

A2462703

29 January 2025

NSW Ombudsman, Mr Paul Miler PSM

Level 24, 24/580 George Street
Sydney NSW 2000

CC: Monica Wolf

Dear Mr Miller

**Managing National Student Ombudsman (NSO) – New South Wales Ombudsman
(NSW Ombudsman) Relations**

This letter is to establish arrangements to manage relations between our organisations within the higher education sector.

Legislative changes with the passing of the *Universities Accord (National Student Ombudsman) Act 2024* established the NSO as the primary escalated complaints handling mechanism for students within the higher education sector.

I understand that the NSW Ombudsman has existing responsibilities within this sector, including receiving complaints from students concerning their higher education provider.

I would like to establish arrangements which will focus on coordination, cooperation and information sharing between our two organisations for the effective oversight of the higher education sector.

I propose that the NSO and the NSW Ombudsman agree to:

- facilitate trauma informed referrals between our organisations where appropriate
- ensure all complaint referrals between our organisations are done with the express informed consent of the complainant

- share information, policy and guidance documents, including complaint assessment matrices, to ensure our organisations have the information required to accurately communicate complaints pathways to students
- share de-identified complaint data to enable the NSO to report on the volume of student complaints across Australia, and to consider national complaint trends among the higher education sector
- establish regular formal engagement and maintain contact lists of relevant officers to resolve any jurisdictional or administrative matters between our organisations
- partner together on stakeholder engagement initiatives within the NSW Ombudsman's jurisdiction to promote best practice complaints handling within the higher education sector
- Where the NSO has identified that a complainant is a public official under the *Public Interest Disclosure Act 2022* (NSW)¹ (for example if they are an employee or contractor), where necessary and with consent, the NSO will refer complaints that may amount to a PID to the NSW Ombudsman
- Manage complaints in relation to TEQSA-registered dual providers², so that the NSW Ombudsman handles complaints about a VET course or VET student, and with consent refers higher education student complaints within the NSO jurisdiction to the NSO
- manage complaints concerning controlled entities of higher education providers on a case-by-case basis, noting that our understanding of these entities shall develop over time.

If the above is acceptable to the NSW Ombudsman, this letter and your letter of reply shall together constitute an Exchange of Letters between our two agencies and that a copy of this Exchange of Letters be published to our respective websites.

¹ *Public Interest Disclosures Act 2022* (NSW) s14

² A dual provider is an entity that can confer both higher education awards and Vocational Educational Training qualifications.

I further propose that this Exchange of Letters does not create any enforceable legal rights or obligations between our organisations.

Nonetheless, we agree to act reasonably and cooperate in good faith in accordance with the terms of this Exchange of Letters.

Additionally, if a dispute cannot be resolved at the contact officer level, the dispute will be escalated to the Deputies of each organisation, or to officers nominated by the contact officer for each organisation, for resolution.

This Exchange of Letters shall commence on the date the NSW Ombudsman provides the letter of confirmation and will continue until either organisation provides notice to vary or terminate the arrangement.

Yours sincerely



Sarah Bendall
First Assistant Ombudsman
National Student Ombudsman

30 January 2025

Sarah Bendall
First Assistant Ombudsman
National Student Ombudsman

By email: jillian.craven@ombudsman.gov.au

Dear Ms Bendall

Managing National Student Ombudsman – New South Wales Ombudsman Relations

I refer to your letter dated 29 January 2025 to establish arrangements between our organisations in relation to higher education complaints.

We are supportive of coordination, cooperation and information sharing to the extent permissible by the *Universities Accord (National Student Ombudsman) Act 2024* (Cth) and the *Ombudsman Act 1974* (NSW) (Ombudsman Act).

To that end, I agree to the points in the Letter of Exchange, and we look forward to ongoing engagement with your office.

Yours sincerely



Paul Miller
NSW Ombudsman