

Senate Legal & Constitutional Affairs Committee
ANSWERS TO QUESTIONS ON NOTICE
Innovation, Industry, Science and Research Portfolio
Friday 11 May 2012

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, INNOVATION, SCIENCE, RESEARCH AND TERTIARY EDUCATION (DIISRTE)

TOPIC: Migration Amendment (Student Visas) Bill 2012

REFERENCE: Transcript of hearing page 13.

QUESTION No.: N/A

CHAIR: From my understanding of the evidence we have heard today, unless I have got it wrong, people have to enter the data twice.

ANSWER

The proposed amendment to section 19 of the *Education Services for Overseas Students Act 2000* (ESOS) builds on existing requirements under section 20 and in the ESOS Regulations 2001 for providers to confirm in PRISMS the current residential address of any accepted student who is reported for breaching visa condition 8202, who does not commence or withdraws from a course or other student course variation events. The proposed amendment expands this requirement to all students and for the contact information to also include a mobile phone number and email address if any.

Section 21 of the ESOS Act has been recently amended to require providers to keep student mobile phone and email details (if any) in their own provider held records and to have a procedure to ensure that, at least every 6 months the provider confirms contact details with the student and update the records accordingly. This amendment implements a recommendation from the Baird Review of ESOS in 2010 to support tuition protection reforms by removing a source of delay in the placement and refund process following a provider closure.

The department is currently exploring options for enabling providers to update student contact details in PRISMS through regular bulk imports. This would significantly reduce the regulatory burden of manually entering each update. For security reasons, however, any bulk transfer of information into PRISMS would have to be done from inside PRISMS. This is so that the user entering the data can be identified and to ensure that no computer viruses or threats are introduced that might corrupt or disrupt the operation of the PRISMS database.

The steps involved for transferring information to PRISMS would depend on each provider's IT system but would likely mean a simple copy and paste of provider held information into a file (perhaps Excel or CSV format) before importing into PRISMS. The Department of Immigration and Citizen will be able to access this information directly from PRISMS which is managed by DIISRTE.

Senate Legal & Constitutional Affairs Committee
ANSWERS TO QUESTIONS ON NOTICE
Innovation, Industry, Science and Research Portfolio
Friday 11 May 2012

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, INNOVATION, SCIENCE RESEARCH AND TERTIARY EDUCATION (DIISRTE)

TOPIC: Migration Amendment (Student Visas) Bill 2012

REFERENCE: Transcript of hearing page 16.

QUESTION No.: N/A

CHAIR: Yes, those; but even the initial letter to say, 'There's a problem here.' I guess what they are saying is that, even from the start of the official communication with the student that begins the process, there is no requirement that it be by registered post—which is a gap in the system.

ANSWER

Standards 10 and 11 in the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (the National Code) require providers to notify the student in writing of their intention to report the student for not achieving satisfactory course progress or attendance, informing the student that he or she has 20 days in which to access the provider's complaints and appeals process. The National Code does not prescribe that this notification must be made by registered post.

The department is considering revisions to the National Code later this year to implement recommendations arising from the review of ESOS conducted by the Hon. Bruce Baird AM to ensure all standards in the National Code are objective and enforceable and no more prescriptive than required to achieve the policy intent. The department will consult with stakeholders on whether the process for notifying students should be strengthened as part of these revisions to the National Code.

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, INNOVATION, SCIENCE RESEARCH AND TERTIARY EDUCATION (DIISRTE)

TOPIC: Migration Amendment (Student Visas) Bill 2012

REFERENCE: Transcript of hearing pages 16 and 17.

QUESTION No.: *N/A please respond to Senator Humphries' concerns on pp 16-17 of the transcript*

Senator HUMPHRIES: Why is 14 days more realistic than 28 days? [Section 19 of the ESOS Act already required education providers to give a number of items of information within 14 days] about individual students or about other things? What would be wrong with having an automatic download of information from them, say, once a quarter? For 99.9 per cent of students you would not need that information any more regularly than quarterly. This is a policy issue so take it on notice.

ANSWER

14 days is the prescribed period under Section 19 of the ESOS Act for a registered provider to provide certain information about individual students, such as the student's name, date of birth, nationality, starting day, course duration and cost, and for a course variation only, current residential address.

The longer the period then the less current the information will be.