



MONASH University



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**Submission to the  
Department of Foreign Affairs and Trade concerning  
a Malaysia-Australia FTA**

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**October 2009**

## **1. Overview**

Monash has a steady relationship with higher education institutions, government and industry in Malaysia through its campuses in both Australia and Bandar Sunway, Malaysia, and through its subsidiary Monash College which offers diploma programs as entry pathways to Monash University.

Monash University recognises that Australia is a preferred destination for overseas study by Malaysian students, and that a strong educational relationship has developed between the two countries. Malaysia remains a significant source country for Australia: in 2009, AEI reports that in August 2009, almost 17,000 Malaysian students were enrolled in bachelor, master or doctoral level degree programs in Australia.

Currently there are over 5,000 Malaysian students studying at Monash, including over 1,700 at our Australian campuses and over 3,700 at our Malaysian campus. The majority of these students are enrolled in courses offered within the Faculty of Business and Economics. Other popular destination faculties include Engineering; Medicine, Nursing & Health Sciences; and Science.

Monash currently has four active research and education agreements with Malaysian educational institutions. These arrangements allow for academic collaboration, articulation into Monash courses, and provision of courses. Monash would like to expand and increase activities with its Malaysian partner institutions through further capacity building, exchange and research collaboration activities across all Monash campuses.

Monash broadly supports a Free Trade Agreement (FTA) with Malaysia, and would like to see the following consideration reflected in any final agreement.

## **2. Visa Restrictions**

Monash would like to encourage all its students – including those from Malaysia – to study at its non-Australian campuses in Malaysia and South Africa. Monash would like to see a “multi-lateral” student visa from Australia that would allow Malaysian students to commence their degree at either Monash University Malaysia or Monash University South Africa and complete their degree in Australia. This flexible system would allow students to enjoy a lower cost of living, lower fees and, in the case of Monash University Malaysia. Monash recognises that Malaysian and South African immigration requirements are critical any such agreement, but requests consideration of this proposal.

## **3. Flexible Business Practices**

A key issue facing Monash at its Malaysian campus concerns the teaching permit requirements in Malaysia which impacts negatively on staff and mobility, and overall campus operations.

The Private Higher Educational Institutions Act 1996 in Malaysia includes the following provisions:

*Clause 51(1): “A person shall obtain a permit to teach issued by the Registrar General before he may be allowed to teach in any private higher educational institution.”*

*Clause 51(5): “A permit to teach shall specify the subject or subjects which may be taught by the person to whom it is issued.”*

Allocating university teaching by subject to academic staff members requires flexibility and the ability to make rapid decisions. The mode of operations is quite unlike that of secondary schools and private colleges. In a university, there are visiting, short-term and expatriate appointments of all types:

- Visiting academic positions, for example on sabbatical leave;
- Interchange between teaching and research activities (for example, a researcher might be asked to teach a subject in the area of their specialty);
- PhD students might be used to conduct tutorials or supervise laboratory classes;
- Specialists in one area sometimes teach in another area in order to add variety;
- Casual and sessional staff are universally allocated as tutors in research-intensive universities;
- Experts sometimes visit for short periods for teaching part of a subject over a period of a few weeks;
- About 25% of Monash staff members are expatriate for whom work permits must also be obtained.

Further, Monash University Sunway campus currently offers some 300 subjects each year. Every year the campus introduces new and modified subjects, most of which are taught by existing staff. As part of normal academic development, subjects are recoded, double coded, and aliased.

It appears that Clause 51 of the Act was designed for simple teaching institutions. The clause is not appropriate for a modern, comprehensive international university with concurrent teaching and research activities.

The turnaround time experienced for the Ministry of Higher Education (MOHE) to issue teaching permits is 3-6 months. For expatriate staff the time for MOHE and immigration approval is 6-9 months, making working in Malaysia an unattractive proposition (and risky unless incoming staff wait for all approvals before resigning from their previous employment, leading to time delays of about a year).

As part of the Free Trade Agreement negotiations, we request that the Malaysian Government be encouraged to modify the Act to address the abovementioned issued. In the meantime, we should encourage them to reduce application turnaround times to no more than two or three weeks.

For further information, please contact:

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