



## Office of the Hon Jason Clare MP Minister for Education

Reference: MC24-008861

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President

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Dear Ms Zutshi and Ms Pheasant

Thank you for your correspondence of 12 July 2024 to the Hon Jason Clare MP, Minister for Education, regarding the University of Melbourne Student Union's response to the National Student Ombudsman. Minister Clare has asked me to respond on his behalf.

I appreciate you preparing a submission on the National Student Ombudsman. Your submission has been provided to both the Department of Education and the Commonwealth Ombudsman to help inform implementation of this important new function.

On 11 September 2024, Minister Clare introduced the Universities Accord (National Student Ombudsman) Bill 2024 into the Australian Parliament. The new National Student Ombudsman is part of the Action Plan to address gender-based violence in higher education, agreed to by Education Ministers on 23 February 2024. Further information about the Action Plan is available at [www.education.gov.au/action-plan-addressing-genderbased-violence-higher-education](http://www.education.gov.au/action-plan-addressing-genderbased-violence-higher-education).

The National Student Ombudsman will be independent, impartial and provide higher education students with an effective, trauma-informed complaints mechanism to use when they are not satisfied by their higher education provider's response. The National Student Ombudsman is proposed to start accepting student complaints from 1 February 2025, subject to passage of legislation.

The National Student Ombudsman will be established within the Commonwealth Ombudsman and will allow higher education students to escalate complaints about the actions of their higher education provider. The functions of the National Student Ombudsman will include:

- considering whether decisions and actions taken by providers are unreasonable, unjust, oppressive, discriminatory or otherwise wrong
- responding to a complaint while a provider is still considering the issue if there are unreasonable delays, or the provider is acting unreasonably
- recommending a provider takes specific steps to resolve the complaint. This could include, for example, recommending a provider take a specific action to resolve a complaint such as refunding or recrediting fees, or making changes to policies and procedures
- sharing information with relevant regulators for further compliance action if needed
- offering a restorative engagement process between the student and the provider where appropriate
- bring parties together to resolve complaints through an alternative dispute resolution process.

The National Student Ombudsman will be able to handle a broad range of complaints from higher education students about the actions of their higher education provider, including in relation to student safety and welfare, disciplinary processes, reasonable adjustments and special circumstances. It will not be able to handle complaints about actions that rely on academic judgement, relate to employment or vocational education and training.

The National Student Ombudsman's complaint handling and investigations staff will be trained in trauma-informed practices. This trauma-informed approach will promote safe and person-centred experiences that support the wellbeing of complainants.

Annual reporting on the National Student Ombudsman's operations and performance of functions – in a manner that protects the privacy of students – will be publicly available and tabled in both Houses of Parliament. This will include reporting on the number and nature of complaints per higher education provider and how providers have implemented recommendations, which will enhance transparency and publicly hold providers to account.

The National Student Ombudsman will also undertake education activities to help providers build their complaint handling capabilities. Further information about the National Student Ombudsman, including a detailed overview document, is available on the Department of Education's website at [www.education.gov.au/national-student-ombudsman](http://www.education.gov.au/national-student-ombudsman).

The Government's next step to improve the safety, wellbeing and experiences of higher education students is the introduction of a National Higher Education Code to Prevent and Respond to Gender-based Violence, another key action of the Action Plan. Minister Clare has tabled a document in Parliament with more information about the National Code. This document is available at [https://www.aph.gov.au/Parliamentary\\_Business/Tabled\\_Documents/7352](https://www.aph.gov.au/Parliamentary_Business/Tabled_Documents/7352).

Together, these measures will ensure greater oversight and accountability of providers and help drive the social change we need to see in the higher education sector to address gender-based violence.

I trust this information is of assistance.

Yours sincerely



**KORENA FLANAGAN**  
Chief of Staff

8 / 11 / 2024