



Education Services for Overseas Students (TPS Levies) Amendment Act 2021

No. 85, 2021

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

[Assented to 27 August 2021]

The Parliament of Australia enacts:

No. 85, 2021 Education Services for Overseas Students (TPS Levies) Amendment Act 1
2021

1 Short title

This Act is the *Education Services for Overseas Students (TPS Levies) Amendment Act 2021*.

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	At the same time as the <i>Education Services for Overseas Students (Registration Charges) Amendment Act 2021</i> commences. However, the provisions do not commence at all if that Act does not commence.	1 January 2022

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Education Services for Overseas Students (TPS Levies) Act 2012

1 Subsection 4(1) (definition of *total enrolments*)

Repeal the definition, substitute:

total enrolments for a registered provider for a year has the meaning given by section 4A.

2 After section 4

Insert:

4A Total enrolments

- (1) For the purposes of this Act, the *total enrolments* for a registered provider for a year are worked out by adding together the number of enrolments of overseas students for each course for which the provider is registered in the year.
- (2) When working out the enrolments for a course for a year:
 - (a) for a course of at least 26 weeks duration—each student who is enrolled in, and is undertaking, the course at any time during the year counts as one enrolment; and
 - (b) for a course of 13 or more weeks, but less than 26 weeks, duration—each student who is enrolled in, and is undertaking, the course at any time during the year counts as 0.5 of an enrolment; and
 - (c) for a course of less than 13 weeks duration—each student who is enrolled in, and is undertaking, the course at any time during the year counts as 0.25 of an enrolment.

Working out what constitutes a course

- (3) For the purposes of this section, a course that spans 2 or more years is taken to be a separate course in each of those years.

- (4) For the purposes of this section, a course is taken to be a separate course at each location at which the provider is registered to provide the course.

3 Section 6 (note 1)

Omit “section 4”, substitute “section 4A”.

4 Section 7 (note 1)

Omit “section 4”, substitute “section 4A”.

*[Minister’s second reading speech made in—
House of Representatives on 24 June 2021
Senate on 10 August 2021]*

(80/21)