



Submission No 49

**Inquiry into Slavery, Slavery-like conditions and People
Trafficking**

Organisation: Department of Innovation, Industry, Science,
Research and Tertiary Education

Human Rights Sub-Committee
ANSWERS TO QUESTIONS ON NOTICE
Innovation, Industry, Science, Research and Tertiary Education Portfolio
Tuesday 20 November 2012

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, INNOVATION, SCIENCE, RESEARCH AND TERTIARY EDUCATION

TOPIC: Inquiry into Slavery, Slavery-like conditions and People Trafficking

REFERENCE: Transcript of hearing page 45.

QUESTION:

1. Mr RUDDOCK: Did it receive any evidence that students were being inveigled into sex slavery or prostitution, legal and illegal?

CHAIR: Or other forms of exploitative work.

Mr RUDDOCK: Or other forms of sexual exploitation?

CHAIR: Not necessarily sexual.

Ms Bennett: I do not believe so.

Mr RUDDOCK: You do not believe so? You did not take any evidence to that effect.

Ms Bennett: I do not believe so.

Mr Griew: We can take that on notice. (p. 45)

ANSWER:

There is no mention of sexual exploitation in the Baird Report.

QUESTION:

2. One submitter has recommended that the Commonwealth adopt a human rights framework in relation to public policy affecting international students. Do you have a view on this recommendation?

ANSWER:

The Australian Human Rights Commission has developed *Guiding Principles to Protect the Human Rights of International Students Living in Australia*. The Principles can be found at:
http://humanrights.gov.au/racial_discrimination/international_students.html

QUESTION:

3. Is the Department aware of any public program by universities or colleges that focus on international student issues? What role does the Department play in any programs?

ANSWER:

Universities Australia has adopted a *Ten Point Action Plan for Student Safety* from recommendations developed by the Deputy and Pro Vice-Chancellors (International) from Australian universities. The plan emphasises strong law enforcement plus necessary complementary actions, and underpins the *Universities Australia Good Practice Guidelines for Enhancing Student Safety*. The Ten Point Plan and the Good Practice Guidelines can be found at: <http://www.universitiesaustralia.edu.au/resources/590/1015>

The Department, in collaboration with Universities Australia, provided funding grants in 2012 to selected organisations to undertake projects to enhance international students' experience in the areas of social engagement, career readiness and student support services. Seven grants were awarded following a competitive selection process and the projects were completed before 30 June 2012. A report of this program is available at:

<https://aei.gov.au/research/Publications/Documents/Enhancing%20the%20International%20Student%20Experience.pdf> (the seven projects are summarised at page 6 of the report).

The *Rainbow Guide*, developed by ISANA – International Education Association as a template for the support of international students intending to study in Australia, was created with funding from the Department of Education, Employment and Workplace Relations (DEEWR). The Guide is a suggested “best-practice” template for all education providers offering services to international students in Australia. The Guide can be found at: <http://isana.org.au/the-rainbow-guide>

Dr Helen Forbes-Mewett at Monash University is currently undertaking research funded by the Australian Research Council on international student security and crime. The project will provide a detailed account of international students and crime in Australia, the UK and the US.

QUESTION:

4. A submitter has recommended the Government develop an International Charter of Student Rights based upon International Labour Protocols and the Migrant Workers convention. Do you have a view on this recommendation?

ANSWER:

The Australian Human Rights Commission has developed *Guiding Principles to Protect the Human Rights of International Students Living in Australia*. The Principles can be found at: http://humanrights.gov.au/racial_discrimination/international_students.html

QUESTION:

5. Is there a legal gap in the status and rights of international students living and working for extensive periods in Australia?

ANSWER:

The Department is not aware of any legal gap between the status and rights of international students.

QUESTION:

6. What health, housing, employment and mobility services are provided to international students?

ANSWER:

The Government has done much to ensure that international students have a successful study and living experience in Australia.

In 2010 the Council of Australian Governments' International Students Strategy for Australia acknowledged that international students need accurate, comprehensive and up-to-date information to understand and assess their options for living and working in Australia.

An important part of the Strategy included the further development of the Study in Australia website (<http://www.studyinaustralia.gov.au/>) as the single, authoritative source of accurate, comprehensive and up-to-date information for international students about personal safety, support services and employment rights and responsibilities. Information is translated into several languages.

The Study in Australia website has information on work entitlements, pay, superannuation, shifts and taxation for international students and provides advice through links to the websites of the Fair Work Ombudsman and the Australian Taxation Office on what international students should do if they feel they are being exploited in the workplace.

The Study in Australia website explains to international students that they have the same workplace rights as Australian citizens and therefore that an employer cannot pay them at a lower rate or threaten to have their visa revoked.

International students can contact the Fair Work Ombudsman for information and advice if they have any questions about their work situation or believe they are not receiving their minimum pay, leave or conditions. Amongst other educative tools designed to assist migrant workers, the Fair Work Ombudsman has a dedicated international students' website (<http://www.fairwork.gov.au/employment/international-students/pages/default.aspx>) with translated material available and conducts presentations on the agency's services to international students at educational institutions. Students are also provided with a direct link from the portal to the national Anti-Discrimination gateway website.

The ISSA acknowledges that secure accommodation is integral to a high quality experience for international students.

Much is in place and is being done by governments to support international students' access to accommodation. For example, the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* requires providers, prior to accepting a student (or an intending student) for enrolment in a course, to provide current and accurate relevant information on accommodation options.

A variety of accommodation is available to suit the individual needs of international students in Australia ranging across homestay, hostels and guest houses, on-campus accommodation, to private sector rental accommodation. Most universities provide some on-campus accommodation and some inner capital city residential construction has been based in part on demand generated by international students.

The Government mandates that international students purchase visa length Overseas Student Health Cover (OSHC) prior to obtaining a student visa. OSHC is provided by private health insurers who have signed a Deed of Agreement with the Commonwealth to cover admissions for international students in both public and private hospitals.

The five health insurers approved by the Australian Government for the purposes of providing overseas student health cover must, as a condition of this approval, provide benefits at a rate at least equivalent to:

- 100% of the Medicare Benefits Schedule fee for in hospital medical services; and
- the rate determined by State and Territory health authorities for public hospital accommodation for admitted patient shared ward accommodation, same day services, accident and emergency and outpatient medical and post-operative services charged to a patient who is not an Australian resident.

QUESTION:

7. Do education providers supply international students with relevant workplace health and safety and rights information as a component of student orientation?

ANSWER:

Education providers have an obligation under the ESOS legislative framework to supply international students with relevant information through an appropriate orientation program. The orientation program should include information about:

- (a) Student support services available to students in the transition to life and study in a new environment
- (b) Legal services
- (c) Emergency and health services
- (d) Facilities and resources
- (e) Complaints and appeals processes, and
- (f) Any student visa condition relating to course progress and/or attendance as appropriate.

This information can be found at www.aei.gov.au/Regulatory...for.../national-code/.../default.aspx

QUESTION:

8. The Committee has received a recommendation that government formulate and publicise a set of criteria employers would need to meet in order to have their enterprises approved as venues to which state funded employment and education agencies can direct international students seeking employment. Do you have any views on this recommendation?

ANSWER:

Employment law is a matter for DEEWR.

QUESTION:

9. Another recommendation is the establishment of a network involving Federal and State departments, education suppliers, unions and employers to generate relevant information and data to enable workplace agencies to investigate injuries and injustices suffered by international student-workers, the number employed, where they work, and their conditions of employment. Do you have any views on this recommendation?

ANSWER:

Employment law is a matter for DEEWR.

International students are entitled to 40 hours of paid work per fortnight during term time. Work hours are unrestricted when the course is not in session. Postgraduate students' work hours are unrestricted at all times. In the workplace, international students have the same rights as Australian citizens.

The Study in Australia website informs students that if they feel they are being exploited they can contact the Fair Work Ombudsman for information and advice. The Fair Work Ombudsman has a dedicated international students' website with translated material available and conducts presentations on the agency's services to international students at educational institutions.