

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2006-2007 ADDITIONAL ESTIMATES HEARING

Outcome: 3
Output Group: 3.3

DEST Question No. E784_07

Senator Carr provided in writing.

Question:

Hanssen and overseas student workers

1. Are you aware of statements by WA construction company owner Mr Gerry Hanssen that he plans to "import" international students to work in his company for 20 hours a week?
2. Are you aware he said he would do this because it's quicker and easier to get hold of student visa holders than 457 visa (temporary skilled migration) visas?
3. Have you discussed this with DIAC? Will you do so?
4. What sections of the ESOS Act would be relevant to a plan to bring in international students primarily as workers? Would it be possible for Mr Hanssen to do this under the ESOS requirements?
5. Would the students/workers need to enrol with a CRICOS-registered provider before coming to Australia? Would they, as student visa holders, be able to enter into a formal employment contract with Mr Hanssen prior to coming to Australia?
6. Has Mr Hanssen or his company contacted the Department about his plan? What have you advised him?

Answer:

Hanssen and overseas student workers

1. DEST is aware of Mr Hanssen's comments from the article in the West Australian newspaper on 24 January 2007.
2. The West Australian newspaper article reported Mr Hanssen made that claim.
3. No. DEST will not been raised with the Department of Immigration and Citizenship (DIAC) unless further information becomes available which would indicate potential breaches of legislation.
4. The purpose of the *Education Services for Overseas Students (ESOS) Act 2000* is to provide consumer protection for overseas students by regulating providers to ensure quality international education services are provided. The ESOS Act does not regulate any matters relating to the employment of students. Any issues relating to employment while on a student visa are subject to *Migration Act 1958* and the DIAC's student visa program. It is a requirement of the ESOS Act that providers of education and training to students studying in Australia while on a student visa report breaches of visa conditions.

5. If a student intends to study on a student visa in Australia, he or she must enrol with a CRICOS registered provider. The ESOS Act does not regulate any matters relating to the employment of students.
6. Mr Hanssen has not contacted the Department about his reported plan.