

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2004-2005 BUDGET ESTIMATES HEARING

Outcome: 3
Output Group: 3.3 – AEI Group

DEST Question No. E156_05

Senator Stott Despoja provided in writing.

Question:

(a) The answer to question E658_04 stated that a framework and enforcement strategy has been established and the strategy focussed, in part, on ensuring compliance with the National Code. Please provide an update of the results of this strategy, particularly in relation to ensuring compliance with the National Code.

(b) Under the ESOS Act [and] National Code what is the minimum action required by a university in the arrangement of independent grievance resolution? How does the Department ensure that these provisions are in place?

Answer:

Budget Measures: Increase in the Educational Services for Overseas Students Act Fee

(a) The results of the 2003-2004 compliance and enforcement strategy, as at 15 June 2004, are set out below under the headings of their respective strategic elements:

- **Education Programme:** The Department has presented industry seminars and industry workshops to providers and delivered presentations to stakeholder and peak body conferences that have contributed to provider and stakeholder understanding of provider obligations and compliance with the legislative requirements; the Department has updated its ESOS website, produced mail outs to all providers of education and training services to overseas students, and provided News Items and alerts to PRISMS users to ensure that information is easily accessible to providers.
- **Working with Government Agencies:** The Department has established formal information sharing arrangements through bilateral meetings with state and territory education authorities and DIMIA on compliance issues, best practice and providers of interest; the Department has participated in multilateral meetings with state and territory education authorities and DIMIA to ensure consistent implementation of the ESOS legislation by states and territories; the Department has attended DIMIA working group sessions in most states; the Department has signed an MOU with DIMIA on student enrolment data transfers and has facilitated the representation of DIMIA and state education authorities on the Steering Committee for the evaluation of the ESOS Act.
- **Quality:** The Department has engaged consultants to collect information from providers and state and territory education authorities on provider practices relating to provisions of the National Code (initially, concerning student support services); the Department has improved its access to DIMIA information on provider compliance with the National Code; the Department has undertaken investigations of individual provider compliance using information provided by state and territory education authorities and other sources.

- ***Selection of Most Effective Assessment Tools:*** The Department has progressed its development of assessment tools that use course and enrolment data and case management data on providers to allow a more focused approach to compliance monitoring and enforcement; a rolling program of compliance visits across all states and territories is continuing; data analysis and intelligence sharing between key Australian Government and state agencies is facilitating a more proactive and focused approach to compliance and enforcement activities.
- ***Broaden internal communication and intelligence gathering:*** The Department has improved the exchange of information that relates to industry regulation to enable better understanding of issues and intelligence gathering within and between DEST Groups and the international network.
- ***Provide timely advice to key stakeholders:*** Staff engaged in industry regulation have provided a range of advice to the Minister's Office, Departmental executive and peak bodies on compliance and enforcement issues to ensure that stakeholders are better informed on their work and have responded to media enquiries on providers of concern to ensure that accurate information is in the public domain.

The update presented above under the heading of Quality relates in particular to ensuring compliance with the National Code.

Minimum action required for independent grievance resolution

(b) Under paragraph 45 of the National Code, the minimum action required by a university in the arrangement of independent grievance resolution is to have in place appropriate procedures for independent grievance handling/dispute resolution. Intending overseas students must be advised of the process. The entity selected to provide the independent grievance handling/dispute resolution service must have no relationship with the registered provider. The service must not be costly for the overseas student and include a nominee of the student if the student so chooses. The procedures must allow for prompt resolution having regard to the duration of the overseas student's stay in Australia on a student visa.

The Department ensures these provisions are in place by reviewing and examining procedures during compliance reviews and/or through a review of procedures prompted by a complaint. Procedures are obtained by request (either by letter or during monitoring visits) or by demand (in a Production Notice served in accordance with section 113 of the ESOS Act).