

11 November 2011

Senator Gavin Marshall
Committee Chair
Senate Education, Employment and
Workplace Relations Legislation Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600
ewr.sen@aph.gov.au

Dear Senator Marshall

On 6 October 2011, IRU made our submission to the *House of Representatives Standing Committee on Education and Employment* regarding the ESOS bills and the Higher Education Support Amendment Bill No 2 2011. We now welcome the opportunity to make comment on the ESOS bills referred to the *Senate Education, Employment and Workplace Relations Committee* on 13 October 2011.

Of the issues we raised in our previous submission the remaining issue of substance concerns the 24 hour reporting period for provider and student defaults. This is a very short period in which to have a legislatively driven requirement to act.

As the provider has 14 days or four weeks in which to act to fulfil its obligations in the cases respectively of provider and student default then under this rule, the TPS Director would receive numerous notifications requiring no action.

The IRU argued that words to the effect of “as soon as practicable [used elsewhere in the Bill for expectations of the TPS Director, eg new 50B (1)] and no longer than a week” would be more feasible for providers while giving the TPS Director reasonable notice to prepare for action where risk factors indicate significant risk of the provider not fulfilling requirements to students.

The issue of student default is important. The recent Knight Review of the Student Visa Program highlighted the problem of automatic notifications and actions for minor changes in student arrangements and minor breaches of formal requirements. Mr Knight argues that these prevent the *Department of Immigration and Citizenship* from targeting serious cases of student breach of visa conditions. It is important that we do not recreate this problem for the TPS Director. Provisions that permit the provider acting to meet obligations to students, reporting to the TPS Director that has done so, should be considered.

In response to these concerns, raised by IRU and other parties, the *House of Representatives Standing Committee on Education and Employment* recommended that the 24 hour requirement be amended to a 72 hour reporting requirement. The IRU supports this proposal as a viable means to ensure there are protections in place to deal with those providers unable to fulfil their obligations to students and to identify students in breach of their visas while permitting universities and other committed providers of education services to international students to operate effectively without risk of failing to meet unrealistic reporting requirements.

Yours sincerely

Conor King
Executive Director