passage is a newspaper article published about the death of Chinese student Zhang Jie Hong in 2005. After her body went undiscovered for seven months, there was considerable media attention about the case, and widespread discussion about the delineation of responsibility.

Example 1: “The murder that nobody noticed” [Dorothy Illing, The Australian. 16 March, 2005: 35.]

A student lay dead in her flat for months. Her university is being asked why . . . A sense of shame and secrecy has descended in Canberra over the death of an international student failed by the systems that were supposed to protect her. On January 12, police discovered the body of a young Chinese woman in Belconnen after neighbours complained about a smell coming from the apartment. The 25-year-old University of Canberra student had lain dead, unmissed and unnoticed, for seven months . . . That the absence of a student in a foreign country could go unnoticed has appalled the community. And it has triggered a broader debate about how much duty of care institutions can reasonably be expected to exercise towards their students . . . As the blowtorch turns on the University of Canberra, questions are being asked about its obligations under the act set up to protect international students and to safeguard the reputation of Australia’s education offshore . . . Vice-Chancellor Roger Dean declined to answer question from the HES about whether the university had complied with the Education Services for Overseas Students Act 2000.

He rejected suggestions that the Department of Education, Science and Training had conducted an ESOS audit of the university. However, Jandy Godfrey, the university’s Development and International Executive Director, later contacted the HES to say that the university was ‘working with DEST and other relevant authorities’ to ensure it was meeting its obligations under ESOS. DEST is remaining tight-lipped about the affair,

saying that it has carried out ESOS ‘compliance monitoring visits’ to seven universities this financial year

Godfrey sent a message to senior staff reminding them of their obligations under ESOS. She also kick-started a series of workshops and tutorials on the same topic.

This passage starts with an evocative image of the dead body, and the smell coming from the apartment. This smell becomes a metaphor for the debate articulated in the article, in terms of the contestation over responsibility and who should be held accountable, and liable, for Zhang’s body going undiscovered. After the initial evocative beginning about an appalled community, the shame, the secrecy, the tone becomes much more legalistic, with a shift to focusing on legislation and policy, where responsibility is equated with compliance with legislative requirements and government policy: [their] “obligations under ESOS”. While the article acknowledges a “broader debate” about “how much duty of care” institutions should exercise, it also defines this duty of care as being “obligations under the act”. Care, then, is directly associated with legislative and legal forms of care. We see a playing out of the contestation over who exactly should take responsibility, and whether this tragic event was caused by the lack of legislation, the failure of the government to enforce the legislation, or the failure of the institution to meet their legislative obligations.

This contestation of responsibility is also evident in the language of the article. For example, in the sentence “That the absence of a student in a foreign country could go unnoticed has appalled the community” – use of the modal verb “could” refers to how it is possible for the student’s absence to go unnoticed for so long, yet there is no actual suggestion about who is responsible for this. The non-specific community is “appalled” at this – suggesting that the community itself is not responsible for it – yet there is no indication of to what “this community” refers. A local community? The university community? Or a more generalised Australian community? At the beginning of the article, we are told “A student lay dead in her flat for months. Her university is being asked why”. Again, the language, in present imperfect tense, avoids assigning responsibility – who is asking this question? Who is responsible for questioning the university? Is it the same “community” that is asking these questions. Likewise, in the sentence “shame and secrecy has descended in Canberra”, shame and

secrecy have assumed subject status and are in the act of descending, rather than this involving human agents.

Illing addresses the different forms of compliance that the university may or may not have met raising a number of questions about the nature of this responsibility, including whether DEST is responsible for implementation of the legislation in conducting “monitoring visits”, whether the university has met its obligations by conducting “workshops and tutorials” for staff on the topic, and even whether total compliance with the ESOS Act would have changed the outcome. Beyond this extract, the article goes on to suggest a variety of other ways of allocating blame and fault. “One theory is that problems associated with the installation of [new student] software led to Zhang ‘falling through the cracks’ of university records”. In the article, Vice-Chancellor of the University of Canberra, Roger Dean, refers to “extremely elaborate induction processes” that provide support for student services but comments that these could only work if the students wanted to take advantage of them, indirectly apportioning blame onto the student herself. Meanwhile, National Tertiary Education Union branch president Di Adams suggests it was due to a “lack of pastoral care”. What is at stake here are notions of responsibility, the extent to which responsibility lies within legal and legislative frameworks, the difference between writing policy and implementing it, what kinds of responsibility might extend beyond legal parameters and how blame for problems is constructed and allocated.

Within the contestation over responsibility, especially with the focus on the legal and legislative aspects of liability, it appears that Zhang’s circumstances have become very much individualised, an isolated case of “falling through the cracks”. Within this legal discourse, there is little opportunity to address the ways in which Zhang’s circumstances may reflect wider issues of the international student experience. For example, it does not reflect on the many reasons why international students might not “take advantage” of university support programs, the well-documented fact that international students often struggle with issues of isolation and disconnectedness from the wider university community (Gross, 2008; Hashim & Khodarahimi, 2012) and that they frequently face significant barriers in reporting safety issues or concerns (Nyland, Forbes-Mewett, & Marginson, 2010; Ramia et al., 2013). To a certain extent, this is a limitation of the genre – as a mainstream media article, it is unlikely to undertake this level of analysis or to complexify the incident in these ways. My intent

is not to criticise Illing; merely to say that within a discourse that privileges legislative and legal demands, other potential foci are rendered less apparent and there is a considerable obfuscation of responsibility in the ways in which this story is told.

The second of these passages is a newspaper article published in 2007 by an unnamed journalist, reporting on the overcrowding and exploitative accommodation conditions faced by international students in Sydney.

Example 2: “Our student visitors deserve better” [The Sun Herald, 25 March, 2007]

The Sun-Herald today reveals that students are being crammed into high-rise city towers, with up to 12 paying up to \$100 a week to share a two-bedroom unit . . . The blame lies with so called ‘career sub-letters’ – venal tenants who flout building regulations and exploit loop-holes in the Residential Tenancy Act to mislead and overcharge students . . . Institutions that apparently assume they have no duty of care to their students should be legally obliged to assist them with accommodation or, at the very least, to ensure the students are aware of the scammers out there waiting to snare them. What’s required is education to make students aware of their rights, and legislation to close loopholes and make career sub-letters accountable.

This passage begins by evoking a metaphor: students being “crammed” in like the proverbial can of sardines and a clear delineation of blame: “the blame lies with so called ‘career sub-letters’”. Within this legal discourse, we see clear attempts to find “fault” and “blame” within a liability model, and an argument that is very black and white, with little room for ambiguity or complexity. As in the examples above, we see a discourse chain between the idea of “duty of care” and issues of legislation and regulation. At fault are the “venal tenants” who “flout building regulations and exploit loop-holes”. There is a clear link between “duty of care” and “legal obligations”. The solution is seen as being one of “closing loopholes” and fixing the legal and regulatory issues that allow this situation to occur as well as holding the perpetrators accountable. There is also a focus on victim (the student) and perpetrator (the tenants) and a strong emphasis on intent; the tenants are deliberately “misleading” and “overcharging” students.

Here, the concept of care is specifically defined as dually a legal obligation on the part of the institution, that obligation being both to provide education and

awareness about potential scammers, and a legislative need to “close loopholes”. Care is equated to the creation and enforcement of laws, legislation and regulations.

Within this legal discourse, however, there is no focus on the systemic challenges that might be contributing to the issue. For example, after the initial metaphor of students crammed in like sardines, there is little indication of what the students’ experiences are, why they might be so in need of housing that they are willing to live like this, or what the systemic challenges might be to them obtaining other, less exploitative housing. Further, in labelling the tenants, the institutions and the legislation as the problem, the writer does not engage with questions of who else might have responsibility for the circumstances and suggests that students need only be informed of the existence of the scammers and they would, and could, pursue other options. However, this is not necessarily true: international students frequently face systemic challenges in obtaining safe housing, including attitudinal barriers (racism, xenophobia, hostility to international students) (Obeng-Odoom, 2012; Smith, Searle, & Wiley, 2010) and practical ones (access to credit, need for English-speaking references, cultural barriers, knowledge of the city and so on) (Dunn, Pelleri, et al., 2011; Marginson et al., 2010). By working within a legal discourse that emphasises issues of liability, legislation and regulation, the article limits its conceptions of care and responsibility.

The third example I will use to understand how legal discourses constitute conceptions of care further is a speech to the House of Representatives by then Prime Minister Kevin Rudd in 2009, following a series of violent attacks on Indian students in Melbourne. This event received considerable media attention, both in Australia and abroad, and especially in India, and sparked international student protests (Mason, 2010, 2012a, 2012b; Robertson, 2011). Here, he is reporting his conversation with Indian Prime Minister Manmohan Singh about the attacks:

Example 3: Prime Minister Kevin Rudd, Commonwealth of Australia, House of Representatives, June 1, 2009

In recent months, there have been a number of attacks on young Indians studying or working in Australia – in particular, three recent attacks in Melbourne involving six young Indians. In fact, there is a much wider problem of urban violence in various parts of some of our larger cities Those who carry out these attacks stand condemned. When I spoke to [Indian Prime Minister] Prime Minister Singh I said that the Commonwealth

government was working closely with state governments to ensure that perpetrators of these crimes are brought to justice and that government agencies are responding to these crimes to protect all students and others in our community These recent acts of violence are . . . deplorable . . . and deserve to be met with the full force of the law. (p. 4905)

This is a speech in parliament congratulating Prime Minister Singh on his election victory – as such the Indian community in Australia and the Indian Prime Minister are implied audiences for his comments. This is reaffirmed at the end of the speech when Rudd announces that “the Australian government is committed to developing a stronger, closer relationship with India”. This implied audience is significant in the context of international higher education at the time as students from India made up a significant proportion of international students (Department of Education and Training, 2009).

Within this type of legal discourse, there is a clear delineation of responsibility as being apportioned to the perpetrators of the acts. The acts are a result of the actions of the perpetrators, and care is conceptualised as ensuring that the perpetrators are “brought to justice” and meet the “full force of the law”. As such and inevitably, international students are in turn constituted as victims, while the Australian government is positioned as standing in solidarity with these victims. When Rudd declares that the perpetrators “stand condemned”, he is evoking both the legal definition “sentenced to a particular punishment” as well as the more common definition of “to express complete disapproval”, which serves to distance him from the situation while evoking the legal ramifications of the actions.

However, this legal discourse also serves to obfuscate some of the specificities of the case. When we are told that there have been “a number of attacks”, it is clear that these are not isolated events but are recurring. We are told that the victims are “young Indians studying or working in Australia” yet the fact that they are racially motivated attacks is not specifically named. In fact, the observation that “there is a much wider problem of urban violence in some of our larger cities” serves to obfuscate that the attacks are racially motivated and instead serves to normalise the behaviour, suggesting that the attacks were a result of being in a particular part of a particular city, and nothing to do with the victims being Indian international students. In addition, the legal discourse serves to disguise who exactly is undertaking the attacks. The victims

are named as Indian students. The perpetrators, however, are named for their legal role, and not identified by their ethnic or national identity. Assumptions are needed to ‘fill in’ the gaps in details: are the perpetrators Australians? Caucasians? Youth? What is more, the reference to “government agencies . . . responding to these crimes to protect all students and others in our community” generalises the protection being offered to everyone in “our community” rather than addressing that there may be specific needs for support for the Indian community to protect them from racially motivated attacks from, for example, Caucasian Australian youth. Responsibility is defined as due course within the criminal justice system, but Rudd is distancing himself from wider social responsibility for the attacks, establishing a clear sense of “we” and “our” that is separate from the perpetrators, and evoking a shared sense of outrage and injustice. As such, responsibility is seen in legal terms, with the perpetrators holding responsibility for the violence, and the legal system holding responsibility for their punishment.

5.2.3 Implications of the legal discourse for care

Inherent within discussion about legal and legislative responses to incidents are questions about the nature of responsibility. However, there are often significant gaps between different areas of legislation and policies that address different aspects of the international student experience. Journalist Larry Anderson (2011), encapsulates the dilemma in his article about the “disproportionate” number of unintentional drownings and fire fatalities among international students.

After visiting 30 universities, police, government authorities and peak education bodies, I find it hard to escape the conclusion that one key issue is missing from our response. Who is responsible for the safety and well-being of the 619,000 international students living and studying in capital cities and regional education hubs across the nation? . . . [he goes on to list a number of different legal frameworks intended to protect students, including the ESOS Act, the Department of Education, Employment and Workplace Relations, the Department of Education, Employment and Workplace Relations and the Department of Immigration and Citizenship].

And education institutions are divided. Some claim they meet their obligations, while others argue the government has legislative oversight of these issues. Many institutions claim their responsibilities end at the campus gates.

There are many grey areas. The loop needs to be closed.

Here, Anderson clearly articulates the contested space of responsibility for international students, and the many legislative and institutional frameworks that are trying – and failing – to protect students adequately. However, his conception of care and his underlying assumption about responsibility is nonetheless still framed strictly within a legislative and legal discourse. For Tronto (2012), however, in her work on care, the limitations of legal discourses are not a result simply of the gaps that need to be closed, or the appropriate allocation of responsibility for the creation and enforcement of policy. For her, there is a wider issue around assumptions that responsibility rests on legal foundations.

The examples, above all rely on a model of responsibility that is based upon legal protections, legislation and regulations, a model which Tronto refers to as “substantive responsibility” (p. 303). “Substantive responsibility”, for Tronto, is “akin to obligation and derived from principles” (p. 303) and based on a notion of “rational deduction of duties” (p. 303) and “independent principles of justice” (p. 303). In this context, “substantive” refers to the rights and duties of responsibility having an independent existence based on universal principles, and rests on the notion that “responsibilities in relationships derive their force from a set of claims made about the formal properties of relationships” (p. 305). Within a model of “substantive responsibility”, a set of duties and obligations is assumed, and these do not change or vary based on the specific and situated structural relations (Tronto, 2012, p. 308).

Responsibility in this context means fulfilling your rights and duties. She gives the example that family members being responsible for the children in the family home rests upon the formal claim that the property of having children makes one responsible for them. Fixed universal set of obligations that will vary only slightly depending on the parties involved.

“Substantive responsibility”, Tronto (2013) tells us, is similar to what Young (2006) calls the “liability model” of responsibility (p. 103) whereby responsibility is about assigning liability, usually for events that have already happened, operating within a structure of rules and laws. As such, “substantive responsibility” is a “backward-looking model” – a “way of assigning blame for past judgments and actions” (p. 51). Law, criminal justice, legislation and legal regulations are all

examples of “substantive responsibility” (Tronto, 2012, p. 308), where issues of liability and culpability can be determined, usually after the fact.

We see this strongly in the textual examples above. The emphasis on perpetrator and victim, the contestation of whether institutions and governments have met their obligations under the act, questions of who is at fault or to blame, who can be held liable and under what law, and what loopholes need to be closed to ensure future protections are all examples of seeing care and responsibility through the lens of “substantive responsibility” (2012, p. 308). This could also be said to be true of transactional claims – in which payment is made in return for an education, although the exact details of this transaction are often ambiguous and built on a set of sometimes widely different assumptions and expectations about the exact nature of this transaction.

Tronto (2013) contrasts this to a concept of “relational responsibility” which “grows out of relationships and their complex intertwining” (p. 51). This is similar, she argues, to Young’s “social connection of responsibility” whereby “all agents who contribute by their actions to the structural processes that produce injustice have responsibilities to work to remedy these injustices” (p. 51). Tronto goes on to say that the focus is relational in understanding the wider context and looking at the structural processes and contextualizing responsibility within wider social contexts; as such this kind of responsibility is “forward-looking” (p. 51). In Tronto’s work, “relational responsibility” is more closely aligned with an ethics of care, arguing that the model of “substantive responsibility” is limited because it tries “to parse out who is wrong and deserves blame [but] does not solve the problem of irresponsible action” (2012, p. 306).

Both Young (2006) and Tronto (2012, 2013) affirm that the liability model or “substantive responsibility” (Tronto, 2012, p. 308) plays a key social function and that neither model is inferior or unnecessary. A clear articulation of duties is often needed. However, they argue that what “substantive responsibility” models do not generally do is attend to the complex nature of structural injustice and the relations that underpin the relationship between caregiver and care receiver, and the wider social and cultural processes within which care is functioning. We see this in my analysis of the examples above – the demands of using legal discourse to determine responsibility leaves little room for an analysis of the social, political and cultural conditions that lead to the

circumstances in the first place. While the media try to ‘parse’ who is liable for the undiscovered deaths, both institutions and governments try to deflect responsibility elsewhere, including onto the students, or while the “venal tenants” are to blame for the overcrowding in student accommodation, or while the perpetrators are being condemned for their actions, aspects of “relational responsibility” (Tronto, 2012, p. 306) are rendered invisible, such as the wider social issues related to the isolation of international students, the ways in which racial attacks might be underpinned by wider socio-political values and assumptions, or why international students might have no choice but to live in exploitative housing conditions. In other words, substantive models of responsibility are not able to fulfil the function of accounting for structural injustices and social practices. Within this context, the government or the institutions might be meeting their responsibilities under the law – their formally agreed upon obligations and duties – but might still not be meeting their responsibilities within a relational model of responsibility. I will return to these concepts of “substantive” and “relational responsibility” as I examine the other dominant discourses through which care is constituted during this time period (Tronto, 2012, p. 308).

5.3 CONSUMER DISCOURSE

Alongside the discourse of the law and legislation, another subset in the public rhetoric around international higher education in Australia refers to education through a consumer discourse. Within this model, the focus is on the ‘product’ (the education, the student experience) with the international student being seen as the ‘consumer’ of the ‘product’. The relationship between student and institution is constituted by the language of transaction. Within this discourse, the main concerns are buying a ‘safe’ or ‘quality’ product, identifying genuine businesses, protecting the consumer from ‘scams’, making good ‘consumer choices’ and ensuring ‘consumer protections’. Care and notions of responsibility are thus also constituted within the parameters of consumer discourse, where care is equated to consumer protection, and the predominant relationalities are transactional.⁸

There are a number of ways in which this discourse is manifested in the texts.

⁸ In this transactional language, where payment is given in exchange for an education, there is surprisingly little discussion about what exactly are students paying for. Are they paying for a “quality education” and how is this defined? A specific qualification? A particular set of student experiences? Although often informed by a wide set of expectations and assumptions, there is very little discussion about the exact nature of this transaction in the public debate.

5.3.1 Care as Consumer protection

In many cases, care is constituted purely as consumer protection. Consumers (the students) are buying a product (an education) and so must have consumer protection mechanisms in place. This manifests in the following kinds of comments by Senator Scott Ludlum of The Greens:

I think we need to strengthen laws so that we can ensure that students get the guarantees, the assurances and the legislative protection they require when they enrol in courses . . . the primary concern has to be to ensure that *these students get what they are paying for*. (Commonwealth of Australia, Senate, June 15, 2009, p. 3074)

Here, the purpose of the different kinds of care he suggests – assurances, guarantees, legislative protections – are all serving the ultimate goal of making sure that students have their consumer rights protected and “get what they are paying for”. Several years later, this rhetoric was still commonplace: Senator Lee Rhiannon, also of the Greens, advocates in 2012 that “We have to take the hard steps to ensure that our international students’ money – and let us always remember that it is their money – is protected” (Commonwealth of Australia, Senate, February 29, 2012, p. 1175). Whereas in the previous section, the concept of protection was constituted in terms of legislative measures and criminal law, here it is constituted in terms of consumer rights and protecting students’ money. Money thus becomes the justification for ethical behaviour. Or as the unnamed journalist in *The Sun Herald* article referred to previously summarises: “Overseas students have proved a nice little earner for Australia. Surely the least we can do for them while they’re here is to make sure they’re not ripped off” (“Our student visitors deserve better,” 2007). While the idea of “not being ripped off” may include a gesture towards the ethics of the relational dimensions between Australia and its international students, it is nonetheless expressed solely within the discourse of consumer protectionism.

5.3.2 Care as transactional

The idea of care, though, is not limited to consumer protection. A variety of models of care are expressed within the transactional model of students as consumer, where students’ are deemed to have certain rights to access aspects of care because of the fact that they pay fees. These aspects of care might include legal protection, student services, safety, accommodation, pastoral care, and other types of care, and are

'owing' because a student has paid high student fees. For example, Shehbaz Singh, a student who was assaulted near Newcastle University, is quoted in an unattributed article on the *ABC Premium News* broadcast channel as saying "there is a duty of care of the educational institution towards the international students who pay a huge amount of fees to come to the university" ("Foreign student unhappy with uni's response to attack claims," 2007). Here, the concept of duty of care is explicitly linked to the transactional view of the relationship between student and institution, and is a result of the "huge amount of fees". Academic Paula Dunstan (2002) makes a similar connection in her article "Foreign Students: Who Cares?" in *The Australian*: "When students can pay up to \$100,000 in tuition fees, surely there is a continuing responsibility to ensure that levels of funding for services, in language and learning, pastoral care and generic advice, are not only adequate but guaranteed?"⁹. Again, there is a transactional model underlying this – that the "continuing responsibility" of a university is a consequence of the financial contract that is being entered into through the paying of fees and, by implication, that the university's responsibilities may be different if there was no transactional relationship. Another student articulates it like this in Green and Rood's 2005 article in *The Age* "Slipping through the safety net": "We're buying a product. We're paying the money for services and support. We're getting a product, but we're not getting enough support". Again, the receipt of services and support is seen within the framework of a transaction following the "buying" of a "product". These examples show a certain amount of disagreement about what exactly was, or should be, included in the transaction.

This transactional view of responsibility is also extremely apparent in government rhetoric, and in many cases is used to justify legislative change. For example, Independent Senator Nick Xenaphon, speaking about the attacks on Indian students in the House of Representatives in February 2010, draws the connection between duty of care and the amount of money a family has paid:

There are people whose families have put their life savings—who have borrowed money—to giving their children an opportunity for a high-quality

⁹ This 2002 article, "Foreign Students: Who Cares?" was one of the earlier examples of the language of care coming into the public domain. Since Dunstan's argument is specifically about funding levels, it makes sense that she would argue for how much money international students contribute to the economy, but in doing so she conforms to what would become a dominant trend, of speaking about care and responsibility towards students within the framework of an economic discourse.

education here in Australia. We have heard stories of families in India who have done so and, indeed, of families all around the world who have made huge sacrifices for their children to come here. We owe them a duty of care to ensure that they have not only a high-quality education but that they are able to complete their courses and that rigorous standards apply to those courses. (Commonwealth of Australia, Senate, February 3, 2010, p. 246)

The language here is highly transactional, even as it evokes concepts of care. “We” (Australia) “owe” them a duty of care because families have made significant financial investments in and sacrifices for their children’s education.

5.3.3 Protecting a ‘quality’ product

If the student is the ‘consumer’, the ‘product’ is the education they are paying for in Australia. As a result, there is considerable reference to the need to protect the reputation and quality of the product. As Professor Glyn Davis, Vice-Chancellor of the University of Melbourne is quoted as saying in “Slipping through the safety net” in *The Age*: “We’re all very conscious that reputation is the only thing we’re trading on, and if Australia gets a reputation for being cavalier about taking people’s money and not providing service, it’s self-defeating” (Green & Rood, 2005). This language of “reputation is the only thing we’re trading on” is highly transactional, where reputation becomes part of the transaction. Likewise, Senator Gavin Marshall of the Australian Labor Party explains in his speech to the Senate Reference Committee on Education, Employment and Workplace Relations on November 26, 2009:

the government considers any damage or threat to Australia’s reputation as a study destination a very serious matter . . . The government is committed to ensuring that continued prosperity of this sector and that Australia continues to be seen as a safe and attractive study destination. (p. 8992)

Again, reputation becomes the key aspect of the transaction, an aspect which is highlighted by his emphasis on “the continued prosperity of this sector” and the quality of the product – in this case one that is “safe and attractive” – is key, even if it does displace the student as subject.

Likewise, there is a strong emphasis on the amount that international students contribute to the international economy, and, as in the above example, the importance of protecting the sector. MP Nola Marino of the Liberal Party, for example, explains in response to the second reading of the *ESOS Act Bill 2009*:

I begin by stressing the national importance of the overseas student market in Australian education services It is not really well understood that overseas students represent Australia's third largest export market, contributing \$15.4 billion to the national economy in 2008. As a result, it is absolutely vital to the economy that such a significant services export be maintained. (Commonwealth of Australia, House of Representatives, October 19, 2009, p. 10126)

In that same reading of the *ESOS Bill 2009*, MP Jim Turnour of the Australian Labor Party asserts that: "We want to continue to attract talented students from around the world to our great institutions. It is paramount that we do what we can to protect the reputation of a hugely important export industry" (Commonwealth of Australia, House of Representatives, October 19, 2009, p. 10069). In both these examples, the emphasis is on Australia's reputation and the importance of protecting international higher education as a significant "export market". The need to protect Australia's reputation is all about protecting the product.

I will examine three further examples in more detail to explore in greater depth how these three tropes: care as consumer protection, care as transactional and care as protecting the product are operating in this era.

The first example is an interchange between a senator and a witness in the Senate Inquiry on the Welfare of International Students, in which the senator is trying to establish what a university's duty of care is towards students.

Example 1: Senate Inquiry into the Welfare of international Students, Exchange between Greens Senator Hanson-Young and witness Mr Nigel Palmer, National President, Council of Australian Postgraduate Associations, 1 September, 2009:

Senator Hanson-Young: "In relation to the role of universities and education providers, what is their duty of care in looking after students? If students are paying X thousand dollars for their course and have paid hundreds of dollars to get to Australia through the student visa process, what is the duty of care of the university to ensure that it is offering those services and support so that students are actually getting value in the education they are paying for? (Commonwealth of Australia, Senate, EEWR7)

Mr Palmer: 'Duty of care' is an appropriate choice of term, and the duty of care exists for two reasons. One is to ensure that the experience of being an

international student in Australia is a very positive one so that students that study here can return to their home country and tell all their peers that it was a rewarding experience that gave them many opportunities. The second reason that ‘duty of care’ is an appropriate term is that if you say to a student, ‘Yes, we accept you to study in Australia and we accept your fees,’ there is a moral obligation to support these students in the critical areas where they are potentially vulnerable to exploitation and where they get a lot of value out of support, like in the academic area. A document like the ESOS Act should describe the basic standards for those areas of duty of care, in terms of both welfare and academic performance and support. (Commonwealth of Australia, Senate, EEWR 2)

In this exchange, the concept of duty of care is explicitly linked to the fact that students are “paying X thousand dollars...and hundreds of dollars” for their visas. The need for support is represented as being an economic transaction: “we accept your fees” and therefore have a “moral obligation to support”. Everything that follows is related to this transactional foundation and comes from the “purchase” indicated by the fees. While duty of care is defined broadly and includes legislative protections, welfare concerns, academic support, protection from exploitation, and the opportunity to have a “positive” and “rewarding” experience, it is still framed within a consumer model, where these aspects of care as “owing” because of the financial contract the students have entered into. The ultimate concern is with consumer protections and “that students are actually getting value in the education they are paying for”.

The second passage, also draw from the Senate Inquiry into the Welfare of International Students, is witness Mr Andrew Smith, Chief Executive Officer, Australian Council for Private Education and Training. In this passage, Mr. Smith refers to the need to empower students to be “informed” consumers.

Example 2: Senate Enquiry into the Welfare of International Students (EEWR39), Statement by Mr. Andrew Smith, 1 September, 2009:

We are very keen to see Australia develop an approach that is about providing a more informed consumer in terms of international education students, so that they can have access to accurate information about the experience here in Australia, so that they can make an informed choice. These are young adults who make choices about their future study options and about the experience that they wish to have while they are onshore here in Australia.

In this testimony, Mr Smith constitutes international students entirely within their role as consumers, who are free to make “choices” when given “accurate information”. He suggests that students are free to make choices not only about their “future study options” but also about the “experience that they wish to have” in Australia. In constituting students purely as consumers, he obfuscates many of the challenges facing international students, implying that the many incidents facing international students in the 2000s were merely a product of their “choices” or a lack of accurate information. By extension, these issues would go away if only students had accurate information. In doing this, he focuses solely on the personal circumstances and choices of the individual international student, eliding the political and social conditions that influence the kind of experience they may in fact have in Australia that might include such barriers as racism, xenophobia, language barriers, cultural barriers, as well as a variety of restrictions on their “future study options”. This has the effect of aligning responsibility in two ways: firstly, that the experience the student has is entirely their own responsibility based on their free market choice, or, conversely, that responsibility lies purely in terms of the provision of accurate information to them (although he does not name who is responsible for ensuring the accuracy of the information provided, nor does he detail what this accurate information might include). Within this type of consumer discourse, then, the operating principle is that the only problem facing international higher education in Australia is a lack of accurate information and the need to support consumer choice better. This logic directs the focus away from consideration of structural or systemic issues that may have contributed to the many diverse issues facing either the sector as a whole or the individual students.

The third example I will focus on is a speech to the House of Representatives from MP John Alexander in 2011. In this speech Alexander contextualises international students within the wider Australian economy.

Example 3: House of Representatives, Speech by MP John Alexander, 3 March, 2011:

In 2008-09, education contributed more than \$17 billion to our national export earnings and it is linked to the employment of approximately 120,000 people. The total value-add generated by international higher education students was \$9.3 billion. On average, each international higher education student studying in Australia contributes over \$50,000 to our economy each year. Two-thirds of this amount is spent on goods and services, injecting vital income into the

economy and generating more jobs . . . In short, government inaction or poor policy can have massive repercussions on our nation's economic well-being . . . I will be working to ensure that preliminary negotiations on the future legislation include discussions on a university's duty of care to their overseas students...We need to move away from just viewing overseas students as purely economic assets. We need to take a wider perspective on the overall impact of this industry on our local community as well as on our broader economy. . . . The flow-on benefits to our country will be significant. (Commonwealth of Australia, House of Representatives, March 3, 2011, p. 2324)

Here Alexander moves beyond the idea of individual students as consumers, and instead focuses on the economic value of the international higher education sector as a whole, emphasizing the importance of the sector to Australia's economy and community. His speech encompasses a range of different conceptions of care – legislative, pastoral, educational, pedagogical, practical and social, that move beyond consumer protection, that see the nation's responsibility as being to respond to students' needs in a holistic way. However, they are continually reframed within the context of the benefits of the international student industry to the economy, both in terms of local economies and national ones. Furthermore, although he covers a wide range of components of care, his speech both opens and closes with the economic discourse, implying that the reason for providing these other forms of care is still, fundamentally, in order to support the Australian economy.

Despite his explicit reference to the duty of care that universities have towards their students, most of his references to care are not focused on students at all. His reference to “the nation's economic well-being,” has the effect of displacing the international student with a different object – the economy. “Well-being” is a term often associated with care, and one that has made its way into government rhetoric, but here the nation and the economy are personified and given human characteristics, becoming the object of the government's care. In saying “government inaction or poor policy can have massive repercussions on our nation's economic well-being” (p.2324), he is making action and policy the subjects of the caring relationship, and the nation its object. Responsibility is rendered in the abstract, with the object of responsibility being the protection of the ‘product’ as a means of protecting the wider economy. As a result, international students and their needs are constituted only in terms of how

they help to support the nation and its economy. While there is considerable discussion about international students, they are abstracted and essentially rendered invisible beyond their economic role.

5.3.4 Implications for care of the consumer discourse

A number of journalists at the time publicly objected to the ways in which the consumer discourse constituted international students as consumers and their education as a product, explicitly using the language of care to make their argument. For example, after the high profile attacks on Indian students in 2009, Hannis McDonald writes in an article for the *Sydney Morning Herald* called “The Racket Nobody Dares Name”:

We care. Really and truly, we care. Our prime minister and all the state premiers swear they do. Tomorrow, a delegation of Australian officials, educationists and policy land in New Delhi to insist: we care.

Yes, we care about the experience Indian and other students get in Australia. But we care most about the \$15 billion they bring to the Australian economy each year, a flow put at risk by the string of recent attacks on overseas students (July 4, 2009)

Here, McDonald is calling out the public rhetoric about what it means to care. Overtly, he claims that this is not “caring” about the students but caring about the economy and the country. Any effort to “care” is merely an attempt to repudiate the reputational damage done by the attacks as a way of protecting the product.

Likewise, journalist and opinion editor for *The Age* Sushi Das writes in the 2008 article “The Dollars and the Scholars”:

A CASH cow is all very well, and a fine thing when it’s happily chomping in the field. But what happens when it grows horns, turns nasty and demands that you feed it more and look after it better?

It is a problem Australian universities have been trying to tackle since a sharp fall in Commonwealth funding per domestic student left them heavily dependent on international students – their very own cash cows – to bring in the money to keep the higher education sector afloat . . .

But if higher education expert Simon Marginson's cash cows growing horns and turning nasty is a colourful analogy, it is also apt. International demand for study in Australia is still growing, but it has slowed, and there is pressure on the industry from within and without. Increasing competition from foreign universities in the global race for market share, Australian universities at capacity, and a growing perception that Australia's international students have been exploited on the one hand, and neglected on the other, are biting hard. (26 July 2008)

The idea of "looking after it [the student/the cash cow] better" is explicitly about care and responsibility, and Das is overt in showing the limits of the consumer discourse as a framework for care in her condemnation of how international students have been "exploited on the one hand, and neglected on the other". This article in particular highlights how these consumer discourses don't happen within a vacuum but occur within broader social discourses, a fact that the consumer discourse fails to acknowledge. The metaphor of a "cash cow" but one that is turning nasty and demanding better treatment is a critique of the discourses that are producing the international student and a contestation about who might be responsible for the student, and what that responsibility might look like. What would "feeding it more" look like, and what does this tell us about the nature of the conceptions of care in which the international student has been situated and produced?

The neoliberal worldview that is expounded by consumer discourses and notions of care that operate within the framework of consumerism are highly problematised within care theory. Tronto (2013), for example, argues that the "neoliberal economic worldview" posits individual responsibility as "the only meaningful level upon which to understand responsibility" (p. 61). As such, it can become a way through which governments and social institutions avoid engaging in wider discussions about power and privilege, and a way of evading the structures of power that are producing the "cared for" in particular ways (p. 61). We see this particularly in the example about individual 'choice' and the need for 'accurate information', where students are seen as autonomous free individuals capable of making their own consumer choices without regard for wider discussions about power and privilege that influence what their "experiences" can be. Held (2006) argues that consumer discourses reinforce a traditional notion of autonomy in terms of what she terms "self-sufficiency, non-interference, self-direction, rational control and the like" (p. 55). These notions of self-

sufficiency and self-direction, however, are problematic because such choices can be, as Held argues, “interfered with by educational inadequacies, economic pressures, political and legal compulsions, and coercive persons. They can also be constrained by psychological pressures . . . to live and act as we choose requires the resources and capacities to do so” (p. 55). She argues that “some forms of responsibility can appear to be contractual” (as in the “contract” of providing care and support in exchange for student fees) “but for an ethic of care, one needs to go beyond simple agreements to look more closely at the power allocation in exchanges about responsibility” (p. 55). In the context of international students, it is insufficient to see the ‘contract’ of support in exchange for fees as sufficient as it belies the power allocations and ethics of responsibility that underlie the contract. As Tronto (2010) writes, “Market assumptions about the consumer – that she is rational, autonomous, capable of making a choice, and possessed of adequate information to do so – may not characterise the situation of people in care settings” (p. 159). In addition, such ways of thinking about the relationship does not necessarily render transparent or expose the power structures that underlie these conceptions of care. Just as models of “substantive responsibility” (Tronto, 2012, p. 308) can fail to engage in the structural injustices that inform a relationship, assuming that students are autonomous individuals belies the power relationships that inform their choices and the options available to them. Models of care that are based on consumerism constitute students in ways that assume that they are able to act as autonomous, independent individuals, without regard for the social and political conditions and relationships which render them alternatively. The autonomous individual exonerates the institution and exempts it from responsibility for the care of the consumer. Within education, seeing the student as a rational, responsible, independent unit, unencumbered by social ties or historical contexts, also serve to negate the responsibilities of the institution for the care of the student.

5.4 EMOTIONAL DISCOURSES: CARE AS A DISPOSITION OR EMOTION

Although the legal and consumer discourses are by far the most dominant ways in which care is constituted in the texts, a common trope is for the speaker or writer to assert that they ‘care’ through declarations of emotion. This is particularly true when their texts are responding to crisis situations such as violence, attacks or deaths. For example, in Illing’s 2005 newspaper article in *The Australian*, “The murder that

nobody noticed” various staff and students described their reaction to the death of Zhang Jie Hong in emotional terms: “it’s just so incredibly sad” (Jennifer Newman); “[I am] deeply distressed” (Roger Dean); [the university staff were all] pretty devastated” (Di Adams); [I was] horrified by the unnecessary tragedy” (Glyn Davis); (Dorothy Illing, *The Australian*. Canberra. 16 Mar, 2005).

In these cases, the emotion is claimed by a particular individual. The confession of emotion becomes a way through which, in Tronto’s (2013) terms, individuals constitute a “caring self” and constitute themselves as a sympathetic, caring individual with a moral conscience (p. 55).

In other cases, emotional language stands in for the affect of a group of people, a community or even the nation, particularly in parliamentary speeches. For example, Labor Party MP Michael Danby in his speech about the Parliamentary Delegation to India refers to the “*disgust* [emphasis added] that most Australians feel at the disgraceful attacks on Indian students” (Commonwealth of Australia, House of Representatives, June 15, 2009, p. 6025), while Liberal Party MP Malcolm Turnbull declares that “These attacks are not simply criminal acts; they are also profoundly un-Australian” (Commonwealth of Australia, House of Representatives, June 1, 2009, p. 4906). Here, emotive language becomes a way of establishing a national ‘we’, where an emotion becomes projected to the level of the nation. This operates in a similar way to the individual declaration of emotion, as a way of establishing that ‘we’ are a caring, sympathetic nation that will not tolerate violence. Frequently, these emotive declarations serve to distance the speaker, individually or collectively, from the precipitating event, and from responsibility for them.

By way of examining how these emotive declarations are operating, I will look at two examples in greater depth. The first example is a speech to the House of Representatives by MP Julia Gillard on May 26, 2009, responding to the attacks on Indian students.

Example 1: House of Representatives, Minister Julia Gillard, Tuesday 26 May, 2009:

I am aware of and concerned about the reports in the media of international students’ safety being compromised and of their having unsatisfactory experiences while in Australia. I was personally particularly disturbed by recent violent incidents which occurred in my own electorate.

Most international students report that they do feel satisfied with their social experience while in Australia. However, reports of any violence or discrimination directed at international students can do much damage to our international reputation as a welcoming country . . .

In this parliament today – and I am sure, in this regard, I speak for all members of this parliament – I also want to send a message loud and clear that international students are very welcome in this nation and Australia will not tolerate discrimination against or victimisation of any of our international students. (Commonwealth of Australia, House of Representatives, May 26, 2009, p. 4282)

Gillard’s references to being “concerned” and “personally disturbed” are examples of using emotional language to stand for the concept of “caring”, and to show herself to be sympathetic and compassionate, emotionally affected by the experiences of the students. However, her language mitigates and downplays the experience of the students themselves. When she speaks about students’ safety being compromised and of their having unsatisfactory experiences while in Australia Gillard represents the students not as victims of violent attacks; rather their safety is being compromised and their experiences in Australia are unsatisfactory. The use of the passive sentence construction and the use of the word “unsatisfactory” to describe their “experiences” downplays the severity of the problems and erases ownership of responsibility. There is no sense of who or what compromised the students’ safety, or how social and political conditions may have influenced the events. Her reference to “their having unsatisfactory experiences while in Australia” is unclear and opaque. It is ambiguous whether she is further downplaying experiences of violence as merely “unsatisfactory” or whether she is referring to other aspects of their experience. She also tempers this by immediately assuring her listeners that “most” international students do “feel satisfied” with their social experience in Australia, implying that the recent “compromises” to student safety are individualised and anomalous. She returns to emotive language to send the “message loud and clear” that she will not “tolerate” violence against international students, and in aligning herself with every other member of parliament, she uses this emotional language to shore up a sense of collective identity and community that ‘cares’ and is sympathetic and responsive to

the experiences of international students. While responsibility is sidestepped, the emotion stands in for the concept of care and protection.

The second passage I examine is also a speech to the House of Representatives responding to the attacks on Indian students, in this case given by Liberal MP Andrew Southcott, following Gillard's speech.

Example 2: House of Representatives, Minister Andrew Southcott, 26 May, 2009:

We are all aware of our shared national shame when we see media reports of international students who may have come to some harm while on our shores. The minister [Julia Gillard] mentioned her distress upon learning of recent violent incidents in her own electorate and it is a distress that would be shared by all members when those incidents occur. While Australia is a safe country by many measures, some students from different cultural backgrounds come to Australia and find aspects of our city night life, for example, quite confronting. There are areas in some of our major cities that are near to our educational institutions and student accommodation, which perhaps many members of this House might choose to avoid at night.

It is important that students be given appropriate support while acclimatising and orienting themselves to life in Australia. I would hope that this minister's roundtable will contribute to the suite of resources available to international students as we work to continue enhancing Australia's reputation as a high-priority destination for study and research. (Commonwealth of Australia, House of Representatives, May 26, 2009, p. 4286)

By evoking "shared national shame", Southcott, like Gillard in the earlier example, is using emotional language to establish a collective identity. The shame stands in for the concept of caring, and could even be seen as a form of taking responsibility. However, at the same time, this discourse of caring is undermined through the subtle use of language. For example, the phrase "media reports of international students who may have come to some harm while on our shores" makes use of a low modality verb to suggest that, while they "may" have come to harm, they also may not have. The word "some" downplays the impact of this harm. When he observes that "Australia is a safe country by many measures", he does not elaborate upon such questions as safe for whom, under what circumstances, and by what measures. He suggests that the problem is that "some" students "of different cultural backgrounds" (without elaborating on

who these students might be or which cultures might be particularly vulnerable) find our city night life “confronting”, suggesting that it is the fault of students’ “cultural background”. The word “confronting” suggests that any concerns that students might have is merely an individualised personal emotive response. By observing that there are areas which “many members of this house might choose to avoid at night” he does not engage with the social and political ramifications of this statement, in terms of privilege and power, such as why Ministers of Parliament might have the choice to avoid them and international students might not. In addition, he places responsibility for the attacks on the students who “choose” to go into these areas.

He further goes on to suggest that the reason that some students might feel confronted is that they have not been sufficiently acclimatised and oriented, again shifting responsibility onto the students themselves. His solution is a “suite of resources” and resources that will be made available to international students in order to give them “appropriate support”. There is no sense that there may be a need for “resources” to go to the people who attacked the students, or that there may be any other cultural obstacles or systemic issues that lead to the students being attacked in the first place. The problem is lack of information; the solution is that students be oriented and acclimatised. His emotional stance and assertion of our “shared national shame” serves to displace responsibility while giving the appearance of caring and taking action.

5.4.1 The limitations of the emotional discourse

Fairclough (1992) argues that there are certain frameworks that dictate how individuals behave and act within a social system, which he calls “social conventions” (p. 67). The need for speakers to declare an emotional reaction to an act of violence could be seen within these terms. It is expected that people, especially leaders, will show how emotionally distraught they are in order to demonstrate their alliances, delineate social loyalties and show that they are a “caring person” (Held, 2006, p. 54). As the examples above show, this can be an individual response or extend to community or even national emotive responses.

However, within care theory, the notion that care is an emotion, or even a personal disposition, is highly problematic. Held (2006) writes:

Care as a disposition often misleads people into thinking they are caring when they only have the good motives of wanting to care, to help others, to be benevolent, and so on, however much the intention misinterprets the recipient's wishes and perceptions and however much such good intentions may fail to contribute to a caring relation. (p. 55)

Held draws a distinction between care as a disposition and care as a relational practice. When care is a disposition, the focus is on the person who wants to give the caring and not the person who the caring is for. Thinking about care as a disposition limits us, she argues, to “evaluating an individual’s disposition and behaviour” rather than seeing the care relations within a social and political context; “the ethics of care values caring relations rather than merely caring persons” (p. 52). Tronto (2013), too, argues that “care often begins with, and often ends on, the dispositional level” and writes that the problem with “caring attitudes” is that “they still centre on the caring subject, rather than seeing the caring subject and object...in relationship and in actual caring practices” (p. 48). While emotions are important for a “flourishing society”, Held (2006) argues, they imply:

little about actually doing the work of care that needs to be done or doing it well . . . it does not assure that they will do what is needed. It does not provide that persons are proficient at meeting the needs of the vulnerable. (pp. 56-57)

In the examples above, these emotive declarations might help to suggest that the speaker has the “right trustworthy intentions” (p. 57), but do little to change the conditions that brought about the experiences of the students in the first place, or to help them negotiate their way forward. If care is a set of relational, social and political practices, then the work of care cannot be replaced by emotional assertions of “caring” that are not supported by actions.

5.5 COUNTER-DISCOURSES: CARE AS LISTENING AND MUTUALLY BENEFICIAL RELATIONSHIPS

Earlier in this chapter, I used Tronto’s (2012) distinction between “substantive responsibility” and “relational responsibility” to draw out some of the limitations of constituting care through a legal and legislative framework (p. 303). I now return to the concept of “relational responsibility”, as well as to Held’s idea that care is a “relational practice” (2006, p. 54). Tronto (2013) argues that this form of responsibility, rather than being grounded in law, “grows out of relationships and their

complex intertwining” and is “forward-looking” in its approach (p. 51). It is similar, she says, to Young’s “social connection of responsibility” (2006, p. 102) whereby “all agents who contribute by their actions to the structural processes that produce injustice have responsibilities to work to remedy these injustice (Tronto, 2012, p. 51). In this section, I draw out examples from the sample texts that exhibit a tendency towards notions of “relational responsibility” (Tronto, 2012, p. 308), even as, in most cases, they continue to be grounded within substantive models of responsibility. I further relate this to Fairclough’s (1992) arguments about intertextuality and the ways in which discourses can create social change.

The previous three sections focus on the dominant discourses that constitute care in the public rhetoric about international higher education in Australia from 2002 to 2013: the legal discourse that constitutes care through the law and legislation interventions, the consumer discourse that constitutes care through the transaction between the consumer and the provider of the product; and emotional discourses that constitute care as an expression of personal or collective emotion. These are by far the dominant discourses, and one or more of these feature in almost every text that addresses concepts of care during the period under examination. These “orders of discourse” and “social conventions”, in Fairclough’s terms, are extremely prominent and indicate the priorities of the discussions and debates in the media and among politicians from all parts of the political spectrum (p. 93).

However, within these dominant discourses are also counter-discourses, which complement and in some cases contest the dominant discourses (Fairclough, 1992). These are discourses which constitute care in ways that are more closely aligned with an ethic of care, and relational models of responsibility. In some cases, they are single lines or references within the dominant discourses; in others they are more substantial. They feature in texts from the beginning of the time period to the end. Three broad categories to which these counter-discourses can be assigned may be identified.

5.5.1 Care as ‘listening’

While the dominant discourses typically allow others (the institutions, the government) to determine what students’ needs are, one of the counter-discourses that emerges in the texts, and which gains increasing prominence as the time period progresses, is the concept of ‘listening’ and ‘student voice’. An early example can be found in 2005, when student Cheng Hui is quoted in the media as saying “Sometimes

really there's no help, there's no one to talk to if we have a problem". Here, he is identifying the presence of someone to "talk to" as an aspect of "help". By 2009, this concept had gained traction, with the Senate Inquiry into the Welfare of International Students providing a forum for international students and their advocates to voice their concerns. Several witnesses advocated mechanisms such as an international students ombudsman who would provide students with routine opportunities to be heard and get support, a suggestion that became one of the Inquiry's official recommendations. Witness Ms Desma Smith of the Study Abroad and Exchange Special Interest Group, explains:

I think right now that students need something to reassure them that Australia is a place to study where they will be looked after. More than anything else, as a symbolic gesture to show international students that they have somewhere to go where they will be listened to, that is crucial for the continuation of Australia's international education industry. (Commonwealth of Australia, Senate, September 11, 2013, p. EEWR37)

Here, care, or being "looked after", is explicitly linked with having "somewhere to go where they will be listened to" and that care might include "symbolic gestures" in order to "reassure" them that they will "be looked after". This is a strong indication of the need for kinds of care that go beyond those directed within a legislative context or as part of a transaction but are more based on relational aspects.

5.5.2 Care as forging reciprocal and mutually beneficial relationships

Another counter discourse that can be found in the texts is that which constitutes care as a reciprocal and mutually beneficial relationship. These are usually references to the idea that students are operating in relationship with others, whether their institutions, the government or their community, and that they are not merely the recipients of 'care' but active participants in the relationships which shape them and which they in turn shape. In many cases, these are still constituted within legal or consumer discourses, but with an added dimension that recognises what they offer beyond economic resources. For example, Liberal MP Malcolm Turnbull acknowledges to the House of Representatives on June 1, 2009 that international students "enrich the learning experience of Australian students who study alongside them . . . as well as those of our broader community" (Commonwealth of Australia, House of Representatives, June 1, 2009, p. 4906). Although this statement could be

construed as endowing international students with the ‘job’ of enriching the experiences of Australian students, it nonetheless recognises involvement in a mutually beneficial, reciprocal relationship. Likewise, Liberal MP Nola Marino observes later that same year that “We must also recognise their [international students’] tremendous contribution to our economic productivity...and to our society” (Commonwealth of Australia, House of Representatives, October 19, 2009, p. 10126). Labor MP Melissa Parks makes this aspect of relationship and reciprocity particularly apparent in her address to the House of Representatives on August 18, 2009, following the Indian attacks:

This [delegation to India] will be an important opportunity to reinforce the mutual commitment to this important relationship – a relationship that will be vitally important . . . as together we face challenges that include poverty, climate change, financial instability, regional security issues and terrorism . . . we share a commitment to and a tradition of peaceful democratic progress towards better lives for our citizens and better conditions for all members of our global community. (Commonwealth of Australia, House of Representatives, August 18, 2009, p. 8138)

Here, she focuses, not on the amount of money Indian students provide to the Australian economy, but on the aspects of relationship between Australia and India and on values such as “commitment to . . . peaceful democratic progress . . . and better conditions for all members of our global community”. This is a significantly different way of constituting international students and the role of India in Australian politics than that which is articulated through a consumer discourse.

5.5.3 Care as a set of social and political practices

In the previous sections of this chapter, I drew attention to the limitations of the legal, consumer and emotive discourses in terms of their obfuscation of the social and political conditions which often determine the circumstances that international students find themselves in. In particular, I argued that systemic challenges – such as racism, xenophobia, language barriers, the absence of local knowledge and cultural capital, and issues of power and privilege – are often rendered invisible within these discourses. However, although they are relatively rare, there are examples within the texts when a counter-discourse emerges that constitutes care as operating within this socio-political context, and where care is seen, in Tronto’s (2013) terms as a set of

social and political practices. An example, of this is when Greens Senator Scott Ludlam declares that “We need to send a strong and clear message from the top that racist attacks, racial vilification and racial discrimination are not acceptable in Australian society (Commonwealth of Australia, House of Representatives, June 15, 2009, p. 3074). Here, he is addressing the systemic obstacles that international students face in terms of their safety, and naming the wider responsibility of Australian society for these acts. Another example is when Labor MP Sharon Grierson, in a Speech to the House of Representatives calls for the need for “overcoming racism” because a local gang is targeting international students because “they see [them] as soft targets” (Commonwealth of Australia, House of Representatives, May 25, 2009, p. 4175). Here, she names a social barrier – racism – as being at the heart of the attacks, as opposed to speaking abstractly about general violent attacks, and specifically articulates that international students are particularly vulnerable. In doing so, she identifies a form of social and political responsibility that is systemic and institutional, markedly different from models of responsibility that obfuscate blame or try to place the responsibility with the individual.

Likewise, when Labor MP Julia Gillard speaks of the need to address “key concerns around social inclusion, safety and accommodation, including by promoting greater diversity and raising Australia’s understanding of the benefits of international education” (Commonwealth of Australia, House of Representatives, May 26, 2009, p. 4283-4), she shifts responsibility from an individuated response to a collective responsibility that sees the place of international students within Australian society more generally as a contributing factor to a variety of issues that they face. In the Senate Inquiry, too, a number of witnesses observe that, for example, “international student issues are systemic issues” or argue that safety is not the cause of the issues but “an outcome of all the issues that there are with international students” (Commonwealth of Australia, Senate, p. EEWR48). As the University of Monash’s Nyland is quoted as saying, “there is a widespread belief that education exporters see international student as cash-cows rather than human beings. And a ‘head-in-the-sand’ attitude by state and federal governments shows no respect for basic principles of social responsibility” (Das, 2008, p. 2). These acknowledgements of aspects of “social responsibility” are apparent alongside the dominant discourses in some of the texts and

are reflective of Tronto's (2012) call for the need for "relational responsibility" (p. 308) in conceptions of care that take into account the social aspects of caring.

To further understand how these counter-discourses are operating, I examine three passages in more detail. The first is a parliamentary speech by Labor MP Julia Gillard, in which she calls for a student roundtable to give voice to the students' own concerns.

Example 1: House of Representatives, Julia Gillard, 26 May, 2009:

Today I am announcing that the government will invite international student representatives to participate in a round table to discuss issues affecting their study experience, such as accommodation, welfare and safety. I will also be asking the round table to consider how the government can best hear and respond to their views on these and other issues of vital concern to international students, on a continuing basis. I will shortly call for expressions of interest from those wanting to participate in the round table. Participants will be selected on the basis of their ability to represent the views of international students. The round table will include participants from across all international education and training sectors, and all states and territories. With over 430,000 international students visiting Australia annually, it is important to me that their views and concerns are heard and addressed by government.

The outcome of this round table . . . will [help us to] agree on what more needs to be done to promote and protect Australia's reputation as a safe destination for top-quality study and research¹⁰. (Commonwealth of Australia, House of Representatives, May 26, 2009, p. 4284)

Here, care is explicitly defined within the context of "how the government can best hear and respond" to the needs of students. The concept of "the best interests of the students" has thus expanded to include opportunities for the students themselves (as well as those working most closely with them) to determine, or at least express, those interests. In addition, the conceptions of care expressed here go beyond legal and legislative interventions, and consumer protections, but also include "issues affecting their study experience, such as accommodation, welfare and safety". Like most of the

¹⁰ This roundtable went ahead, although Gillard was later widely criticised, especially by the opposition, for choosing only 37 students from thousands of applicants, and failing to provide adequate representation of student diversity.

texts that include counter-discourses, this conception of care is not instead of the dominant discourse: Gillard still evokes the need to “promote and protect Australia’s reputation” and shows concern for the quality of the “product”, but these dominant discourses stand alongside the more relationally-oriented discourses of “listening”. As Sevenhuijsen (1998) writes, the idea of listening aligns with an ethic of care:

clearer ideas about what constitutes necessary care can be gained by granting those who are the 'object' of care cognitive authority over their needs, and giving them the opportunity to express these in a heterogeneous public sphere which allows open and honest debate. (p. 146)

Gillard’s call for a round table for international students to articulate their own needs can be seen within this call for “open and honest debate”.

The second example to illustrate counter-discourses is a speech in the House of Representatives by Labor MP Maria Vamvakinov, discussing government reforms to support international education.

Example 2: House of Representatives, Maria Vamvakinov, October 19, 2009:

I stand here today in full support of the Rudd Labor government’s measures aimed at protecting Australia’s reputation for delivering quality education services by updating and enhancing the operation of existing legislation . . . The vitality of our \$15.5 billion overseas student market – our third-largest export industry – is not only important to the general economy and well-being of Australia but also serves as the financial underpinning of our higher education system. We need therefore to make sure that we continue to maintain the trust of the nearly half a million international students who often serve as cultural ambassadors for our country after they have finished their courses and returned home. They serve as a source of first-rate intellectual capital for both our education institutions and of our country as a whole. We cannot allow these substandard operators to literally ruin both our international reputation and competitive position in this lucrative market. (Commonwealth of Australia, House of Representatives, October 19, 2009, p. 10130)

Throughout the passage, we see a concern for the consumer discourse model, which highlights the need to protect Australia’s reputation and our “competitive position in this lucrative market”, as well as the need to ensure a quality product (“quality education services”). At the same time, we see that the influence of the legal discourse,

as the means to protect the industry is portrayed “by updating and enhancing the operation of existing legislation”. Vamvakinov highlights the importance of the “overseas student market” as an export economy. Like her colleagues quoted above, she also displaces international students as the object of care, focusing instead on the “well-being of Australia” where the delineation of responsibility is to Australia’s “general economy”. Within this, however, is an acknowledgement that international students have value not only to the economy, but also to Australia’s well-being more generally. She is one of the only speakers/writers in the sample texts to evoke the concept of trust and the importance of maintaining the trust of students. In doing so, she introduces a hybrid discourse which marries concern about the economy with the relational notion of trust in the relationship with students. She also refers to students as “cultural ambassadors”, which constitutes them as having identities beyond those of merely consumers, and makes a gesture towards acknowledging the intellectual contributions of international students, to both “our education institutions and [to] our country as a whole”. Both of these concepts are linked to relational models of care that highlight reciprocity and mutual benefit. However, Vamvakinov undermines these concepts when she refers to students as being “a source of first-rate intellectual capital” which once again reduces them to objects within a transaction.

The third example to illustrate counter-discourses is a parliamentary speech from Greens Senator Lee Rhiannon about the significance of international students in our educational communities.

Example 3: The Senate, Lee Rhiannon, 29 Feb 2012

International students are significant for our education sector in terms of what they bring to our education communities and the commercial strength of our tertiary sector. We benefit from the rich social capital, knowledge, skills and diversity international students bring not only to our classrooms and campuses but also to our communities. Those students who stay after studying here keep directly contributing to our prosperity and well-being. Those students who return home provide links with the regions around us and assist us to connect to the rest of the world. International students are an important conduit for the flow of ideas, or personal and national relationships and obviously with investment and trade. (Commonwealth of Australia, Senate, February 29, 2012, p. 1174)

Here, Senator Rhiannon offers the dominant discourse of consumerism and the “commercial strength of our tertiary sector” alongside a counter-discourse that represents international students within a context of relationship (not just transaction) which is reciprocal and mutually beneficial. Students are constituted here as participants in a social contract, offering benefits to Australians such as “rich social capital, knowledge, skills and diversity”. Perhaps most importantly, they are not constituted purely as receiving care (of any kind) but rather as offering it: “contributing to our prosperity and well-being”. They are also represented as “conduits” for ideas and there is specific mention of their role in “personal and national relationships”. In acknowledging international students in these ways, Rhiannon constitutes international students as active, contributors, and engaging in meaningful relationships. These are all concepts that align with a relational view of responsibility. At the same time, however, international students are reconstituted within the consumer discourse, given their significance for the “sector” and their contributions to “investment and trade”. Again, this is a hybrid discourse that marries economic concerns with a more relational view of international students.

5.5.4 Implications of these counter-discourses

Fairclough (2001b) drawing on Bakhtin (1981), observes that texts are always dialogical, that is, “texts always exist in intertextual relations with other texts” (p. 129). He argues that different discourses combine within texts and that part of an analysis of a text is “concerned with unravelling mixtures of genres and discourses which are in a choice relationship in the order of discourse” (1995, p. 65). Texts, therefore, do not exist in isolation but shape and are shaped by other texts: “Different institutions come to share common discursive practices, and a particular discursive practice may have a complex distribution across many institutions” (1995, p. 65). We have already seen how this is true in the ways in which the different texts make use of the same dominant discourses. But just as texts do not exist in a vacuum, neither are they static and unchangeable. Fairclough (1992) argues that discourses shift over time, often as a result of the intertextual pressures upon them. Competing discourses within a discourse can have the effect either of making the discourse stable or signalling a shift. For Fairclough (1992), “Relationships among, and boundaries between, discourse practices in an institution or the wider society are progressively shifted in ways that accord with directions of change” (p. 9). He argues, drawing on Bakhtin (1981), that

there are two kinds of pressure on discourse: centripetal – the kind of pressure that serves to make a discourse “unitary and stable” – and centrifugal – the kind of pressure that makes a discourse “variable and changeable” (1995, p. 66). This second category of centrifugal pressure can lead to social change. Because discourse is not fixed, it always contains within it the capacity to be changed as well as to change.

In the context of the public discussion of care in higher education in Australia, I argue that, alongside the dominant discourses of care as constituted through legal, consumer and emotive discourses, these other discourses – what I call here counter-discourses – have been serving a generative function. Operating alongside the dominant discourses during the period under study, these counter-discourses have served the function of gradually shifting the public discourse towards a conception of care that includes within it a conception of responsibility that is relational, rather than merely transactional. While it is impossible to plot these discursive shifts on a timeline, an analysis of the texts shows that these counter-discourses gradually become more prominent over time. Discourses that constitute care as listening, reciprocal and mutually beneficial and involving social and political practices work alongside the dominant discourses, putting pressure on them that means that, by the time we reach 2013, the concept of care in international higher education in Australia is no longer purely seen in terms of legal, consumer and emotive discourses, but also addresses aspects of the structural barriers facing international students, the ways in which systemic issues come into play, and the importance of “relational responsibility” (Tronto, 2012, p. 308).

In the next chapter, I shift focus to examine conceptions of care in international higher education in Australia as articulated in two policy documents: the *National Code of Practice* and CISA’s *Good Practice Guide*.

Chapter 6: Care in the *National Code* and *Good Practice Program*

In the previous chapter, I trace the emergence of care in international education in Australia within the public discourse from 2002-2013, examining media articles, government speeches and Senate Inquiry testimonies to show the different discourses through which care is constituted. This allows me to consider how conceptions of care have informed discussions about international higher education at a national level. In this chapter, I examine the implications of these conceptions of care in terms of how international students are constituted through national policy. Specifically, I examine two policy documents – the *National Code of Practice for Providers of Education and Training for Overseas Students 2007* (National Code), which is the legislative document that supports the *Education Services for Overseas Students Act* (ESOS Act), and the 2013 *International Student Good Practice Program for Australian Education Providers* (Good Practice Program) produced by the Council of International Students Australia. These policies from the period 2002-2013 specifically address issues of how institutions can/must meet the needs of international students. As such, they are an example of what Tronto (1993) calls the “prosaic level” of care:

It [care] is a way of making highly abstract questions about meeting needs return to the prosaic level of how these needs are being met. It is a way of seeing the embodiments of our abstract ideas about power and relationships. By thinking about social institutions from the standpoint of [care], we can see how social structures shape our values and practices. (p. 124)

Policy can be seen as a way of representing how students’ “needs are being met” and a representation of our “values and practices” (p. 124). Tronto goes on to argue that “Care becomes a tool for critical political analysis . . . to reveal relationships of power. Care provides us with a critical standpoint from which we can view how effectively caring processes are meeting need” (pp. 172-173). Policy, then, can be seen as a form of “caring process” that articulates how values about care might be implemented at both the national and institutional level. She further argues that “Charting the flow of caring through these processes is a first step towards making them more democratic” (2013, p. 148).

Tronto argues that “care as a practice involves more than simply good intentions. It requires a deep and thoughtful knowledge of the situation, and of all the actors’ situations, needs and competencies” (p. 136). In this chapter, then, I view policy documents as examples of the articulation of “caring processes” and chart the “flow of caring” (2013, p. 148) within each of them in order to “reveal relationships of power”, and to understand the ways in which the “actors’ situations, needs and competencies” are constituted within each policy document (1993, p. 124).

I frame my analysis around one of Tronto’s (1993) key concepts: the “four ethical elements of care” (p. 127) that I introduced in Chapter 4. As discussed previously, Tronto posits that the caring process involves four key dimensions which must happen in a particular order: *attentiveness*, *responsibility*, *competence* and *responsiveness*:

- *Attentiveness*: the process of anticipating unmet needs
- *Responsibility*: the process of taking ownership for meeting the anticipated needs;
- *Competence*: the demand that the care given is competent and adequate; and
- *Responsiveness*: the process by which the caregiver checks how the care has been receiving by the person receiving it.

In this chapter, I use these ethical elements as a lens through which to examine how each text constitutes the caring process in relation to international students.

6.1 CHOICE OF TEXTS

For the purposes of this analysis, I focus on two policy documents:

1. National Code of Practice for Providers of Education and Training to Overseas Students 2007; and
2. The International Student Good Practice Program for Australian Education Providers.

1. *National Code of Practice for Providers of Education and Training to Overseas Students 2007 (National Code)*

This is the policy document established by the Australian Government under the Education Services for Overseas Students (ESOS) Act 2000. It was originally written in 2001 and then substantially revised in 2007, after Commonwealth, State and Territory agencies made a “strong case for changes to ensure that the framework promoted stability and integrity in the industry” (Department of Education and Training, 2007c, p. 3). I will be focusing on the 2007 version, which came into effect on July 1, 2007. Its audience is the providers registered under the ESOS Act who deliver education and training courses to international students and its purpose to detail the standards that registered service providers are required to meet. All CRICOS-registered education providers¹¹ in Australia must demonstrate that they comply with the requirements of the *National Code*, and it is a legislative document, meaning that it is legally enforceable.

In addition, I reference the *National Code Explanatory Guide 2007*, which clarifies some of the expectations outlines in the *National Code*, and offers examples and further support for implementation.

2. *The International Student Good Practice Program for Australian Education Providers (Good Practice Program)*

This *Good Practice Program* was written by the Council of International Students (CISA) in 2013. Written for international education providers, its focus is to guide best practice within the sector, on fostering a “positive student experience” and attracting high quality students to Australia (p. 3). Its publication marked a significant transition in the history of international student voice in Australia as it was the first policy that went beyond asking students for input and was actually written by international students themselves, through consultation with peak bodies and member organizations. Unlike the *National Code*, it does not fulfil a legislative function.

¹¹ CRICOS (The Commonwealth Register of Institutions and Courses for Overseas Students): the official Australian Government website that lists all Australian education providers and the courses on offer to people studying in Australia on student visas.

My reasons for choosing these documents amongst a variety of policy documents about international students are:

1. They are both national in scope (as opposed to state/territory policies, those produced by individual institutions, or those written for particular sub-sectors);
2. they are both foundational documents in the period under review (2002-2013) within Australia international higher education; and
3. they were both written explicitly to guide institutions on how to meet the needs of international students; and explicitly refer to the practice of care’.

In each section, ‘Attentiveness’, ‘Responsibility’, ‘Competence’, and ‘Responsiveness’, I provide a brief overview of the element of care being analysed, before undertaking a textual analysis of the texts in relation to that element. I end each section with a summary of how the documents compare and contrast and how the elements of care support an understanding of how each of the texts constitutes care.

However, as Fairclough (1992, 2001b, 2003) notes, texts rarely exist in isolation but are always informed by other texts. This is certainly true in this case, too, and the reality is that when institutions try to implement either the National Code or the Good Practice Program, they almost always have other texts informing the process. In the case of the National Code, there were a number of other supporting documents produced in conjunction with its release. These included handbooks and guides produced by particular sectors of the higher education industry, such as the 2010 “Transition support handbook for non-government schools enrolling full-fee paying overseas students” produced by the Independent Schools Council of Australia or the “User Reference Guide” produced by the Australian Council for Private Education and Training, among many others. In addition, a wide variety of other compliance guides, information sheets and support materials were produced by all levels of government and by private and public organizations. These often include templated materials, samples of resources, and detailed resources for implementing the National Code. Many institutions also developed their own guides, protocols and best practices. They also often included discussions of sector best practices. In many cases, they served to fill the gaps I identify in the policies themselves. In addition, each policy is complemented by a range of other policies, both legislative and otherwise. For

example, as a legislative document, the National Code is generally viewed in conjunction with other acts and legislation, such as the Migration Act 1958 and the Privacy Act 1988 for example, and by other quality assurance frameworks in education and training, such as the Australian Quality Training Framework or the National Protocols for Higher Education Approval Processes. As the Good Practice Program is not legislative, it is viewed in full consort with a wide range of other acts and legislation. Since my focus is on how each document constitutes notions of care, I have chosen to read them as if they are the only documents informing an institutions' actual practice of care. In reality, I recognise that this would rarely be the case.

6.2 ATTENTIVENESS

Attentiveness for Tronto (1993) is the process of anticipating and defining unmet needs, and is the first stage in the caring process, without which the other stages cannot occur. She argues that “The process of defining needs is one of the foremost political struggles of any account of care” (2013, p. 162). She argues that needs are always contested, and always involve such questions as “Who should determine the needs of those who need care?” and “Who should be entrusted with those determinations?” (p. 163). Attentiveness is never neutral but that “simply recognizing the needs of those around us is a difficult task and, indeed, a moral achievement” (1993, p. 127). In reading both the *National Code* and the *Good Practice Program* through the lens of attentiveness, I examine how each policy implicitly and explicitly defines the needs of international students, and how they articulate the role of the institution or education provider in anticipating further un-met needs of those students. As Tronto explains: “If we are not attentive to the needs of others, then we can not possibly address their needs” (1993, p. 127).

6.2.1 Attentiveness in the *National Code*

To a large extent, concepts of attentiveness are foundational to both documents. Both documents were created as a response to the unmet needs of international students and the perceived need for international students to receive better and more effective protections and advocacy. As such, the existence of the policies at all is a form of attentiveness and an attempt to anticipate and define a set of unmet needs. However, the needs that are anticipated and defined in each policy document are quite different.

The *National Code* was created to address a wide range of concerns within international higher education. As such, it covers a diverse list of four objectives and an equally diverse range of discourses, only some of which are directly related to the needs of the international student. For example, the first objective listed under Part A in the principles and guidelines section is “support the *ESOS framework*, including the effective administration of the framework by the Australian Government and state and territory governments” (3.1.a). This places the *National Code* firmly within legislative parameters. The fact that this is listed first may be read as an indication of its primacy.

The second objective is then to “establish and safeguard Australia’s international reputation as a provider of high quality education and training” (3.1.b). We know from the wider historical and social context (see previous Chapter 5) that this idea of international reputation is at least partly aligned with a consumer discourse, where reputation, along with the concept of a “high quality education and training” experience is an important consideration in how much money the sector will add to the economy.

The third objective listed under the Objectives section of Part A is a hybridised discourse, which reads:

- Protect the interests of overseas students by
- i. ensuring that appropriate consumer protection mechanisms exist
 - ii. ensuring that student welfare and support services for overseas students meet nationally consistent standards, and
 - iii. providing nationally consistent standards for dealing with student complaints and appeals (3.c.i-iii)

The hybridisation is evident in the dual focus in operation here, with an emphasis on both consumer discourses and student welfare discourses. Again, the order is important – the first means by which the *National Code* is charged with protecting the interests of overseas students is aligned with a consumer discourse, where students are ensured “consumer protection mechanisms”, constituting them as consumers and protections falling with a consumer model. Secondary to this consideration are student welfare, support services and complaints and appeals processes.

The fourth objective is to “support registered providers in monitoring student compliance with student visa conditions and in reporting any student breaches to the Australian Government” (p. 1). This fourth objective is an example of a legal discourse

that positions the institution within a monitoring and reporting role with regards to its students, with a clear expectation that it will report student breaches to the Australian government. Of the four objectives, the only one which could be said to be strictly about caring for students is the third one, with the others fulfilling a much wider mandate.

These four objectives are diverse and complex, ranging from supporting legal and administrative frameworks, to protecting Australia's reputation, to protecting students' interests. They represent a variety of perceived needs, which the *National Code* is attempting to meet, alongside those of the international students themselves. So while my focus in this section is on the ways in which care – and particularly the needs of international students – are constituted through language, it is important to note that the document itself has wider concerns than just the needs of the students. Within the diverse list of objectives are a number of different discourses, including the legal and legislative discourse of supporting the *ESOS framework* and ensuring the integrity of the visa program, the nationalistic/consumer discourse which seeks to protect Australia's overseas reputation and the consumer discourse that sees part of protecting “the interests of overseas students” as being “ensuring that appropriate consumer protection mechanisms exist” (p. 1). Each of these discourses constitutes care and the concept of attentiveness in different ways, so an aspect of analysing the *National Code* is to examine how these discourses are operating together, and at times putting pressure on each other and in some cases even contradicting each other.

One of the predominant ways in which care is conceptualised in the document is through the use of a consumer discourse that constitutes students as consumers. Within this model, an anticipation of needs is synonymous with ensuring that their rights as consumers are protected. Consider the following passage from the Framework preamble, for example:

6. Overseas students and consumer protection

6.1 Overseas students differ from domestic students in that they are subject to migration controls and face different needs for consumer protection. Under Australian law, students from overseas are generally required to hold a student visa to enter Australia for education and training, and must comply with its conditions. Consumer protection must be appropriate for overseas students who usually cannot evaluate the quality of a course before purchase. If there

is reason for discontent with the services they have obtained, they may not be able to remain in Australia to pursue the consumer protection remedies provided through Australian courts. (p. 1)

On the one hand, this passage shows a strong level of attentiveness in its recognition of the need of students to be able to evaluate a course. It recognises that the consumer needs of an international student are different from these of a domestic student in that they might not be able to “evaluate the quality of a course before purchase” or “pursue . . . consumer protection remedies” (p. 1). It draws attention to the fact that students on visas do not have the same consumer legal rights mechanisms available to them and are also affected by length of stay requirements on their visa. In this way the policy is attentive to the complexity and vulnerability of some international students. However, in constituting the student as an individual consumer, it obscures the role of the institution in the transaction. In particular the phrase “if there is reason for discontent” fails to assign any obligation to the institution; it also is non-specific in the so-called services that might be causing the discontent. The language of “discontent” is very much a component of consumer discourse – consumers are content or discontented, satisfied or unsatisfied with the product. The responsibility lies with the student. The implication is that it is up to the student to bring the claim; it is not the institution initiating claims of discontent or a lack of satisfaction. Further, this obfuscates that the student might be “discontent” with the “product” because they have been taken advantage of or deceived by unethical business practices, or because the institution has failed to anticipate and meet their needs adequately (p. 1). There is more at play than the individual choices of a consumer and their satisfaction with the product; the language here allows “consumer protection” to stand in for the obligations of the institution.

Standard 1 goes on to address “Marketing information and practices” for education providers. This stipulates, among other things, that “The registered provider must ensure the marketing of its education and training services is undertaken in a professional manner and maintains the integrity and reputation of the industry and registered providers” (p. 11). These updates in the 2007 version of the *National Code* were a response to circumstances in which marketing was not conducted in ethical and professional ways. However, the focus on marketing constitutes students again as consumers and targets of marketing and advertising. A later section, which details

transfer protocols and complaints and appeals, is specifically called “Students as consumers” (Standards 7 to 8). Within this discourse, students’ needs are constituted explicitly within a consumer framework (p. 16). Needs are articulated as synonymous with consumer protections, which has the effect of overemphasizing students’ needs within a transactional context and underemphasizing other needs that might arise. For example, the document emphasises that students have a right to have their tuition fees refunded if a college collapses and to be protected from misleading recruitment practices. Both these rights are examples of a consumer protections model, but there is very little discussion on, for example, the quality of the learning experience or the level of support a student might expect from a teacher.

Not all the standards of the document are confined to a consumer discourse, however. There are some standards in the document in which student needs are defined in ways that go beyond consumer discourse. For example, Standard 6 outlines the “Student support services” that institutions must provide, stating that “registered providers have important responsibilities to provide access to support services and support staff to meet the needs of the students enrolled in their courses” (p. 14). That the provider is expected to consider the needs of their students it to demand a form of attentiveness. However, the grammar of the sentence undermines the claim that these are “important responsibilities” (p. 14). “Have important responsibilities” suggests a high level of obligation in its choice of words, but is actually a passive, low modal verb that establishes a low level of obligation. Further, the reference to “Support services and support staff” indicates an acknowledgement of student needs that are different from consumer protections, but there is no indication of what these needs might be, or how an institution might meet them. An institution attempting to meet this standard might very well be left asking what exactly those student needs are, how they might be determined, how success is defined (how will they know when those needs are met) and what steps the institution should take to ensure that this standard has been fulfilled.

Standard 6, which is specially related to “Student support services” defines needs in the following way: “The registered provider must assist students to adjust to study and life in Australia, including through the provision of an age and culturally appropriate orientation program” (p. 15). Needs here are related to age and cultural appropriateness, and the complex need to “adjust”. In the *Explanatory Guide*, further

effort is made to clarify. We are told that “providers must ensure that orientation for all international students . . . is appropriate and thorough”, that it “should be accessible to all overseas students”, that “providers must remain conscious” of students’ “privacy and confidentiality” and that “cultural sensitivities must be considered” (Department of Education and Training, 2007a). Here, needs are seen as complex and multi-faceted, involving aspects of personal, social and cultural identity. The modality is of a strong obligation. However, while there is a clear articulation here that institutions are expected to consider and anticipate these complex unmet needs, there is little guidance about how exactly institutions should go about doing so. It is unclear what “appropriate and thorough” means in a legislative document with which institutions are obligated to comply. Likewise, it is unclear what “accessible” means in the context of international students or what phrases such as “must remain conscious of” and “must be considered” mean in this context. Further, while the explanatory guide refers to “all” students, implying that needs may differ between and amongst students, there is no articulation of how these needs might differ, whether they are individual or group/demographic differences and how institutions might adapt their programs and services to meet the needs of a non-homogenous group of students. These “gaps” are all the more obvious because they contrast so strikingly with the detail and lack of ambiguity in other sections not directly related to student care.

Yet elsewhere in the standard, “needs” are defined as being primarily logistical and pragmatic. For example in Standard 6, Section 2: “The registered provider must provide the opportunity for students to participate in services or provide access to services designed to assist students in meeting course requirements and maintaining their attendance” (p. 16). While the verb “must” is a high modal verb indicating a high obligation and the verb “to assist” implies a form of care, the students’ needs are defined here entirely as their capacity to meet course requirements and maintain attendance. In addition, there is no clarification about what it means to “provide an opportunity for students to participate” or how international students might have unmet needs that provide obstacles to this participation, such as cultural and language barriers (Amsberry, 2008; Benzie, 2010; Maringe & Jenkins, 2015).

The next sub-standard, 6.3, specifically refers to “welfare related support services”:

The registered provider must provide the opportunity for students to access welfare related support services to assist with issues that may arise during their study, including course progress and attendance requirements and accommodation issues. These services must be provided at no additional cost to the student. If the registered provider refers the student to external support services, the registered provider must not charge for the referral. (p. 16)

While “welfare” and “support” are words heavily associated with care, the specific examples that are listed are “course progress,” “attendance requirements” and “accommodation issues” (p. 16). This has the effect of defining needs as being logistical and practical. The explanatory guide adds no further definition, explaining merely that “Welfare related support services must be available to students to assist with issues such as accommodation, course progress and attendance requirements”. Again, the verb “must” indicates a high obligation for providers but there is no mention, here or elsewhere in the section on “welfare” about what other welfare related needs might include, such as emotional needs, social needs, mental health support or support around such issues as culture shock, social transitions or isolation, which are often references as important needs for international students (Marginson et al., 2010; Sawir et al., 2008). This does not mean that these aspects of student need are not covered under “welfare related support services” or that institutions will not add these needs in their own interpretation of the document, but that they are not specifically addressed in the document. Furthermore, even within this section on welfare, the consumer discourse is reinforced; of the three sentences in the paragraph, two are about costs and financial implications (“no extra costs” for services and that the provider must not “charge” for the referral). This shows an attentiveness to the needs of students to be protected financially within a consumer framework, but further highlights the absence of other, more relational definitions of student need.

6.2.2 Attentiveness in the *Good Practice Program*

The ways in which the *Good Practice Program* anticipates and defines students’ needs is quite different from that of the *National Code*. In the introduction, we are told that:

The Council of International Students Australia (CISA) is committed to assisting, supporting and promoting Education Providers that appropriately meet their obligations and commitment to International Students across all visa types (Student, Tourist, Working Holiday, etc.).

CISA is committed to assisting Education Providers in Australia meet the consumer expectations of visiting International Students so that the Australian International Education Industry is renowned globally for quality and that International Students can achieve safe and successful outcomes. (p. 3)

In many ways, this is similar to the goals articulated in the *National Code*. The *Good Practice Program* recognises that institutions have “obligations and commitments” to international students, frames students as consumers who have “consumer expectations” and sees that this work as part of a larger commitment to Australia’s reputation as an international higher education provider. However, there are also a number of significant differences. By referring to “International Students across all visa types (Student, Tourist, Working Holiday, etc.)”, the document signposts that it is serving students with diverse needs. By implication, then, part of the work of anticipating and acknowledging unmet needs is to see those needs as diverse and varied, rather than homogenous, with situated experiences and situations. Secondly, the statement “CISA is committed to assisting Education Providers in Australia meet the consumer expectations of visiting International Students so that the Australian International Education industry is renowned globally for quality and that International Students can achieve safe and successful outcomes” does much to locate students as central to the goals of the document.

In Fairclough’s (2003) terms, these clauses are “paratactically related”, meaning that the clauses in the sentence are grammatically equal (as opposed to hypotactically related clauses, where one clause is subordinate to the other) (p. 92). In this case, the “and” shows that the clauses are to be read as equal: Australia’s reputation and the experience of students are equally important. In other words, the purpose of meeting consumer expectations is the dual role of supporting Australia’s reputation and student well-being. Finally, the phrase “safe and successful outcomes”, although somewhat non-specific, nonetheless sets the tone of the document – defining student needs within parameters that evoke both personal well-being (“safe”) and within wider measures of success from the student’s perspective.

Like the *National Code*, the first section of the *Good Practice Program* is on recruitment and marketing. As such, it positions students within a consumer discourse as the target of marketing: “The Education Provider will take steps to ensure that

students and their families can be confident that an authorised agent is credible and has had proper training prior to being permitted to recruit student” (p. 4). However, the syntax of the sentence acts to place students and their families firmly at the centre. The education provider’s role is to ensure this confidence. The authorised agent’s credibility and training, in turn, is important in so far as it helps students to make informed choices. The phrase “can be confident that” implies an “experience”, and a subjective one, that goes beyond merely confirming credentials. By implication, the document identifies that a student need is “confidence” in the credibility of the agents. This is markedly different from identifying that the student simply needs a credible agent, which places the student as a party to a contract. Here, the *Good Practice Program* places the student at the centre of a relationship and decision-making process. Likewise, in Section 8, “Ongoing Commitment”, the document states that: “The education provider will work with CISA on continual improvement and ongoing opportunities to address issues and improve standards for international students in Australia” (p. 8). This articulates the concept of “standards” and “quality” that also appear in the *National Code*, but the use of the word “for” again places students at the centre of the relationship, indicating that the purpose of these efforts are for the students’ benefit. The students are the recipients of the efforts to improve and increase opportunities.

The *Good Practice Program* frequently defines needs within complex personal, interpersonal, social and cultural contexts. For example, Section 3, entitled “Upon Arrival” tells us that, after a student arrives, “the Education provider will provide ongoing information and assistance aimed at helping the student meet the basic needs of life in Australia (Safety, Health, Accommodation, Local Community Orientation, Integration and Social Inclusion)” (p. 5). Here, “basic needs” are defined as including “safety”, “local community orientation,” integration” and “social inclusion”. As such, social and relational components of well-being are included alongside more logistical and pragmatic concerns. Similarly, we are told that in recruiting students “the education provider will outline the latest trends and opportunities both locally and within Australia regarding employment outcomes for the course being supplied” (p. 4). The phrase “the course being supplied” refers to a consumer discourse, where the “product” is “supplied” or provided. Yet it also acknowledges that students have needs

and aspirations beyond their immediate consumer choice; their need to understand and consider future career opportunities when selecting a course is also important here.

6.2.3 Summary

Both the *National Code* and the *Good Practice Program* were created as responses to the need to protect students and respond to their perceived unmet needs, in particularly responding to safety and well-being concerns and to ways in which international students were discriminated against or exploited. In addition, they both constitute students within consumer and nationalistic discourses. However, there are also significant differences in how they implicitly address issues of attentiveness, whether at the level of the document anticipating student needs or their expectation of institutions anticipating student needs. The *National Code* has a tendency to see students' needs as largely logistical and pragmatic, within either the framework of consumerism or as parties to the visa integrity program, while the *Good Practice Program* tends to constitute student needs within a more relational, social and cultural context.

The following table summarises the similarities and difference between the two policy documents in terms of how they articulate concepts of attentiveness to student needs.

Table 6.2
Attentiveness in National Code and Good Practice Program

The National Code	The Good Practice Program
Created to acknowledge unmet student needs, as well as wider concerns in international higher education	Created to acknowledge unmet student needs
Needs defined in terms of administrative and bureaucratic framework, Australia's reputation, the visa program, student needs	Needs defined in terms of student needs within a wider framework of Australia's reputation
Needs articulated as consumer protections	Needs articulated as consumer protection in order to support students other needs

Advocates ethical recruitment that supports Australia's reputation	Recruitment that ensures that students can be "confident" in their choices
Welfare related support services focus on course progress, attendance requirements (linked to visa issues) and accommodation issues	Student support focus on "community orientation," "integration" and "social inclusion"
Needs defined largely as logistical and pragmatic, with occasional reference to social or cultural needs	Needs defined as complex and interconnected with personal, interpersonal, social and cultural elements
Frequent use of low modal verbs obfuscates obligations to anticipate student needs	Frequent use of high modal verbs delineates institution's responsibilities to anticipate student needs

6.3 RESPONSIBILITY

In Tronto's (1993) framework, after someone acknowledges an unmet need, the next phase of care is for them to take "responsibility" for meeting the need. Both the *National Code* and the *Good Practice Program* make wide use of the word responsibility, as well as of the word obligation. Both of these represent a stated commitment to meeting the needs of students. However, Tronto makes a distinction between obligations and responsibilities. She argues that "assumptions of responsibility" are always "rooted in political motivations" and "cultural practices" and can have different meanings depending on those political motivations and cultural practices (1993, p. 131). She explains that "compared to obligation, responsibility has both a different connotation and a different context . . . [R]esponsibility is a term that is embedded in a set of implicit cultural practices, rather than in a set of formal rules" (1993, pp. 131-132). In the previous chapter, I also discussed how she further differentiates between different kinds of responsibility: "substantive responsibility" (Tronto, 2012, p. 308), which is akin to obligations and stems from principles of justice and law, and "relational responsibility" (Tronto, 2012, p. 308) which acknowledges the complex set of relations in which care is operating. She argues that "because people and institutions exist within a complex, often competing, set of relations, responsibilities are also likely to be complex and competing" (2010, p. 309). These differentiations become significant in the context of a reading of the *National Code*

and the *Good Practice Program*, as it helps us to understand how they differ in their notions of responsibility. For example, if we read the *National Code* merely in terms of obligations, it is simply a set of rules and obligations enforcing the *Migration Act 1958* and providing necessary consumer protection protocols for students. However, if we follow Tronto's (2012) idea of care as a political and philosophical practice, it becomes apparent that these "obligations" are in fact rooted within assumptions of "responsibility" that represent (and in turn produce) wider political motivations and social practices. Indeed, it is through the articulation of these obligations that we start to understand the wider implications of the values and power structures that influence how we see concepts of responsibility and how these constitute the relationship between students and the government, as well as between students and institutions.

6.3.1 Responsibility in the *National Code* and the *Good Practice Program*

I have already discussed how each document is different in scope. The *Good Practice Program* was developed by students with students' needs as the main focus and does not have a legal function. The *National Code* is fulfilling a different function – with its focus as much (or more) on administrative, legal and consumer discourses than on the needs of the students themselves. While the audience for each is the same – higher education institutions working with international students – the focus of responsibility is necessarily more fractured and diffuse in the *National Code*, while in the *Good Practice Program* all other obligations are significant only in so far as they affect students. This necessarily generates a difference in how each document conceptualises notions of responsibility, especially with regards to students.

In fact, one of the striking aspects of the *National Code*'s articulation about responsibility is the contrast between sections pertaining to an institution's responsibilities to the visa integrity program and the sections pertaining to student care. For example, the section on "Care for and services to students" (Standards 5 and 6) take up less than two pages. Of this, almost a page is devoted to migration regulations for enrolling students under the age of 18. This leaves just a page that addresses student support issues, with a small amount of supporting documentation in the Explanatory Guide.

This is in contrast to the sections on compliance with the visa integrity program (Standards 9-13) which take up more than five pages of text and include numerous detailed sub-sections providing comprehensive protocols. Likewise, the section on

monitoring students' attendance (which is a component of visa compliance) (Standard 11) is detailed and comprehensive (in addition, both include extensive additional details in the Explanatory Guide). Each of them contains clear, unambiguous protocols for which the institution is responsible for implementing, such as:

9.1 the registered provider must have and implement documented policies and procedures for monitoring the progress of each student...

10.1 The registered provider must monitor, record and assess the course progress of each student for each unit of the course for which the student is enrolled . . .

10.4 The registered provider must have a documented intervention strategy . . . that specifies the procedures for identifying and assisting students at risk of not meeting the course progress requirements...

10.7 the registered provider must notify the Secretary of DEEWR through PRISMS of the student not achieving satisfactory course progress.
(2007b, pp. 19-20)

In each of these, there is a clear delineation of responsibility, the expected processes that will be established and followed and the follow-up protocols. The emphasis that these sections are given, and the level of thought that has gone into defining protocols for these aspects of responsibility, serves to give the impression that they are regarded as more important in the document than the sections on student care and support, which are much briefer and more abstracted. As such, in Tronto's terms, there is a significant emphasis given to issues of "substantive responsibility", with considerably less emphasis within the text on notions of "relational responsibility" (2012, p. 308).

In contrast, the *Good Practice Program* offers a comprehensive list of 20 specific responsibilities that the institution has in order to meet the specific needs of international students. These include:

2.a The education provider will ensure that Pre-Arrival information is provided prior to the student's departure from the Country of Origin and not post arrival. The orientation program should be accessible to all students...

2.b The education provider will adopt a comprehensive offline and online pre-Arrival orientation program explaining the realities of life in Australia [this is

followed by a list of topics that includes cost of living, work rights, accommodation options, transport, general visa conditions, health and safety, customs and quarantine information and Australian culture]...

5.h The Education Provider will ensure that the Guardian/Welfare provider for Under 18s is an independent, trained and accountable person (not the Institution or accommodation provider representative)...

5.h The Education Provider shall ensure that a representative or support service is present and accessible to Students during and after working hours...

(2013, pp. 4-7)

These statements are detailed, specific, in active tense, use high modality verbs that indicate a high level of obligation, and provide a clear purview of whose responsibility it is to make it happen. They name key features of the process specifically and the “will” indicates a future orientation. While many of them are examples of “substantive responsibility”, they also show an emphasis on “relational responsibility” (Tronto, 2012, p. 308).

6.3.2 Responsibility within a wider social context

Both the *National Code* and the *Good Practice Program* make reference to the responsibilities that institutions have within wider social and cultural contexts. However, the ways they conceptualise these responsibilities in relation to international students are starkly different. The *National Code* openly defines one of its objectives as supporting Australia’s reputation and branding as a destination for international students. In fact, the word “reputation” appears nine times throughout the document, always in reference to Australia’s reputation as a destination for international students. For example, it lists one of its objectives in Part A under the Principles and Guidelines section as being to “establish and safeguard Australia’s international reputation as a provider of high quality education and training” (p. 1). It goes on to say that “The benefits of international education and training depend on service provided to overseas students, and on public confidence in the integrity and quality of that service” (p. 3). The document also specifies the wider ramifications of the visa program:

A quality reputation for Australia’s international services underpins the long-term benefits for trade and foreign relations and is imperative to domestic acceptance of growth in trade in educational services. All this can be jeopardized by education and trading providers who do not deliver a quality service, or overseas students who breach the conditions of their visa. (p. 3)

The delineations of responsibility in this passage are to the visa program, to Australia's reputation and to "domestic acceptance" (the public perception of international education within Australia), as well as to "trade and foreign relations". Here, the *National Code* specifically alludes to a discourse that is operating beyond the limits of the document – the public discourse about the value and reputation of Australia's higher education sector. The stakes associated with visa breaches are thus elevated to the status of both national and international importance: "adherence to migration law is essential to ensure public confidence in the student visa program" (p. 3). In addition, the statement "All this can be jeopardized by education and trading providers who do not deliver a quality service, or overseas students who breach the conditions of their visa" serves to delineate responsibility (p. 3). The "or" acts paratactically to show that the two clauses are of equal importance grammatically, and to be read as having an equal level of impact (Fairclough, 2003). As such, the responsibility is shared equally between the institutions and the international students themselves. Students are endowed with a responsibility not to breach their visa conditions in order to avoid bringing Australia's reputation into disrepute.

Elsewhere in the document, the responsibility of the institution towards Australia's reputation serves to replace its responsibility towards students. For example in Section 4 relating to education agents:

Standard 4: Education agents are often the first point of contact between the industry and intending students and their parents. Their activities and ethics are important to Australia's reputation as a desirable destination for students, and registered providers have an interest in ensuring education agents act ethically and appropriately. (p. 11)

4.5 The registered provider must take immediate and corrective and preventative action upon the registered provider becoming aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian education and training. (p. 14)

In much the same way as some of the media examples and government speeches in the previous chapter made the object of care the nation or the economy, these passages articulate that the primary responsibility of the institutions is to Australia's reputation,

or towards the ‘product’ they are selling. While these standards emerged out of the need to provide greater protection for students from unethical businesses seeking to exploit them, there is no actual mention of the students in these standards, and no articulation of the implications of these practices on the students themselves, or how negligent or unethical practices might harm a student. The flow of responsibility here is from the institution to the reputation, rather than to the students.

What is missing here, in this emphasis on reputation, is any discussion about other reasons that Australia’s reputation as an international education provider might be, or has been, compromised. The *National Code* gives the impression that Australia’s reputation is based entirely on whether students are seen to be conforming to their visa requirements, whether institutions are reporting breaches of compliance, and whether institutions are ensuring course requirements are met. There is no mention of whether an institution might have responsibility to engage in wider issues around international education, such as racism or xenophobia, public perceptions of international students, Australia’s position in a globalised world, violence and safety concerns for international students, or other issues that have historically played important roles in Australia’s international higher education (Dunn, Gandhi, Pelleri, & Maeder-Han, 2011; Marginson *et al.*, 2010).

This turns out to be significant within a wider historical reading of international higher education in Australia. In the few years in between the production of the *National Code* in 2007 and the *Good Practice Program* in 2013 some major changes took place, as a shift in the public and academic debate in that time meant that institutions were increasingly being expected to take a leadership role in combating racism in Australia. For example, in 2010 the Australian Human Rights Commission in collaboration with Universities Australia, the Australian Human Rights Commission, and the Academy of the Social Sciences commissioned an occasional paper entitled “Racism and the Tertiary Student Experience in Australia”. The report argues that:

Providing an education is a holistic experience, not merely a consumer activity in which cash is exchanged for a qualification. Providers should be required to have a statement of responsibilities that includes responsibilities in racial discrimination and the place of full-fee paying international students. (Graycar, 2010, p. 10)

The report goes on to advocate specifically that institutions have the responsibility to “collaborate with other institutions to promote openness on racism” (p. 10). It outlines an institution’s responsibilities to report racism to appropriate agencies, ensure that staff are trained to combat racism, and unambiguously argues that institutions have a responsibility to play a wider role to play in fighting racism in Australia (p. 12). When the *National Code* was written, the absence of references to wider socio-political forces would have been largely un-noteworthy; by the time the *Good Practice Program* was developed, ‘good practice’ would have had to include such references.

In comparison with the *Good Practice Program*, however, the absence is much more noticeable; the *Good Practice Program* pays considerable attention to issues of how international students fit within and are affected by, the wider socio-political and cultural context. This is of interest given the issues of student safety and racism that were dominant in Australian media reports and policy decision as canvassed in Chapter 5.

The *Good Practice Program* articulates a clear conception of an institution’s responsibility for how international students experience the wider social and cultural context in which they are studying. In “Section 5 - During Studies Education and Cultural Integration” we are told that “the education provider will provide overarching care to its students” (p. 6). As the document goes on, it becomes clear that this concept of “overarching care” does not see the relationship of just a student and the institution in isolation, as if wider social and political pressures do not exist. Rather, the institution, in providing “overarching care” is expected to take on a wider student advocacy role for international students within Australian society more generally. For example, in “Section 5 – During Studies on “Education and Cultural Integration”, we see: “The education provider will commit to assisting with the promotion to employer groups regarding the understanding of international students work rights and promoting international students as a viable option and valuable asset to Australia’s economy” (p. 6). This represents an explicit mobilization around rights and advocacy. Implicit in this is an acknowledgment that some international students are limited in their employment opportunities by prejudice in the wider community, and that institutions have a responsibility to undertake advocacy work for international student rights. This advocacy and promotion role is not seen in the *National Code*. The clause is, again, written in active voice, with a high modal verb and a clear indication that this

is a responsibility of the education provider. Although students are still constituted here within a consumer discourse, they are also seen as “viable options” in the workforce and “valuable assets” to the economy.

Likewise, in the Section 5, sub-section f - Community Engagement and Cultural Awareness, we see a similar conception of responsibility:

The education provider will commit to community engagement strategies for international students and

Providers shall also facilitate cultural diversity through cross-cultural events and acknowledge contribution of the international student community at both local and national level. (p. 7)

Again, we see a recognition of the wider socio-political context in which international students are situated, and an acknowledgement that there are social contexts that need changing in order to improve the international student experience. By implication, it is not simply the responsibility of the institution to confer a degree, no matter how strong the program may be. Nor is it the sole responsibility of the international student to somehow overcome the social obstacles they may encounter (in order to support Australia’s reputation). Rather, there is a specific responsibility of the institution to tackle difficult and complex concerns such as “community engagement” “cultural diversity” and an acknowledgement of international students’ contributions. In referring to cultural diversity, the document gestures towards a way of thinking about community that is inherently accepting of difference.¹² Here, too, international students are seen as a collective or community that has political power and is both shaped by, and helps to shape, Australian society. This wider advocacy role is further reinforced in Section 7 - Providers Support on Relevant Issues: “Where applicable, providers will support the following issues to ensure an exceptional experience for international students in Australia” (p. 8). The specified issues include how public student fees are used in universities, what concessions are available for international students, improving the health care of international students, ensuring that international students have a strong voice, and ensuring continuity around policy issues

¹² CISA ran a number of public campaigns celebrating diversity and the unique contributions of international students. One such campaign was a video project called “I am not Australian, but I have an Australian story”. Funded by the Australian Department of Immigration and Citizenship through the diversity and social cohesion program, it was launched at CISA’s National Conference in 2013 with the intention of raising awareness of “international students’ presence and their contribution to Australian community.” This was part of CISA’s deliberate efforts to move away from a risk management approach to international higher education to actively celebrating their stories and unique contributions.

that affect international students. These are issues that go beyond a specific institution, but intersect with wider social planning and policy work. As such, the document offers a very specific model of what it means for institutions to provide “overarching care” to its students. This wider socio-political context is articulated as a core part of the delineation of responsibility within the *Good Practice Program*, which aligns it with concepts of “relational responsibility” that go beyond the legal and economic frameworks of “substantive responsibility” (Tronto, 2012, p. 308).

6.3.3 Summary

While concepts of responsibility and obligation are core features of both the *National Code* and the *Good Practice Program*, they each articulate responsibility differently. In the *National Code*, institutions have a split responsibility – with obligations to students but also to the Visa Integrity Program and to the support of Australia’s reputation both nationally and internationally as a provider of international higher education. In the *Good Practice Program*, responsibility is seen as being directed towards international students, both as individuals and as a political collective. As such, the *National Code* works primarily within a substantive model of responsibility, while the *Good Practice Program* focuses more on a relational model of responsibility. Furthermore, while both refer to discourses beyond their own boundaries – and to Australian society as a whole – the *National Code* does this by way of focusing on the importance of protocols to ensure Australia’s reputation, while the *Good Practice Program* specifically articulates the responsibilities that institutions have as advocates for international students within the wider socio-political sphere.

Table 6.3 summarises the similarities and difference between the two policy documents in terms of how they articulate concepts of responsibility to student needs.

Table 6.3
Responsibility in the National Code and the Good Practice Program

<i>The National Code</i>	<i>The Good Practice Program</i>
Clear, unambiguous protocols detailing institutions’ responsibilities in terms of visa integrity and attendance issues	Clear list of institution’s responsibilities towards student care

Focus on “substantive responsibility”, protocols and legal processes	Focus on “relational responsibility”, holistic view of students and social/cultural relations
Responsibility for students, Australia’s reputation and visa integrity program	Responsibility for international students
Avoids reference to wider socio-cultural issues affecting international students	Outlines institutions’ responsibilities to advocate for students in wider socio-political context, such as in Australian society and in the workplace
Students seen as individuals within transactional context	Students seen as individuals and as members of a politically significant collective
Focus on obligations	Focus on responsibilities

6.4 COMPETENCE

Both the *National Code* and the *Good Practice Program* clearly articulate that institutions are expected to take on responsibilities for international students that are wide in scope, even as they sometimes disagree about the nature of these responsibilities. However, Tronto (1993) points out that assuming responsibility is not the same as actually doing the work of care competently. Competence is the adequacy of the care to meet the unmet need. It is not enough for the burden of need to be met; it is also significant whether the meeting of the need is competent, and thus “competence” becomes her third category. As Tronto (1993) notes: “Intending to provide care, even accepting responsibility for it, but then failing to provide good care, means that in the end the need for care is not met” (p. 133).

6.4.1 Competence in the *National Code*

Neither the *National Code* nor the *Good Practice Program* specifically refer explicitly to the notion of competence. However they both implicitly define what competence might look like and how an institution might know when it has achieved its caregiving goals.

The way in which the *National Code* articulates concepts of competence is primarily through its detailed protocols. The more detailed a set of protocols is within the document, the more explicit the notion of competence becomes. For example, the

protocols for monitoring students' compliance with attendance requirements, as aspect of the compliance with the visa program, are meticulously detailed. Standard 11 "Monitoring Attendance" is a section that occupies well over a page in the document and includes many sub-standards. Section 11, sub-section 3, for example, reads as follows:

11.3 For the courses identified in 11.1, the registered provider must have and implement appropriate documented attendance policies and procedures for each course which must be provided to staff and students that specify the:

a. requirements for achieving satisfactory attendance, which at a minimum, requires overseas students to attend at least 80 per cent of the scheduled course contact hours;

b. manner in which attendance and absences are recorded and calculated.

3 For the purposes of the *National Code*, non-award courses do not include higher education courses or units including Study Abroad courses.

c. process for assessing satisfactory attendance;

d. process for determining the point at which the student has failed to meet satisfactory attendance; and

e. procedure for notifying students that they have failed to meet satisfactory attendance requirements. (p. 22)

The protocols here are very detailed and unambiguous. In addition, quantification and specific numbers are used here where elsewhere they are not. We are told that students must have "at least 80% of the scheduled contact hours" and the correct processes and procedures for ensuring compliance. While institutions are left with the ultimate responsibility for developing the procedures, the way that competence is measured is clear; institutions need to comply with these standards in order to be deemed competent. While complying with the standards may not necessarily be easy, the provider is left with a clear understanding of what is expected of them.

In the section on caring for students under the age of 18, the policy is at once both meticulously detailed and quite vague:

Where students under the age of 18 are not being cared for in Australia by a parent or suitable nominated relative, registered providers ensure the arrangements made to protect the personal safety and social well-being of those students are appropriate.

5.1 Where the registered provider has taken on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements for a student who has not turned 18, the registered provider must:

- a. nominate the dates for which the registered provider accepts responsibility for approving the student's accommodation, support and general welfare arrangements using the DIAC pro forma letter available through PRISMS;
- b. advise DIAC in writing of the approval using the DIAC pro forma letter available through PRISMS; and
- c. have documented procedures for checking the suitability of the student's accommodation, support and general welfare arrangements, and. advise DIAC as soon as possible in the event that the under 18 year old student has changed his or her living arrangements or the registered provider no longer approves of the arrangements for the student using the DIAC pro forma letter available through PRISMS.

There are a number of acronyms and specialized references here, which makes the document inaccessible except to those who know the terms. Implicitly, then, competence is already defined as the capacity to understand and carry out the protocols. In addition, what is apparent here is a contradiction of sorts, with the first part of the passage remaining undefined and the second part being defined in great detail. The first paragraph articulates the duty of the institution to “ensure the arrangement made to protect the personal safety and social well-being of those students are appropriate” (p. 15). Here it is difficult to determine how the *National Code* defines and measures competence in this case. Neither here nor in the Explanatory Guide is there an attempt to explain what “appropriate” means, who defines it and how it should be measured. Neither does it elaborate on how competence should be measured and evaluated in related to the concepts of protecting “personal safety” and “social well-being” (p. 15). By implication (although this is not specified) these measures of competence are to be left up to the institution. With such little clarification, an institution might find it very difficult to ascertain whether it has complied with the legislation and whether it is providing ‘good care’.

This contrasts strongly with the rest of the standard, which details the protocols for compliance with the legal requirements for assuming responsibility for a student under 18. Each sub-standard is a specified action that an institution must take. For

example, the document specifies that the institution must, “nominate the dates...using the DIAC pro forma letter available through PRISMS or “advise DIAC in writing of the approval using the DIAC pro forma letter available through PRISMS” (p. 15). The protocols are explicit and prescriptive in terms of how the processes should be conducted, with very little ambiguity. Institutions are even told what to write in the letter and where to get the letter template. All clauses are modified by the dominant clause: “the registered provider must . . .” which is a modal verb that shows a high level of obligation. All of the subordinate verbs are active and specific: “nominate the date, advise DIAC, have documented procedures (p. 15). The articulated steps are clear and precise, offering little opportunity for either mistakes or discretion. Ascertaining competence with regards to this standard, then, is largely a matter of ensuring compliance with these steps and protocols; if an institution complies with these directives, it is apparent that the requirement for competent care has been met. What is evident in this standard is a pattern of stipulations that occurs across the entire *National Code*; when the *National Code* is operating within a model of “substantive responsibility” (Tronto, 2012, p. 308), such as enforcing legislative protocols, its definition of competence is fixed, unambiguous and based on whether the institution successfully implements a set of detailed protocols. However, when it attempts to operate within more relational models of care that address issues such as “well-being” or “safety,” it offers very little definition of what competence might look like in practice.

6.4.2 Competence in the *Good Practice Program*

The *Good Practice Program* does not offer detailed lists of protocols as a means to establish competence on the part of the institutions. Instead, it builds into its implicit model of competence the notion of taking account of situatedness and adapting the guidelines as necessary to suit the particulars of the situation. For example, in Section 1, subsection b, “Recruitment” we read: “the education provider will take steps to ensure that students and their families can be confident that an authorised agent is credible and has had proper training prior to being permitted to recruit students” (p. 4). How this statement defines that one of the student needs is that they be “confident” in the process has been addressed above. In addition, the standard makes a statement about competence. It is not enough that the institution deems the agents to be competent (by virtue of their training or experience) but students themselves should

be able to ascertain this for themselves; competence of the care is not simply whether the agents are credible, but that the institution should allow students to decide for themselves (and, by implication, make choices about institutions based on this information). This is a subtle difference but an important one: it is not enough for the institution to assume the role of arbitrator; rather students and their families are given the ultimate power to decide for themselves if the agents fulfil the conditions of competence. “Proper training” is still vague and ambiguous, but the document assigns the power and agency of determining competence to the students, not the institutions (although it is not entirely clear how the students and their families will be equipped to do so). As such, the document appears to establish an ideological framework that is highly sensitive to the power dynamics between care-giver and care-receiver. Determining competence is an act of co-creation between the student and the institution.

Likewise, Section 2, subsection b refers to the needs for “comprehensive offline and online pre-arrival orientation, explaining the realities of life in Australia and covering aspects regarding the environment, and local details as appropriate” (p. 4). The phrase “as appropriate” is significant, and is repeated many times throughout the document. It suggests that institutions cannot merely follow a checklist or set of protocols for orientation, but must make the program appropriate and relevant in their own local context and with their own particular students. This implicitly defines competence within the institution not in terms of its capacity to follow instructions, but in terms of its capacity to meet needs within a situated context.

In addition, the document also goes to considerable effort to mark that the experiences of international students may not be the same as domestic students. In Section 2, “Pre-Arrival”, there is a long list of the elements that go into a comprehensive orientation program. For example, the education provider is “committed to helping outline transportation options for international students” that specify not only the costs but also “details the concessions available for international students” (p. 4). In specifically mentioning international students and the concessions available to them, the document recognises the particular and situated experience of the international student, and acknowledges that it may be different from the experiences of other students. Similarly, the *Good Practice Program* specifies that providers must:

take steps to ensure that International Students are appropriately welcomed on arrival (p. 4) . . .

recommend appropriate and vetted accommodation (p. 6) . . .

[provide] A professional approach to ensuring that there is appropriate and compulsory (guaranteed) insurance cover. (p. 6)

Rather than simply listing aspects of orientation that might apply equally to domestic students, or specify that providers must, for example, “provide options for accommodation” the *Good Practice Program* makes it clear that institutions are expected to make their own judgments and use their own discretion to guide students towards “appropriate” resources¹³. In doing so, the *Good Practice Program* implicitly defines competence as being more than the mere provision of information, or the following of correct protocol, but as including judgment and an awareness of context, appropriateness for both local contexts and particular students and the situatedness of students’ experiences. There is an attempt to move beyond generalised resources and to build into the process quality assurance mechanisms. While it is not always clear how institutions could or should arrive at these conclusions, or who determines if they have been successful, there is a definite inclination towards students evaluating whether their needs have been met.

6.4.3 Summary

The *National Code* tends to see competence as compliance with a fixed, unchanging set of protocols that are established in advance and then seen as universally applicable. Institutions are competent, by implication, if they follow these protocols. Where its guidelines cannot be measured and implemented through protocols and checklists, competence is left undefined and the institution is left with little sense of what ‘good care’ might look like in these circumstances. To a certain extent, it would be very difficult for the *National Code* to be more specific about exactly what these needs are and how competent care should be provided, due to the situatedness of this

¹³ It should be noted that this issue of discretion or judgment is not entirely missing from the National Code and in particular from the Explanatory Guide. For example, the notes to 13.2 about whether compassionate or compelling circumstances exist that might affect enrolment decisions, specify that “Providers are asked to use their professional judgement and to assess each case on its individual merits.”

and the fact that ‘one size’ does not ‘fit all’. However, where the *National Code* differs from The *Good Practice Program* is that the latter specifically addresses that adaptation is expected and that students are part of the process of co-creating definitions of competence. Competence is defined as fluid and changing. The *National Code* frames competence within models of “substantive responsibility” (Tronto, 2012, p. 308), of legal obligations and fixed, immutable protocols while the *Good Practice Program* frames competence within a relational model that allows for complexity and ambiguity.

Table 6.4 summarises the similarities and difference between the two policy documents in terms of how they articulate concepts of attentiveness to student needs.

Table 6.4
Competence in the National Code and the Good Practice Program

<i>National Code</i>	<i>Good Practice Program</i>
Competence defined as compliance with fixed, unchanging sets of protocols	Competence defined as fluid (not fixed), changeable, situated and contextual
Clear definitions of competence within substantive models of responsibility; very unclear definitions within relational models of responsibility	Little emphasis on competence within “substantive responsibility”; strong direction on how to ascertain competence the context of relationships and situated contexts
Institutions’ competence judged by capacity to comply with protocols	Definitions of competence co-created by institutions and students
Little interpretation of protocols or definition of competence needed	Institutions expected to use judgment and discretion to customise guidelines

6.5 RESPONSIVENESS

Tronto (1993) argues that, in addition to becoming attentive to the unmet needs of another person, in addition to taking responsibility for that care, and in addition to the need for competence in the care provided, it is important to pay attention to how that care is received. She calls this final stage of the caring process “responsiveness” (p. 136). This stage addresses such questions as whether the person’s “caring needs” have actually been met, according to that person, and whether the person receiving the care feels that their needs have been appropriately recognised, been taken

responsibility for adequately, and competently met. As Tronto writes: “Responsiveness suggests a different way to understand the needs of others rather than to put ourselves into their position. Instead, it suggests that we consider the others’ position *as that other expresses it*” (p. 136, emphasis added).

6.5.1 Responsiveness in the *National Code* and the *Good Practice Program*

Within the *National Code*, conceptions of responsiveness, or considering the students’ position as they express it, is framed within protocol and legal discourse. While there are numerous references to the institution’s obligations to “provide information” and “inform” students of necessary policies and processes, there are very few references to suggest that an institution has any obligation at all to check how this information is received by the students. For example, in Standard 13 “Deferring, suspending or cancelling the student’s enrolment”:

13.3 The registered provider must:

- a. inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa, and
- b. notify the Secretary of DEEWR via PRISMS as required under section 19 of the ESOS Act where the student’s enrolment is deferred, temporarily suspended or cancelled. (p. 23)

While there is a clear mandate for students to be informed of their circumstances, there is no directive for how institutions might check whether students in fact have understood (or even received) the information. Yet there are a number of scenarios that could potentially eventuate from this: a student might not physically receive the information, might not understand it linguistically, or might not understand the implications of it. By implication, an institution has met its obligations by following these procedures, regardless of how the student receives the care is offered.

In other sections, the issue of a student physically receiving the information is considered, and it is stipulated that students must acknowledge receipt of the information by providing a signature:

The registered provider must enter into a written agreement with the student, signed or otherwise accepted by that student (or the student’s parent or legal guardian if the student is under 18 years of age), concurrently with or prior to accepting course money from the student. (p. 12)

Here, responsiveness is defined by proof of receipt, as evidenced by a signature. The way in which the care is received by the student is defined and evaluated entirely within the legal parameters of a signature as proof of receipt. The *Explanatory Guide* adds in Standard 12, Section 1 that “ticking a box” is also valid proof receipt and a note about student services indicates that “verbally reinforcing some of the information already presented in the student manual is good practice” (p. 12) in Standard 6. There is no requirement for institutions to check that students understand what they are signing or ticking, or fully appreciate the implications of their decisions, or that they received the care that they believed they needed.¹⁴ Verbally reinforcing information may increase the likelihood of it being understood, but there is no directive that institutions must check how the information has been received.

Beyond checking for proof of physical receipt, the principal mechanism through which students articulate their own perspectives in the *National Code* is through the formal complaints and appeals process. In fact, one of the objectives of the Code is to “protect the interests of overseas students by . . . providing nationally consistent standards for dealing with student complaints and appeals” (p. 1) and this is seen as a vital part of the consumer protection model: “The registered provider must have an appropriate internal complaints handling and appeals process that satisfies the following requirements” (p. 18). The Code goes into detailed protocols of a student’s rights, including timelines, official documentation, and rights to information and implications of outcomes, to outline what complaints and appeals look like. Among these are numerous statements of the rights that students have to information for example:

- 8.1: the complainant or appellant is given a written statement of the outcome;
 - 8.3: the registered provider must advise the student of his or her right to access the external appeals process; and
 - 8.5: the registered provider must . . . advise the student of the outcome.
- (p. 18)

The complaints and appeals process is a way of giving students a chance to voice concerns, and they have considerable rights with regards to being informed and advised about aspects of this process. However, there are a number of limitations to

¹⁴ My argument here is not a legal one; I am not arguing whether a signature legally indicates consent. I am merely saying that this is the extent of the responsiveness proposed in the National Code.

this model. Firstly, within this policy, students are only able to voice issues in response to something specific going wrong. There is no specified mechanism for students to express their concerns and for institutions to intervene prior to the complaints and appeals process. Secondly, the process is extremely prescriptive and based on formal regulations, and so likely to be used only for specific protocols and procedure; it is unlikely to capture more subjective or personal aspects of the student experience. Thirdly, despite the rights that students have to be given information, there is no directive as to how an institution is expected to ensure that students understand what they are being advised. Again, this is not to say that institutions or government do not ask for feedback from students, for example, as part of an open submission during the formal review and updating of policy, or that students are not asked for feedback through other mechanisms at the local or national level. However, this is at the discretion of those administrative bodies and is not written into the *National Code* as a requirement.

These gaps in “responsiveness” are apparent throughout the document. In fact, there are a number of standards where the students’ perspective is entirely overlooked, for example, Standards 11.6 and 11.7 address students’ attendance requirements:

11.6 Where the registered provider has assessed the student as not achieving satisfactory attendance for the courses identified in 11.1, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory attendance. The written notice must inform the student that he or she is able to access the registered provider’s complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so. (p. 22)

11.7 Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered provider must notify the Secretary of DEEWR through PRISMS that the student is not achieving satisfactory attendance as soon as practicable. (p. 22)

In essence, the process is this: the student does not attend class, the student receives written notice of report for unsatisfactory attendance, a report on the student is lodged (or the student can access the complaints and appeals process). What is interesting here

is the complete absence of any kind of requirement for responsiveness on the part of the institution in between the processes outlined in 11.6 and those outlined in 11.7. In other words, there is no requirement for any kind of communication from the student in order for this process to be triggered. In addition, there is no obligation mentioned for the institution to show any awareness of the circumstances under which a student might not attend class, or the specific additional reasons why international students in particular might not attend class. As well as all the reasons that a domestic student might not attend classes, international students might also choose to avoid classes because they are feeling unsafe, unable to keep up with the materials, cannot relate to the curriculum, or are facing racism or hostility from classmates, to name just a few (Nyland et al., 2010; Ramia et al., 2013; Woodward, 2010).

Secondly, there is no stipulation for the institution to do any kind of check-in with the student about their absence, or to even confirm receipt of the written notice. In fact, if no complaints or absences process is instigated, the language of 11.7 assumes that it is because the student has simply “chosen not to” (p. 22). In the previously mentioned case of the murder of Zhang Jie Zhong, for example (the student who was murdered and not found for seven months) the issuance of a written notice about unsatisfactory attendance would have been unlikely to have changed her circumstances, as there is no requirement for the student to respond to such a notice. Nor is there obligation to provide any kind of support or care to the student who has been absent from classes. “Students must attend classes” becomes an unambiguous measure of whether a student is meeting their obligations, and fulfilling their visa requirements, without any obligation for the institution to consider either wider systemic concerns or individual circumstances. Conceivably, a student might not have even received the written notice, and therefore be unaware of their rights to lodge an appeal. Alternatively, they might have received the notice but not understand the implications of it, or not understand what is expected of them. An institution is obligated to report breaches of visa conditions back to the government punctually, but is not obligated in any way to make contact with the student to ask ‘Do you understand?’ ‘Do you need any help?’ The personal and legal ramifications of this series of actions are immense (expulsion from the course, loss of visa, losing legal status in Australia and being forced to leave) and so on. Yet there is no mechanism within the *National Code* to find out if the student is safe to offer additional support,

or to check if they have understood the letter. Conceivably, they might not have even physically received the written notice. Responsiveness in this case may be entirely missing.¹⁵

6.5.2 Responsiveness in the *Good Practice Program*

The *Good Practice Program*, however, makes specific references to how care is being received by international students. In Section 2.b Pre-Arrival Information, for example, we are told that “key information should be available in other languages as appropriate to assist with optimal understanding, mainly for the student’s family” (p. 4). Responsibility for communication, then, does not take as its end point the fact of something being communicated, but makes the end goal “optimal understanding” and explains one way this might be achieved. It further goes on, in Section 2.b.ii, to articulate that “Auditable checks, also in other languages as appropriate, should be completed to further assure comprehension” (p. 4). In this context, an auditable check emphasises understanding and the effective receipt of the information being communicated. The document, then, requires the education provider to take on the burden of care to determine that the care given and received has been sufficient and successful. This concept is reinforced throughout the document as a whole: there is a frequent use of qualifying adjectives to make the meaning transparent: “clearly declared”, “easily accessible” and “optimal understanding” are all linguistic signposts that the intent is not just the giving of care but the adequate receiving of care:

b. The Education Provider will ensure that payments for auxiliary student services (e.g. Accommodation, Student Welfare, and OSHC etc.) that are eligible for Agents commission or additional payments to agents are clearly declared to students. (p. 4, emphasis added)

i. Key Information should be available in other languages as appropriate to assist with optimal understanding (mainly for the student’s family). (p. 4, emphasis added)

¹⁵ Again, I am differentiating between the obligations of the institution according to the National Code and what may actually happen in practice. In practice, many institutions go to enormous lengths to support students in these circumstances, including activating “early alert” supports, making support phone calls to check on the student, and offering a variety of other support services. However, there is no stipulation within the National Code that they must do so, and no specification of what this should involve if they choose to.

This information should be easily accessible to students post arrival and for the duration of their visa length. (p. 4, emphasis added)

i. Documented and clear guides on shopping for food, transport and what to expect (p. 5, emphasis added)

Here, there is a strong emphasis on the way the information is received; the quality of the care being offered is defined by how the care is received. In addition, the concept of student voice is specifically addressed in the document. In Section 7 on “Providers Support on Relevant Issues” we are told: “Providers will support the following issues to ensure an exceptional experience for international students in Australia The existence of a strong student voice for international students” (p. 8). Not only are institutions encouraged to consider how their care is being received, but they are told that one of their obligations is to support a strong student voice for international students. This capacity to hear the other “as that other expresses it”, and to see student voice as connected to student rights, then, is one of the core values of the policy.

6.5.3 Summary

While both documents address, in various ways, issues of attentiveness, responsibility and competence, only one – the *Good Practice Program* – can really be said to offer a concept for what responsiveness might look like, and provide opportunities for institutions to take this up as part of their care process. In so far as the *National Code* takes up the concept of responsiveness, it is within a strict set of formal protocols that constitute legal proof of receipt and complaints and appeals procedures. Beyond these frameworks, there is little reference to institutions being obliged to assess how students are receiving the care being provided. The *Good Practice Program*, however, in addition to referring to the need to advise and inform also refers to the need to check how students are receiving the care being offered, as well as to advocate for the importance of international student voice within national contexts.

Table 6.5 summarises the similarities and differences between the two policy documents in terms of how they articulate concepts of responsiveness.

Table 6.5
 Attentiveness in the National Code and the Good Practice Program

<i>The National Code</i>	<i>The Good Practice Program</i>
Responsiveness limited to fixed, formal sets of protocols and legal checks	Responsiveness conceptualised as relational
Focus is on provision of information	Focus is on successful receipt of information
Student voice defined within complaints and appeals processes	Institutions have responsibilities to advocate for student voice
Focus on “providing” “informing”	Focus on “assisting” “helping”
Language focuses on what care is given	Language focuses on what care is received

6.6 SUMMARY

For Tronto (1993, 2013), these four ethical elements of care – attentiveness, responsibility, competence and responsiveness – are what need to come together in order for ‘good care’ to be given. While the four elements are present in both the *National Code* and the *Good Practice Program*, I have shown that the ways in which they are constituted in each are quite different. In the *National Code*, legal and consumer discourses are the main ways through which concepts of care are constituted, with an emphasis on “substantive responsibility” (Tronto, 2012, p. 308) and protocols that define compliance. In the *Good Practice Program*, the four elements of care are more integrated and joined together as a whole, with a tendency towards relational models of care that constitute international students within wider socio-political contexts and with greater agency in their own care.

I assert that there are two principal reasons for the differences between the documents. The first is that one is written as a legislative document that puts the institution at the centre of the flow of responsibility while the other is written by international students and their representatives with the sole goal of supporting and protecting international students. The second is that they were written six years apart. As I argued in the previous chapter, the public discourse around care changed over this period of time as a result of the centrifugal pressure placed on the dominant discourses about care by the counter-discourses. As a result, there was a shift from substantive

models of responsibility that primarily constituted care within either legal or consumer discourses to a more relational view of responsibility that constituted the relationship between student and institution as less transactional and more relational and reciprocal. As a result, the historical context of 2013 in conversations around care in international higher education in Australia was a different intellectual and social landscape from that of 2007, when the *National Code* was re-written. By 2013, the practices of care expected of institutions had shifted. Not only were institutions expected to provide consumer protections, a quality product and conform to legislation, but they were also expected to participate in advocacy for international students within the wider context of the systemic, structural and socio-political injustices that had created obstacles for international students in the first place. As a result, this wider context, and the importance of relational models of care are explicitly articulated in the 2013 policy in a way that they are not in the 2007 document. This is why we see many of the differences between them – different articulations of what students’ needs are, contrasting views of ideas of responsibility and competence, and a much stronger focus on responsiveness within the *Good Practice Program* than in the *National Code*.

The current chapter has examined policies that have constituted care within Australian international higher education, showing the contested nature of responsibility and the ways in which failures of care played out in public debate. In this chapter, policy as the vehicle through which those different discourses are constituted has been examined, looking at how those discourses play out within the actual “caring practices” as articulated through policy and how they are a reflection of wider social values and priorities. The next chapter, argues for how an ethic of care might invite a fundamental rethinking of how we think about notions of responsibility and how it might help us to address some of the issues that have shaped, and continue to shape, international higher education in Australia.

Chapter 7: “Critical Ethics of Care” and International Higher Education

In Chapters 5 and 6, I undertook a detailed analysis of the conceptions of care in a range of publically available texts in international higher education in Australia from 2002-2013. I traced the different kinds of discourses operating within these texts and the way they constitute different conceptions of care. Despite the prevalence of a focus on care and duty of care in this period, examination of assumptions about care and exactly how care operates has not been previously undertaken. My analysis in Chapter 5 revealed that the texts within this time period predominantly conceptualised care within a neoliberal, consumer framework, with care being synonymous, or at least closely related to, notions of consumer protection and support for students to make good choices. Even when other discourses were apparent - such as legal and legislative frameworks – the care was often still constituted within a consumer model.

However, at the same time, there were alternative, or counter-discourses of care that put pressure on these dominant discourses of care and led to a shift in thinking about care towards the end of the period. These alternative discourses of care were frequently vague and undefined, but showed a need for the field to move beyond an exclusively consumer discourse to other ways of thinking about care. My analysis in Chapter 6 has shown that these alternative discourses are sometimes in tension with one another – with many aspects of the (legally binding) *National Code* reinforcing a consumer-based and legislative conception of care, while the student-driven (and non-legally binding) *Good Practice Program* opened up conceptions of care that leant towards a more relational and social way of thinking about what care might be with regards to how universities in particular care about their international students. These policies specifically addressed the question of how institutions can/must meet the needs of international students. Using Tronto’s (1993) four key concepts of care: attentiveness, responsibility, competence and responsiveness, I examined how each policy articulated caring practices and charted the “flow of caring” (Tronto, 2013, p. 148) within each of them to constitute international students in particular ways. In both chapters, I used an ethics of care as a way of rendering transparent and defamiliarising

these conceptions of care, with a view to understanding what they make possible and their limitations.

In this chapter, I argue for how an ethics of care might help to transform the way we conceptualise and practice care as we shape the future of Australian international higher education. Drawing conclusions from my textual analysis from Chapters 5 and 6, I explain the limits of the neoliberal worldview in terms of how it conceptualises individual responsibility, choice and autonomy; advocate for a critical and democratic ethics of care; and make the argument for how a “critical ethics of care” (Robinson, 1999, p. 110) —as both a “value and a practice” (Held, 2006, p. 9)—can be used to further both the theoretical conversation around international higher education and to offer a new common language and framework for practitioners within the field.

7.1 A CRITICAL AND DEMOCRATIC ETHICS OF CARE

As is revealed in Chapters 5 and 6, bringing care and international higher education together is not new – the textual examples show that journalists, theorists, commentators, universities and governments have been talking about care and duty of care in relation to international students for over a decade and of course care existed before it became part of the public discourse. What I am advocating, following Tronto (1993, 2013) and Robinson (1999, 2011), however, is a model of care that is both *critical* and *democratic* and which opens up the possibility of reformulating and reimagining some of the conceptions of care that have become normalised within international higher education in Australia. I expand upon what an ethics of care offers to the field in subsequent sections, but first I briefly examine what it means to adopt a “critical ethics of care” and why this is important (Robinson, 1999, p. 109).

A *critical* model of care involves seeing care as “multi-dimensional” (Tronto, 2013, p. 148) and as “both a value and a practice” (Held, 2006, p. 9). Critical care also demands that we see how care is operating at both a situated interpersonal level and at a broader structural level. Sevenhuijsen (1998) reminds us that “Care is not unproblematically present in social and intellectual life . . . we have to put effort into developing our understanding of care” (p. 35). Care is not an automatic “good” but heavily bound up in discourses and conventions. She explains that:

Practices are bound up by discourse which is both produced by and produces a practice . . . Practices, thus conceived, are directed by formal and informal

rules and habits, by interpretive conventions and by implicit or explicit normative frameworks. These rules and norms are not fixed, but subject to dispute: they are the object (re)signification, interpretation, negotiation and conflict. (p. 21)

This focus on care as a practice is crucial within the framework of an ethics of care. There is no such thing as a practice of care that is neutral; it is constantly being constituted within the interpretive conventions and normative frameworks that define it and is constantly being re-negotiated. So the process of caring looks very different if the discursive convention within which we are operating is one of international students as consumers rather than if the normative framework is that of universal rights. Just as our relationships are constituted through discourse, so too are our practices of care. Sevenhuijsen goes on to say:

Care can be seen as a mode of acting in which participants perceive and interpret care needs and act upon these needs. How their interpretation and acting proceeds varies according to the situation and social and institutional contexts, and depends on a variety of factors such as norms and rules about good caring and the relational dynamics between the actors concerned. (p. 22)

So not only are the “relational dynamics between the actors” important, but so too are the “norms and rules about good caring” (p. 22). This is extremely important in the context of international higher education. I have presented a number of examples in which claims for a duty of care are made, or general references to the need for care but most often as if this is a universally accepted concept whose specifics are so widely shared that there is no need to define or interrogate what the word means. Attempts to do so, as demonstrated in my textual analysis chapters, are frequently vague or based on unarticulated assumptions. For example, in my section on attentiveness in the *National Code*, in Chapter 6, I analyse the sub-stand 6.3 which focuses on “welfare-related support services”. There is no discussion about who is responsible for meeting this need, or even what this welfare might include or how it might be achieved. The ramifications of this are such that if good care is seen, unproblematically, as providing consumer protections, then this is the kind of care that institutions and governments will provide for international students. If good care is seen as the development of a wide variety of legislative and policy documents, then this is the kind of care students will receive. Likewise, if good care is equated with the development of principles of human rights, then that is the kind of care that will dominate the field. In most cases,

as has been demonstrated, these assumptions around care are unarticulated and unexamined, where the word ‘care’ stands in for a number of assumptions about needs, responsibilities and the relations between those offering care and those receiving it. A “critical ethics of care” (Robinson, 1999, p. 110) calls us to account as we conceptualise care, demanding that “we must constantly assess the position we occupy as we begin to make judgments” (Tronto, 1995, p. 14), and constantly assess how we assign meaning to care, how care is constitutive and being constituted through our discourses, and how to make critical choices in our practice of care.

When an ethics of care is framed critically, care theorists agree it has enormous potential to be democratic, to contribute to broader public debate and to have political valency. Sevenhuijsen (1998), for example, argues for the connection between an ethics of care and notions of citizenship:

If we integrate value derived from the ethics of care, such as attentiveness, responsiveness and responsibility into concepts of citizenship, this will produce a dual transformational effect: the concept of citizenship will be enriched, and thus better able to cope with diversity and plurality, and care will be “deromanticized” enabling us to consider its values as political virtues.
(p. 15)

Here Sevenhuijsen explicitly brings together notions of citizenship with an ethics of care, and argues for how this can support notions of citizenship, diversity and plurality. Similar to Sevenhuijsen, Tronto (2013) makes the case for conceiving of care as a public value and as a set of public practices. She argues that “The process of determining needs is one of the foremost political struggles of any account of care, and the key point of democratic caring practices will be to embrace this struggle as an intrinsic part of democratic life” (p. 162) and, summarizing Young (2003), reminds us that “there is great danger if citizens simply accept the story about their need . . . and do not question it” (Tronto, 2013, p. 75). Some of these principles emerge in the analysis of various documents presented in Chapter 5 and Chapter 6. For example, while the *National Code* makes assumptions about what the needs of students are, often in vague and abstract terms, the *Good Practice Program*, in its very creation, takes up the challenge of involving international students in shaping the ‘story’ about their needs and how these needs might be met. The 2009 Senate Inquiry into the

Welfare of International Students, too, takes a step towards involving students actively in articulating the limits of the care they are receiving and to propose ways forward.

Held (2006) also makes a compelling case for the role of an ethics of care within government:

If we understand care as an important value and framework of interpretation of government . . . we will approach many of the issues involved in the relation between government and the economy differently from those for whom government should only be the protector of rights or the maximizer of preference satisfaction. We can see how government should foster caring connections between persons and limits on the markets that undermine them. (p. 119)

When we apply Held's argument to the consumer-driven context of the international education market, we potentially end up in a very different place. For example, in my analysis of the *National Code* and government speeches related to international education as an important element of the Australian economy, I trace the implicit and explicit assignment of responsibility, where the government's role is, variously, to protect Australia's brand and reputation, to ensure the integrity of the visa program, and to ensure the continuation of the income source that the international higher education sector provides. Were the government, instead, to follow Held's lead and to see their role as "fostering caring connections" (p. 119) and place "limits on the markets that undermine them" (p. 119), we would see the emergence of very different conceptions of care.

In the context of a consumer-driven international education market, Held's argument that part of the government's role is to "foster caring connections" and place "limit on the markets that undermine them" would mark quite a shift¹⁶.

So while care and duty of care have become commonplace phrases within the public discourse around international higher education in Australia, there has frequently been an absence of the kind of critical and democratic notions of care that would allow us to reach the full potential of what care can offer. In order for us to actualise that potential, I argue that we need to reconceptualise how we think about care, shifting from a neoliberal framework of consumer and legal discourses, as well

¹⁶ In recent years, some of this shift is in fact happening within government rhetoric. I return to that in my Conclusion in the section on the current state of the field in 2016.

as care as an emotional discourse, to an integrated set of paradigms that operate within a critical and democratic ethics of care. I will start to shape what this looks like in the following section, both within theoretical work and in terms of practice by those working in the field of international higher education.

7.2 ALIGNING A “CRITICAL ETHICS OF CARE” WITH OTHER THEORETICAL MODELS

As I demonstrate in Chapter 3, there is now a considerable body of literature that takes the limitations of the neoliberal discourse within international higher education in Australia and puts forward other theoretical paradigms for conceptualizing international students. In my literature review, I detail some of these trends. Of particular note is Marginson’s work on international students as bearers of transnational human rights (2005; 2011; 2012). He challenges the model of thinking about international students through a deficit model, arguing:

international students are not people in educational, social or cultural ‘deficit’. They should be understood as strong human agents, deciding for themselves, managing complex personal changes, engaged in self-formation through education and global mobility . . . they should be accepted as persons with the full set of human rights, whatever country they are in. (p. 30)

As well, he advocates that we need to “re-norm international education” (p. 31) by recognizing international students as full rights-bearing citizens. He challenges the construction of international students as consumers, arguing that “rights should be distinguished from service provision” (p. 31). He proposes that international students should have a wide range of rights that go far beyond the narrow conception of consumer protections, including, among others, access to justice and safe environments, the right to exist in a non-discriminatory environment, freedom from harassment, freedom of movement, free choice of employment, and access to health care, transportation and accommodation services. He also sees these rights as going beyond national borders, instead seeing a set of rights that are transnational and trans global – universally applicable regardless of which country a student is in at any given time (2011; 2012).

Applying a “critical ethics of care” (Robinson, 1999, p. 110) to international education does not contradict, compete with or displace Marginson’s (2012) rights-based approach but rather works alongside it, complementing and reinforcing it. This

is because an ethics of care differs from a rights-based approach in several ways. Each has a different approach to conceptualising responsibility. Marginson's interest in responsibility is how it is assigned. For example, speaking in the context of student security, he draws attention to the assignment of responsibility within a neoliberal discourse: "in this system [neo-liberalism], government devolves responsibility for security of students to the provider, while the provider devolves much of the responsibility to students themselves" (p. 502). As such, Marginson is focused primarily on who is responsible, the flow of responsibility and how it moves around. However, his focus is not on how responsibility itself is constituted, how it changes according to the discourse through which it is constituted and what the underlying assumptions about responsibility are, as it is in an ethics of care. Nor does Marginson's work address such aspects as the 'quality' of a relationship or whether the care provided is 'good care'. In addition, Marginson's approach to responsibility is focused on universal rights, whereas an ethics of care necessarily considers the local, the situated and the contextual. While Marginson has taken the concept of student security and rendered it transparent, the present study provides an opportunity to interrogate and render transparent conceptions of care. As such my work fills a space alongside the rights-based approach, offering a unique contribution to current thinking about international higher education. As the field continues to develop an understanding of how to apply transnational human rights to international education, we also build our understanding of what responsibility means, and how we might make use of concepts such as attentiveness, competence, responsiveness and relational models of responsibility.

However, choosing to apply an ethics of care to international higher education does not mean rejecting other theoretical models. Different issues require the use of different tools. Choosing one over the other would be an example of what Held (2006) refers to as a "metaphor of reduction" (p. 74). She argues that we must resist this urge for reductionism in our thinking about justice and care:

We need new images for the relations between justice and care, rejecting the impulse towards reductionism. The idea that one kind of value can be reduced to another or one kind of moral recommendation to another, may be a legacy of imagining that reductive . . . approaches are most suitable to moral understanding. (p. 73)

This shift towards complexity does not mean rejecting what a rights-based argument has to offer the conversation in favour of an ethics of care, nor does it mean dispensing with other kinds of protections such as those associated with consumerism, the law or legislation. Rather it means focusing on, what Held calls “relatedness”: “When justice is the guiding value, it requires that individual rights be respected. That when we are concerned with relatedness that constitutes a social group and is needed to hold it together, we should look, I argue, to care” (pp. 41-42). In other words, there is no moral paradigm that is suitable for all contexts. Rather, we need a range of tools that will help us to figure out which moral paradigm will help us deal with which kinds of issues.

By way of illustrating an issue that demands that we do not try to choose between different theoretical models, it is useful to look at the example of student housing. In Chapter 5, I considered the article “Our student visitors deserve better” [*The Sun Herald*, Sydney, 25 Mar, 2007] which argues for legal and legislative actions to “close the loopholes” that lead to exploitative housing conditions for international students. Marginson’s response within a rights based framework is to include housing in his list of universal, transnational student rights. Yet neither of these approaches would allow for an understanding of the relational aspects of a student’s experiences with housing difficulties of the kind I discussed such as experiences of racism and discrimination, lacking English-speaking references to secure new housing, language and cultural barriers in reporting issues, and so on. A “critical ethics of care” (Robinson, 1999, p. 110) works alongside both the legislative and legal protections and the rights approach to offer a broader conception of what the issues are and how they might be solved. The complexity of balancing and choosing from among several theoretical approaches acts as a ‘net’ so to speak to catch students who are in danger of falling between the gaps of a universal rights approach and specific formal regulation. Embracing a “critical ethics of care” (Robinson, 1999, p. 110), in alignment with Marginson’s (2012) work on citizenship and rights, and other existing and emerging protections, has the potential to offer new paradigms for how we think about international higher education as we shape its future.

7.3 APPLICATION OF A “CRITICAL ETHICS OF CARE” IN INTERNATIONAL HIGHER EDUCATION

Bringing an ethics of care into discussions about international higher education in Australia makes several significant contributions to the future of the field. Firstly, it offers a theoretical shift, an alternative conceptual framework for thinking about higher education that is not always possible within neoliberal frameworks, or even within rights-based frameworks. Secondly, it offers us a common language for thinking through familiarised concepts of care, including notions of responsibility and needs. Thirdly, it offers us opportunities for shifts in how we practice care, inviting us to employ an evidence-based conception of care that can help us to provide good care at an institutional level. I explore these contributions further below.

7.3.1 A contribution to theory

When we are building theoretical models about international higher education, an ethics of care offers a framework for thinking about how international students are constituted that is quite different from those offered by either consumerist or legal discourses, and different again from rights-based discourses. An ethics of care also affects how we theorise about the ‘issues’ facing the field and their possible solutions (Tronto, 2013). In particular, a “critical ethics of care” (Robinson, 1999, p. 110) offers:

1. A different set of questions (and, therefore answers);
2. The capacity to historicise events and to understand the contexts in which care is being enacted;
3. A different way of thinking about responsibility; and
4. New ways of conceptualizing ideas about the individual, autonomy and choice.

7.3.2 A different set of questions

In particular, an ethics of care offers us a different set of questions through which to understand the field of international higher education, whether we are theorizing about it a broad level, or analysing, as I have done, particular sets of policies or approaches.

As demonstrated above, a consumer and legal discourse raises such questions as:

- Who is responsible for xxx?

Policy analysis shows a consistent emphasis on assigning responsibility, avoiding responsibility, and questioning responsibility, whether with regards to a particular incident or a broader topic such as safety. As I show, there is a particular emphasis on institutions and government departments asserting that they had fulfilled their legal obligations and therefore had no further responsibility.

- Do students have the right information?

There is frequent reference to the need to give students the right information, and to educate them and inform them of issues such as safety or their consumer rights.

- What information do students need to make choices?

Analysis shows consistent reference to the need to provide students with certain information to allow them to make appropriate consumer choices.

- What policies need to be in place to protect students?

Particularly in relation to government interventions and the introducing of new policies to provide protections for students, analysis shows that this was often reactive, in response to a particular violation or incident.

- What consumer protections can we offer?

There is an emphasis on aspects of consumer protection such as refunds of money for cancelled programs, protections from exploitative recruitment and marketing, and so on. The *National Code* in particular is explicit about the need to encode consumer protectionism within policy

- Which official policy covers xxx?

In some cases, it is not clear which policy covers a particular aspect of duty of care and efforts are made to ‘close the gap’ and assign particular policies or departments to particular issues.

- What aspects of the law can be evoked in this situation?

There is an emphasis on legal responses and the desire to bring perpetrators to justice within the law, and apply legal solutions to issues.

These kinds of questions focus very much on substantive models of responsibility. They ask about the ‘what’ more than the ‘why’, and are driven by the need for information, procedures and policies. Within formal areas of regulation, answers to the questions are fixed and unambiguous. Within informal areas of regulation, answers to the questions are often vague, abstract or entirely unaddressed.

Within an ethics of care, on the other hand, the kinds of questions we are able to ask when we are analysing policy, or theorizing about the state of the field, or drawing wider conclusions about the role of international higher education within Australia include the following:

- How have needs been defined? What are they and how have they been arrived at? Are institutions/governments attentive to the needs of international students? Have students themselves been involved in defining these needs?
- What is the framework of responsibility that underpins the institutions’ relationship with the student?
- Is our responsibility purely a substantive one? If not, how might we take up the challenge of “relational responsibility” (Tronto, 2012, p. 308)?
- What are the “passes out of caring responsibilities” (Tronto, 2013, p. 141) that are being exercised? What forms of ignorance are we choosing? How are the lines of responsibility being obscured? How do we avoid perpetuating examples of privileged irresponsibility?
- Is the care being provided competent/of a high quality? Who says so? How is this being evaluated? How can it be improved? Are students being included in defining and evaluating competence?
- Is the institution responsive? Are there avenues through which students can reflect and provide feedback on the care they are receiving? How might we respond to this feedback?

These are conceptual questions designed to enable us to think about the field differently. They focus more on the impact on the students and are more complex, fostering answers that are nuanced and situated and which evoke issues of relationalities and power. While answers are not immediately apparent, they allow for

a different model of thinking about international students and international higher education. They seek to define need within complex, nuanced contexts and consider the conception of responsibility within which that need is being defined.

These questions shift the power dynamics with international students and constitute them within a relational context, as being contributors to their own care. This is significant as the questions we ask shift the kinds of conclusions we can reach.

7.3.3 The capacity to historicise

One of the significant aspects of an ethics of care is that it allows us the capacity to historicise and contextualise care within wider social forces. This is especially important within international higher education in Australia when, as has been shown, there has been a tendency to individuate and isolate incidents and remove them from wider contexts, or conversely to over-generalise (often, as suggested in Chapter 5, as a way of obfuscating responsibility). An example of this is Prime Minister Kevin Rudd's speech following the attacks on Indian students, about the wider issues of violence in urban areas in which he makes a commitment to protecting everyone in "our community", thus erasing the racial specificities and the wider context of racism towards the Indian community.

This kind of response can be seen in Tronto's terms as a "sleight of hand" (2013, p. 126) that serves to magically erase historical context. For Tronto, this process is very much linked to neoliberal discourses. She writes: "[I]f market activity is so compartmentalised that each transaction is seen to be 'free' from all others" that this becomes a means through which to "ignore past injustice" (p. 127). In the example of Rudd's speech, the representation of violent attacks against Indian students as a wider community problem acts as a sleight of hand that serves to ignore a wide range of historical influencers, which may include such features of Australia's past and present as the histories of educational exchange among countries of the Commonwealth, the (ongoing) influence of the White Australia policy, contemporary cultural attitudes towards immigration and multiculturalism, aspects of white privilege, histories of consumerism within the industry, Australian-Indian relations, the contemporary and historical relationships between international students and universities, the early roots of the Australian agenda to combat communism through 'Australian values', and so on. These historical contexts are important, but are easily obscured or ignored. An ethics of care allows us a tool to historicise these kinds of events, unpack the workings

of power that have informed them, and to move beyond seeing every transaction as independent of any other to see to “web of relations” that connect events, people and situations (Tronto, 1987, p. 658). As Robinson (2011) tells us:

[C]are ethicists claim that relationships matter morally; it is these relationships that give rise to responsibilities and practices of care. Relationships, however, do not simply arise naturally; they are constructed by material, discursive, and ideological conditions in a given context. (p. 5)

An ethics of care helps us to examine these “materials, discursive, and ideological conditions” (p. 5), both present and historical, that continue to constitute international students in ways that may be counter to our stated goals of providing a duty of care.

7.3.4 A different framework for thinking about responsibility

Care theorists see claims of responsibility – the capacity to take responsibility for another’s well-being – as a cornerstone of a caring relationship (Robinson, 1999, 2011; Sevenhuijsen, 1998; Tronto, 1993, 2013). Yet the relationships involved in notions of responsibility are often deeply embedded within power exchanges. Tronto (2013) argues that:

Some forms of responsibility can appear to be contractual, but for an ethics of care, one needs always to go beyond simple agreements to look more closely at the power allocation in exchanges about responsibility. One needs to focus also upon relationships among people, and not simply upon isolated individuals, in making decisions about care. (p. 55)

When we see international students as either individual, autonomous consumers within a neoliberal framework, or as abstracted, universalised bearers of human rights, and fail to see the relations between different kinds of situations and injustices, one consequence is that lines of responsibility often become obfuscated. For example, Illing’s article about the death of Chinese student Zhang Jie Hong (“The murder that nobody noticed” [Dorothy Illing, *The Australian*. Canberra. 16 Mar, 2005: 35] captures the passing along of responsibility, with some people blaming the university, representatives of the university asserting that they had met their obligations under the ESOS Act, and others making general references to an absence of pastoral care (see Chapter 5 for further detail of this). Although this death was an extreme incident involving the death of a student (and therefore indeed perhaps cannot be over-generalised), this focus on obligations under the act and the tendency to see the incident

as an unfortunate but isolated situation of a student ‘falling through the cracks’ fails to situate the incident within wider historical and social contexts. For example, there has been a considerable body of literature on loneliness and isolation among international students (Gross, 2008; Liu, Joel Wong, & Tsai, 2016; Sawir et al., 2008; Saygin, Demirdas, Korucu, & Yorgancigil, 2015). Seeing Zhang’s death as an isolated incident becomes a way of not acknowledging that this isolation and loneliness among Chinese students and international students more generally might have been a significant factor in the length of time for her body to be found.

This can be seen in terms of the analysis of Marginson *et al.* (2010) of the gap between formal regulations and the informal conditions of a student’s lived experience. In the above example, the formal regulations might include compliance with the ESOS Act, and official university attendance regulations (in this case, there being no repercussions for the student’s prolonged absence). The informal conditions might include isolation, lack of social networks, or communication challenges between students (such as the student’s friends) and the university. Marginson *et al.* (2010) note that where the formal regulation ends, often so too does the lines of responsibility. A “critical ethics of care” (Robinson, 1999, p. 110) gives us a way to examine assumptions about responsibility – such as responsibility operating only within formal regulations, responsibility being allocated to an individual, or the limits of what taking responsibility might mean.

7.3.5 Reconceptualization of the individual, autonomy and choice

I have already commented that the neoliberal worldview focuses on the individual and sees the individual as capable of making independent choices. Thus, when we conceptualise international students within this framework, we are likely to make certain assumptions about the relationship between students and their institutions and Australian society more generally. As Held (2006) notes, the implications of the neoliberal worldview means that we falsely conceptualise individuality as the starting point:

For liberalism . . . individuals are conceptually and normatively prior to social relations or groups. It is assumed that we should start in our thinking with independent individuals who can form social relations and arrangements as they choose and that the latter only have value instrumentally to the extent that they serve the interests of individuals. (p. 101)

Yet, as Held argues, this idea of the individual as autonomous and existing “prior to social relations or groups” is “artificial” and a “false construction” (p. 101). In a “critical ethics of care” (Robinson, 1999, p. 110): “Persons are seen as ‘relational’ rather than the self-sufficient individuals of traditional liberal theory” (p. 119). Held asks us to consider that “the material and experiential realities of any individual’s life are fundamentally tied to those of others and how the social relations in which persons are enmeshed are importantly constitutive of their ‘personhood’” (p. 101). In other words, for Held, and other care theorists, one of the core paradigms of care is that there is no such thing as an individual prior to social relations. We are not individuals first who then form into social groups but are always inherently bound up in social relations.

Held does not want to dismiss the idea of seeing people in “individualistic terms” (p. 119) entirely, however. Rather, she takes the *construction* of the individual to be strategically important in certain circumstances:

Certainly we can decide that for certain contexts, such as a legal one, we will make the assumption that persons are liberal individuals. But we should never lose sight of the limits of the context through which we think this may be an appropriate assumption, nor of how unsatisfactory an assumption it is for more complete conceptions of persons and their relations. (p. 101)

This has significant implications for how we theorise about international higher education, and how we might engage in textual analyses of documents relating to international students. There are circumstances where conceptualizing international students as autonomous individuals is a useful construct for us theoretically, but there are also limits to choosing to do so. An ethics of care gives us the option, when it is theoretically valuable for us to do so, to instead conceptualise students as operating within a web of relational networks. This shifts what is possible in terms of how we think about autonomy and choice. Tronto (2013) argues that “Only through their relationships with others do humans become capable of making choices, and that the quality of those relationships will help or hinder one’s capacities” (p. 124). My analysis presented in Chapters 5 and 6 shows that there was considerable emphasis on offering students ‘choice’, providing ‘information’ and ‘options’ to allow them to make ‘good choices’. Students are criticised for ‘bad’ choices that led to breaches of safety or incidents of exploitation or violence. A frequent theme of this study is that

part of care for international students is defined by the need to give them choices, support their decisions and offer them consumer protections. However, in the texts examined, with the exception of the *Good Practice Guide*, there is only occasional and superficial reference to the ‘quality’ of the relationships that international students are engaged in and how these affect the concept of choice. When theorizing about the field, the focus on information and choice might lead us to theorise about what kinds of information students might need, and thus prevent us from asking more meaningful questions about how students are and are not autonomous and the limits of what we call ‘choice’, for both the students themselves and for those working in the field more generally. As Held (2006) argues: “The ethics of care requires us to pay attention to, rather than ignore, the material, psychological, and social prerequisites for autonomy . . . Autonomy is exercised within social relations not by abstractly independent, free, and equal individual” (p. 84). An ethics of care, then, offers an alternative theoretical model for thinking through the limits of assumptions about students’ capacity to make choices, and the limits of seeing them only as autonomous individuals.

7.4 A PRACTICE OF CARE

I have focused in the above section on the ways in which a critical and democratic ethics of care can offer a new way to conceptualise and theorise how Australia might approach and respond to international students and international. I have also argued for how a “critical ethics of care” (Robinson, 1999, p. 110) changes how we go about analysing such texts as policy documents. Bringing an ethics of care into our thinking about international higher education also has significant practical application.

As discussed, one of the pivotal aspects of critical care theory is that care is not just a value but a practice. This study of conceptions of care, and the argument to incorporate an ethics of care into discussion of international higher education, thus has a significant contribution to make to a wide diversity of practitioners working within the higher education field. An ethics of care allows them to implement an evidence-based model of care. In this framework, care is taken out of its realm as an individual expression of feeling, a declaration of solidarity or even a relationship between two individuals. It stops being based on a set of unspoken and non-transparent assumptions. Rather, it offers a clear set of principles and practices by which good care can be established and evaluated.

These principles include attentiveness, responsibility, competence and responsiveness. They include taking into account “relational responsibility” that moves beyond the limits of “substantive responsibility” (Tronto, 2012, p. 308). They include considering the wider social and cultural contexts and implications, as well as the individual situatedness of a particular student, teacher or advisor. This evidence-based model of care has enormous ramifications for practitioners of all kinds in international higher education.

In this final section, I will take the questions and principles of a “critical ethics of care” (Robinson, 1999, p. 110) and apply them to a range of care practices in a diversity of international education contexts to demonstrate the kinds of ways in which they might be useful in shifting the way we practice care. My goal here is not to provide a comprehensive implementation guide or to offer up a fixed approach, but rather to signal the kinds of implications an ethics of care might have for practitioners in the field. Imagine the following.

- Policy implementers, when applying an ethics of care, might be led to navigate such concerns as how they might implement the policy (and its legal ramifications if any) in ways that pay attention to the quality of the relationships and to the practice of providing good care.
- Advocacy groups working with an ethics of care— rather than assuming what students’ needs are because they are self-evident or merely reacting to crisis situations – might decide that they need new ways of practicing attentiveness and understanding what their students’ needs are. Such a process might include gaining student feedback, working collaboratively with students to define their needs, working with other stakeholders, familiarizing themselves with academic research in the field, collaborating with other advocacy groups and so on. Simply by engaging in the question of how to define needs, rather than assuming them, the conclusions they reach (and therefore the advocacy they are able to offer to students) is likely to be quite different from starting with an assumption about the needs they are meeting.
- University and college staff and faculty who design programs for international students – whether orientation programs or ongoing support services – might, when applying an ethics of care, find themselves asking

what kind of responsibility do they take to be in their purview. Are they ‘obliged’ only to operate within a substantive model of responsibility, imparting ‘information’ and complying with the legal requirements of any number of policy documents? Alternatively, are they are charging themselves with a “relational responsibility” (Tronto, 2012, p. 308) for their students? The latter might include programming that deals with more abstracted, harder to measure aspects of the student experience such as their connections with others, their sense of belonging, their capacity to make friends, and their ability to access meaningful resources and so on. Such considerations have the potential to drastically change the content and approach of the program, and the experiences of the students.

- University-wide attempts to ‘globalise the curriculum’ might recognise the need to practice responsiveness and consider such issues as how they will gauge how their care has been received, what success might look like, and how they will work with students and others to determine how their responsiveness will be evaluated. Once they have considered this in detail, they may decide that a student satisfaction survey sufficiently answers their questions...or that other processes might be more effective.
- A recruiter, talking to a family about a young student’s potential to come to Australia to study, might choose to talk about what kind of care they can expect to receive. Alongside assurances about academic standards, they might explain in detail how the institution’s systemic and deliberate approach to care leads to a transformative student experience. They might specifically address concerns about attentiveness and competence.
- An ombudsman, responding to a students’ complaints, might be able to understand how a failure of care has occurred and feel empowered to move beyond the letter of the law to consider the situated context, the unspoken obstacles that might be getting in the way of a student’s progress, and work with the student to find a solution, before implementing institutional change that prevents the same problem from arising in the future.
- A senior administrator working with an ethics of care might be able to move away from a reliance on the personal energy and resources of individual staff members ‘caring’ for their students, and instead direct focus to types

of institutional care that is embedded within wider university-wide structures.

- A government leader may find that an ethics of care gives them the language and skillset to articulate a vision for the future of international higher education in Australia which sees students not as passive consumers of a product, but as active co-designers and agents in their own educations.

Not only does a “critical ethics of care” (Robinson, 1999, p. 110) fill a gap in the current literature about international higher education, and the conceptions of care being practiced from 2002-2013, it also provides us a new theoretical framework, a new common language and a new set of practices for the complex and multi-dimensional act of creating a culture of ‘good care’ at an institutional level. As such it offers a significant contribution to the study and practice of international higher education in Australia.

Chapter 8: Conclusion

I began my thesis with Paula Dunstan's 2002 question: "Foreign Students: Who Cares?" Over the course of my research, I have, in essence, explored who cares about and for international students, how this care operates and what care actually does and could mean. In this final section, I summarise my findings, discuss the implications of my research and how these amount to an original contribution to knowledge in the field, briefly bring the reader up-to-date with the field since 2013 and offer a call to action for the future.

8.1 SUMMARY OF FINDINGS

In this study, I have shown how conceptions of care have shifted over the time 2002-2013. I have identified the point at which care came into the public discourse about international higher education in Australia. I have demonstrated how care was originally conceptualised through a consumer discourse and the need for consumer protections and, over time, has become much more explicit while gradually gaining nuances and complexities. I have shown how care is neither good nor bad but that how it is articulated and conceptualised has implications for international students and how they are positioned, how they are seen in relation to the government and the university, and how their rights and responsibilities are constituted through these conceptions of care. I have shown the limitations of neoliberal discourses of care that limit the position of students to being merely consumers, and how models of "substantive responsibility" serve to ignore many of the more complex, unmeasurable aspects of the student experience (Tronto, 2012). I have also shown how these conceptions of care have often been used to provide "passes out of caring responsibilities" (Tronto, 2013, p. 141).

My study has shown how care emerged as a key priority in international higher education policies and behaviours in Australia. I have also undertaken detailed textual analysis to defamiliarise what we think of as care, so that it can move from something that is seen as self-evident to something that is demonstrated through practice.

8.1.1 Principles of care in international higher education

In analysing care through the lens of a “critical ethics of care” (Robinson, 1999, p. 110), I have made the following findings about care within international higher education in Australia. The predominant conceptions of care I found in my textual analyses within this time period have the following features. They:

- are based on a neoliberal discourse that constitutes students as consumers and care as being equated to consumer protectionism;
- include frequent dissension about the nature of responsibility and who is responsible for international students;
- rely on legal frameworks and “substantive responsibility” (Tronto, 2012, p. 308) to negotiate the complexities of responsibility;
- focus on plugging the gap of responsibility so that there are clear protocols about who is legally responsible;
- focus on formal processes to provide care, including legal and economic processes; emphasis on obligations;
- talk about care beyond consumer and legal discourses, but frequently in terms which are expressed as abstractions, vague and with a lack of specificity about what care is or should be;
- frequently provide “passes” out of responsibility or denial of wider systemic obstacles;
- fail to identify what the issue is or what is missing beyond models of substantial responsibility;
- focus on care in terms of what can be defined, measured and evaluated; especially emphasise areas that can effectively be regulated ; and
- lack a common language for talking about care while struggling to name and define.

8.1.2 Principles of a “critical ethics of care”

I have found that if an ethics of care were to be applied to international higher education, the following characteristics would become prominent. The characteristics would demonstrate:

- a focus on relationality and how international students are constituted in relation to others; an emphasis on “relational responsibility” (Tronto, 2012, p. 308);
- a movement beyond obligations to the quality of relationships;
- a focus on students being active agents in designing their own experience – including defining their needs, defining how those needs could/should be met and responsiveness to how the care they have received has been met;
- a partnership approach which sees international students as active agents and co-designers of their education and student experience;
- an emphasis on both areas that can be formally regulated and those that cannot;
- an emphasis on those aspects of the student experience that cannot easily be measured and evaluated (such as systemic racism or lack of cultural capital); and
- a common language for talking about and practicing care.

8.2 AN ORIGINAL CONTRIBUTION TO KNOWLEDGE

This study offers an original contribution to knowledge in the field of international higher education in Australia and beyond. The originality of this contribution is three-fold.

First, critical care theory is not new. Neither is analysis of the ‘crisis’ in international higher education in Australia in the past 15 years. However, bringing critical care theory together with a detailed analysis of international higher education in order to better understand both the field and the particular time in history is work that has not been previously undertaken in any substantial way. In particular, apart from the work on the human rights approach to international higher education from Marginson and others (which I detail in depth in Chapter 2), there has been little significant work undertaken on what exactly the concept of care entails beyond a substantive view of responsibility and a legal framework around duty of care. This way of approaching the period 2002-2013 offers, I believe, significant insight into the emerging nature of international higher education in Australia and some of the incidents which have contributed to these developments.

Second, while international higher education in Australia has been analysed from a variety of perspectives – including discussion of the ESOS Act and its limitations and ramifications – using critical discourse analysis to analyse conceptions of care within the *National Code* and the *Good Practice Program* in any detail has not previously been undertaken.

Third, although this study focuses on the period 2002-2013 in order to better understand the many contributing factors to the substantial changes of this time, the work of bringing together critical care theory with international higher education more generally constitutes a significant contribution to the field. Critical care theory offers a common language and set of tools of enacting care practices within international higher education in Australia, and I argue, higher education more generally, which have the potential to change the field considerably in the future.

Finally, in this study, I offer a new conceptual framework for thinking about care in international higher education, along with a common language and set of tools. The literature in international education has become increasingly focused on quantifying aspects of the student experience using concepts such as student engagement. This has typically focused on easily quantifiable aspects such as student progression rates, grades and retention rates. However, when it comes to aspects of the student experience that are not so easily measured, the field often struggles to define and quantify exactly what the issue is. This study opens up the opportunity for more rigorous discussions about what responsibility and care means, offering a more robust approach to the things that cannot be so easily quantified and measured.

Although this study has examined national policy and the public texts that have shaped it, I believe that the study has application beyond these parameters. Using an ethics of care to inform policy has enormous ramifications, at both the national level and at state and local levels. While this study has focused on national policy, there is also applicability to advocacy organisations working with international students and anyone providing services to them (whether these are visa services, recruitment and marketing services or community supports). They can also be applied to policy written by individual universities or university consortia.

In addition, many of the key principles that have been explored in this study can also be applied to the work of practitioners in universities and beyond. For example, an ethic of care can be effectively applied to such areas as developing support services

for international students, developing campuses with a focus on global citizenship, developing transition or orientation programs, employment programs, and even curriculum development. When we apply an ethic of care to these areas, we see students not as consumers of a product, or passive receivers of support, but rather active co-designers of their own experience and active agents in their own educations.

In addition, the study has application beyond just international students. While this study has focused only on this demographic, many of the principles could be adapted to work for any kind of student policy or programming, or for groups with particular shared characteristics such as Indigenous students, graduate students, or first-generation¹⁷ (students who are the first in their families to attend university, and who are therefore often unfamiliar with academic culture and the expectations of university life).

The study also has application beyond Australia. While this study has explored some particularities that are unique to the Australian context, questions around care for students are ones that are common in a wide variety of educational contexts around the world. The principles of an ethics of care could be widely applied in all jurisdictions.

Finally, this study raises broader issues around the role of universities in the future. There has been considerable change in how universities conceptualise their roles and responsibilities towards international students. With the rise of students having unprecedented access to knowledge through disruptive digital environments, where students can often learn the content at home online, universities are increasingly questioning what their role is in educating a student. At the same time, universities are increasingly having to compete with each other to attract students, and relying on value differentiators to distinguish themselves from their competition. The student experience, and the support a student receives, has become a point of differentiation, but universities often struggle with exactly what that student experience looks like. An ethics of care offers a new set of possibilities for universities to explore in re-thinking what this student experience could be.

¹⁷ First-generation students are students who are the first in their families to attend university, and who are therefore often unfamiliar with academic culture and the expectations of university life.

8.3 LIMITATIONS OF THIS STUDY

Focusing on the period of 2002-2013, specifically in Australia, and focusing only on international higher education, has provided a useful set of parameters for this study, but my analysis also opens up the possibility of moving beyond these parameters. There is additional potential to move from the wide view of national public media and policy to address questions of how care has been practiced in other, more localised contexts. These include how policy at the state-level or within particular sub-sectors (for example, TAFE or private language colleges) of the industry address notions of care. Nor does the study analyse conceptions of care within individual communities, or within particular universities or colleges, within their student support services, within individual units or departments or between individual teachers and their students. These are not insignificant gaps as many of these localised contexts would have significantly impacted a student's experience and their experience of care. Further analysis of these contexts might support, challenge or even contradict my conclusions at the national level. My impression, based on my reading and analysis, and the inferences of many of the media articles I have examined, is that many of the same conceptions of care were operating at the local levels and at the national levels.

This study has also been limited to the Australian context. There are particularities of this context that I imagine (and also know from personal and professional experience) are unique to Australia and may not have broader application. Having said that, I do believe that some parts of my analysis and my application of an ethics of care to international higher education has implications for other countries and cultural contexts.

From a methodological perspective, this study has not interviewed staff or students at Australian universities about their perceptions and experiences of care. Nor has it looked at the specific practices of particular universities. As I have discussed, policy is a very particular genre, intended to achieve very particular purposes, and so reaching conclusions through policy and its surrounding textual landscape can be seen as limiting the scope of the investigation. By using media articles and witness testimonies as well as policy, I have been able to draw conclusions about the wider social and cultural context, but an examination of different kinds of texts might have led to different conclusions. In addition, the use of printed materials necessarily limited the impact of such media as documentary, film, TV and non-printed news media.

Furthermore, in the period under question, there has been a significant change in forms of communication – analysing such genres as student forums, blogs, YouTube videos, social media or even personal and official email chains may also have led to significantly different conclusions.

And finally, my personal interest and background in the intersection of the student experience and a feminist ethics of care constitutes both one of this study's greatest strengths and also one of its limitations. Had I been analysing the texts using a different theoretical lens, such as a legalistic duty of care model or the universal human rights model of care, I might have chosen different texts and reached different conclusions. Finally, if my focus had been more on the implications of models of care for the government or the individual universities, and less on the student experience, again I might have chosen different texts and reached different conclusions.

8.4 FUTURE RESEARCH OPPORTUNITIES

There are a number of other research studies and publications that could complement and build on this research in the future. These include the following suggestions:

- A practical 'how to' guide for creating policy and programming could be developed to educate both government and universities on how to use an ethics of care when developing policy and programming for international students. This would mitigate the need for individuals to become specialists on feminist care theory and provide detailed guidance for those wishing to take up the applications of this model in international higher education.
- Evaluation matrices for the application of an ethics of care within international higher education could be developed. This would address how these somewhat abstract concepts could be measured and evaluated effectively.
- Further research could be undertaken on each of the four elements of care (attentiveness, responsibility, competence and responsiveness) and how they operate within different contexts, texts and applications.
- The theoretical basis for this study could be applied into studies of other student demographics. For example, analysing how an ethics of care might

be applied to supporting domestic students, graduate students, exchange students, indigenous students and so on.

- Further research could be undertaken into how care operates at the level of individual universities and the concept of the caring institution.
- Further analysis of how an ethics of care intersects with legal definitions of responsibility and duty of care could be undertaken.
- As governmental units and universities adopt principles of an ethics of care in their policy-development and programming, there are rich opportunities for research into how they are implementing these principles, the impact on student well-being, success and retention, and the wider impact on the culture of international higher education generally or on particular university cultures more specifically.
- Research could be undertaken into how conceptions of care have operated within international higher education in other countries and cultural contexts. This would include identifying the unique particularities of other countries and how they are similar to and different from Australia's context, and the intercultural implications of conceptions of care.
- Finally, from an applied research perspective, analysis could be conducted on the possible, and most effective, ways of educating policy developers, organisations and universities, as well as staff and faculty, on aspects of an ethics of care. This might include best practices for introducing concepts of feminist approaches to care and how to think about care beyond individual relationships to wider systemic and institutional models of care.

8.5 CURRENT STATE OF THE FIELD – 2015 - PRESENT

This study has analysed texts between 2002 and 2013. However, as I write at the end of 2016, it is useful to reflect on what has happened in the field over the past three years. There have been a number of new policy documents, which have been shaped by the events from 2002-2013, the media attention, the public criticism, and significant feedback from the international higher education community. There are some interesting trends in these new documents.

In April 2013, the Australian Labor government released a white paper entitled “Australian in the Asian Century’s Implementation Plan”, in which the government states its objective that “Australia will have deeper and broader people-to-people links with Asian nations” (p. 25). The New Colombo Plan was launched shortly thereafter. Unlike the original Colombo Plan, which focused on students coming to Australia, the New Colombo Plan represents “a two-way path taking Australian university students to Asian nations’ universities while continuing to bring regional students to Australia” (Weigold, 2013, p. 14). This focus on relationships, partnerships, and reciprocity, as well as the focus on “people-to-people links”, stands in stark contrast to earlier documents which paid very little attention to the relational aspects of education.

The *National Strategy for International Education 2025*, too, lists as one of its three pillars “making transformative partnerships” (p. 1). While the document has a continued focus on “quality and standards” and emphasises the importance of quality assurance and regulation, there is also an explicit goal of “delivering the best possible student experience” (p. 1). In addition, the document specifically highlights the importance of student voice and improving the student experience: “As part of our improvement processes, we will listen to international students to ensure that their needs are met . . . and we aim to work together with them to continually improve the student experience” (p. 14). This emphasis on students’ helping to define their own needs, the emphasis on working together and the priority that the documents places on student experience can be seen as significant policy shifts. While the model they are working with is still more along the lines of listening to ‘student voice’ rather than the more holistic version of student engagement that an ethics of care might suggest, this is nonetheless a significant shift in policy towards more relational, reciprocal ways of working, which constitute international students as having a role to play in shaping both the future of international higher education and their own educational futures.

However, the neoliberal consumer discourse appears to continue to be a major influence on decision-making within international higher education. In 2015, the Department of Education and Training (headed by the Liberal National government) commissioned Deloitte Access Economics to produce a report to evaluate the value of international higher education to Australia. The report “The value of international education to Australia” is 79 pages long. 75 of these are detailed economic breakdowns of international students’ contribution to GDP, expenditures, how much international

students spend on goods and services, the economic benefit of international education to regional economies, the flow on effect of friends and relatives visiting international students and spending money in the Australian economy and the economic importance of building a skilled workforce. The final four pages speak to the other benefits of international education, making mention of “cultural linkages and soft diplomacy” as well as opportunities for the “exchange of information, interaction and collaboration” which can “yield benefits in areas ranging from research to trade to investment to foreign affairs” (p. 54)

Further, there has been a surge in the literature about international higher education, ranging from aspects of student engagement to evaluations of student success and retention (Pyburn, Horst and Erbacher, 2016; Romerhausen, 2013; Smith, 2016). In particular, there has been a noticeable shift towards seeing students as having agency (Robertson, 2011, 2013); recent research for example has focused on students’ having human rights and that they can act as activists who must go out and advocate for themselves (Deumert et al., 2005; Marginson, 2012). Yet a recent article about international student safety still emphasises that the reason that safety is important is because students are consumers and customers and that safety issues are primarily economic issues. There is clearly still a tension between more relational models of responsibility and consumer discourses.

Had the field proceeded in a very different direction, the findings of my study might now be obsolete, relics of a historical period in the field and nothing more. As it is, my research is more important now than ever. The current state of the field is a tension between the older neoliberal discourses that rendered students as consumers, and a clear shift towards relationships, partnerships, reciprocity and those aspects of care and the student experience that are not so easy to measure. Yet the field still struggles to name, define and evaluate these relational aspects of the student experience, and an ethics of care, I believe, provides much needed clarity around what the goals and outcomes of this kind of work might be.

8.6 A CALL TO ACTION

Although my study is primarily theoretical, I hope it may also be seen as a call to action for international higher education practitioners in a variety of areas.

It's a call to action to move beyond individualised expressions of caring to practices of care that are embedded within institutional and systemic structures. An opportunity to relieve the burden of the individual staff members and advisors who burn out because they feel that they have to do all the 'caring', and work towards building policies and institutions that care.

It's a call to action to provide 'good care', with a full understanding of what that means. To embed within our policy development, program and curriculum design questions about how needs are defined, how responsibilities are met and how we evaluate the effectiveness of our care. To partner with our students as full co-creators in the student experience.

It's a call to action to consider how, as we form partnerships and collaborations and 'person-to-person links' across nations, we ensure the quality of the relationships and that they are built on ethical and reciprocal foundations.

It's a call to move beyond legal frameworks, with its focus on blame and fault and filling gaps, and rethink how we conceptualise responsibility. An opportunity to practice care in ways that, for example, tackle the complexities of racism or the nuances of exploitative work conditions, and foster an understanding that the fulfilment of legal responsibilities can still constitute a failure of care.

It is a call to action to think beyond our current recruitment and marketing frameworks. To see that the new value proposition that makes us competitive in a global network of universities might not just be about our course offerings or our modern classrooms but rather about how effectively the university is able to make partners of their students, to engender a sense of belonging and mattering. To imagine that our capacity to practice care might be the single most important attribute we need as we become the universities of the future.

An ethics of care offers us a new way of practising higher education and a new way of imagining the student experience. If we start to embed an ethics of care within our political structures and our daily practices, when future critics ask "Foreign students: Who cares?", we can answer 'we do'. And mean it.

Appendix

Appendix A

Excerpts from the International Student Good Practice Program for Australian Education Providers



INTERNATIONAL STUDENT GOOD PRACTICE PROGRAM FOR AUSTRALIAN EDUCATION PROVIDERS

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1. Recruitment

- a. The Education Provider will take steps to ensure that students and their families can be confident that an authorised agent is credible and has had proper training prior to being permitted to recruit students
 - i. Institutions shall provide a list of authorised agents, accessible by students and make a statement regarding the training and credibility of each agent listed.
- b. The Education Provider will ensure that payments for auxiliary student services (e.g. Accommodation, Student Welfare, and OSHC etc.) that are eligible for Agents commission or additional payments to agents are clearly declared to students.
 - i. Where possible auxiliary student services payments should be made direct from the student to the supplier of the service or through the Education Provider
- c. The Education Provider will outline the latest trends and opportunities both locally and within Australia regarding employment outcomes for the course being supplied

2. Pre-Arrival Information

- a. The Education Provider will ensure that Pre arrival information is provided prior to the student's departure from Country of Origin (if the student is travelling from off shore) and not post arrival. The orientation program should be accessible to all international students and allow for late arrivals and students who begin at different entry points. This information should be easily accessible to students post arrival and for the duration of their visa length
- b. The Education Provider will adopt a comprehensive offline and online Pre Arrival orientation program explaining the realities of life in Australia and covering aspects regarding the environment and local details as appropriate.
 - i. Key Information should be available in other languages as appropriate to assist with optimal understanding (mainly for the student's family)
 - ii. Auditable checks, also in other languages as appropriate, should be completed to further assure comprehension
 - iii. Topics shall include but not be limited to: Cost of Living, Work Rights, Accommodation Options, Transport, General Visa Conditions, Health and Safety, Customs and Quarantine Information and Australian Culture.
 - iv. The Provider shall also accommodate for "after-hours" contact number from Institutes should a student arrive in Australia at a time outside the 'normal' working hours.

- c. The Education Provider is committed to helping outline transport options for International Students to and from the place of study
 - i. Estimated costs of transport will be prioritised as well as details of concessions available for International Students

3. Upon Arrival

- a. The Education Provider will take steps to ensure that International Students are appropriately welcomed on arrival
 - i. Airport transport recommendations and options should be made clear
 - ii. Providers shall support the concept of a welcome desk or institute personnel being available to assist Students with queries at the airport.
- b. The Education Provider will provide ongoing information and assistance aimed at helping the student meet the basic needs of life in Australia (Safety, Health, Accommodation, Local Community Orientation, Integration and Social inclusion)
 - i. Documented and clear guides on shopping for food, transport and what to expect will be provided
 - ii. Providers shall organize activities to enable Students to settle in to their new environment.
 - iii. Information for provision of temporary accommodation must be clear, precise, and accessible to Students.

4. Orientation by Provider

- a. The Education Provider will ensure comprehensive orientation including:
 - i. Localised information on the area and services (including safety)
 - ii. Operations and Institution policies
 - iii. Course overview
- b. The Education Provider will provide students the opportunity to contact a trained representative (external or internal) if in need of assistance
 - i. Critical Incident hotline
 - ii. Student counsellor
 - iii. Student Representative
- c. The Education Provider will clearly explain telecommunication and internet options, specific to the area of study.
 - i. Pre Paid Mobile
 - ii. Contracts
 - iii. Internet options in Australia

5. During Studies (Education and Cultural Integration)

- a. The Education Provider will provide overarching care to its students
 - i. Scope to be clarified and supported to apply to all international students, not just under 18 years students.
 - ii. Transition period from Under 18 to Over 18

- b. The Education Provider will commit to assisting with the promotion to Employer groups regarding the understanding of International Students work rights and promoting international student as a viable option and valuable asset to Australia's economy.

- c. The Education Provider will recommend appropriate and vetted accommodation only with enforced standards for all kind of student accommodation options
 - i. Information and assistance from state tenancy authorities with regards to rental laws
 - ii. Promote cultural integration
 - iii. Recommended student accommodation and homestay providers should consider meeting the current industry standards such as the following for Homestay:
 - 1. A professional approach to ensuring that there is appropriate and compulsory (guaranteed) insurance cover for Hosts including Host Public Liability and Contents insurance as it applies to having International Student/s in their home.
 - 2. Documented and relevant training for host families and supporting data to demonstrate the training has taken place
 - 3. A documented agreement to be signed by all accommodation providers / host families outlining appropriate policies and their obligations to guests.
 - 4. A documented and comprehensive approach to student orientation
 - 5. A student policy which guides student expectations and outlines responsibilities of the host family and Homestay provider
 - 6. A 24/7 Emergency and Critical incident phone support strategy which meets an acceptable and professional standard
 - 7. An ongoing strategy for the management and accountability of all payments made on behalf of the student to the student accommodation provider / Homestay host
 - iv. Clarify the minimum standards of the different types of rental accommodation available such as shared accommodation, rooming houses, homestays and others.
 - v. Providers to ensure that immediate support is available to Students with regard to mistreatment in unregulated shared student housing, homestay or any alternative accommodation.

- d. The Education Provider will recognise the importance that public transport plays in a student life cycle, and commit to support actions that will make public transport an easy option:
 - i. Student discounts will be encouraged (if not already applicable) for all international students to promote continuing study in an area and student safety
 - ii. Information on the cost of alternative transportation shall be clear and precise.
- e. Public Safety to be proactively addressed by Education Providers. Providers shall ensure that Students are made aware of Safety on Campus and Safety in General (outside campus).
- f. Community Engagement and Cultural Awareness - The Education Provider will commit to community engagement strategies for International Students.
 - i. The Education Provider will commit to promoting Australian cultural events and endeavouring to promote opportunities for International Students to be included in local and National community events.
 - ii. Providers shall also facilitate cultural diversity through cross-cultural events and acknowledge contribution of the international student community at both local and national level.
- g. The Education Provider shall ensure that a representative or support service is present and accessible to Students during and after working hours. Providers will immediately act upon and assist International Students with any major issues including:
 - i. Emotional and Physical abuse
 - ii. Financial difficulties
- h. The Education Provider will ensure that the Guardian/Welfare provider for Under 18's is an independent, trained and accountable person (not the Institution or accommodation provider representative).
- i. Information on the breakdown of international student fees shall be made available by the provider and accessible to Students.

6. After Studies

- a. The Education Provider will commit to ongoing actions and take a proactive stance in providing clear expression of graduating student options after study
 - i. Continued study
 - ii. Working Extension/Holiday
 - iii. Onshore visa processing for changing visa classes

iv. Addressing Reverse Culture Shock on return to home country.

b. The Education Provider will commit to actions that assist the student in the event of bad employer behaviour

- i. Not abiding by Fair Work Act re International Students
- ii. Visa being threatened by employer
- iii. Low wages

7. Providers Support on Relevant Issues

Where applicable, Providers will support the following issues to ensure an exceptional experience for international students in Australia:

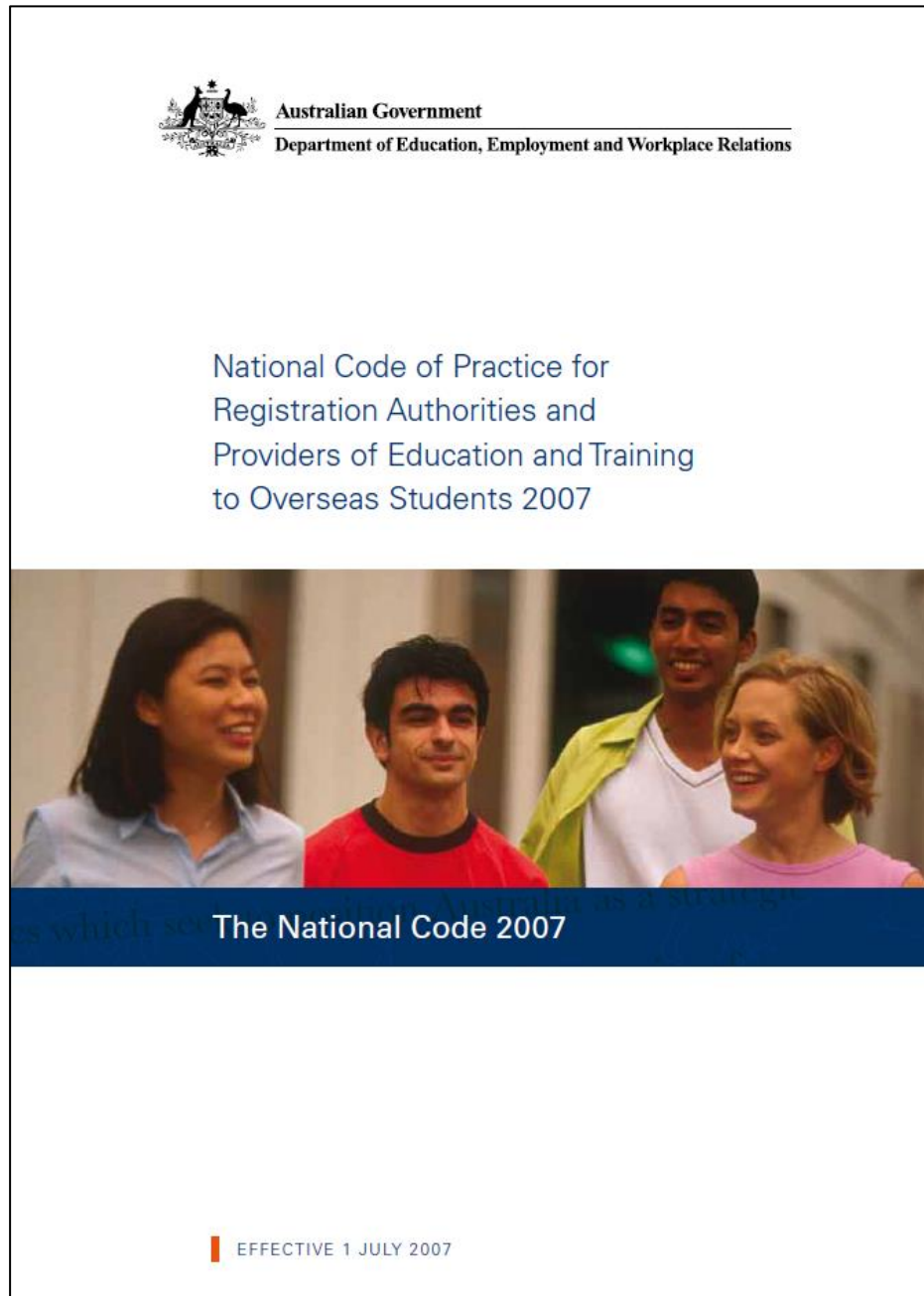
- i. Concept of concessions for international students in all states and territories.
- ii. Improving healthcare costs and access for international students and their family.
- iii. Providing SSAF (Student Services and Amenities Fee) funding to international students and their causes.
- iv. Improved Overseas Student Health Cover (OSHC) Services
 - 1. Hospital access for International Students
 - 2. Equitable Public Hospital Charges for International Students
 - 3. Capping Education Provider commissions
 - 4. Insurance for non student visa students
- v. Concept of grandfathering the post-study work visa to all international students who are currently studying.
- vi. The existence of a strong student voice for international students.
- vii. Provider will support peak bodies advocating for international students and endeavour to improve the international student experience whenever possible.

8. Ongoing Commitment

The Education Provider will work with CISA on continual improvement and ongoing opportunities to address issues and improve standards for International Students in Australia. CISA makes a commitment to actively help the market and endorse Australian Education Providers who display a commitment to the CISA Best Practice Program.

Appendix B

Excerpts from the National Code for Registration Authorities and Providers of Education and Training to Overseas Students 2007



A. FRAMEWORK

Preamble

1. The National Code and its purpose

- 1.1 The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (the National Code) provides nationally consistent standards for the conduct of registered providers and the registration of their courses. The standards set out specifications and procedures to ensure that registered providers of education and training courses can clearly understand and comply with their obligations under the National Code.
- 1.2 The National Code also identifies the roles and responsibilities of the Australian Government and state and territory governments in discharging their regulatory functions.

2. Establishment of the National Code

- 2.1 The *Education Services for Overseas Students Act 2000* (the ESOS Act) required an independent evaluation to be undertaken within three years of it coming into effect. The Minister for Education, Science and Training established this National Code under the ESOS Act as a response to the independent evaluation of the ESOS Act, and following consultation with each state and territory and representatives of industry and student bodies. This National Code replaces the Code established in 2001 and is effective from 1 July 2007. From that date, all registered providers must comply with it. The Australian Government will periodically review the effectiveness of the National Code.

3. Objectives

- 3.1 The objectives of the National Code are to:
 - a. support the ESOS framework, including supporting the effective administration of the framework by the Australian Government and state and territory governments
 - b. establish and safeguard Australia's international reputation as a provider of high quality education and training by:
 - i. ensuring that education and training for overseas students meets nationally consistent standards, and
 - ii. ensuring the integrity of registered providers
 - c. protect the interests of overseas students by:
 - i. ensuring that appropriate consumer protection mechanisms exist
 - ii. ensuring that student welfare and support services for overseas students meet nationally consistent standards, and
 - iii. providing nationally consistent standards for dealing with student complaints and appeals
 - d. support registered providers in monitoring student compliance with student visa conditions and in reporting any student breaches to the Australian Government.

D. STANDARDS FOR REGISTERED PROVIDERS

Introduction

The standards for registered providers set out the obligations on registered providers in delivering education and training to overseas students². These standards detail the specific requirements registered providers must meet to comply with their obligations. These obligations need to be met at the point of CRICOS registration and throughout the CRICOS registration period. Obligations and requirements that relate specifically to the registration process for CRICOS purposes are covered under Part C.

Compliance with the standards for registered providers

Compliance with the National Code by registered providers is assessed at the point of registration. Compliance of registered providers, other than registered self-accrediting providers, is assessed during the period of registration by either the designated authority or DEEWR – see Part B for a description of the respective roles of the state and territory governments (through the designated authority) and the Australian Government (through DEEWR).

Compliance with the National Code by registered providers which are self-accrediting, is assessed through an annual declaration of conformity with the National Code and, once every five years, an independent external audit report. The designated authority or DEEWR may still undertake compliance visits to registered self-accrediting providers in the event that the designated authority or DEEWR deem this necessary.

Requirements for registered self-accrediting providers

Registered self-accrediting providers must undertake an independent external audit once every five years which must assess its compliance with the National Code and include a full inspection of the premises. The results of this audit are to be provided to the designated authority. Registered self-accrediting providers are also required to provide a declaration of conformity to the designated authority annually that contains the following:

- unique identification of the declaration of conformity
- the name and contact address of the registered provider
- the CRICOS number of the registered provider
- a statement that the registered provider conforms with the National Code
- the date of the declaration of conformity
- the signature of the principal executive officer
- reference to the existence of any associated supporting documentation, and
- a report on the implementation of any corrective and preventative actions identified as being necessary.

Pre-enrolment engagement of students

(Standards 1 to 4)

Students and their parents are often first exposed to the Australian education system through providers' marketing information. It is important that this information is of a high standard, clear and unambiguous, so that intending students and their parents can make informed decisions about their preferred provider and course. The marketing practices of registered providers must

² Overseas students are henceforth referred to as students, except where otherwise explicitly stated. Refer to the appendix for a definition of an overseas student.

uphold the reputation of Australian international education and training and be undertaken in a professional manner **(Standard 1)**.

The recruitment of students follows general marketing and is the first step in establishing a formal relationship between the student and the registered provider. It is important that the recruitment is ethical and upholds the integrity of Australian education and training. Intending students need to be able to access information about the course, fees, facilities, services and resources offered by the registered provider prior to enrolment in order to make informed choices about their education options. At this point, the registered provider also needs to be satisfied that the student's English language proficiency, qualifications and experience are appropriate for the course **(Standard 2)**.

The final step involves the formalisation of the enrolment whereby a written agreement is entered into by the registered provider and student (or parent or legal guardian if the student is under 18 years of age). This agreement aims to ensure the obligations and rights of both the registered provider and student are clearly set out, including the course money payable and services to be provided **(Standard 3)**.

Education agents are often the first point of contact between the industry and intending students and their parents. Their activities and ethics are important to Australia's reputation as a desirable destination for students, and registered providers have an interest in ensuring education agents act ethically and appropriately **(Standard 4)**.

Registered providers may receive students from education agents acting on behalf of the student or from education agents who are formally engaged by the registered provider to recruit students. Under the National Code, registered providers are only required to have written agreements with education agents who are formally engaged by the registered provider to recruit students on its behalf. It is expected that registered providers will formally engage education agents where there is an ongoing or significant relationship.

Standard 1 – Marketing information and practices

Outcome of Standard 1

Registered providers ensure that marketing of their education and training services is professional, accurate and maintains the integrity and reputation of the industry.

- 1.1 The registered provider must ensure the marketing of its education and training services is undertaken in a professional manner and maintains the integrity and reputation of the industry and registered providers.
- 1.2 The registered provider must:
 - a. clearly identify the registered provider's name and CRICOS number in written marketing and other material for students, including electronic form, and
 - b. not give false or misleading information or advice in relation to:
 - i. claims of association between providers
 - ii. the employment outcomes associated with a course
 - iii. automatic acceptance into another course
 - iv. possible migration outcomes, or
 - v. any other claims relating to the registered provider, its course or outcomes associated with the course.
- 1.3 The registered provider must not actively recruit a student where this clearly conflicts with its obligations under Standard 7 (Transfer between registered providers).

Standard 2 – Student engagement before enrolment

Outcome of Standard 2

Registered providers recruit students in an ethical and responsible manner and provide information that enables students to make informed decisions about studying with the registered provider in Australia. Registered providers ensure students' qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought.

- 2.1 Prior to accepting a student, or an intending student, for enrolment in a course, the registered provider must provide, in print or through referral to an electronic copy, current and accurate information regarding the following:
- a. the requirements for acceptance into a course, including the minimum level of English language proficiency, educational qualifications or work experience required and whether course credit may be applicable
 - b. the course content and duration, qualification offered if applicable, modes of study and assessment methods
 - c. campus locations and a general description of facilities, equipment, and learning and library resources available to students
 - d. details of any arrangements with another registered provider, person or business to provide the course or part of the course
 - e. indicative course-related fees including advice on the potential for fees to change during the student's course and applicable refund policies
 - f. information about the grounds on which the student's enrolment may be deferred, suspended or cancelled
 - g. a description of the ESOS framework made available electronically by DEEWR, and
 - h. relevant information on living in Australia, including:
 - i. indicative costs of living
 - ii. accommodation options, and
 - iii. where relevant, schooling obligations and options for school-aged dependants of intending students, including that school fees may be incurred.
- 2.2 The registered provider must have documented procedures in place, and implement these procedures to assess whether the student's qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought.

Standard 3 – Formalisation of enrolment

Outcome of Standard 3

Written agreements between registered providers and students set out the services to be provided, fees payable and information in relation to refunds of course money.

- 3.1 The registered provider must enter into a written agreement with the student, signed or otherwise accepted by that student (or the student's parent or legal guardian if the student is under 18 years of age), concurrently with or prior to accepting course money from the student. The agreement must:

- a. identify the course or courses in which the student is to be enrolled and any conditions on his or her enrolment
 - b. provide an itemised list of course money payable by the student
 - c. provide information in relation to refunds of course money
 - d. set out the circumstances in which personal information about the student may be shared between the registered provider and the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme and the ESOS Assurance Fund Manager. This information includes personal and contact details, course enrolment details and changes, and the circumstance of any suspected breach by the student of a student visa condition, and
 - e. advise the student of his or her obligation to notify the registered provider of a change of address while enrolled in the course.
- 3.2 The registered provider must include in the written agreement the following information, which is to be consistent with the requirements of the ESOS Act, in relation to refunds of course money in the case of student and provider default:
- a. amounts that may or may not be repaid to the student (including any course money collected by education agents on behalf of the registered provider)
 - b. processes for claiming a refund
 - c. a plain English explanation of what happens in the event of a course not being delivered, and
 - d. a statement that "This agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws".

Standard 4 – Education agents

Outcome of Standard 4

Registered providers take all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian international education industry and do not use education agents who are dishonest or lack integrity.

- 4.1 The registered provider must enter into a written agreement with each education agent it engages to formally represent it. The agreement must specify the responsibilities of the education agent and the registered provider and the need to comply with the requirements in the National Code. The agreement must also include:
- a. processes for monitoring the activities of the education agent, including where corrective action may be required, and
 - b. termination conditions, including providing for termination in the circumstances outlined in Standard 4.4.
- 4.2 The registered provider must ensure that its education agents have access to up-to-date and accurate marketing information as set out in Standard 1 (Marketing information and practices).
- 4.3 The registered provider must not accept students from an education agent or enter into an agreement with an education agent if it knows or reasonably suspects the education agent to be:

- a. engaged in, or to have previously been engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Transfer between registered providers).
 - b. facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa
 - c. using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide a student, or
 - d. providing immigration advice where not authorised under the Migration Act 1958 to do so.
- 4.4 Where the registered provider has entered into an agreement with an education agent and subsequently becomes aware of, or reasonably suspects, the engagement by that education agent, or an employee or sub-contractor of that agent, of the conduct set out in Standard 4.3, the registered provider must terminate the agreement with the education agent. This paragraph does not apply where an individual employee or sub-contractor of the education agent was responsible for the conduct set out in Standard 4.3 and the education agent has terminated the relationship with that individual employee or sub-contractor.
- 4.5 The registered provider must take immediate corrective and preventative action upon the registered provider becoming aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian education and training.

Care for and services to students

(Standards 5 to 6)

Before a student visa can be granted to a student under 18 years of age, the Australian Government must be satisfied that there are appropriate accommodation, support and general welfare arrangements in place for the period that the student will be under 18 while in Australia. Where the registered provider agrees to take on responsibility for approving these arrangements, the registered provider must nominate the period for which it takes on the responsibility under Standard 5. The period nominated is to include sufficient time after the enrolment period for the student to arrange to leave Australia, or make other appropriate arrangements (**Standard 5**).

The support services and orientation programmes provided to all students help them to adjust to study in Australia and improve the quality of their educational experience. Registered providers have important responsibilities to provide access to support services and support staff to meet the needs of the students enrolled in their courses.

Critical incident policies ensure the interests of students and their families are managed appropriately. Such policies also ensure registered providers are prepared for such incidents and have a clear protocol to follow in what can be distressing and upsetting circumstances (**Standard 6**).

Standard 5 – Younger students

Outcome of Standard 5

Where students under the age of 18 are not being cared for in Australia by a parent or suitable nominated relative, registered providers ensure the arrangements made to protect the personal safety and social well-being of those students are appropriate.

- 5.1 Where the registered provider has taken on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements for a student who has not turned 18, the registered provider must:
- a. nominate the dates for which the registered provider accepts responsibility for approving the student's accommodation, support and general welfare arrangements using the DIAC pro forma letter available through PRISMS
 - b. advise DIAC in writing of the approval using the DIAC pro forma letter available through PRISMS
 - c. have documented procedures for checking the suitability of the student's accommodation, support and general welfare arrangements, and
 - d. advise DIAC as soon as possible in the event that the under 18 year old student has changed his or her living arrangements or the registered provider no longer approves of the arrangements for the student using the DIAC pro forma letter available through PRISMS.
- 5.2 Where Standard 5.1 applies and the student is under 18 with a student visa that covers multiple courses, the registered provider with whom the student is currently enrolled is responsible for approving arrangements for the student's accommodation, support and general welfare during that nominated period.
- 5.3 Where Standard 5.1 applies and the registered provider suspends or cancels the enrolment of the student, the registered provider must continue to check the suitability of arrangements for that student until:
- a. the student is accepted by another registered provider and that registered provider takes over responsibility for approving the student's accommodation, support and general welfare arrangements
 - b. the student leaves Australia
 - c. other suitable arrangements are made that satisfy the Migration Regulations, or
 - d. the registered provider reports under Standard 5.1.d that it can no longer approve of the arrangements for the student.

Standard 6 – Student support services

Outcome of Standard 6

Registered providers support students to adjust to study and life in Australia, to achieve their learning goals and to achieve satisfactory progress towards meeting the learning outcomes of the course.

- 6.1 The registered provider must assist students to adjust to study and life in Australia, including through the provision of an age and culturally appropriate orientation programme that includes information about:
- a. student support services available to students in the transition to life and study in a new environment

- b. legal services
 - c. emergency and health services
 - d. facilities and resources
 - e. complaints and appeals processes, and
 - f. any student visa condition relating to course progress and/or attendance as appropriate.
- 6.2 The registered provider must provide the opportunity for students to participate in services or provide access to services designed to assist students in meeting course requirements and maintaining their attendance.
- 6.3 The registered provider must provide the opportunity for students to access welfare-related support services to assist with issues that may arise during their study, including course progress and attendance requirements and accommodation issues. These services must be provided at no additional cost to the student. If the registered provider refers the student to external support services, the registered provider must not charge for the referral.
- 6.4 The registered provider must have a documented critical incident policy together with procedures that cover the action to be taken in the event of a critical incident, required follow-up to the incident, and records of the incident and action taken.
- 6.5 The registered provider must designate a member of staff or members of staff to be the official point of contact for students. The student contact officer or officers must have access to up-to-date details of the registered provider's support services.
- 6.6 The registered provider must have sufficient student support personnel to meet the needs of the students enrolled with the registered provider.
- 6.7 The registered provider must ensure that its staff members who interact directly with students are aware of the registered provider's obligations under the ESOS framework and the potential implications for students arising from the exercise of these obligations.

Students as consumers

(Standards 7 to 8)

Registered providers are restricted from enrolling transferring students prior to the student completing six months of his or her principal course of study except for the circumstances outlined below. Registered providers, from whom the student is seeking to transfer, are responsible for assessing the student's request to transfer within this restricted period. It is expected that the student's request will be granted where the transfer will not be to the detriment of the student (**Standard 7**).

The National Code recognises that both internal and external complaint and appeals processes play a role in ensuring that grievances are appropriately heard and addressed for both the student and the registered provider. These processes will enable students to firstly seek recourse using the registered provider's internal processes, and then if needed, through an independent, external person or body.

The complaints and appeals requirements stipulated in Standard 8 may be satisfied by the processes established by the registered provider to satisfy other regulatory requirements. As the student's stay in Australia is subject to the period of his or her student visa, the timeliness of decision making is a consideration in the development of appropriate complaints and appeals policies, procedures and practices (**Standard 8**).

Standard 7 – Transfer between registered providers

Outcome of Standard 7

Registered providers assess requests from students for a transfer between registered providers prior to the student completing six months of the principal course of study in accordance with their documented procedures.

- 7.1 The receiving registered provider must not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study except where:
- the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
 - the original registered provider has provided a written letter of release
 - the original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course, or
 - any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.
- 7.2 The registered provider must have and implement its documented student transfer request assessment policy and procedure, which is available to staff and students. The policy must specify:
- the circumstances in which a transfer will be granted
 - the circumstances the registered provider considers as providing reasonable grounds for refusing the student's request, including when a transfer can be considered detrimental to the student, and
 - a reasonable timeframe for assessing and replying to the student's transfer request having regard to the restricted period.
- 7.3 The registered provider must grant a letter of release only where the student has:
- provided a letter from another registered provider confirming that a valid enrolment offer has been made, and
 - where the student is under 18;
 - the registered provider has written confirmation that the student's parent or legal guardian supports the transfer, and
 - where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 (Younger students).
- 7.4 A letter of release, if granted, must be issued at no cost to the student and must advise the student of the need to contact DIAC to seek advice on whether a new student visa is required.
- 7.5 Where the registered provider does not grant a letter of release, the student must be provided with written reasons for refusing the request and must be informed of his or her right to appeal the registered provider's decision in accordance with Standard 8 (Complaints and appeals).

- 7.6 The registered provider must maintain records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file.

Standard 8 – Complaints and appeals

Outcome of Standard 8

Registered providers' complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved.

- 8.1 The registered provider must have an appropriate internal complaints handling and appeals process that satisfies the following requirements, or can use its existing internal complaints and appeals processes as long as it meets these requirements:
- a. a process is in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept
 - b. each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself
 - c. each party may be accompanied and assisted by a support person at any relevant meetings
 - d. the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome, and
 - e. the process commences within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.
- 8.2 The registered provider must have arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.
- 8.3 If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the registered provider must advise the student of his or her right to access the external appeals process at minimal or no cost.
- 8.4 If the student chooses to access the registered provider's complaints and appeals processes as per this standard, the registered provider must maintain the student's enrolment while the complaints and appeals process is ongoing.
- 8.5 If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

The student visa programme

(Standards 9 to 13)

The National Code supports the integrity of the Australian Government's migration laws by requiring students to complete their course within its expected duration. This duration is to be based on the normal time required to complete the course. The normal duration of a course may be established by the appropriate quality assurance framework for that sector (e.g. the Australian Qualifications Framework, relevant state and territory government legislation or guidelines). This approach offers registered providers and students some flexibility to vary the enrolment load to suit the student's needs and course requirements. However, it also

recognises that students may not always be able to complete the course within the expected duration of study and provides for extensions in a limited range of circumstances **(Standard 9)**.

It is also the intention of the Australian Government student visa programme for students to genuinely attempt to achieve their desired educational outcomes within the duration of their student visa. Student visas include a condition that requires the student to progress satisfactorily. Students must attend their classes.

Registered providers monitor the progress of students and their attendance where applicable. This monitoring enables students at risk of not progressing, or participating, where applicable, to be identified and offered support so that they are assisted to achieve their educational goals **(Standard 10 and 11)**.

Registered providers that offer vocational and technical education courses are able to monitor course progress only under Standard 11, if the registered provider adopts the DEEWR and DIAC approved course progress policy. This option recognises the increasingly dual sector nature of higher education and vocational and technical education registered providers.

Course credit may be granted to students who are able to demonstrate appropriate prior learning or experience. In the interests of ensuring students are fully informed, registered providers are to give students a copy of the course credit for their records. Where course credit is granted, the duration in which the student is expected to complete the course must reflect any consequent reduction in the period of study **(Standard 12)**.

Students may, through formal agreement with their registered provider, be given permission to defer commencement, take a leave of absence or temporarily suspend their studies during the course. Such absences, however, may affect the student's visa status. The registered provider may also seek to cancel the student's enrolment **(Standard 13)**.

Standard 9 – Completion within the expected duration of study

Outcome of Standard 9

Registered providers monitor the enrolment load of students to ensure they complete the course within the duration specified in their CoE and do not exceed the allowable portion of online or distance learning. Registered providers only enable students to extend the expected duration of study for the course through the issuing of a new CoE in limited circumstances.

- 9.1 The registered provider must have and implement documented policies and procedures for monitoring the progress of each student to ensure that at all times the student is in a position to complete the course within the expected duration as specified on the student's CoE. In monitoring this enrolment load, the registered provider must ensure that in each compulsory study period for a course, the student is studying at least one unit that is not by distance or online learning.
- 9.2 The registered provider may only extend the duration of the student's study where it is clear that the student will not complete the course within the expected duration, as specified on the student's CoE, as the result of:
 - a. compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student was unable to attend classes or where the registered provider was unable to offer a pre-requisite unit)
 - b. the registered provider implementing its intervention strategy for students who were at risk of not meeting satisfactory course progress, or

- c. an approved deferment or suspension of study has been granted under Standard 13.

- 9.3 Where there is a variation in the student's enrolment load which may affect the student's expected duration of study in accordance with 9.2, the registered provider is to record this variation and the reasons for it on the student file. The registered provider must correctly report the student via PRISMS and/or issue a new CoE when the student can only account for the variation/s by extending his or her expected duration of study.
- 9.4 The registered provider may allow the student to undertake no more than 25 per cent of the student's total course by distance and/or online learning. However, the registered provider must not enrol the student exclusively in distance or online learning units in any compulsory study period.
- 9.5 Except in the circumstances specified in 9.2, the expected duration of study specified in the student's CoE must not exceed the CRICOS registered course duration.

Standard 10 – Monitoring course progress

Outcome of Standard 10

Registered providers systematically monitor students' course progress. Registered providers are proactive in notifying and counselling students who are at risk of failing to meet course progress requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the course progress requirements.

- 10.1 The registered provider must monitor, record and assess the course progress of each student for each unit of the course for which the student is enrolled in accordance with the registered provider's documented course progress policies and procedures.
- 10.2 The registered provider must have and implement appropriate documented course progress policies and procedures for each course, which must be provided to staff and students, that specify the:
 - a. requirements for achieving satisfactory course progress
 - b. process for assessing satisfactory course progress
 - c. procedure for intervention for students at risk of failing to achieve satisfactory course progress
 - d. process for determining the point at which the student has failed to meet satisfactory course progress, and
 - e. procedure for notifying students that they have failed to meet satisfactory course progress requirements.
- 10.3 The registered provider must assess the course progress of the student in accordance with the registered provider's course progress policies and procedures at the end point of every study period.
- 10.4 The registered provider must have a documented intervention strategy, which must be made available to staff and students, that specifies the procedures for identifying and assisting students at risk of not meeting the course progress requirements. The strategy must specify:

- a. procedures for contacting and counselling identified students
 - b. strategies to assist identified students to achieve satisfactory course progress, and
 - c. the process by which the intervention strategy is activated.
- 10.5 The registered provider must implement the intervention strategy for any student who is at risk of not meeting satisfactory course progress requirements. At a minimum, the intervention strategy must be activated where the student has failed or is deemed not yet competent in 50% or more of the units attempted in any study period.
- 10.6 Where the registered provider has assessed the student as not achieving satisfactory course progress, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory course progress. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.
- 10.7 Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered provider must notify the Secretary of DEEWR through PRISMS of the student not achieving satisfactory course progress as soon as practicable.

Standard 11 – Monitoring attendance

Outcome of Standard 11

Registered providers systematically monitor students' compliance with student visa conditions relating to attendance. Registered providers are proactive in notifying and counselling students who are at risk of failing to meet attendance requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the attendance requirements.

- 11.1 The registered provider must record the attendance of each student for the scheduled course contact hours for each CRICOS registered course in which the student is enrolled which is:
- a. an accredited vocational and technical education course (unless Standard 11.2 applies)
 - b. an accredited school course
 - c. an accredited or non-award ELICOS course, or
 - d. another non-award course³.
- 11.2 Where the registered provider implements the DEEWR and DIAC approved course progress policy and procedures for its vocational and technical education courses, Standard 11 does not apply.
- 11.3 For the courses identified in 11.1, the registered provider must have and implement appropriate documented attendance policies and procedures for each course which must be provided to staff and students that specify the:
- a. requirements for achieving satisfactory attendance, which at a minimum, requires overseas students to attend at least 80 per cent of the scheduled course contact hours
 - b. manner in which attendance and absences are recorded and calculated

³ For the purposes of the National Code, non-award courses do not include higher education courses or units including Study Abroad courses.

- c. process for assessing satisfactory attendance
 - d. process for determining the point at which the student has failed to meet satisfactory attendance, and
 - e. procedure for notifying students that they have failed to meet satisfactory attendance requirements.
- 11.4 For the courses identified in 11.1, the registered provider's attendance policies and procedures must identify the process for contacting and counselling students who have been absent for more than five consecutive days without approval or where the student is at risk of not attending for at least 80 per cent of the scheduled course contact hours for the course in which he or she is enrolled (i.e. before the student's attendance drops below 80 per cent).
- 11.5 For the courses identified in 11.1, the registered provider must regularly assess the attendance of the student in accordance with the registered provider's attendance policies and procedures.
- 11.6 Where the registered provider has assessed the student as not achieving satisfactory attendance for the courses identified in 11.1, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory attendance. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.
- 11.7 Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered provider must notify the Secretary of DEEWR through PRISMS that the student is not achieving satisfactory attendance as soon as practicable.
- 11.8 For the vocational and technical education and non-award courses identified in 11.1.a and 11.1.d, the registered provider may only decide not to report the student for breaching the 80 per cent attendance requirement where:
- a. that decision is consistent with its documented attendance policies and procedures, and
 - b. the student records clearly indicate that the student is maintaining satisfactory course progress, and
 - c. the registered provider confirms that the student is attending at least 70 per cent of the scheduled course contact hours for the course in which he or she is enrolled.
- 11.9 For the ELICOS and school courses identified in 11.1, the registered provider may only decide not to report a student for breaching the 80 per cent attendance requirement where:
- a. the student produces documentary evidence clearly demonstrating that compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes) apply, and
 - b. that decision is consistent with its documented attendance policies and procedures, and
 - c. the registered provider confirms that the student is attending at least 70 per cent of the scheduled course contact hours for the course in which he or she is enrolled.

Standard 12 – Course credit

Outcome of Standard 12

Registered providers appropriately recognise course credit within the ESOS framework.

- 12.1 Where the registered provider grants course credit, the registered provider must:
 - a. have documented procedures for the granting and recording of course credit, and
 - b. provide a record of the course credit to the student, which must be signed or otherwise accepted by the student, and place it on the student's file.
- 12.2 If the registered provider grants the student course credit which leads to a shortening of the student's course, the registered provider must:
 - a. if the course credit is granted before the student visa grant, indicate the actual net course duration (as reduced by course credit) in the confirmation of enrolment issued for that student for that course, or
 - b. if the course credit is granted after the student visa grant, report the change of course duration via PRISMS under section 19 of the ESOS Act.

Standard 13 – Deferring, suspending or cancelling the student's enrolment

Outcome of Standard 13

Registered providers may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

- 13.1 The registered provider must have in place documented procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student, including keeping documentary evidence on the student's file of the assessment of the application.
- 13.2 The registered provider can only defer or temporarily suspend the enrolment of the student on the grounds of:
 - a. compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes), or
 - b. misbehaviour by the student.
- 13.3 The registered provider must:
 - a. inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa, and
 - b. notify the Secretary of DEEWR via PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.
- 13.4 The registered provider must inform the student of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student and notify the student that he or she has 20 working days to access the registered provider's internal complaints and appeals process as per Standard 8.1. If the student accesses the registered provider's internal complaints and appeals process, the suspension or cancellation of the student's enrolment under this standard can not take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

Staff, educational resources and premises

(Standards 14 to 15)

Students are to be given every opportunity to achieve their educational objectives while in Australia. The staff of registered providers need to be suitably qualified or experienced and appropriate educational resources are to be made available. The premises of registered providers, including the nature of the tenure of the registered provider's occupancy of the premises, will also be appropriate for the courses provided to students (**Standard 14**).

Registered providers are required to advise the designated authority where there is a change to the registered provider's ownership or management. If changes during the period of registration affect the legal entity of the registered provider, the new owner or entity must seek a new CRICOS registration. In these situations the designated authority is to be notified as soon as possible prior to the change taking place. Where the change of ownership does not result in a new legal entity, any new owners or managers will be subject to the 'fit and proper person' test required under section 9(6) of the ESOS Act (**Standard 15**).

Standard 14 – Staff capability, educational resources and premises

Outcome of Standard 14

The staff of registered providers are suitably qualified or experienced in relation to the functions they perform for students. The educational resources of registered providers support the delivery of courses to students. The premises of registered providers, including the floor space available for each student, support students to achieve their course outcomes.

- 14.1 The registered provider must have and implement policies and procedures to ensure its staffing resources are adequate and have the capabilities as required by the quality assurance framework applying to the course. Where the course provided by the registered provider is not subject to an appropriate quality assurance framework, the registered provider must have and implement appropriate documented policies and processes for the recruitment, induction, performance assessment and ongoing development of members of staff involved with the recruitment or delivery of education or client services to students.
- 14.2 The registered provider must have adequate education resources, including facilities, equipment, learning and library resources and premises as required by the quality assurance framework applying to the course. Where the course provided by the registered provider is not subject to an appropriate quality assurance framework, the registered provider must ensure it has adequate education resources, including facilities, equipment, learning and library resources, and premises, including ownership or tenancy arrangements for the premises, as are needed to deliver the registered course to the students enrolled with the registered provider.
- 14.3 The registered provider must notify the designated authority and the students enrolled with the registered provider of any intention to relocate premises (including the head office and campus locations) at least 20 working days before the relocation.

Standard 15 – Changes to registered providers’ ownership or management

Outcome of Standard 15

Registered providers proactively inform the designated authority of prospective ownership and/or management changes.

- 15.1 The registered provider must advise the designated authority in writing of:
- a. any prospective changes to the ownership of the registered provider as soon as practicable prior to the change taking effect, and
 - b. any prospective or actual change to the high managerial agents (as defined in section 5 of the ESOS Act) of the registered provider as soon as practicable prior to the change taking effect or within 10 working days of the change taking effect where the change cannot be determined until it takes effect.
- 15.2 The registered provider must provide the designated authority with information on the new owner or high managerial agent for the purpose of making an assessment under section 9(6) of the ESOS Act.

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