

Senate Committee: Education and Employment

**QUESTION ON NOTICE
Supplementary Budget Estimates 2015 - 2016**

Outcome: Higher Education Research and International

Department of Education and Training Question No. SQ15-000650

Senator Carr, Kim asked on 21 October 2015, Proof Hansard page 74

Breach of the ESOS Act

Question

Senator KIM CARR: But, if they have been in breach of the ESOS Act, and it may well be that, given the nature of these charges—these are criminal charges; criminal activity—are they still afforded protection under the ESOS Act?

Mr Mahajan: If anybody is in breach of the ESOS Act, it is the provider. If the students are doing the wrong thing in terms of working beyond the number of hours et cetera, that is a matter for Immigration. They will certainly be in breach of their visa conditions, but not anything to do with ESOS compliance.

Ms Baly: We are seeking legal advice on the implications for the TPS of students who have been found to have committed visa fraud as part of these allegations.

Senator KIM CARR: That is where I am going with this.

Ms Baly: We do not have that yet.

Senator KIM CARR: When did you seek that?

Ms Sandercock: We have had to take that on notice. It was subsequent to the action by ASQA.

Answer

Legal advice on the implications for the Tuition Protection Service of students who may be found to have committed visa fraud was sought on 15 September 2015.