

EDUCATION, SCIENCE AND TRAINING

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

Outcome: 2

Output Group: 2.5 – Assistance for post school students including those with special needs.

DEST Question No. E695_05

Senator Aden Ridgeway provided in writing.

Question:

To whom does someone report apparent breaches of the obligations on recipient entities? For example, if it was suspected that a recipient entity was not spending that money on students, or if the recipient entity refused to clearly say where the money was being used, where would a concerned parent or community member go to report such behaviour?

Answer:

ABSTUDY

A school receiving ABSTUDY monies will have two obligations: to provide educational and associated services to the particular individual student for whom the ABSTUDY monies are being paid, and to provide educational and associated services (eg boarding) of the required quality.

The quality and delivery of educational and associated services provided by individual schools are matters that can be raised with the relevant State or Territory education authority, as they are responsible for the registration of schools. If a school were to lose its status as a registered school, ABSTUDY would not be payable.

If someone is concerned that a school is receiving ABSTUDY funding on behalf of a student who is not enrolled, this should be reported to Centrelink. ABSTUDY is paid on the basis of named individual enrolments, as described in E691-05.

The Memorandum and/or Articles of Association and relevant legislation govern the operations of incorporated bodies. A breach of its Memorandum, Articles or the relevant legislation by an incorporated body is the responsibility of the relevant administering authority such as the Australian Securities and Investments Commission, State or Territory Corporate Affairs Office or equivalent body, the Registrar of Aboriginal Corporations etc. Suspected breaches of the law should be reported to the relevant State or Territory Police service.

In reporting a suspected breach of any obligations, the person making the report must be able to provide evidence to support their allegations. Refusal by a funding recipient to provide information to a third party is not generally, of itself, a matter which would warrant investigation by a funding body. Where that third party believes they are entitled to be provided with the information being sought, they should seek appropriate advice on the action they can take to gain the access they seek. It is not the role of funding bodies to seek information from recipients on behalf of third parties in the absence of a legal obligation to do so.