



# **Education Services for Overseas Students (TPS Levies) Amendment Act 2017**

**No. 98, 2017**

**An Act to amend the *Education Services for  
Overseas Students (TPS Levies) Act 2012*, and for  
related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**No. 98, 2017**

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**An Act to amend the *Education Services for  
Overseas Students (TPS Levies) Act 2012*, and for  
related purposes**

*[Assented to 14 September 2017]*

The Parliament of Australia enacts:

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*No. 98, 2017      Education Services for Overseas Students (TPS Levies) Amendment Act      1*  
*2017*

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## 1 Short title

This Act is the *Education Services for Overseas Students (TPS Levies) Amendment Act 2017*.

## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	15 September 2017

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Education Services for Overseas Students (TPS Levies) Act 2012*

#### **1 Subsection 4(1)**

Insert:

*index number*, for a quarter, means the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician in relation to that quarter.

*September quarter* means a period of 3 months starting on 1 July.

#### **2 Paragraphs 5(4)(a) and (b)**

Omit “specified in”, substitute “under”.

#### **3 Subsection 5(4) (note 1)**

Omit “Note 1”, substitute “Note”.

#### **4 Subsection 5(4) (note 2)**

Repeal the note.

#### **5 Sections 6 and 7**

Repeal the sections, substitute:

#### **6 Administrative fee component**

Subject to section 8, a registered provider’s *administrative fee component* for a year is the sum of:

- (a) the amount (a *dollar amount*) determined in an instrument under section 7A for the purposes of this paragraph for that year; and
- (b) the amount (a *dollar amount*) determined in an instrument under section 7A for the purposes of this paragraph for that year, multiplied by the total enrolments for the provider for the previous year.

Note 1: For **total enrolments**, see section 4.

Note 2: The dollar amounts are indexed under section 8.

## 7 Base fee component

Subject to section 8, a registered provider's **base fee component** for a year is the sum of:

- (a) the amount (a **dollar amount**) determined in an instrument under section 7A for the purposes of this paragraph for that year; and
- (b) the amount (a **dollar amount**) determined in an instrument under section 7A for the purposes of this paragraph for that year, multiplied by the total enrolments for the provider for the previous year.

Note 1: For **total enrolments**, see section 4.

Note 2: The dollar amounts are indexed under section 8.

## 7A Legislative instrument for purposes of section 6 or 7

*Calendar year beginning on 1 January 2018*

- (1) Before the calendar year beginning on 1 January 2018, the Minister must, by legislative instrument, do all of the following:
  - (a) determine an amount for the purposes of paragraph 6(a) for that year;
  - (b) determine an amount for the purposes of paragraph 6(b) for that year;
  - (c) determine an amount for the purposes of paragraph 7(a) for that year;
  - (d) determine an amount for the purposes of paragraph 7(b) for that year.

*Later calendar years*

- (2) Before the calendar year beginning on 1 January 2019 or a later calendar year, the Minister may, by legislative instrument, do one or more of the following:
  - (a) determine an amount for the purposes of paragraph 6(a) for that year;



- (b) determine an amount for the purposes of paragraph 6(b) for that year;
- (c) determine an amount for the purposes of paragraph 7(a) for that year;
- (d) determine an amount for the purposes of paragraph 7(b) for that year.

*Upper limit*

- (3) The Minister must not determine an amount in an instrument under this section for the purposes of paragraph 6(a) or (b) or 7(a) or (b) for a year that exceeds the following:
  - (a) for paragraph 6(a)—\$107;
  - (b) for paragraph 6(b)—\$2.15;
  - (c) for paragraph 7(a)—\$215;
  - (d) for paragraph 7(b)—\$5.38.

Note: Indexation under section 8 of the dollar amount under paragraph 6(a) or (b) or 7(a) or (b) may result in that amount exceeding the upper limit in this subsection that applies to the Minister's determination-making power.

*Having regard to matters*

- (4) In making a legislative instrument under this section, the Minister must have regard to the sustainability of the OSTF.
- (5) The Minister may also have regard to any other matter he or she considers appropriate.

**6 Subsections 8(1) and (2)**

Repeal the subsections, substitute:

- (1) This section applies for the purpose of working out a dollar amount under paragraph 6(a) or (b) or 7(a) or (b) for the calendar year (the **current year**) beginning on 1 January 2019 or a later calendar year (the **current year**) if in the previous year the Minister did not make an instrument under section 7A for the purposes of that paragraph for the current year.
- (2) The dollar amount under that paragraph is on 1 January of the current year replaced by the amount worked out using the formula:

Dollar amount under that paragraph  
for the previous year  $\times$  Indexation factor  
for that 1 January

*Indexation factor*

- (2A) The ***indexation factor*** for a 1 January is the number worked out using the formula:

$$\frac{\text{Index number for the reference September quarter}}{\text{Index number for the base September quarter}}$$

where:

***base September quarter*** means the last September quarter before the reference September quarter.

***reference September quarter*** means the September quarter in the year before the current year.

## 7 Subsection 8(3)

Omit “subsection (2)”, substitute “subsection (2A)”.

## 8 At the end of section 8

Add:

*Publication*

- (7) The Minister must cause each amount worked out under subsection (2) to be made publicly available in any manner he or she considers appropriate.

## 9 Part 3 (heading)

Repeal the heading.

## 10 Section 11 (heading)

Repeal the heading, substitute:

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**11 Rules for making legislative instrument under section 9 or 10**

**11 Before section 12**

Insert:

**Part 3—Other matters**

**12 Section 13**

Repeal the section.

**13 Application and saving provisions**

- (1) The amendments made by this Schedule apply in relation to working out the amount of TPS levy under subsection 5(2) or (4) of the *Education Services for Overseas Students (TPS Levies) Act 2012* for the calendar year beginning on 1 January 2018 and each later calendar year.
- (2) The amendments made by this Schedule do not affect the continuity of any instrument in force under section 12 of the *Education Services for Overseas Students (TPS Levies) Act 2012* immediately before the commencement of this item.

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*[Minister's second reading speech made in—  
House of Representatives on 10 August 2017  
Senate on 7 September 2017]*

(157/17)

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2017