

National Student Ombudsman

Pathways & possibilities for resolving problems

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Note

The views expressed in these slides are entirely those of the authors and do not represent those of any organisation they maybe employed by or associated with nor are endorsements or representation of nature of any services referred to.

Introduction

We have developed this brief paper to provide an overview to assist higher education (HE) students become familiar with some of the key features of a new mechanism that provides overseas HE students studying in the Australian private education space, overseen by the Office of the National Student Ombudsman (NSO) from the 1st February 2025.

Ombudsman is a Nordic term and essentially means 'representative' and is a well-established option for dealing with disputes between government departments and organisations by the application principles of administrative principles - it is not a court of law.

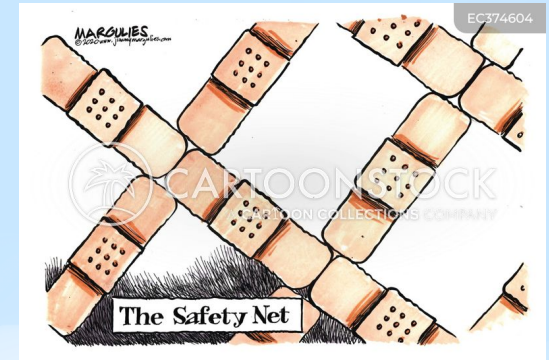
The NSO is a major reform and for the first time will provide private HE students with a process to resolve difficulties involving courses they are enrolled in at a private education provider (PEP). This is an important development and fills a gap which has existed for some time which meant overseas HE students have not been able to access the same level of formal dispute resolution mechanisms as had been enjoyed by students enrolled in Australian public universities.

We believe that the commencement of the NSO establishes an important pathway for those small number of complaints which are not able to be satisfactorily resolved at the PEP level, involving disputes between overseas HE students and their PEP.

The NSO introduces an element not previously available, of being able to have disputes that could not be resolved to now be heard and determined by an independent decision maker, the NSO, who operates within a statutorily defined framework.

In addition to this new option of mediated resolution, the NSO reforms will bring other important benefits to address power imbalances that between students and PEPs, such as fostering in PEPs a culture of observance of natural justice principles, mediation and other forms of dispute resolution practices.

The following slides are to intended to identify some of the provisions, to provide a broad understanding of arrangements that can determine pathways, a number of relevant pieces of legislation and some general information about trends in international student enrolments and migration in Australia.



What is the NSO?

The National Student Ombudsman (NSO) was established as a new function of the Commonwealth Ombudsman under the Universities Accord (National Student Ombudsman) Bill 2024 was passed on November 28, 2024.

This amended a key piece of Commonwealth legislation, to expand the powers of the Commonwealth Ombudsman, to investigate complaints involving higher education students attending private education providers.

The legislation passed on 28 November 2024 established the National Student Ombudsman under Part IIF of the *Ombudsman Act 1976* (Commonwealth Act).

The NSO is set up as an independent and impartial body with the power to investigate student complaints and resolve disputes with higher education providers and began taking complaints from students on February 1, 2025.

It is a free and independent service for students to resolve complaints about their higher education provider.

The advantage is that the Commonwealth Ombudsman's examines complaints from outside the institution. It handles complaints on a range of issues, including -

- a) student safety and welfare, including gender-based violence
- b) course administration, such as timeliness and accuracy of information provided to students
- c) teaching provision and facilities, such as sufficiency of staffing to meet educational, academic and administrative needs of students
- d) disciplinary processes, such as procedures to address misconduct
- e) reasonable adjustments for students with disability or experiencing special circumstances.

NSO - What can it do?

The NSO can help if a student they –

- 1) are dissatisfied with how the complaint was handled by the higher education provider at the internal review, or
- 2) believe a decision was made in error or that an higher education provider has acted unfairly, or
- 3) cannot directly make a complaint to their higher education provider.

The NSO provides advice and guidance on the complaint process and if this is not the correct forum for the issue they will arrange a referral for the student.

The NSO will consider the way a decision was made and can make recommendations to an higher education provider on how the decision or process could be improved.

When a student complainant lodges a complaint with the NSO it will contact the education provider to –

- 1) gather information about concerns
- 2) seek to understand what outcomes the student is hoping to achieve
- 3) what actions have already been taken
- 4) empower a student with information and options for next steps
- 5) provide progress updates as it works through the complaint and notify the student on what steps we've taken
- 6) work with the student on the most appropriate resolution option, possibly alternative dispute resolution, restorative engagement or a formal investigation
- 7) communicate outcomes and recommendations with the student and the the higher education provider against whom the complaint has been made.



NSO - What it will consider

If a student is not satisfied with the way their higher education provider handled their complaint, or are unable to complain directly to their provider, the ONS can assist.

This includes international and Higher Degree Research Students.

Scope of issues

- 1) Student safety and wellbeing, including gender-based violence, discrimination, racism, antisemitism and islamophobia
- 2) Student enrolment and exclusion
- 3) Student applications for special consideration
- 4) Providers changes to course structures
- 5) Providers complaint and appeal procedures
- 6) Providers failure to clearly explain their decisions.

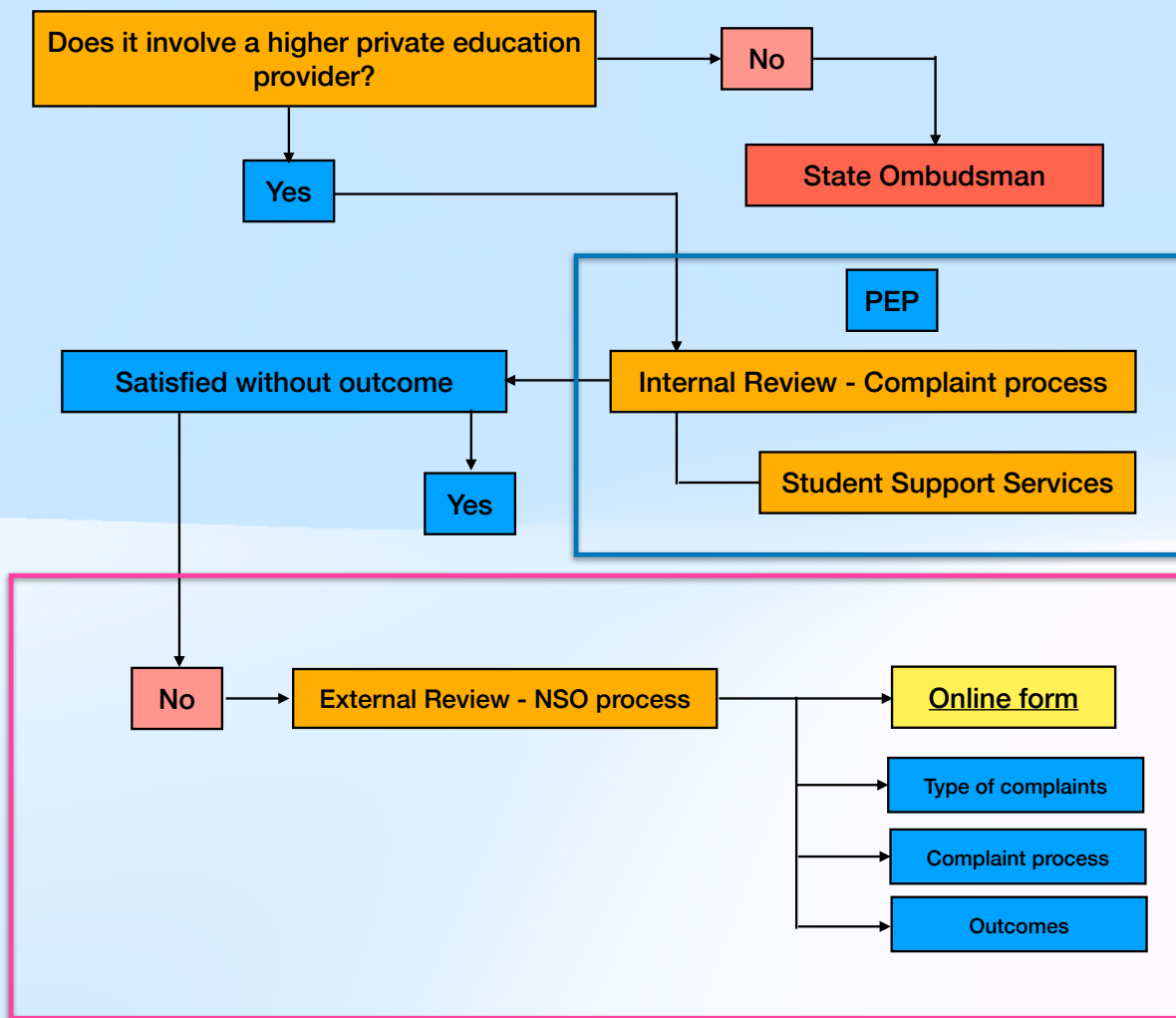
Outcomes

The NSO can -

- 1) consider whether decisions and actions taken by higher education providers are unreasonable, unjust, oppressive, discriminatory or otherwise wrong
- 2) recommend a provider takes specific steps to resolve the complaint
- 3) share information with relevant regulators for further compliance action if needed
- 4) promote best practice complaints handling across the higher education sector
- 5) offer a restorative engagement process between the student and the provider where appropriate, and
- 6) bring parties together to resolve complaints through an alternative resolution process.

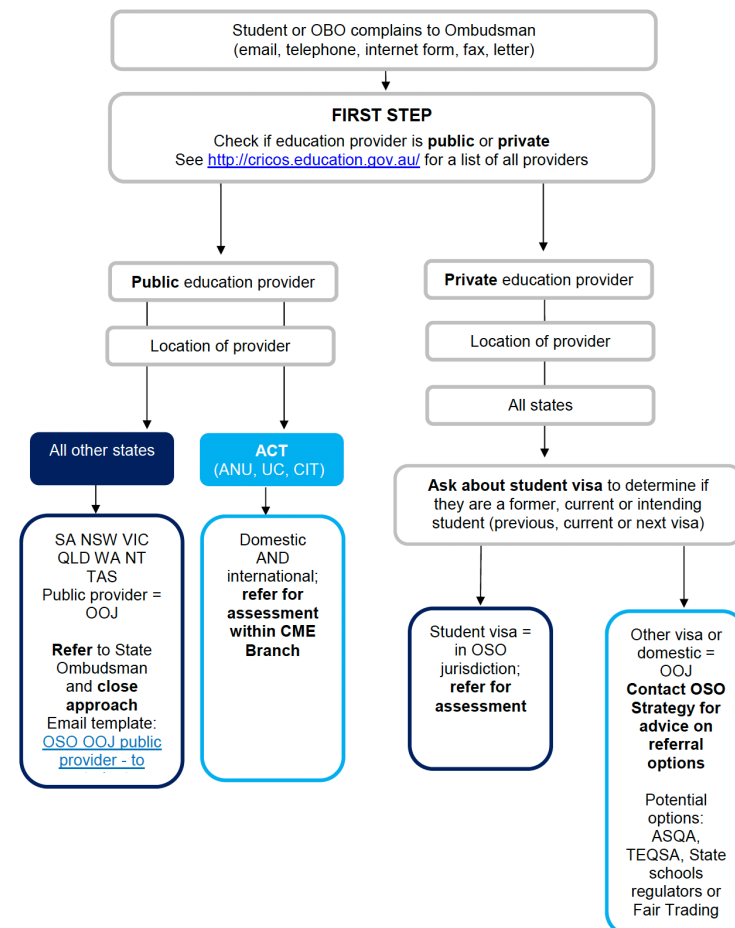


NSO - The process



Overseas Student Ombudsman (OSO) Complaints – Early Resolution Guide

How to assess a complaint made by an international student about an education provider in Australia.



NSO - Outcomes

Outcomes will vary based on the uniqueness of each complaint, and what each student is hoping to achieve as a result of contacting the NSO.

All outcomes will be procedurally fair and the NSO will explain the outcome to students and higher education providers.

To resolve complaints, the NSO can recommend that higher education providers -

- 1) formally apologise and acknowledge actions
- 2) change or reconsider a decision
- 3) provide students with further information
- 4) improve their policy or procedures
- 5) engage in an alternative dispute resolution process, including restorative engagement
- 6) take some other form of action specific to your complaint.

Some complaints will result in no recommendations or suggestions coming from the NSO and others will result in recommendations being implemented to make positive changes to policy or procedure.

NSO outcomes may provide the basis for enforcement action by the regulator of higher education providers, the Tertiary Education Quality and Standards Agency (TEQSA).

The outcomes and recommendations will also help the NSO to identify and address systemic issues across the sector.

If NSO cannot assist you with your concerns or complaint, they will help you identify other options.



Office of the Commonwealth Ombudsman Online Form

What is your contact about?

- ✓ --Select--
- ACT government agency
 - Australian Taxation Office (ATO)
 - Centrelink
 - Other Commonwealth government agency
 - Australia Post
 - Startrack
 - VET student loans
 - Private education provider for overseas students
 - University or Higher Education Provider (NSO)
 - Private health insurance
 - Australian Defence Force
 - State, territory or local government agency
 - Financial institution, telecommunications company or utility
 - Optional Protocol to the Convention against Torture (OPCAT)

Making a complaint - NSO

NSO - What can it not do?

The NSO will not consider -

- 1) Complaints related to a VET course
- 2) Academic judgement, for example grades that were awarded
- 3) Complaints related to an individuals' employment with a higher education provider
- 4) Complaints related to the appointment of a person to an office of a higher education provider
- 5) Complaints related to education providers who are not Tertiary Education Quality and Standards Agency.

The NSO cannot make a new decision for a matter.

Is the NSO a safety net?

The concept of social safety nets is a common approach in welfare-oriented situations and may encompass a range of programs and policies designed to deliver financial, material, and social assistance to those in need.

They act as a buffer against the adverse effects of poverty, unemployment, disability, natural disasters, and other hardships that can destabilize individuals and families.

There are commonalities between these examples and the approach that is supported by the NSO, i.e. to protect and support the needs of those who may be disempowered, marginalised or excluded from the full rights enjoyed by other persons.



Public education providers: Example of WA Ombudsman

The Western Australian (WA) Ombudsman is impartial and independent of the government of the day.

The Ombudsman receives, investigates and resolves complaints about State Government agencies, local governments and universities, undertakes major investigations with all the powers of a standing Royal Commission, reviews child deaths and family and domestic violence fatalities and undertakes a range of other functions, including overseeing telecommunications intercept laws and consorting laws .

One of the Western Australian Ombudsman's principal functions is to investigate and resolve complaints about Western Australian public authorities, including universities.

The Ombudsman is also the external appeals body for overseas students studying in Western Australian public education and training organisations.

WA Ombudsman Complaints

How to make a complaint about a public education provider

Step 1 - Complain to your public education provider (Internal Review)

Contact the international student advisor at your public education provider for assistance

Complain to your public education provider requesting an Internal Review

Are you satisfied with the outcome of the Internal Review?

YES

Issue resolved

NO

Go to Step 2

Step 2 - Complain to the WA Ombudsman (External Review)

Ask the Ombudsman for an External Review:

Use the [Online Complaint Form](#)

Send an email to mail@ombudsman.wa.gov.au

Print and fax [Complaint Form](#) to (08) 9220 7500

Print and post [Complaint Form](#) to PO Box Z5386 St Georges Terrace Perth WA 6831

Contact us for advice on (08) 9220 7555 or through the Interpreter Service on 131 450

Public education providers: WA Ombudsman

The WA Ombudsman has been giving guidance on complaint handling to public authorities in WA and has published a report and guidelines to support effective complaint handling.

The public universities are unique institutions and complaints that will inevitably arise require correspondingly unique procedures involving the Australasian best practice guidelines for complaint handling at universities, a joint project of Australasian Parliamentary Ombudsmen.

If you were enrolled at a public university in WA, before you complain to the WA Ombudsman for an external review you must first exhaust all internal review options with your public education provider.

Curtin University

Integrity and Standards Unit
Telephone: 1800 907 998 or (08) 9266 9184
Email: complaints@curtin.edu.au
Website: [Integrity and Standards Unit](#)

Edith Cowan University

Strategic and Governance Services Centre
Telephone: (08) 6304 2199
Email: complaints@ecu.edu.au
Website: [Complaints Resolution and Integrity](#)

Murdoch University

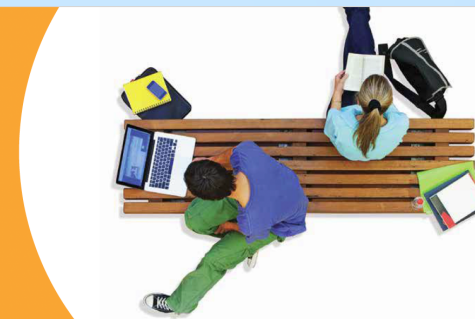
Student Appeals Committee
Telephone: (08) 9360 2952
Email: studentappeals@murdoch.edu.au
Website: [Complaints and Appeals](#)

University of Western Australia

Complaint Resolution Unit
Telephone: (08) 6488 8547
Email: complaints@uwa.edu.au
Website: [Reports and Complaints](#)

Public Schools and TAFE Colleges

TAFE International Western Australia (TIWA) is the unit within the Western Australian (WA) Department of Training and Workforce Development.



Complaint Handling at Universities: Australasian Best Practices Guidelines

Ombudsman Western Australia
Serving Parliament – Serving Western Australians

About these guidelines

These Australasian best practice guidelines for complaint handling at universities are a joint project of Australasian Parliamentary Ombudsmen, and were first published by the NSW Ombudsman. This version has been produced by Ombudsman Western Australia with specific references applicable to the Western Australian context.

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WA Ombudsman Complaints

Other regulatory processes

Example of OMARA

The Office of the Migration Agents Registration Authority (OMARA) is a section within the Department of Home Affairs.

The role of OMARA is to protect consumers of migration advice services by only registering those people who meet our qualification and character standards.

It investigates complaints about registered migration agents, which also helps to protect consumers and register and oversee more than 5,000 registered migration agents who give immigration assistance.

As part of its role it will –

- 1) help people who need immigration assistance understand their rights
- 2) make sure registered migration agents understand their obligations
- 3) keep a Register of registered migration agents
- 4) check that registered migration agents maintain the knowledge they need to give clients accurate advice
- 5) handle complaints about registered migration agents
- 6) discipline registered migration agents when they don't meet our Code of Conduct.

[OMARA Online complaint form](#)



Other regulatory processes

Example of TEQSA

The Tertiary Education and Quality Standards Agency (TEQSA) is responsible for regulating and assuring the quality of all providers of higher education in Australia.

The Australian higher education sector includes public and private universities, Australian branches of overseas universities, university colleges and institutes of higher education.

Also known as tertiary education, higher education consists of awards spanning Australian Qualifications Framework (AQF) levels 5-10, which include: diplomas; advanced diplomas; associate degrees; bachelor degrees (including honours); graduate certificates; graduate diplomas; masters degrees; doctoral degrees; and higher doctoral degrees.

Higher education providers offer qualifications ranging from undergraduate awards (bachelor degrees, associate degrees and advanced diplomas) to postgraduate awards (graduate certificates and diplomas, masters and doctoral degrees).

The *Tertiary Education Quality and Standards Agency Act 2011* (Commonwealth Act) which established the TEQSA, enables it to –

- 1) register regulated entities as higher education providers and accredit their courses of study
- 2) conduct compliance and quality assessments
- 3) conduct re-accreditation assessments of courses developed by providers without self-accrediting authority
- 4) provide advice and make recommendations to the Commonwealth Minister responsible for Education on matters relating to the quality and regulation of higher education providers
- 5) cooperate with similar agencies in other countries
- 6) collect, analyse, interpret and disseminate information relating to quality assurance practice and quality improvement in higher education
- 7) to investigate and take action against individuals or organisations offering or advertising commercial academic cheating services to students at Australian higher education providers.

Other regulatory processes

Example of ESOS & ATEC

ESOS

The *Education Services for Overseas Students Act 2000* (Commonwealth Act) forms the legal framework for the quality assurance of education and training institutions offering courses to international students (students studying in Australia on student visas).

The ESOS legislative framework consists of the –

- 1) ESOS Act
- 2) Education Services for Overseas Students Regulations
- 3) Education Services for Overseas Students (Registration Charges) Act
- 4) National Code of Practice for Providers of Education and Training to Overseas Students
- 5) National Standards for Foundation Programs
- 6) ELICOS National Standards.

ATEC

The Australian Tertiary Education Commission (ATEC) will commence from 1 July 2025 and be an independent steward for the higher education system, tasked with creating a better and fairer tertiary education system that delivers for students and on national economic and social objectives.

In the 2024-2025 Budget, the Government committed to establishing an ATEC as an independent higher education steward.

The ATEC will focus on making sure universities do their part to deliver on the Government's commitment to lift tertiary education attainment to 80 per cent of working aged people by 2050 and raising equity participation and attainment.

It will make sure that there are enough places at universities to allow more people to be able to access the opportunities that a higher education can deliver.

The ATEC will work with the sector and across governments to promote tertiary harmonisation efforts to drive better pathways for students between the vocational education and training and higher education sectors. It will also foster partnerships with First Nations people and organisations to embed First Nations perspectives in its advice.

Other regulatory processes

Public universities

Australian Universities Accord

The Australian Government committed to an Australian Universities Accord, a reform to drive lasting and transformative reform in Australia's higher education system.

The Government invested \$2.7 million over two years from 2022–23 to deliver the Australian Universities Accord through a 12-month review of Australia's higher education system, led by a Panel of eminent Australians (the Panel).

The objective of the Accord was to devise recommendations and performance targets to improve the quality, accessibility, affordability and sustainability of higher education, in order to achieve long term security and prosperity for the sector and the nation.

Through the 2024-25 Budget and MYEFO, the Government is delivering on reforms recommended by the Australian Universities Accord to help build a better and fairer education system.

This includes the important structural reforms that are central to setting the tertiary education system up for the future, an Australian Tertiary Education Commission (ATEC), a Managed Growth Funding System, and demand-driven Needs-based Funding.

Australian Universities Accord Final Report

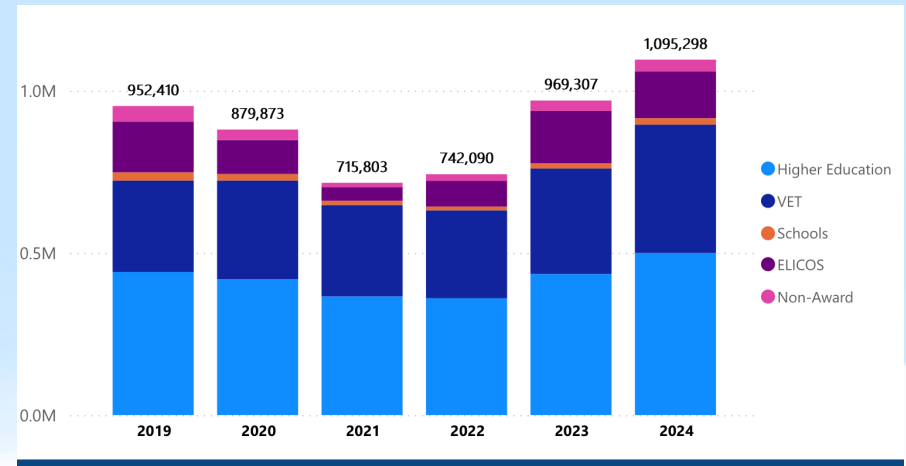
On 25 February 2024, the Hon Jason Clare MP, Minister for Education, released the Australian Universities Accord Final Report.

The Australian Universities Accord Final Report contains 47 recommendations for Government consideration and aims to create a long-term reform plan for the higher education sector to meet Australia's future skills needs.



Big picture: International students Enrolments by sector

Categories	2019	2020	2021	2022	2023	2024
Higher Education	440,871	418,357	365,656	359,939	434,765	499,371
VET	281,766	304,390	281,696	270,969	325,117	395,760
Schools	25,459	20,070	13,019	11,714	15,830	19,675
ELICOS	156,095	104,728	41,841	79,359	161,350	144,453
Non-Award	48,219	32,328	13,591	20,109	32,245	36,039
Total	952,410	879,873	715,803	742,090	969,307	1,095,298



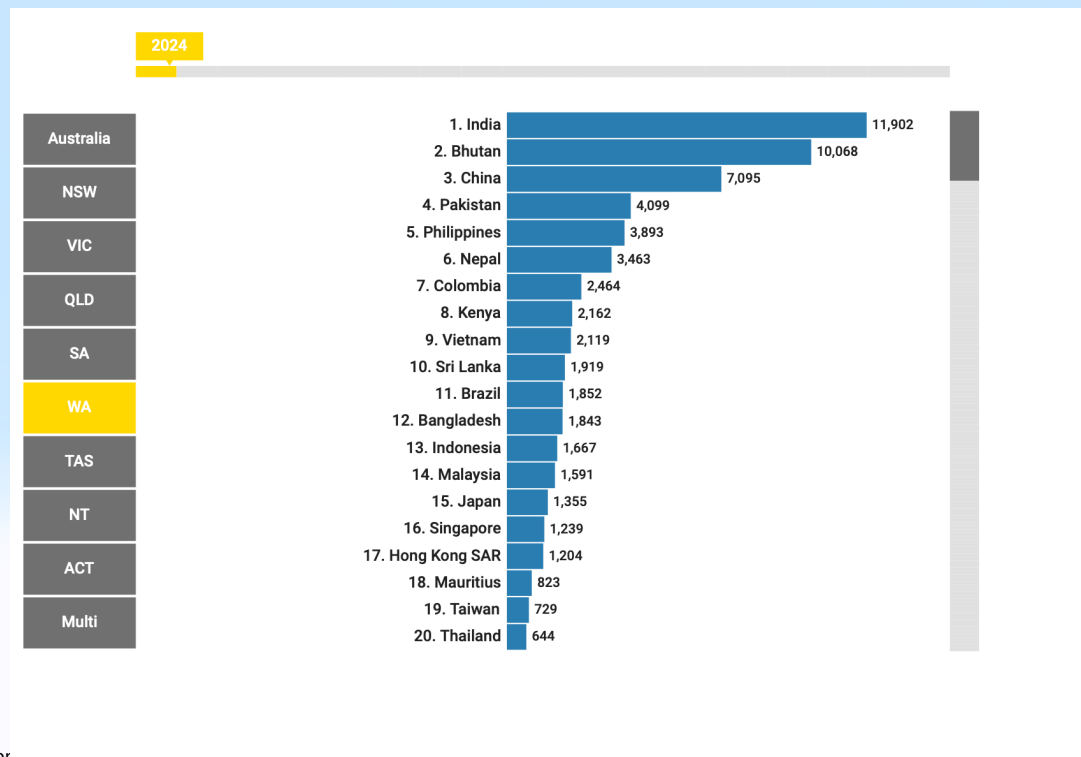
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Big picture: International students Enrolments by country

Western Australia

The number of international students studying in Western Australia totalled 71,741 for the January-December 2024 period.

There was a change of 20% compared to the same period last year, and had a 8% share of the overall Australian student numbers.



Department of Education (2025) International students: More
[student-numbers-country-state-and-territory>](#)

Big picture: Net migration Trends 2004/2005 - 2035/2036

Overseas migration surged to 535,000 in 2022-23, or roughly double the average pace of the decade leading up to Covid.

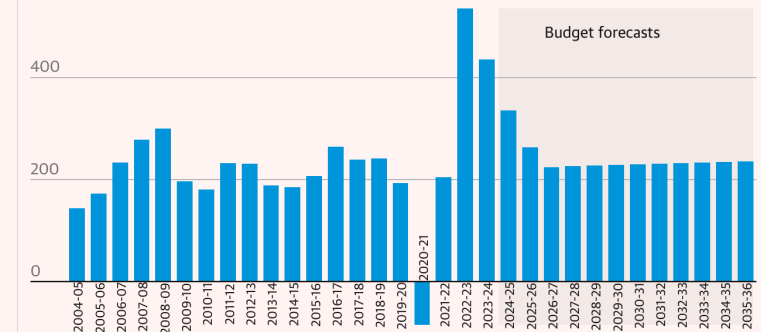
The figure was 435,000 in 2023-24.

Treasury's projections are that net overseas migration – or Nom – will fall by 100,000 in this financial year to 335,000.

That's a hefty 1.3m in just three years.

The budget predicts NOM will drop again to more usual numbers of 260,000 in 2025-26 and then settle at a lower 230,000 a year from then.

Net overseas migration (thousands of people)



Guardian graphic. Source: Centre for Population, budget papers

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About. < <https://www.education.gov.au/national-student-ombudsman>>