



15 October, 2004

Australia-Malaysia FTA Scoping Study
Trade and Economic Analysis Branch
Department of Foreign Affairs and Trade
BARTON ACT 0221

Dear Mr Brown,

Since the early 1960s, Monash University has had close involvement with Malaysia, welcoming students under the Colombo aid plan as well as private students. In 1998, Monash was the first foreign university to open a branch campus in Malaysia, upon the invitation of the Malaysian government under the 1996 Education Acts. The blooming of student, program and institutional mobility has been greatly beneficial both for Australia and Malaysia.

In this context, we welcome the opportunity to contribute to the Australia-Malaysia FTA Scoping Study being conducted by the Department of Foreign Affairs and Trade.

We would like to raise three matters: regulation of foreign education providers in Malaysia; recognition of qualifications; visa issues; research funding.

Regulation of Foreign Education Providers in Malaysia

The regulatory requirements for the approval of foreign education provision are a hindrance to expansion in various respects. Indeed, an article by S. Indramalar in Malaysia's Star newspaper on September 26, 2004 notes that: "Although Malaysia offers many plus factors, the bureaucratic processes involved when applying for approval and accreditation for courses are causing foreign universities to look at other locations."

A key improvement would be for the Malaysian Accreditation Board (LAN) to accredit on a whole-of-institution basis, rather than on the current course-by-course basis, which proves far more bureaucratically onerous and time consuming. The next step would be to grant automatic approval for courses in cases where proof was submitted that they had been fully approved in the home jurisdiction.

Further, we suggest that it will be a major disincentive for foreign undergraduates to study in Malaysia if they are required to study the “LAN subjects” (Malay, Moral or Islamic studies) that Malaysian citizens in foreign branch campuses are required to undertake.

From our perspective, it would be an improvement if the correspondence with, and submissions to, LAN could be conducted in English rather than Bahasa Malaysia. We note that discussions and telephone queries are normally conducted in English.

There is scope for more flexible arrangements for granting academic credit for prior studies for foreign students, according to the procedures and norms in the home jurisdiction.

Recognition of Qualifications

Another major problem is the recognition of Australian degrees by the Malaysian public service (JPA). The public service pays its staff, and allows promotion and career path based on the level of academic achievement. However, recognition is based on the nomenclature of the degree awarded, rather than its equivalence in standards. This poses particular problems for Australian Bachelor degrees.

In the Malaysian system (and the UK system), students can complete the three year Bachelor degree, and graduate with an honours degree. Students completing an equivalent three years in an Australian program graduate with a pass degree – an honours degree requires a fourth year of study. For purposes of public service employment, the Malaysian government doesn't recognize a pass degree: the so-called 'general degree' is rated the same as a Higher Diploma, or a 2 year course.

We cannot attract government sponsored students into our Science courses, for example, because they will not receive an honours degree at the end of a three year course, and will be treated in public service employment as if they only have a higher diploma. The situation is similar for Engineering. Because we can't guarantee that an Engineering graduate will graduate with honours, the course is not attractive to students. Moreover, the UK graduates get a Masters degree at the end of their four year course. Despite full accreditation with the professional Engineering bodies in both Malaysia and Australia, and recognition by the Washington Accord, we still do not have equivalent recognition in the Malaysian JPA. This is a very serious disadvantage for our courses.

To date, Malaysia has not addressed equivalence of standards instead of the equivalence of nomenclature.

Visa Issues

The visa process poses problems for foreign students (including Australians) studying in Malaysia. Student visas are issued on an annual basis, and must be renewed subject to academic performance and class attendance. Students must submit their passports as part of the renewal process, which can take up to two months or more (despite the 14 day turnaround stipulated in the departmental charter). Due to the absence of the passport during that time, students are hindered from leaving the country (for example on holiday), opening a bank account, or other activities where passport identification is required. This is a source of complaint for many students.

We face several difficulties in obtaining employment passes for staff to work in Malaysia.

There can be long delays. The Ministry of Higher Education usually approves the application within four weeks, but we have encountered processing times of more than four months. We have also experienced delays with the Immigration Department where it takes three weeks or more to obtain the employment pass, though the acknowledgement letter from Immigration states 14 working days.

It is now a requirement by the Ministry of Higher Education and the Immigration Department that all non-English educational certificates must be translated into English and must be certified before any application can be made. The Ministry will only accept translations made at the Translation Department of Malaysia in Kuala Lumpur or the respective Embassies or High Commissions. The Embassies and High Commissions were not aware of such a requirement. Further, we were informed that some of the Embassies and High Commissions do not provide such services. This process causes additional delays in our application for employment passes.

There are times where we have to get special passes for staff because of delays in obtaining the employment passes at Immigration. The special pass is issued for a period of month, and this is a one-time application. If the special pass expires before the employment pass is approved, the staff member is required to leave the country. To apply for a special pass, a one-way air ticket must be presented. If the staff member is from India, Pakistan, Sri Lanka, Bangladesh, China, Iran, Iraq, Turkey, a calling visa must be obtained before they can enter Malaysia.

It is of course very expensive to have dedicated staff to deal with these matters all the time, and there can be real problems at times, for example for new staff who have resigned in their country of origin, but can't start work in Malaysia because of delays with the documentation.

Research Funding

In order for Australian branch campuses to contribute more fully to the Malaysian education infrastructure, and facilitate further expansion into Malaysia of the research component of Australian education, it would be desirable for Australian branch campuses to be able to apply for competitive research funding provided by the Malaysian government, on a level playing field with local public institutions. . At present, branch campuses and other private higher education institutions are required to collaborate with a number of other institutions in order to attract funding, whereas public and fully owned corporatised government institutions have no such restrictions.

Thank you for the opportunity to provide feedback. If you have any queries, please contact Professor Marilyn Liddell, Pro Vice Chancellor Monash University Malaysia, phone + 603 5631 7828, fax + 603 5632 1810, e-mail: merilyn.liddell@adm.monash.edu.my

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Richard Larkins', with a small flourish at the end.

Professor Richard Larkins AO
Vice Chancellor and President
Monash University