

D SANCTIONS AND PENALTIES

Sanctions can be imposed under Division 1, Part 6 of the ESOS Act 2000

- The power to suspend or cancel registration for one or more courses, **(s.83 (3)(b)(c))**
- Or impose conditions **(s.83 (3)(a))** on registration
- Automatic suspension for loss of state approval **(s.89)**
- Automatic suspension for non-payment of annual Fund contribution or the special levy **(s.90)**
- For a provider who ceases to be approved for a course for a State, automatic cancellation of registration **(s.91)**.

Immigration Minister suspension certificate powers

- S.97 empowers the Immigration Minister to issue a registered provider a suspension certificate,
- S.98 requires the minister to give a provider seven days to make a submission concerning the matter,
- S.100 specifies that the certificate will remain in effect for a period of six months but can be revoked at any time and
- S.101 creates an offence for a provider to offer, invite application or provide a course while the certificate is in effect.

Offences relating to production and attendance notices

- S. 113 makes provision for production notices
- S.116 for attendance notices
- S.120 creates an offence for failing to comply with a production or attendance notice
- Ss 121 and 122 create offences for giving false information or false documents in relation to such notices.
- Powers are also given to authorised department employees to retain and copy provider documents **(s.124-128)**.

Monitoring warrants

- S.130 states that an authorised employee may enter premises for a monitoring purpose
- S.131 specifies the monitoring powers of authorised employees
- S.137 specifies that an authorised employee may apply to a magistrate or tribunal member for a monitoring warrant.

Offences

- Breach of notification requirements **(s.19)**
- Breach of record keeping requirements **(s.21)**
- Failing to identify the registered provider in written material **(s.107)**
- The provision with false or misleading information in complying with or purporting to comply with s.13, 19, 20 and subsection 26(1) or (3) **(s.108)**

- Intentional and reckless breach of condition of access to PRISMS (**S.109**)
- The provision or offer to provide a course to an overseas student, a course that is not genuine and in doing so facilitates a breach of one or more of a student's visa conditions (**s.110**)
- Failure to comply with a production notice issued pursuant to **s.113** or an attendance notice issued pursuant to **s.116**
- Giving false or misleading information or to provide a false or misleading document in the course of complying or purporting to comply with a production or attendance notice issued pursuant to s.113 and 116 of the Act