

## MEMORANDUM OF UNDERSTANDING

between

The Commonwealth Ombudsman as the National Student Ombudsman

and

Tertiary Education Quality and Standards Agency

### 1. Parties

1.1. The parties to this Memorandum of Understanding (memorandum) are:

1.1.1. The **National Student Ombudsman** (as part of the Office of the Commonwealth Ombudsman) Level 5, 7 London Circuit, Canberra ACT 2601; and

1.1.2. The **Tertiary Education Quality and Standards Agency** Level 11/452 Flinders St, Melbourne VIC 3000.

### 2. Introduction

2.1. The Office of the Commonwealth Ombudsman is an independent statutory body created by the *Ombudsman Act 1976* (Cth) (Ombudsman Act) to investigate actions that relate to a matter of an administration by government departments or prescribed authorities, among other functions. The Ombudsman Act also provides that the Commonwealth Ombudsman is the National Student Ombudsman (NSO).

2.2. The Tertiary Education Quality and Standards Agency (TEQSA) is Australia's independent national quality assurance and regulatory agency for higher education, established under *The Tertiary Education Quality and Standards Agency Act 2011* (Cth) (TEQSA Act).

2.3. Both the NSO and TEQSA have functions involving oversight of the higher education sector.

2.4. TEQSA is responsible for regulating and assuring the quality of all providers of higher education in Australia. Its functions as set out in section 134 of the TEQSA Act include registering higher education providers and accrediting courses of study, and conducting compliance and quality assessments, with regard to the requirements of the *Higher Education Standards Framework (Threshold Standards) 2021* (Cth) (Threshold Standards). TEQSA also has functions under the *Education Services for Overseas Students Act 2000* (Cth) (ESOS Act) as the ESOS agency for registered higher education providers, which involve registering providers to deliver courses to international students with regard to the requirements of instruments including the [\*National Code of Practice for Providers of Education and Training to Overseas Students 2018\*](#).

2.5. The NSO is a free, independent and impartial complaints handling service for higher education students to make complaints about their TEQSA-registered higher education providers. The NSO was a recommendation of the [\*Australian Universities Accord Final Report\*](#) and forms part of the [\*Action Plan to address gender-based violence in higher education\*](#). The NSO was established following the passage of the *Universities Accord (National Student Ombudsman) Bill 2024* on 28 November 2024 and began taking complaints on 1 February 2025. In addition to handling complaints, the NSO conducts investigations, undertakes alternative dispute resolution and restorative engagement and provides advice and training about best practice complaints handling.

2.6. The *Universities Accord (National Student Ombudsman) Act 2024* amended the Ombudsman Act and the TEQSA Act to provide for, inter alia, the disclosure of information between the parties for the purposes of assisting each party to perform its functions or duties or exercise its powers.

### 3. Purpose

3.1. The purpose of this memorandum is to define and clarify the working relationship, expectations and responsibilities of the parties, including to:

3.1.1. define information sharing arrangements between the NSO and TEQSA.

3.1.2. provide for the referral of complaints or disclosure of information from TEQSA to the NSO for the purposes of assisting the NSO to perform its functions or duties or exercise its powers.

3.1.3. record the parties' agreement to act reasonably and cooperate in good faith.

### 4. Information sharing

4.1. The NSO will regularly share high-level reports on complaint numbers and trends with TEQSA including:

4.1.1. Number of complaints received by the NSO by higher education provider.

4.1.2. Trends in complaints received by the NSO.

4.1.3. Complaint issues, outcome categories and themes.

4.2. The NSO will assess on a discretionary basis where it is appropriate to provide additional general updates to TEQSA on issues of interest.

4.3. The NSO will share this information with TEQSA by email to the Chief Executive Officer of TEQSA, copying in [concerns@teqsa.gov.au](mailto:concerns@teqsa.gov.au)

4.4. The NSO is authorised to share information with TEQSA through broad powers established through section 21AZG of the Ombudsman Act. Section 21AZG specifies that the NSO can disclose information to the Chief Executive Officer to assist TEQSA to "perform its functions or duties or exercise its powers".

4.5. The NSO is also authorised, under section 21AV(6)(c) of the Ombudsman Act, to give to TEQSA's CEO a copy of a report of an NSO investigation into a higher education provider, including any recommendations and comments to the higher education provider.

4.6. TEQSA will share relevant information about providers with the NSO which may include:

4.6.1. Details about providers that are not available on TEQSA's National Register or the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), including the rationale for decisions made by TEQSA and the duration of a provider's registration under the ESOS Act

4.6.2. Provider regulatory history and risk intelligence, including:

4.6.2.1. concerns raised about providers;

4.6.2.2. compliance and financial assessments; and

4.6.2.3. decisions to suspend, not renew or cancel the registration of a provider.

4.6.3. Formal responses about any actions or decisions TEQSA has taken in relation to information or matters the NSO has referred to TEQSA, for example whether or not TEQSA intends to use, or has used, the information in support of an investigation.

4.6.4. Other information such as trend analysis regarding academic integrity and provider exposure to contract cheating (as applicable).

4.7. TEQSA will assess on a discretionary basis where it is appropriate to provide general updates to the NSO on issues of interest.

4.8. TEQSA will share this information with the NSO by email to [REDACTED] and [REDACTED] and/or during monthly NSO-TEQSA leadership meetings and other meetings between NSO and TEQSA staff.

4.9. TEQSA is authorised to share information with the NSO under section 194A of the TEQSA Act. Section 194A states that TEQSA may disclose higher education information and personal information to the NSO if the disclosure is “for the purposes of assisting the National Student Ombudsman to perform its functions or duties or exercise its powers”.

4.10. It is noted that the functions of the NSO and TEQSA are supported by the information held by the other agency, and that each agency will endeavour to assist and support ad hoc requests for information beyond the information sharing described within this memorandum, subject to any legislative constraints.

## 5. Referral of complaints to the NSO

5.1. TEQSA will have the discretion to refer complaints to the NSO. TEQSA will identify appropriate cases to refer, including where TEQSA’s review of a complaint identifies that although a provider does not appear to breach legislation or regulations, the provider’s actions appear to be unreasonable or unfair and the complaint appears to be within the NSO remit.

5.2. TEQSA will have the discretion to refer individual student complaints to the NSO, subject to the student’s consent, if a student complainant approaches TEQSA but it appears the matter and the student’s desired resolution would be better handled through the NSO complaint process or statutory functions.

5.3. TEQSA will transfer this information to NSO by email to [REDACTED] and [REDACTED]

## 6. Referral of complaint and investigation information to TEQSA

6.1. The NSO will have the discretion to share information with TEQSA on specific complaints and investigations. This includes where:

6.1.1. a provider appears to be noncompliant with the Threshold Standards or the requirements of any other legislation or legislative instrument relevant to TEQSA’s functions, and the NSO is concluding its activity on the matter;

6.1.2. a provider appears to have an issue relating to corporate governance arrangements or other structural gaps with the higher education provider; or

6.1.3. the NSO assesses that it is in the public interest to share information with TEQSA.

6.2. If TEQSA opts to take action based on data provided by or a specific referral made by the NSO, TEQSA will inform NSO at the earliest practicable stage, via email to [REDACTED] and [REDACTED]

**7. Legal status, administration and review**

7.1. The clauses included in this memorandum do not create legal obligations between the parties.

7.2. Nothing in this memorandum is intended to limit, restrict, replace or alter the agencies' statutory functions, powers and obligations under any law or regulation.

7.3. This memorandum operates until terminated by either party by written notice or upon both parties agreeing to replace it with a subsequent memorandum or variation to the original terms.

7.4. The NSO and TEQSA will review the effectiveness of this MoU 12 months after its signature, and then every three years thereafter. Reviews will occur through a meeting or exchange of correspondence.

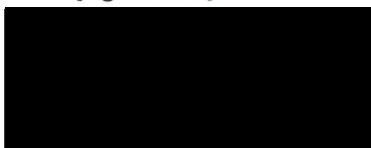
7.5. If there is a dispute between the NSO and TEQSA regarding the administration of this MoU, the parties will make reasonable attempts to resolve the dispute.

7.6. If a dispute cannot be resolved by the parties, the dispute will be escalated to the Chief Executive Officer of TEQSA, and the NSO First Assistant Ombudsman, for resolution.

7.7. The parties will ensure they provide each other with current details of relevant contact officers.

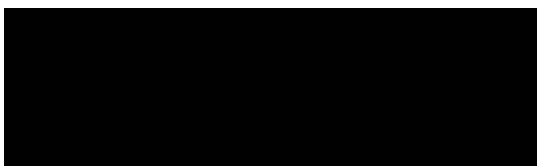
7.8. This memorandum comes into effect on the day it is signed by the last signatory.

[signatures]



Ms Sarah Bendall  
First Assistant Ombudsman  
National Student Ombudsman

Date: 15/8/2025



Dr Mary Russell  
Chief Executive Officer  
Tertiary Education Quality and Standards Agency

Date: 11/8/2025