

LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE  
Thursday, 27 July 2023

QUESTION ON NOTICE

**Question**

1. Could you take that on notice, and read the submission? [reference to Submission 21 from End Rape on Campus]
2. Between 2017 and 2022, how many complaints were made to TEQSA relating to sexual violence?
  - 2.1 How many investigations have been undertaken into those complaints?
  - 2.2 Of the 38 that related to sexual violence or complaints about how that was handled by a university, how many went to a compliance assessment and how many went to a full investigation?
3. Of the investigations or the complaints that were made, how many resulted in compliance actions or penalties against universities?
- 4.1 In that same time frame, were there any adverse findings made by the South Australian Independent Commission Against Corruption in relation to this issue? Do you know that? What was the finding from the Independent Commission Against Corruption?
- 4.2 What about the findings from the Tasmanian Ombudsman in relation to these types of matters?
- 4.3 I am just wondering why, if the ACT Supreme Court can have a finding, there's a different result. It might be that you need to come back to us with those figures so that we can understand that discrepancy.
5. Do you have the numbers for 2022 alone, just that year? How many concerns did TEQSA note relating to sexual assault or sexual harassment last year?
6. What's this year (2023) so far?
7. When you provide us with those granular details [of how we respond to multiple complaints at the same institution] on notice, could you please specify the number of times that there has been an instance where you have escalated action in the way you've just described, where there have been multiple complaints.
8. Is there an outlier? If so, can you name them, and what you do in that situation?

## Answer

The following answers are from the Tertiary Education Quality and Standards Agency (TEQSA).

1. Dr Russell has read End Rape on Campus' submission and all other published submissions.

2. Since September 2017 TEQSA received 39 concerns in relation to sexual harm.

**2.1 and 2.2** Of the 39 concerns raised since September 2017: all cases went through a preliminary and secondary assessment. One such assessment is still active. TEQSA did not undertake an investigation into any of these concerns. TEQSA commenced one compliance assessment.

Where a compliance assessment or investigation does not take place, but further action may be warranted, TEQSA may undertake a range of different actions. TEQSA may decide to undertake further assessment of a provider via re-registration, issue regulatory guidance to the provider, or refer the concern to another agency (if it is outside TEQSA's scope).

3. None resulted in enforcement action or sanctions. However, seven universities have been subject to further assessment via re-registration in relation to concerns about sexual violence.

4 TEQSA has not considered all findings made over this period by the South Australian Independent Commission Against Corruption, the Tasmanian Ombudsman, or the ACT Supreme Court. TEQSA undertakes its assessments by reference to its own legislative framework, and is not in a position to explain the differences between TEQSA's framework and the legislation relevant to state bodies.

**5 & 6.** TEQSA provides below the number of concerns/complaints related to sexual assault or sexual harassment received in 2022 and 2023 up until 27 July 2023.

Year	Number of concerns
2022	5
2023	4

7. Since September 2017:

- 7 providers were the subject of 2 concerns.
- 2 providers were the subject of 3 concerns.
- 2 providers were the subject of 4 concerns.

TEQSA assessed these concerns and undertook actions commensurate with the outcomes of those assessments. This resulted in a range of outcomes including issuing regulatory guidance, assessing compliance further as part of the re-registration process, and seeking further information from providers to determine whether issues related to the concerns have been addressed.

8. TEQSA has not identified an outlier. If TEQSA determined there was a provider that presented a more significant risk to compliance than others, we would take proportionate regulatory action.