



Immigration (Education) Amendment (Expanding Access to English Tuition) Act 2020

No. 139, 2020

An Act to amend the *Immigration (Education) Act 1971*, and for related purposes

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

Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedules.....	2
Schedule 1—Amendments		3
	<i>Immigration (Education) Act 1971</i>	3



Immigration (Education) Amendment (Expanding Access to English Tuition) Act 2020

No. 139, 2020

An Act to amend the *Immigration (Education) Act 1971*, and for related purposes

[Assented to 17 December 2020]

The Parliament of Australia enacts:

1 Short title

This Act is the *Immigration (Education) Amendment (Expanding Access to English Tuition) Act 2020*.

No. 139, 2020 Immigration (Education) Amendment (Expanding Access to English Tuition) Act 2020 1

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. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	17 December 2020
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	19 April 2021 (F2021N00041)

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Immigration (Education) Act 1971

1 Subsection 3(1) (definition of *functional English*)

Repeal the definition.

2 Subsection 3(1) (paragraph (b) of the definition of *visa commencement day*)

Omit “4A(a)(ii)”, substitute “4A(1)(a)(ii)”.

3 Subsection 3(1)

Insert:

vocational English: a person has *vocational English* if the provider of an approved English course determines, in accordance with any procedures or standards specified by the Minister under subsection (2), that the person has vocational English.

4 Subsection 3(2)

Repeal the subsection, substitute:

Vocational English

- (2) The Minister may, by legislative instrument, make a determination specifying procedures or standards for the purposes of the definition of *vocational English* in subsection (1).

5 Section 4

Before “The”, insert “(1)”.

6 Paragraph 4(b)

Repeal the paragraph, substitute:

- (b) persons who are outside Australia and hold, or have applied for, either:
- (i) a permanent visa; or

- (ii) a temporary visa of a class specified in a legislative instrument made by the Minister.

7 At the end of section 4

Add:

- (2) The Minister may, by legislative instrument, make a determination specifying a class of temporary visa for the purposes of subparagraph (1)(b)(ii).

8 Section 4A

Before “A”, insert “(1)”.

9 Subparagraph 4A(a)(ii)

Omit “paragraph”, substitute “subparagraph”.

10 Paragraph 4A(b)

Omit “functional”, substitute “vocational”.

11 At the end of section 4A

Add:

- (2) The Minister may, by legislative instrument, make a determination specifying a class of temporary visa for the purposes of subparagraph (1)(a)(ii).

12 Section 4B (heading)

Omit “510 hours of”.

13 Subsection 4B(2)

Repeal the subsection.

14 Paragraph 4C(1)(b)

Omit “specified under subparagraph 4A(a)(ii)”, substitute “mentioned in subparagraph 4A(1)(a)(ii)”.

15 After subsection 4C(1)

Insert:

(1A) However, this section does not apply to a person whose visa commencement day is on or before 1 October 2020.

16 Paragraph 4D(1)(b)

Omit “specified under subparagraph 4A(a)(ii)”, substitute “mentioned in subparagraph 4A(1)(a)(ii)”.

17 After subsection 4D(1)

Insert:

(1A) However, this section does not apply to a person whose visa commencement day is on or before 1 October 2020.

*[Minister’s second reading speech made in—
House of Representatives on 29 October 2020
Senate on 9 December 2020]*

(136/20)
