

## EDUCATION, SCIENCE AND TRAINING

### SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2006-2007 SUPPLEMENTARY ESTIMATES HEARING

**Outcome** 3  
**Output Group:** 3.3 International Education Group

#### DEST Question No. E519\_07

Senator Wong provided in writing.

#### Question:

*(With regard to the Department's compliance and enforcement activity under the Education Services for Overseas Students [ESOS] Act 2000)*

Please provide an update on the ESOS Compliance and Monitoring Activities undertaken by the Department since the report provided to the last Estimates hearings?

#### Answer:

##### *Enforcement and Monitoring Activities under the ESOS Act 2000*

From 11 May 2006 (the date to which the last update was provided to Committee members) until 31 October 2006, there have been **92 monitoring and enforcement actions** exercising the powers of the ESOS Act. These details are at Attachment A.

##### *Sanctions imposed under the ESOS Act*

From 11 May 2006 (the date to which the last update was provided to Committee members) until 31 October 2006, **4 enforcement sanctions** (one cancellation and three suspensions) have been imposed. These details are at Attachment B.

##### *Combined Commonwealth and State conditions, suspensions and cancellations*

From 11 May 2006 (the date to which the last update was provided to Committee members) until 31 October 2006, the combined Commonwealth and State/Territory conditions, suspensions and cancellation of providers, totals action on **43 providers**. These details are provided in Attachment C. Providers may be suspended or cancelled by State and Territory authorities for a variety of reasons. The majority have sought cancellation as a result of their decision to leave the industry.

## ATTACHMENT A

### Enforcement and Monitoring Activities under the ESOS Act

11 May to 31 October 2006

Monitoring or Enforcement Power				Total
<b>Monitoring Action</b>				
<u>Visits</u>				
Monitoring visit (with consent)				<b>43</b>
Monitoring visit (under warrant)				<b>0</b>
<u>Requests for Information</u>				
Compulsory information request <sup>1</sup>				<b>1</b>
Action on Provider Registration	Breach of Act	Breach of Code <sup>2</sup>	Breach of Both <sup>3</sup>	Total
<u>Notice of Intention to act on registration <sup>4</sup></u>				
o suspension	0	0	1	<b>1</b>
o cancellation	0	0	0	<b>0</b>
o condition	0	0	0	<b>0</b>
o one or more of the above	0	0	1	<b>1</b>
<u>Action imposed on registration <sup>5</sup></u>				
o suspension	2	0	1	<b>3</b>
o cancellation	0	0	1	<b>1</b>
o condition	0	0	0	<b>0</b>
o automatic suspension <sup>6</sup>	23	NA	NA	<b>23</b>
o removal of suspension	19	0	0	<b>19</b>
o removal of condition	0	0	0	<b>0</b>
<b>TOTAL OF MONITORING AND ENFORCEMENT ACTIONS</b>				<b>92</b>

<sup>1</sup> Issuance of a Production Notice under s 113 of the ESOS Act

<sup>2</sup> National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (the National Code)

<sup>3</sup> Breaches of the Act and the National Code

<sup>4</sup> Issuance of a Notice of Intention under s 93 of the ESOS Act

<sup>5</sup> Sanctions are issued under s 83 of the Act; removal of sanctions is under s 94 of the ESOS Act

<sup>6</sup> Failure to pay annual ESOS Assurance Fund contribution

## ATTACHMENT B

### Suspensions, Cancellations and Conditions Imposed under section 83 for breaches of the ESOS Act and/or the National Code

11 May to 31 October 2006

Offence	Suspension <sup>7</sup>	Cancellation	Conditions
Breach of ESOS Act	2	0	0
Breach of National Code	0	0	0
Breach of ESOS Act and National Code	1	1	0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>0</b>

#### SUSPENSION of Registration

Provider	State	Date
Northern Territory Christian College	NT	1/6/06
Atozed International Pty Ltd	NSW	7/6/06
Southern Cross International College Pty Ltd	NSW	28/8/06

#### CANCELLATION of Registration

Provider	State	Date
Australia Tasmania College of Technology Pty Ltd	TAS	22/6/06

#### CONDITIONS of Registration

NIL

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<sup>7</sup> Does not include automatic suspensions for non-payment of the ESOS Assurance Fund.

## ATTACHMENT C

### Total Suspensions, Cancellations and Conditions (11 May to 31 October 2006)

This table sets out the number of providers who have:

- had conditions imposed on their registration;
- been suspended from CRICOS; or
- been cancelled from CRICOS

both under the ESOS Act and on the advice of States and Territory authorities between 11 May and 31 October 2006.

State	Conditions under ESOS	Suspended by State	Suspended under ESOS	Cancelled by State	Cancelled under ESOS	Total
ACT	0	0	0	0	0	0
NSW	0	0	10	3	0	13
QLD	0	0	7	3	0	10
SA	0	0	0	0	0	0
TAS	0	0	0	1	1	2
VIC	0	6	5	4	0	15
WA	0	0	2	0	0	2
NT	0	0	1	0	0	1
<b>TOTAL</b>	<b>0</b>	<b>6</b>	<b>25</b>	<b>11</b>	<b>1</b>	<b>43</b>

Providers may be suspended or cancelled by State and Territory authorities for a variety of reasons. The majority have sought cancellation as a result of their decision to leave the industry.