



Professor Andrew Parfitt FTSE, FRSN, FIEAust
Vice-Chancellor and President
Chancellery
15 Broadway, Ultimo NSW 2007

PO Box 123
Broadway
NSW 2007 Australia
www.uts.edu.au

T: +61 2 9514 1333
Andrew.Parfitt@uts.edu.au

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1 October 2024

Committee Secretary
Senate Education and Employment Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600
By online submission

Dear Committee Secretary

RE: Inquiry into the provisions of the Universities Accord (National Student Ombudsman) Bill 2024

Thank you for the opportunity to make a submission regarding the Committee's inquiry into the provisions of the *Universities Accord (National Student Ombudsman) Bill 2024* (the Bill).

UTS supports the establishment of the National Student Ombudsman (NSO) as the first action of the *Action Plan addressing Gender-based Violence in Higher Education (the Action Plan)*. Establishment of this body will ensure domestic and international students have an effective, trauma-informed mechanism for escalating complaints relating to gender-based violence.

Together with the forthcoming *National Higher Education Code to Prevent and Respond to Gender Based Violence*, this legislation will support appropriate accountability for higher education providers to create safe learning environments that are free of sexual violence, harassment and discrimination.

We are also pleased to see that the Bill gives full effect to recommendation 18(b) of the *Australian Universities Accord Final Report* to establish a NSO to respond to student complaints concerning a range of issues relating to their studies and student life.

Extended transition period for commencing broader powers

To date, much of our current efforts have been focused on meeting our commitments under the Action Plan (due by 1 January 2025) and we are concerned that the broader remit of the NSO may require additional preparatory work that we have not yet accounted for. To allow universities to prioritise compliance with enhanced gender-based violence requirements, we ask that government consider an extended transition period (say 6-12 months) before commencing the NSO's broader complaint handling powers i.e. beyond those aimed at addressing gender-based violence.

The newly established NSO must also be appropriately resourced to manage a potentially significant national case load. A gradual approach, beginning with gender-based violence complaints before expanding to a full remit at a later time, is a sensible way forward in these circumstances.

Improving the student experience

The success of the NSO depends on clarity for students about how and when they can escalate complaints to the NSO, versus state-based ombudsmans. Accordingly, UTS urges government to resolve all jurisdictional and administrative complexities that would otherwise present unintended navigational barriers to student complainants prior to implementation.

We understand that government has commenced work with States and Territories on these matters, but details are not presently available to universities. Guidance materials for universities and students will need to be developed and circulated well in advance of the legislation commencing.

Other issues for consideration

Most of UTS's concerns with the Bill relate to subdivision A of the Bill – *Complaints to the National Student Ombudsman* and are listed in the table below.

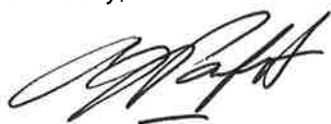
Clause	Issue	Recommendation
21AD (3)(e) scope of the 'National Student Ombudsman Rules'	The Bill refers to <i>National Student Ombudsman Rules</i> for the purposes of articulating upon what grounds a complaint can be made. These Rules are not currently available.	Any Rules should be developed in consultation with the sector and cross referenced with other government authorities including TEQSA and state-based authorities.
21AD (1)(a); 21AD (3)(c) and 3(1) defining 'higher education student'	The Bill proposes that a 'higher education student' also includes 'prospective students' (clause 3(a)).	The Bill should clarify that complaints by prospective students are restricted to attempting to apply or enrol.
21AD(3)(c) operationalising 'academic judgement'	The Bill proposes that 'academic judgement' is an 'excluded action'. However, the explanatory memorandum then states that there is 'a range of academic matters that do not require the exercise of academic judgement and which could be the subject of a complaint to the National Student Ombudsman'.	Guidance materials should be developed in consultation with the sector.
21AT(1)(b) 'own-motion investigations'	The Bill proposes that the NSO may investigate actions on its 'own initiative', except where it is an excluded action. The <i>National Student Ombudsman: Model Overview</i> explains that these investigations could be identified through the media and other sources.	The NSO should focus its limited resources on student complaints rather than potentially broad scale investigations. As an alternative, the NSO could consider adopting a feedback loop to universities on general themes and trends that it considers of importance similar to how the NSW Auditor-General informs universities of areas of interest.

In summary, the complexity of the Bill in combination with the expanded scope of the NSO necessitates further consultation with the sector. The Bill as it currently stands would benefit from improvements and a sequenced timeline to ensure that the NSO has the capacity to support and improve the student experience as intended.

UTS is a member of Universities Australia and the Australian Technology Network of Universities and is broadly supportive of their feedback and recommendations regarding the Bill.

Should you require any further information then please do not hesitate to contact Danielle Woolley, Head of Government Relations and External Engagement (Danielle.woolley@uts.edu.au) should you wish to discuss this submission further.

Yours sincerely,



Professor Andrew Parfitt
Vice-Chancellor and President