

**THE  
STOP.  
CAMPAIGN**

**The STOP Campaign's submission to the  
the Inquiry into Universities Accord  
(National Student Ombudsman) Bill 2024  
[Provisions]**

**30 September 2024**

**Written by Camille Schloeffel  
Founder and Chair of The STOP Campaign**

## Acknowledgement of Country

The STOP Campaign acknowledges the Traditional Custodians and Owners of Country throughout Australia and their connection to land, sea and community. This submission was developed on the lands of the Ngunnawal and Ngambri peoples who are the Traditional Custodians of the ACT region. We respectfully acknowledge the wisdom, guidance and openness of all Aboriginal and Torres Strait Islander Peoples who have contributed to our work and we pay our respects to Elders past and present. We acknowledge that sovereignty has never been ceded and that Australia always was, and always will be, Aboriginal land. We also recognise the disproportionate impacts of violence on Aboriginal and Torres Strait Islander Peoples as a result of colonisation. We strive towards dismantling these harmful structures.

## Dedication to victims and survivors

The STOP Campaign acknowledges all victims and survivors of sexual violence, especially those who have been harmed within tertiary educational settings. We dedicate this submission to all victims and survivors of sexual violence, including those who are no longer with us.

**Please know that you are never alone. To victims and survivors, we see you, we hear you and we believe you.**

## Support Services

Support is available 24/7 at:

- [1800RESPECT](https://www.1800respect.org.au/): 1800 737 732
- [Lifeline](https://www.lifeline.org.au/): 13 11 14
- [13YARN](https://www.13yarn.org.au/): 13 92 76

More national resources for support can be found at:

<https://www.saferesponsetoolkit.com.au/national-support-services>

More specific sexual violence support services in each jurisdiction can be found at:

<https://www.nasasv.org.au/support-directory>

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## About The STOP Campaign

The STOP Campaign is a grassroots organisation of university students and alumni who are passionate about ending sexual violence in Australian universities. The STOP Campaign's vision is that Australian tertiary learning communities are free from sexual violence and stigmatisation. Our mission is to empower young people to create and sustain positive sociocultural change in Australian tertiary learning communities through activism, awareness, empowerment and education. We are a volunteer-run feminist organisation that values intersectionality, integrity, respect and passion.

Since our inception in 2018, The STOP Campaign has successfully implemented a number of projects. These include:

- The creation of educational materials and resources on topics including safe sex, consent, sexual and family violence, sex positivity, and access to medical, legal and personal support.
- Facilitating peer-led education and advocacy workshops with tertiary students in residential halls to prevent sexual violence and promote sexual wellbeing.
- Facilitating programs for young people (particularly victim-survivors of sexual violence) focused on empowerment, confidence and building connections.
- Building a platform for victim-survivors in Australia to publicly share their experiences and journeys towards healing.

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## The STOP Campaign's involvement in the development of the Bill

Camille Schloeffel, the Founder and Chair of The STOP Campaign, has been involved in the development process of this Bill by providing input into various consultations. Camille was a member of the Department of Education's (the Department) Expert Reference Group that was established in August 2023 and led by CEO of Our Watch, Patty Kinnersley. The objective of this group was to develop the [Action Plan Addressing Gender-based Violence in Higher Education](#), which was released in February 2024. Subsequently, Camille has continued to be a member of the revised Expert Reference Group informing the development of the National Higher Education Code to Prevent and Respond to Gender-based Violence (National Code). Alongside the introduction of this Bill, Minister Clare tabled a [summary of the National Code](#) in its current form. The development of the National Code remains ongoing.

The Department's consultation process for the development of the National Student Ombudsman (NSO), this Bill included, was through a different consultation mechanism. Instead of a dedicated group to guide the key principles and actions within the NSO, the Department conducted targeted consultation sessions with various stakeholders and groups. As such, Camille had various dedicated discussions with the Department on the NSO, and liaised with the Department to establish sessions with student victim-survivors to share their views on what the necessary elements of the NSO and National Code are.

As a result of this engagement, The STOP Campaign is satisfied that the voices and views of victim-survivors and peak bodies that represent groups that experience gender-based violence at disproportionate rates have been considered in the development of the Bill. We do note however that there is far more work to do in involving key stakeholders, namely victim-survivors and their advocates, in the establishment and implementation phases of the NSO. This is essential to effective functioning of the NSO once the legislation is passed.

## The STOP Campaign's position on the Bill

**The STOP Campaign's overall position is that we support the Bill in its current form with no further amendments. We believe it is an integral piece of legislation that will ultimately prevent violence, reduce trauma, and save lives.**

*"If we had a National Student Ombudsman when I was an undergraduate student living in a residential hall, I would have had many instances of mishandling of cases of discrimination, abuse and violence to report. From university staff in student support roles dismissing victim-survivors, senior executive leaders and counsellors dismissing rape as a result of alcohol consumption and the fault of women for being drunk and wearing short skirts, to student accommodation staff grooming students, sending them inappropriate texts and engaging in sexual activity with students under their care."*

– Camille Schloeffel

The introduction of the NSO Bill has been widely supported by victim-survivors, activists, advocates and gender-based violence experts as significant and necessary. In order for the NSO to effectively function for gender-based violence matters, it is essential that the [National Higher Education Code to Prevent and Respond to Gender-based Violence](#) be introduced and passed before the NSO commences in February 2025.

### Links to #IDeserveSafety findings and recommendations

In August 2023, The STOP Campaign launched the #IDeserveSafety campaign in Parliament House. Subsequently, The STOP Campaign created the [#IDeserveSafety Survey](#) (the Survey) to collect the experiences of violence and harm in university residential halls and student accommodation settings to inform a submission to the Universities Accord Panel. Through the Survey, students, staff and alumni from universities across Australia were invited to share their experiences, the impact of those experiences, and any recommendations they had for the Accord Panel. By drawing on the lived experiences of individuals directly affected by violence, harm and institutional betrayal in university settings, we provided 25 recommendations to the Accord Panel. Below are recommendations relevant to this Bill.

## **Inclusion of all residential halls and student accommodation**

We recommended that any work to address sexual violence on campus, inclusive of any independent bodies established, include all student accommodation entities (recommendation 2, 6). The NSO covers Tertiary Education Quality and Standards Agency (TEQSA) registered providers, inclusive of student accommodation that is owned and operated by a higher education provider. However, this does exclude all other student accommodation entities that are run by external bodies, such as those private accommodation companies or Church-owned residential colleges. While The STOP Campaign has been informed as to the barriers to capture these entities in the NSO, we strongly believe that further work must be undertaken to ensure that these entities are captured in the near future. Many instances of harm, betrayal and inaction experienced by higher education students are by their student accommodation providers. Many student accommodation providers are not owned and operated by higher education institutions, but they are affiliated with and/or promoted by higher education institutions in some way. Many of the experiences detailed in our #IDeserveSafety submission were within student accommodation providers, and as such these students would be ineligible to make a complaint to the NSO. We do not want this limitation to delay or prevent this Bill being passed. However, we want it noted on the record that further work should be done after the NSO is established to seek to capture the student accommodation providers that initially won't be.

## **Staffing of the NSO**

We recommended that the national independent body to be established must be led by experts on sexual violence in a university context, including individuals with lived experience of sexual violence in university contexts (recommendation 6). It is integral that the NSO be adequately staffed by people with expertise in gender-based violence, discrimination, restorative practices and complaints mechanisms to ensure its effective functioning. Where not directly employed, the NSO should regularly consult with relevant experts and people with lived experience in a safe, trauma-informed and non-exploitative manner. We do not want this limitation to delay or prevent this Bill being passed. However, we want it noted on the record that the staff appointed to lead the NSO must consult with individuals and organisations with expertise and lived experience as it continues to be developed from ideation to implementation.

## **Accountability to and communication with community members**

We recommended that the national independent body to be established must publish information about its operation, powers, policies and procedures in an accessible and easy to

read format, including in languages other than English (recommendation 6.g). The NSO must dedicate sufficient resources towards communication to the community so individuals are fully informed about what the NSO can and cannot do. These communications must also be accessible, inclusive, clear, trauma-informed and delivered in partnership with organisations and individuals that the student body trusts. For example, engaging with student representative associations, victim-survivor activists and advocates, The STOP Campaign, End Rape On Campus (EROC) Australia, and community services. If the NSO only communicates through formal channels of higher education providers, then it risks not reaching a large portion of people due to the limited engagement students have with their provider's communication, and also due to the lack of trust in many instances. We do not want this limitation to delay or prevent this Bill being passed. However, we want it noted on the record that the implementation of the NSO in regards to communication with community members about its functions is key. To ensure that this is conducted in a trauma-informed, safe and fair way, these communications must set realistic expectations and assure the community that the NSO will treat all complainants with respect and dignity.

In summary, it is essential that the NSO team continues to work closely with victim-survivors, advocates and experts – specifically The STOP Campaign, Sharna Bremner from EROC Australia, Dr Allison Henry and the respective student representative associations. Further, asking for feedback from complainants about their experience reporting to the NSO and taking this on board is key to ensure continuous improvement.

## **Specific provisions that The STOP Campaign supports**

### **Section 21AX Reports of the National Student Ombudsman**

The STOP Campaign welcomes and strongly supports the reporting provisions that outlines the NSO must provide an annual report yearly to the Minister administering this Act, for presentation to the Parliament. Specifically, clauses 7(a-k) that outline the contents of the report. It is essential that the annual reporting includes clear information about which higher education providers have complaints made against them, the nature of those complaints, the investigations undertaken, and if the providers have acted on recommendations made to them. Without this sort of information being published, there will be a lack of accountability about how the NSO is operating and how higher education providers are responding in order to create safe environments for their students.



## **Sections 35D–F Protection from reprisals—what constitutes taking a reprisal, —compensation and other orders etc., —offence**

The STOP Campaign welcomes and strongly supports these clauses that outline protection from reprisals. Specifically, that it will be an offence to threaten or subject a person to detriment because they have made or propose to make a complaint to the NSO and that complainants will be able to apply for a range of civil remedies to prevent or address detrimental action. As the #IDeserveSafety survey outlined and which has been demonstrated by student accommodation and university staff towards volunteers of The STOP Campaign for many years; targeting, detrimental action, bullying and intimidation is not an uncommon experience. For victim-survivors who choose to disclose, report and/or share their experiences publicly, university and student accommodation staff have subsequently been found to intimidate them into withdrawing their complaint and/or staying silent. These protections make it clear that these behaviours and actions are unacceptable and that there will be serious consequences.

### **Section 21AD Making a complaint**

The STOP Campaign welcomes and supports the provision that complaints can be made on behalf of an individual with their full consent. This allows for the process to be accessible to individuals that require accessibility adjustments and for another person to take on the administrative and communicative aspects associated with making a complaint. This supports a trauma-informed approach whereby a victim-survivor of institutional harm and betrayal may not be able to make the complaint themselves, but has someone by their side to do so on their behalf. While the consent and full participation, where possible, of the complainant must be upheld throughout the process, we note that it is not uncommon for individuals to want and/or need support from another to complete the actual complaint and assist them with understanding the process and potential outcomes.

### **Support for other organisations and experts**

Additionally, The STOP Campaign supports the views of our partners – EROC Australia, Fair Agenda and Dr Allison Henry. As fellow campaigners and experts that have been involved in the consultation processes of the development of this Bill, we strongly support their viewpoints stated in their respective submissions.

Specifically, EROC Australia's expertise in supporting students to make complaints to various bodies which have ultimately failed to provide any clear outcomes for victim-survivors that have been harmed by their respective institutions. I trust that the viewpoints of EROC Australia will be considered by the Committee with significant weight as the most experienced people to ever support victim-survivors go through processes that the NSO seeks to replace. It is of utmost importance that EROC Australia's Founder and Director, Sharna Bremner, continues to be consulted on the establishment and implementation of the NSO to ensure that it does not repeat the mistakes and failings that TEQSA did.