

EDUCATION, SCIENCE AND TRAINING

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

Outcome 3
Output Group: 3.3 – Support for the Australian education and training export industry and international relationships

DEST Question No. E091_07

Senator Wong asked on 1 June 2006, EWRE Hansard page 118.

Question:

(With respect to the Department's compliance activities under the *Education Services for Overseas Student's [ESOS] Act 2000*)

Senator Wong: How many other conditions were there?

Ms Laker: Originally there are four.

Senator Wong: What were the other two?

Ms Laker: Another one was that they were not allowed to allow students to suspend their studies. However, that one was removed in October due to legal advice that perhaps that condition was not appropriate. The other condition, which was removed in February on the basis that they had complied fully, was that they were unable to recruit or enrol overseas students or accept students in three particular courses, which were the ones of major concern around attendance recording and reporting.

Senator Wong: What was the basis of the legal advice?

Ms Laker: Condition two, which was removed on the basis of advice around the legal implications of the condition.

Senator Wong: Which was not allowing students to suspend—is that right?

Ms Laker: It was for the purpose of a holiday and to stop approving non-attendance for reasons outside those established by the national code. I would have to take on notice the details around the removal of that condition. I do not have it here.

Answer:

Education Services for Overseas Students

(With regard to conditions imposed by DEST on the CRICOS registration of Bridge Business College Pty Ltd ["Bridge"] CRICOS Provider Code 01107C)

A Notice which imposed conditions on Bridge's CRICOS registration was issued by DEST on 30 August 2005. Condition 2 in the document provided that:

"From the date of this Notice, the College must stop the practice of allowing students to suspend their studies for the purposes of a holiday and stop approving non-attendance for reasons outside the parameters established by paragraph 38 of the National Code."

On 22 September 2005 DEST received a response from Bridge, specifically regarding Condition 2. The Delegate decided to remove the condition on 14 October 2005 after receiving Departmental legal advice on the response. Provision of further details of the legal advice may be inconsistent with maintaining the legal professional privilege which attaches to the legal advice. This may potentially be detrimental to the interests of the Commonwealth.