

**SENATE STANDING COMMITTEE ON  
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

**QUESTIONS ON NOTICE  
SUPPLEMENTARY ESTIMATES 2009-10**

**Outcome/Agency** Outcome 3

**DEEWR Question No.** EW742\_10

Senator MASON asked on Thursday 22 October 2009, EEWHR Hansard page 103:

**Question**

*Criminal prosecutions by states / territories*

Senator MASON—Do you know if there are any prosecutions being pursued by the states in relation to the failure of these colleges? Do you know what regulatory action the states are taking?

Mr Walters—There has been a lot of regulatory action. It is worth making the point that ‘prosecutions refers to criminal prosecutions. That might be possible under state legislation regulating the providers. It might be possible under the migration legislation which DIAC is responsible for administering. Then, in certain circumstances, it might be possible under the Commonwealth legislation. At any given time the states might be pursuing issues under their legislation and we would not necessarily be aware, because of the confidentiality that surrounds criminal matters, whether they are actually pursuing a criminal prosecution or not.

Senator MASON—But have any criminal prosecutions been undertaken in the last couple of years? It is a public fact that they have been undertaken—

Mr Walters—We would have to ask the states and get back to you.

**Answer**

State and territory education authorities have advised that to the best of their knowledge there have been no criminal prosecutions of education providers arising as a result of having actions initiated by those authorities in relation to international students.