Education Legislation Amendment (Integrity and Other Measures) Act 2025

No. 74, 2025

An Act to amend the law relating to education, overseas students and family assistance, and for related purposes

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

Authorised Version C2025A00074 registered 08/12/2025

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Education Legislation Amendment (Integrity and Other Measures) Act 2025

No. 74, 2025

An Act to amend the law relating to education, overseas students and family assistance, and for related purposes

[*Assented to 4 December 2025*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Education Legislation Amendment (Integrity and Other Measures) Act 2025*.

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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.	5 December 2025

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 Review of operation of amendments made by Schedule 1

(1) The Minister must cause an independent review to be conducted of the operation of the amendments made by Schedule 1 to this Act.

Timing of review

(2) The persons conducting the review must complete the review before the end of the period of 2 years starting on the day this section commences.

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Minister to be given report of review

(3) The persons conducting the review must give the Minister a written report of the review as soon as practicable after the review is completed.

Minister to table copy of report of review

(4) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

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Schedule 1—Amendments relating to overseas students and education

Part 1—Education agents and commissions

Division 1—Amendments

Education Services for Overseas Students Act 2000

1 Section 5 (definition of *agent*)

Repeal the definition.

2 Section 5

Insert:

education agent has the meaning given by section 6BA.

education agent commission has the meaning given by section 6BB.

3 After section 6B

Insert:

6BA Meaning of *education agent*

An ***education agent*** is an entity (whether within or outside Australia) that:

(a) engages in any one or more of the following activities in relation to a provider:

(i) the recruitment of overseas students, or intending overseas students;

(ii) providing information, advice or assistance to overseas students, or intending overseas students, in relation to enrolment;

(iii) otherwise dealing with overseas students, or intending overseas students; and

(b) is not a permanent full-time or part-time officer or employee of the provider.

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6BB Meaning of *education agent commission*

Education agent commission means any consideration or benefit, whether monetary or non-monetary, that:

(a) is or will be given, by, or on behalf of, a provider to an education agent, or an associate of the education agent; and

(b) is in connection with:

(i) the recruitment of an overseas student or an intending overseas student; or

(ii) any other activity in relation to an overseas student or an intending overseas student mentioned in paragraph (a) of the definition of education agent in section 6BA.

Note: Examples of such consideration or benefits include fees, charges, commissions, bonuses, performance payments, gifts, discounted or free services, rewards and incentives.

4 After paragraph 7A(2)(g)

Insert:

(gaa) whether the provider, or an associate of the provider, has any ownership or control (whether direct or indirect) of an education agent, and if so, the value or extent of the ownership or control; and

(gab) whether an education agent, or an associate of the education agent, has any ownership or control (whether direct or indirect) of the provider, and if so, the value or extent of the ownership or control; and

5 After subsection 17A(4)

Insert:

(4A) A registered provider must notify the ESOS agency for the provider if any of the following events occur:

(a) the provider, or an associate of the provider, begins to own or control an education agent;

(b) there is a change in the ownership or control of an education agent by the provider or an associate of the provider;

(c) an education agent, or an associate of the education agent, begins to own or control the provider;

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(d) there is a change in the ownership or control of the provider by an education agent or an associate of the education agent.

(4B) Notice under subsection (4A) must be given within 10 business days after the event occurs.

6 Section 21A (heading)

Before "**agents**", insert "**education**".

7 Paragraph 21A(1)(a)

Before "agents", insert "education".

8 Subsection 21A(2)

Before "agents", insert "education".

9 After section 21A

Insert:

21B Giving information about education agent commissions

Request for information about commissions

(1) The Secretary may request a registered provider to give specified information about, or in relation to, education agent commissions, given by, or on behalf of, the provider to one or more education agents over a specified period (the ***reporting period***) in connection with the recruitment of accepted students of the provider.

(2) The request must:
(a) be in writing; and
(b) specify the reporting period; and
(c) specify the day by which the information is to be given; and
(d) specify the manner or form in which information is to be given (including by requiring information to be entered in the computer system established under section 109); and
(e) specify the documents (if any) which must accompany the information.

(3) Without limiting subsection (1), the information may relate to one or more of the following:

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(a) the total amount in dollars given to each education agent;
(b) the value and description of non-monetary benefits given to each education agent;
(c) the number of accepted students of the provider recruited by each education agent.

(4) The day specified for the purposes of paragraph (2)(c) must be at least 30 days after the request is given to the provider.

Provider must comply with request

(5) The registered provider must comply with the request before:
(a) the day specified in the request; or
(b) any later day allowed by the Secretary.

Note 1: If a registered provider breaches this section, the ESOS agency for the provider may take action under Division 1 of Part 6 against the provider.

Note 2: It is an offence to provide false or misleading information in complying or purporting to comply with this section: see section 108.

(6) If specified in the request, a registered provider must give the information required by this section by entering the information in the computer system established by the Secretary under section 109.

Offence

(7) A registered provider who fails to comply with subsection (5) commits an offence.

Penalty: 60 penalty units.

(8) An offence under subsection (7) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(9) Section 4K (continuing offences) of the *Crimes Act 1914* does not apply in relation to an offence under subsection (7) of this section.

10 Paragraph 38(d)

Omit "their agents", substitute "education agents".

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11 Paragraph 86(1)(d)

Before "agent", insert "education".

12 After paragraph 108(b)

Insert:

(c) section 21B (giving information about education agent commissions);

13 After paragraph 132(1)(d)

Insert:

(da) subsection 21B(7);

14 Subsection 175(3)

Omit "agents of providers", substitute "education agents".

15 Subsection 175(4) (heading)

Before "*agents*", insert "*education*".

16 Subsection 175(4)

Omit "agents of providers", substitute "education agents".

17 Paragraphs 175(5)(a), (b) and (c)

Before "agent", insert "education".

18 Paragraph 175(5)(d)

Before "agents", insert "education".

Division 2—Application of amendments

19 Application provision

(1) The amendments of section 7A of the *Education Services for Overseas Students Act 2000* made by this Part apply in relation to:

(a) applications for registration made on or after the commencement of this Part; and

(b) applications for registration made before the commencement of this Part but not yet decided as at that commencement; and

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(c) providers registered before, on or after the commencement of this Part.

(2) The amendments of section 17A of the *Education Services for Overseas Students Act 2000* made by this Part apply in relation to providers registered before, on or after the commencement of this Part.

(3) Section 21B of the *Education Services for Overseas Students Act 2020*, as inserted by this Part, applies in relation to education agent commissions given on or after the commencement of this Part.

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Part 2—Giving information to registered providers

Division 1—Amendments

Education Services for Overseas Students Act 2000

20 After paragraph 175(3)(b)

Insert:

or (c) protecting and enhancing Australia's reputation for quality education and training services for accepted students;

21 At the end of section 175

Add:

(6) Without limiting subsection (3) or (5), the information given under subsection (3) may relate to:

(a) the number of transfers of accepted students, recruited or otherwise dealt with by an education agent, from one provider or registered provider to a different provider or registered provider; or

(b) the number of transfers of accepted students, recruited or otherwise dealt with by an education agent, from one course to a different course; or

(c) information about education agent commissions in connection with the recruitment of accepted students.

Division 2—Application of amendments

22 Application provision

The amendments of section 175 of the *Education Services for Overseas Students Act 2000* made by this Part apply in relation to information given on or after the commencement of this Part, regardless of when the information was obtained or received.

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Part 3—Management of provider applications

Education Services for Overseas Students Act 2000

23 Section 5

Insert:

processing activity means:

(a) performance of a function or exercise of a power under or for the purposes of this Act; or

(b) an act connected with performing functions or exercising powers under or for the purposes of this Act.

24 Section 8A (after the paragraph beginning "Division 4")

Insert:

- Division 5 provides for the Minister to suspend the making or processing of applications for registration or adding courses to registration.

25 Subsection 9(1)

Omit "A provider", substitute "Subject to section 14E, a provider".

26 At the end of subsection 9(1)

Add:

Note: Under section 14E, the Minister may determine that no applications for registration may be made until after a specified day.

27 At the end of subsection 10(1)

Add:

Note: The Minister may determine that the ESOS agency for a provider is not required to, or must not, deal with applications for registration for a period (see section 14C).

28 Paragraph 10D(2)(a)

Omit "register provider", substitute "registered provider".

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29 Subsection 10H(1)

Omit "A registered provider", substitute "Subject to section 14F, a registered provider".

30 At the end of subsection 10H(1)

Add:

Note: Under section 14F, the Minister may determine that no applications to add one or more courses at one or more locations may be made until after a specified day.

31 At the end of subsection 10J(1)

Add:

Note: The Minister may determine that the ESOS agency for a provider is not required to, or must not, deal with applications to add one or more courses at one or more locations for a period (see section 14D).

32 At the end of Part 2

Add:

Division 5—Suspension of applications for registration

14C Minister may suspend processing of applications for registration

ESOS agency is not required to do any processing activity

(1) The Minister may, by legislative instrument, determine that an ESOS agency for a provider is not required to deal with applications made under section 9 until after a day specified in the instrument.

Note: Section 9 provides that a provider may apply to be registered to provide a course or courses at a location or locations to overseas students.

(2) Between the day an instrument made under subsection (1) commences and the day specified in the instrument, the ESOS agency for the provider is not required to do any processing activity in relation to an application to which the instrument applies.

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ESOS agency must not do any processing activity

(3) The Minister may, by legislative instrument, determine that an ESOS agency for a provider must not deal with applications made under section 9 until after a day specified in the instrument.

(4) Between the day an instrument made under subsection (3) commences and the day specified in the instrument, the ESOS agency for the provider must not do any processing activity in relation to an application to which the instrument applies.

Instruments under this section

(5) The day specified in an instrument made under subsection (1) or (3) must not be more than 12 months after the day the instrument commences.

(6) An instrument made under subsection (1) or (3) of this section may be expressed to apply to:
  (a) all applications made under section 9 or one or more classes of applications made under that section; and
  (b) applications under that section made before or after the commencement of the instrument (or both); and
  (c) applications under that section made before or after the commencement of this section (or both).

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

(7) Despite subsection 14(2) of the *Legislation Act 2003*, an instrument made under subsection (1) or (3) of this section may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

(8) Section 42 (disallowance) of the *Legislation Act 2003* does not apply to a legislative instrument made under subsection (1) or (3).

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14D Minister may suspend processing of applications to add courses to registration

ESOS agency is not required to do any processing activity

(1) The Minister may, by legislative instrument, determine that an ESOS agency for a registered provider is not required to deal with applications made under section 10H until after a day specified in the instrument.

Note: Section 10H provides that a registered provider may apply to add one or more courses at one or more locations to the provider's registration.

(2) Between the day an instrument made under subsection (1) commences and the day specified in the instrument, the ESOS agency for the provider is not required to do any processing activity in relation to an application to which the instrument applies.

ESOS agency must not do any processing activity

(3) The Minister may, by legislative instrument, determine that an ESOS agency for a registered provider must not deal with applications made under section 10H until after a day specified in the instrument.

(4) Between the day an instrument made under subsection (3) commences and the day specified in the instrument, the ESOS agency for the provider must not do any processing activity in relation to an application to which the instrument applies.

Instruments under this section

(5) The day specified in an instrument made under subsection (1) or (3) must not be more than 12 months after the day the instrument commences.

(6) An instrument made under subsection (1) or (3) of this section may be expressed to apply to:

(a) all applications made under section 10H or one or more classes of applications made under that section; and

(b) applications under that section made before or after the commencement of the instrument (or both); and

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(c) applications under that section made before or after the commencement of this section (or both).

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

(7) Despite subsection 14(2) of the *Legislation Act 2003*, an instrument made under subsection (1) or (3) of this section may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

(8) Section 42 (disallowance) of the *Legislation Act 2003* does not apply to a legislative instrument made under subsection (1) or (3).

14E Minister may suspend making of applications for registration

(1) The Minister may, by legislative instrument, determine that no applications may be made under section 9 until after a day specified in the instrument.

Note: Section 9 provides that a provider may apply to be registered to provide a course or courses at a location or locations to overseas students.

(2) An application under section 9 is invalid if:

(a) the application is made between the day an instrument made under subsection (1) of this section commences and the day specified in the instrument; and

(b) the application is an application to which the instrument applies.

(3) The day specified in an instrument made under subsection (1) must not be more than 12 months after the day the instrument commences.

(4) An instrument made under subsection (1) of this section may be expressed to apply to all applications that may be made under section 9 or one or more classes of application that may be made under that section.

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

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(5) Despite subsection 14(2) of the *Legislation Act 2003*, an instrument made under subsection (1) of this section may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

(6) Section 42 (disallowance) of the *Legislation Act 2003* does not apply to a legislative instrument made under subsection (1).

14F Minister may suspend making of applications to add courses to registration

(1) The Minister may, by legislative instrument, determine that no applications may be made under section 10H until after a day specified in the instrument.

Note: Section 10H provides that a registered provider may apply to add one or more courses at one or more locations to the provider's registration.

(2) An application under section 10H is invalid if:
(a) the application is made between the day an instrument made under subsection (1) of this section commences and the day specified in the instrument; and
(b) the application is an application to which the instrument applies.

(3) The day specified in an instrument made under subsection (1) must not be more than 12 months after the day the instrument commences.

(4) An instrument made under subsection (1) of this section may be expressed to apply to all applications that may be made under section 10H or one or more classes of application that may be made under that section.

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

(5) Despite subsection 14(2) of the *Legislation Act 2003*, an instrument made under subsection (1) of this section may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

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(6) Section 42 (disallowance) of the *Legislation Act 2003* does not apply to a legislative instrument made under subsection (1).

14G Requirements before making instruments under this Division

(1) Before the Minister makes an instrument under any of sections 14C, 14D, 14E or 14F, the Minister must consult with each of the following:
  (a) TEQSA;
  (b) the National VET Regulator;
  (c) the Secretary;
  (d) if the Minister has determined that an entity (other than an entity mentioned in paragraph (a), (b) or (c)) is an ESOS agency for a provider or a registered provider under subsection 6C(2)—that entity.

(2) A failure to consult as required by subsection (1) does not affect the validity of an instrument made under section 14C, 14D, 14E or 14F.

(3) If the Minister does not administer the *National Vocational Education and Training Regulator Act 2011*, the Minister must not make an instrument under any of sections 14C, 14D, 14E or 14F without the written agreement of the Minister who administers that Act.

33 After subsection 170(1)

Insert:

(1A) Subsection (1) does not apply in relation to the following provisions:
  (a) subsections 14C(1) and (3), 14D(1) and (3), 14E(1) and 14F(1) (suspension of applications for registration);
  (b) subsection 96B(1) (Minister may make instrument specifying courses).

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Part 4—Registration requirements

Division 1—Amendments

Education Services for Overseas Students Act 2000

34 Section 5

Insert:

registered TAFE provider means a registered provider providing technical and further education.

study period means a period of study within a course that meets the requirements (if any) set out in the national code.

Note: Examples of study periods include terms and semesters.

35 Section 11

Omit "A provider", substitute "(1) A provider".

36 After paragraph 11(f)

Insert:

(fa) if the provider is not:

(i) an exempt provider; or

(ii) a registered provider; or

(iii) a provider that provides only one or both of an ELICOS or a Foundation Program; or

(iv) a Table A provider (within the meaning of the *Higher Education Support Act 2003)*; or

(v) a registered higher education provider (within the meaning of the *Tertiary Education Quality and Standards Agency Act 2011*); or

(vi) a registered TAFE provider;

the provider satisfies subsection (2); and

37 At the end of section 11

Add:

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(2) A provider satisfies this subsection if the provider has provided one or more courses for consecutive study periods totalling at least 2 years at a location or locations to students in Australia other than overseas students.

Note: For the definition of ***study period***, see section 5.

(3) For the purposes of subsection (2), a break that ordinarily occurs, or could reasonably be expected to ordinarily occur, during or between one or more study periods:

(a) counts towards the total of 2 years; and

(b) does not prevent study periods from being consecutive.

Note: Such breaks may include weekends, public holidays or semester breaks.

Division 2—Application of amendments

38 Application provision

The amendments of section 11 of the *Education Services for Overseas Students Act 2000* made by this Part apply in relation to applications for registration made on or after the commencement of this Part.

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Part 5—Automatic cancellation of registration

Education Services for Overseas Students Act 2000

39 At the end of Subdivision C of Division 1 of Part 6

Add:

92A Automatic cancellation if provider does not provide a course in 12 month period

(1) This section applies in relation to a registered provider if:

(a) the provider is not an approved school provider; and

(b) in a period of 12 consecutive months beginning on or after 1 January 2026 (the ***measurement period***), the provider does not provide any courses at any location to any overseas students.

(2) Subject to section 92B, the registration of the provider is cancelled for all courses for all locations at the end of the measurement period by force of this subsection.

(3) The ESOS agency for the provider must:

(a) give the provider a written notice stating that the provider's registration has been cancelled under subsection (2); and

(b) if the ESOS agency for the provider is not the Secretary—notify the Secretary that the provider's registration has been cancelled under subsection (2).

Note: The Secretary must cause the Register to be altered if a provider's registration is cancelled: see section 14B.

92B Extension of measurement period

Registered provider may apply for extension of measurement period

(1) A registered provider may apply to the ESOS agency for the provider to extend the measurement period referred to in paragraph 92A(1)(b).

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(2) An application must be made at least 90 days before the measurement period would otherwise end.

(3) An application must be in a form (if any) approved by the ESOS agency for the provider.

Extension

(4) If an application is made, the ESOS agency for the provider may, in writing, extend the measurement period in relation to the provider.

(5) The ESOS agency may extend a measurement period in relation to a registered provider under subsection (4) more than once.

(6) The total period of all extensions of a measurement period in relation to a registered provider under subsection (4) must not exceed 12 months.

40 Section 169AB (in the appropriate position in the table)

Insert:

11	A decision by the ESOS agency for a registered provider to extend, or not to extend, the measurement period in relation to the provider under section 92B	The registered provider

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Part 6—Investigation of offences

Division 1—Amendments

Education Services for Overseas Students Act 2000

41 Before paragraph 7A(2)(a)

Insert:

(aa) whether the provider or a related person of the provider is being investigated for an offence covered by subsection (2AA); and

42 After subsection 7A(2)

Insert:

(2AA) For the purposes of paragraph (2)(aa), the offences covered by this subsection are the following:

(a) an offence under this Act;

(b) an offence under Division 270 or 271 of the *Criminal Code*;

(c) an offence under section 590 of the *Corporations Act 2001*;

(d) an offence specified in a legislative instrument made by the Minister for the purposes of this paragraph.

Division 2—Application of amendments

43 Application provision

The amendments of section 7A of the *Education Services for Overseas Students Act 2000* made by this Part apply in relation to:

(a) applications for registration made on or after the commencement of this Part; and

(b) applications for registration made before the commencement of this Part but not yet decided as at that commencement; and

(c) providers registered before, on or after the commencement of this Part;

regardless of whether the conduct constituting the alleged offence occurred before, on or after the commencement of this Part.

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Part 7—Automatic cancellation of specified courses

Division 1—Amendments

Education Services for Overseas Students Act 2000

44 Section 83A (before the paragraph beginning "The Immigration Minister")

Insert:

> • Division 1AB provides for automatic suspension and cancellation of courses specified by the Minister in a legislative instrument.

45 Before Division 2 of Part 6

Insert:

Division 1AB—Automatic suspension and cancellation of courses specified by the Minister

96B Minister may make instrument specifying courses

(1) The Minister may, by legislative instrument, specify one or more classes of courses for the purposes of this section if the Minister is satisfied on reasonable grounds that:

(a) there are or have been systemic problems in relation to the standard of delivery of the courses included in the class; or

(b) the courses included in the class provide limited value to Australia's current, emerging and future skills and training needs and priorities; or

(c) it is in the public interest to do so.

(2) In considering whether to make such an instrument, the Minister must have regard to all of the following matters:

(a) whether the courses included in the class are provided by registered providers that are breaching or have breached:

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(i) this Act; or
(ii) the national code; or
(iii) if the ELICOS Standards or Foundation Program Standards apply in relation to the provider—those Standards; or
(iv) a condition of the provider's registration;

(b) completion rates of accepted students of those courses;
(c) the number of transfers of accepted students from or to those courses;
(d) the location or locations at which providers are registered to provide those courses.

(3) Subsection (2) does not limit the matters to which the Minister may have regard in considering whether to make an instrument under subsection (1).

Specified courses

(4) Without limiting subsection (1) or any other provision of this Act, a class of courses may be specified by reference to any matter, including, but not limited to, any of the following:
(a) the kind of course;
(b) the kind of provider registered to provide the course;
(c) the location of the course;
(d) any other circumstances applying in relation to the course.

Prescribing matters by reference to other instruments

(5) Despite subsection 14(2) of the *Legislation Act 2003*, an instrument made under subsection (1) of this section may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

Consultation

(6) The Minister must consult with each of the following before the Minister makes an instrument under subsection (1):

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(a) TEQSA, if a course included in the class of courses specified in the instrument is provided by a provider that is regulated by TEQSA;
(b) the National VET Regulator, if a course included in the class of courses specified in the instrument is provided by a provider that is regulated by the National VET Regulator;
(c) the Secretary;
(d) such persons or entities from among those (if any) specified in an instrument under subsection (8) as the Minister considers appropriate.

(7) A failure to consult as required by subsection (6) does not affect the validity of an instrument made under subsection (1).

(8) For the purposes of subsection (6), the Minister may, by legislative instrument:
(a) specify one or more persons or entities; and
(b) specify circumstances in which consulting any one or more of those persons or entities is to be considered.

Agreement of other relevant Minister

(9) If:
(a) an instrument under subsection (1) specifies a class of courses that includes a VET course within the meaning of the *National Vocational Education and Training Regulator Act 2011*; and
(b) the Minister does not administer that Act;
the Minister must not make the instrument without the written agreement of the Minister who administers that Act.

Statement of reasons

(10) If the Minister makes an instrument under subsection (1), the Minister must, on the first sitting day after doing so, table a statement of the Minister's reasons for making the instrument in each House of the Parliament.

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96C Application for registration of specified courses taken not to be made

(1) This section applies if:

(a) a provider (other than a Table A provider within the meaning of the *Higher Education Support Act 2003*) makes an application under:

(i) section 9 to register a course; or

(ii) section 10D to renew the registration of a course; or

(iii) section 10H to add a course to the provider's registration; and

(b) the course is in a class of courses specified in an instrument in force under subsection 96B(1).

(2) The application is taken not to have been made in relation to the course.

96D Automatic suspension of specified courses

(1) This section applies if:

(a) a registered provider (other than a Table A provider within the meaning of the *Higher Education Support Act 2003*) is registered to provide a course at a location or locations; and

(b) the course is included in a class of courses specified in an instrument in force under subsection 96B(1); and

(c) 30 days after that instrument commences, one or more students are enrolled in and have commenced, but not completed or withdrawn from, the course.

(2) The provider's registration for the course is suspended for all locations by force of this subsection.

(3) A provider whose registration is suspended for a course under this section must not:

(a) do any thing for the purpose of recruiting or enrolling overseas students or intending overseas students for the course; or

(b) solicit or accept any money from an overseas student or an intending overseas student for the course other than overseas

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students who are enrolled in and have commenced the course; or

(c) if an accepted student of the provider has not commenced the course—permit the student to commence the course.

(4) The provider is still registered for the course for the location for all other purposes.

96E Automatic cancellation of specified courses

(1) This section applies if:

(a) a registered provider (other than a Table A provider within the meaning of the *Higher Education Support Act 2003*) is registered to provide a course at a location or locations; and

(b) the course is included in a class of courses specified in an instrument in force under subsection 96B(1); and

(c) 30 days after that instrument commences, there are no students that are enrolled in and have commenced, but not completed or withdrawn from, the course.

(2) This section also applies if:

(a) a provider's registration for a course is suspended under section 96D; and

(b) all students that were enrolled in and had commenced the course before the suspension have since completed or withdrawn from the course.

(3) The provider's registration for the course is cancelled for all locations by force of this subsection.

46 After section 176D

Insert:

176E Compensation for acquisition of property

(1) If:

(a) apart from this section, the operation of Division 1AB of Part 6 would result in the acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a

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person otherwise than on just terms (within the meaning of that paragraph); and

(b) the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution;

the Commonwealth is liable to pay a reasonable amount of compensation to the person in respect of the acquisition.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia or the Supreme Court of a State or Territory for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

Division 2—Application of amendments

47 Application provision

Division 1AB of Part 6 of the *Education Services for Overseas Students Act 2000*, as inserted by this Part, applies in relation to a course whether a provider is registered to provide the course before, on or after the commencement of this Part.

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Part 8—Internal review

Division 1—Amendments

Education Services for Overseas Students Act 2000

48 At the end of section 169AD

Add:

(3) After receiving such an application, the ESOS agency may, by written notice given to the applicant, determine that the operation of the decision is stayed pending the outcome of the review.

(4) If the ESOS agency makes a determination under subsection (3), the operation of the decision is stayed by force of this subsection:

(a) from whichever of the following applies:

(i) the start of the day that the determination is made;

(ii) if the determination specifies a later day—the start of that later day; and

(b) until whichever of the following applies:

(i) a decision is made under section 169AE in relation to the reviewable decision;

(ii) an application is made in accordance with section 169AG for review of the reviewable decision.

Note 1: Section 169AE deals with internal review. Section 169AG deals with review by the Administrative Review Tribunal.

Note 2: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(5) A determination made under subsection (3) is subject to any conditions that are specified in the determination.

49 Section 169AF (heading)

Omit "**90**", substitute "**120**".

50 Subsection 169AF(1)

Omit "90", substitute "120".

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Division 2—Application of amendments

51 Application provision

The amendments of sections 169AD and 169AF of the *Education Services for Overseas Students Act 2000* made by this Part apply in relation to:

(a) applications for internal review made on or after the commencement of this Part; and

(b) applications for internal review made before the commencement of this Part but not yet decided or taken to have been decided as at that commencement.

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Part 9—TEQSA

Division 1—Amendments

Tertiary Education Quality and Standards Agency Act 2011

52 Section 4 (before the paragraph beginning "Registered higher education providers")

Insert:

> • Registered higher education providers must be authorised to offer or confer Australian higher education awards for Australian courses of study provided at offshore premises.

53 Section 4

After "registers providers", insert ", authorises the provision of Australian courses of study at offshore premises".

54 Section 5

Insert:

authorised offshore provider means a registered higher education provider authorised under Part 3A and listed on the Register under paragraph 198(1)(c).

55 Section 5 (after paragraph (a) of the definition of *condition*)

Insert:

(aa) for a condition imposed under section 44J (about conditions on authorisation)—that condition as varied under that section; or

56 Section 5

Insert:

offshore premises means premises not in Australia.

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offshore provided Australian course of study: see section 44A.

57 After subsection 18(1)

Insert:

(1A) If an application is made, the entity may also apply to TEQSA for authorisation as an authorised offshore provider.

Note: For an application for a provider to be authorised as an authorised offshore provider, see section 44B.

58 At the end of subsection 36(1)

Add:

; and (c) if the provider is an authorised offshore provider—the provider has complied with conditions imposed under Division 2 of Part 3A (authorisation).

59 After Part 3

Insert:

Part 3A—Authorisation for providing courses offshore

Division 1—Applying for authorisation

44A Meaning of *offshore provided Australian course of study*

(1) An ***offshore provided Australian course of study*** means an Australian course of study that is provided at offshore premises, but does not include a course, or a course included in a class of courses:

(a) covered by subsection (2); or

(b) that the Minister determines under subsection (3) is not an offshore provided Australian course of study.

(2) For the purposes of paragraph (1)(a), each of the following is not an offshore provided Australian course of study:

(a) an Australian course of study with a higher education provider that involves a formal exchange agreement between

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the provider and another entity that is not in Australia (the ***offshore entity***) that provides for the undertaking of study:

(i) with the offshore entity at an offshore premises; and

(ii) for a period of no longer than 12 months; and

(iii) that contributes to the requirements of the course of study;

(b) an Australian course of study with a higher education provider that involves the undertaking of research:

(i) not in Australia; and

(ii) that contributes to the requirements of the course of study.

(3) For the purposes of paragraph (1)(b), the Minister may, by legislative instrument, determine that a course, or a course included in a class of courses, is not an offshore provided Australian course of study.

(4) Without limiting subsection (3), a class of courses may be determined by reference to any matter, including, but not limited to, any of the following:

(a) the kind of course;

(b) the kind of provider accredited to provide the course;

(c) any other circumstances applying in relation to the course.

44B Applying for authorisation

(1) A regulated entity who is, or has applied to become, a registered higher education provider may apply to TEQSA for authorisation to offer or confer Australian higher education awards for one or more offshore provided Australian courses of study.

(2) An application must be:

(a) in the approved form; and

(b) accompanied by any information, documents and assistance that TEQSA requests; and

(c) accompanied by the fee (if any) determined under section 158 for an assessment under this Part.

(3) An application may only be made on or after 1 January 2026.

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44C Authorisation

Grant of application for authorisation

(1) TEQSA may grant the application for authorisation if TEQSA is satisfied that:
  (a) the applicant is a registered higher education provider; and
  (b) the applicant meets the Threshold Standards.

Decision on application

(2) TEQSA must make a decision on the application:
  (a) within 9 months of receiving it; or
  (b) if a longer period is determined by TEQSA under subsection (3)—within that period.

For the purposes of paragraph (a), if a fee is determined under section 158 for an assessment under this Part, TEQSA is taken to receive the application when it receives payment of the fee.

Longer period for decision on application

(3) If TEQSA is satisfied that, for reasons beyond its control, a decision on the application cannot be made within the period mentioned in paragraph (2)(a), TEQSA may determine a longer period, not exceeding a further 9 months, within which it must make a decision on the application.

(4) If TEQSA determines a longer period, it must do so not later than 6 weeks before the end of the period mentioned in paragraph (2)(a).

(5) If TEQSA determines a longer period, TEQSA must, within 7 days of making the determination:
  (a) notify the applicant, in writing, of the determination; and
  (b) give, in writing, the reasons for the determination.

Decision not made

(6) TEQSA is taken to have rejected the application if a decision is not made within the period applicable under subsection (2).

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44D TEQSA to give notice of decision about authorisation

TEQSA must, within 30 days of its decision to grant or reject an application for authorisation as an authorised offshore provider, notify the applicant, in writing, of:

(a) the decision; and

(b) if TEQSA grants the application—the day on which the authorisation commences; and

(c) if TEQSA rejects the application—the reasons for the decision.

Note: TEQSA must also notify of any conditions imposed under subsection 44J(1) on the authorisation (see section 44K).

44E Commencement and effect of authorisation

(1) An applicant's authorisation commences on the day specified in the notice given under section 44D.

(2) The authorisation has effect subject to the following:

(a) the authorisation ends immediately if the provider ceases to be registered as a registered higher education provider;

(b) Division 1 of Part 7 (about cancelling authorisation and other administrative sanctions).

Division 2—Conditions of authorisation

44F Complying with conditions

A registered higher education provider must:

(a) comply with the conditions imposed by sections 44G and 44H on the provider's authorisation as an authorised offshore provider; and

(b) comply with any conditions imposed under subsection 44J(1) on the provider's authorisation as an authorised offshore provider.

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44G Condition—notice about certain events and changes in circumstances must be given

(1) A registered higher education provider must give TEQSA notice in writing if any of the following events or changes in circumstances occurs or is likely to occur:

(a) an offshore provided Australian course of study provided by the provider first begins to be provided wholly or partly by another entity;

(b) an offshore provided Australian course of study provided by the provider first begins to be provided at a different premises;

(c) the provider first begins to provide an offshore provided Australian course of study;

(d) the provider ceases to provide an Australian offshore provided Australian course of study.

(2) The notice must include the following information:

(a) details of the event or change;

(b) the day the event or change occurs or is likely to occur;

(c) the name of the Australian course of study;

(d) the address of the offshore premises;

(e) if the course is provided by another entity—the name of that entity.

(3) The notice must be given:

(a) as soon as the provider is aware, or would reasonably be expected to have become aware, of the event or change; and

(b) no later than 90 days before the day the event or change occurs or is likely to occur.

44H Condition—reports must be provided

(1) An authorised offshore provider must, by 31 October of each calendar year, prepare and give to TEQSA a report that contains information about each offshore provided Australian course of study provided by the provider (including provided wholly or partly by another entity) during the most recently completed academic year for the course of study.

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(2) A report under subsection (1) must:
  (a) be in a manner (if any) specified in a legislative instrument made under subsection (3); and
  (b) contain the information (if any) required by a legislative instrument made under subsection (3).

(3) TEQSA may, by legislative instrument, specify requirements for reports under this section.

44J Additional conditions

(1) TEQSA may impose additional conditions on the authorisation of a provider as an authorised offshore provider.

(2) TEQSA may, on its own initiative, vary or revoke a condition imposed under subsection (1).

(3) TEQSA may also vary or revoke a condition imposed under subsection (1) if the provider applies for the variation or revocation.

(4) The provider's application must be:
  (a) in the approved form; and
  (b) accompanied by any information, documents and assistance that TEQSA requests; and
  (c) accompanied by the fee (if any) determined under section 158 for an application under this section.

44K TEQSA to notify provider of decision to impose, vary or revoke a condition

TEQSA must, within 30 days of making a decision under subsection 44J(1), (2) or (3), notify the registered higher education provider, in writing, of:
  (a) the decision; and
  (b) the reasons for the decision; and
  (c) if the decision is to impose a condition—the period for which the condition is imposed.

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Division 3—Withdrawing authorisation

44L Withdrawing authorisation

(1) A registered higher education provider may apply to TEQSA, in the approved form, to withdraw its authorisation.

(2) Upon receiving the provider's application to withdraw its authorisation, TEQSA may grant the application if TEQSA is satisfied that it is appropriate to allow the authorisation to be withdrawn.

44M TEQSA to notify provider of decision about withdrawal

TEQSA must, within 30 days of its decision to grant or reject an application to withdraw an authorisation, notify the registered higher education provider, in writing, of:

(a) the decision; and

(b) if TEQSA grants the application—the day on which the withdrawal takes effect; and

(c) if TEQSA rejects the application—the reasons for the decision.

60 After paragraph 98(b)

Insert:

(ba) breached a condition imposed on its authorisation as an authorised offshore provider; or

61 Section 98 (note)

After "section 32", insert ", 44J".

62 After section 101

Insert:

101AA Cancelling authorisation

(1) TEQSA may cancel the provider's authorisation as an authorised offshore provider.

(2) However, before doing so, TEQSA must give the provider:

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(a) a written notice stating that TEQSA intends to make a decision to cancel the provider's authorisation for specified reasons; and

(b) a reasonable opportunity to make representations to TEQSA in relation to the proposed decision.

(3) TEQSA must have regard to any representations received under subsection (2).

63 Section 101A

Omit "or 101", substitute ", 101 or 101AA".

64 At the end of Division 1 of Part 7

Add:

103A Seeking authorisation after cancellation

An entity whose authorisation under Part 3A is cancelled cannot reapply for authorisation for:

(a) 2 years after the cancellation takes effect; or

(b) such shorter period as TEQSA considers appropriate.

65 After section 106

Insert:

106A Offering a regulated higher education award offshore if not authorised

Offence

(1) A higher education provider commits an offence if:

(a) the higher education provider offers or confers an Australian higher education award for the completion of an Australian course of study; and

(b) the course of study is an offshore provided Australian course of study; and

(c) the higher education provider is not an authorised offshore provider.

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Penalty: 120 penalty units.

Civil penalty

(2) A higher education provider contravenes this subsection if:
(a) the higher education provider offers or confers an Australian higher education award for the completion of an Australian course of study; and
(b) the course of study is an offshore provided Australian course of study; and
(c) the higher education provider is not an authorised offshore provider.

Civil penalty: 240 penalty units.

66 After section 113

Insert:

113A Breach of condition of authorisation

A registered higher education provider contravenes this section if:
(a) a condition is imposed on the provider's authorisation as an authorised offshore provider; and
(b) the provider does an act or omits to do an act; and
(c) the act or omission breaches the condition.

Civil penalty: 120 penalty units.

67 Section 183 (after table item dealing with a decision under section 43)

Insert:

A decision under section 44C to reject an application for authorisation
A decision under subsection 44J(1) to impose a condition on an authorisation
A decision under subsection 44J(2) to vary a condition imposed on an authorisation
A decision under section 44L to reject an application to withdraw an authorisation

68 Section 183 (after table item dealing with a decision under section 101)

Insert:

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A decision under section 101AA to cancel an authorisation

69 At the end of subsection 198(1)

Add:

; and (c) authorised offshore providers; and

(d) each entity that was an authorised offshore provider and whose authorisation has been cancelled other than because of a reason set out in the Register Guidelines.

Division 2—Application of amendments

70 Definitions

commencement time means the commencement of this Part.

new law means the *Tertiary Education Quality and Standards Agency Act 2011* as amended by this Part.

71 Transitional provision—existing provider arrangements

(1) This item applies if:

(a) as at the commencement time, a registered higher education provider:

(i) is providing one or more offshore provided Australian courses of study; or

(ii) has entered into an arrangement to provide one or more offshore provided Australian courses of study; and

(b) the provider began to provide the course or courses, or entered into the arrangement to provide the course or courses, before the day the *Education Legislation Amendment (Integrity and Other Measures) Bill 2025* was introduced into the Parliament; and

(c) the provider gives TEQSA notice in writing of the provision of the course or courses, or the arrangement to provide the course or courses:

(i) within 60 days of the commencement time; and

(ii) in accordance with any requirements specified by TEQSA by notice in writing.

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(2) On and after the commencement time, the registered higher education provider is taken to be an authorised offshore provider for the purposes of the new law.

72 Application provision—offences and penalties

(1) Section 106A of the new law applies in relation to an Australian higher education award that is offered or conferred by a higher education provider after:

(a) if, before the start of 31 October 2026, the entity applies for authorisation under section 44B and as at that time, a decision is not made on the application—the time a decision on the application is made; or

(b) otherwise—the start of 31 October 2026.

(2) Section 113A of the new law applies in relation to acts and omissions that occur on or after the commencement time.

73 Application provision—conditions

(1) Sections 36, 44G and 98 of the new law apply on and after the commencement time.

(2) Section 44H of the new law applies in relation to:

(a) 31 October 2026; and

(b) each subsequent 31 October.

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Part 10—Indigenous medical students

Division 1—Amendments

Higher Education Support Act 2003

74 At the end of paragraph 30-12(1)(a)

Add "(other than a *demand driven higher education course)".

75 Subsection 30-12(2)

After "*course of study", insert "(other than a *demand driven higher education course)".

76 Subclause 1(1) of Schedule 1 (definition of *demand driven higher education course*)

Repeal the definition, substitute:

demand driven higher education course: each of the following is a ***demand driven higher education course***:

(a) a *course of study that:
  (i) is undertaken by an *Indigenous person; and
  (ii) is leading to a *higher education award that is a bachelor degree or bachelor honours degree; and
  (iii) is not a *designated higher education course;

(b) a *course of study that:
  (i) is undertaken by an *Indigenous person; and
  (ii) is a *course of study in medicine; and
  (iii) is not a course, or a course of a kind, specified in a determination under subclause (1AA).

77 After subclause 1(1) of Schedule 1

Insert:

(1AA) For the purposes of subparagraph (b)(iii) of the definition of ***demand driven higher education course*** in subclause (1), the Minister may, by legislative instrument, specify either or both of the following:

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(a) a *course of study;
(b) a kind of *course of study.

Division 2—Application of amendments

78 Application provision

The amendments of the *Higher Education Support Act 2003* made by this Part apply in relation to the following:

(a) funding agreements entered into under Part 2-2 of that Act in respect of 2026 and later calendar years;
(b) grants payable under that Part for 2026 and later calendar years.

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Schedule 2—Amendments relating to family assistance

Part 1—Cost and financial information

Division 1—Amendments

A New Tax System (Family Assistance) (Administration) Act 1999

1 Paragraph 111(2)(d)

After "or section", insert "203AA or".

2 After paragraph 162(1)(b)

Insert:

; or (c) the Early Education Service Delivery Prices Project.

3 After paragraph 162(2)(da)

Insert:

(db) for the purposes of the Early Education Service Delivery Prices Project; or

4 At the end of Division 3 of Part 8A

Add:

Division 3A—Requirements relating to approved providers that are corporations

203AA Secretary may require cost and financial information relating to approved provider that is a corporation

Notice requiring cost and financial information for the purposes of the Early Education Service Delivery Prices Project

(1) The Secretary may, by written notice given in accordance with subsection (2), require an approved provider that is a constitutional corporation to provide information to the Secretary or their

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delegate in relation to the operation of a child care service of the approved provider, if:

(a) either of the following apply:
  (i) the information relates to a cost incurred during a period;
  (ii) the information is financial information relating to a period; and

(b) the Secretary reasonably believes that the information is required for the achievement of the purposes of the Early Education Service Delivery Prices Project; and

(c) the Secretary reasonably believes that the approved provider is capable of giving the information; and

(d) the Secretary reasonably believes that there is no other means of obtaining the information that is likely to be practicable in the circumstances; and

(e) the Secretary reasonably believes it is not unduly burdensome on the provider to comply with the notice.

Note: Sections 137.1 and 137.2 of the *Criminal Code* create offences for providing false or misleading information or documents.

(2) A notice is given in accordance with this subsection if:

(a) it specifies the information required; and

(b) it specifies the relevant period that the information is to relate; and

(c) it specifies the period by which and the manner in which the approved provider must comply with the notice.

Civil penalty for non-compliance

(3) A person must comply with a notice given to the person under subsection (1).

Civil penalty: 60 penalty units.

Disclosure of personal information

(4) For the purposes of:

(a) paragraph 6.2(b) of Australian Privacy Principle 6; and

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(b) a provision of a law of a State or Territory that provides that information that is personal may be disclosed if the disclosure is authorised by law;

the disclosure of personal information by a person in response to a notice given under this section is taken to be a disclosure that is authorised by this Act.

*Meaning of **constitutional corporation***

(5) For the purposes of this section, a ***constitutional corporation*** is a corporation to which paragraph 51(xx) of the Constitution applies.

5 Before subparagraph 219UA(1)(b)(vi)

Insert:

(va) section 203AA;

6 Section 219UB (after table item 12)

Insert:

12A	section 203AA	cost and financial information relating to providers that are corporations

7 Before paragraph 221(4)(a)

Insert:

(aaa) section 203AA (power to require cost and financial information);

Division 2—Application of amendments

8 Application provision

The amendments of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by this Part apply in relation to information required from a person on or after the commencement of this Part, whether or not the person obtained the information before, on or after that commencement.

8A Sunsetting provision

The amendments of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by this Part cease to have effect after the end of the 2 year period starting on the day this item commences.

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Part 2—Protected information

Division 1—Amendments

A New Tax System (Family Assistance) (Administration) Act 1999

9 After subsection 162(2)

Insert:

(2AA) A person may:

(a) make a record of protected information; or

(b) disclose such information to any person; or

(c) otherwise use such information;

if the Secretary reasonably believes that the record, disclosure or use made of the information is reasonably necessary for one or more of the following purposes:

(d) research, monitoring, evaluation or reporting of matters of relevance to a Department that is administering any part of the family assistance law;

(e) statistical analysis of matters of relevance to a Department that is administering any part of the family assistance law;

(f) policy development of matters of relevance to a Department that is administering any part of the family assistance law.

(2AB) A person may:

(a) make a record of protected information; or

(b) disclose such information to any person; or

(c) otherwise use such information;

if the information:

(d) has already been lawfully made available to the public; and

(e) is in relation to:

(i) an approved provider; or

(ii) a provider who is no longer approved or whose approval is suspended; or

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(iii) a child care service of a provider mentioned in subparagraph (i) or (ii) (whether or not the provider currently operates the service).

Note: Subparagraph (e)(iii) includes services in respect of which the provider is approved or operates (see subsection 3(6)).

10 After subsection 162(2A)

Insert:

(2B) If the protected information is in relation to:

(a) an approved provider; or

(b) a provider who is no longer approved or whose approval is suspended; or

(c) a child care service of a provider mentioned in paragraph (a) or (b) (whether or not the provider currently operates the service);

a person may:

(d) use protected information to produce information in an aggregated form that does not directly identify a particular approved provider or a particular child care service of a particular approved provider; or

(e) disclose to any person protected information in an aggregated form that does not directly identify a particular approved provider or a particular child care service of a particular approved provider.

Note: Paragraph (c) includes services in respect of which the provider is approved or operates (see subsection 3(6)).

11 At the end of section 162

Add:

(6) Subsections (1), (2), (2AA), (2AB), (2A) and (2B) do not limit each other.

12 Before subsection 162B(1)

Insert:

(1A) The Secretary may publish, by electronic means, information (including protected information) in relation to an approved

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provider, or a child care service of an approved provider, if the Secretary is satisfied on reasonable grounds that the information will, or is likely to, result in one or more of the following:

(a) promoting transparency and accountability regarding the administration of CCS and ACCS by the provider;

(b) promoting quality and safety of child care services of the provider;

(c) encouraging compliance by the provider with the family assistance law.

13 Subsection 162B(1)

Omit "The Secretary may publish, by electronic means, the following information in relation to an approved provider", substitute "Without limiting subsection (1A), information the Secretary may publish, by electronic means, in relation to an approved provider, includes the following".

14 After paragraph 162B(1)(e)

Insert:

(ea) the type of each child care service in respect of which the approved provider is approved;

(eb) the number of children enrolled for care for each child care service in respect of which the approved provider is approved;

(ec) the address and contact details, including telephone number and email address, of each child care service in respect of which the approved provider is approved;

15 Subsection 162B(2)

Repeal the subsection (including the heading), substitute:

(2) Without limiting subsection (1A) or (1), the Secretary may publish protected information in an aggregated form covered by subsection 162(2B).

(2A) The Secretary may authorise any of the following persons or bodies to electronically publish information covered by subsection (1A), (1) or (2):

(a) an agency or authority of the Commonwealth;

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(b) a Department of State, or an agency or authority, of a State or Territory;

(c) a body established under a law of the Commonwealth, a State or a Territory.

(2B) To avoid doubt, the publishing of protected information under this section is for the purposes of the family assistance law.

Note: Section 162 authorises the use and disclosure of protected information for the purposes of the family assistance law. As well as having effect for the purposes of section 164 (which is about offences for unauthorised use of protected information), these authorisations have effect for the purposes of the *Privacy Act 1988* and other laws.

Division 2—Application of amendments

16 Application provision

The amendments of sections 162 and 162B of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by this Part apply in relation to the use or disclosure (however described) of information that occurs on or after the commencement of this Part, whether the information was obtained or generated before, on or after that commencement.

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Part 3—Technical amendments

A New Tax System (Family Assistance) (Administration) Act 1999

17 Subsection 82(3) (paragraph (a) of the definition of *debt*)

After "71D,", insert "71DA,".

18 Paragraph 137A(1)(b)

Omit "either", substitute "one of the following applies".

19 Subparagraph 137A(1)(b)(i)

Omit "or".

20 After subparagraph 137A(1)(b)(i)

Insert:

(ia) the information is that a child for whom the individual is eligible for CCS or ACCS is an Aboriginal or Torres Strait Islander child, and the information was notified to the Secretary in a manner approved by the Secretary;

21 Application provision

(1) The amendment of section 82 of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by this Part applies in relation to a debt that is recoverable under that section on or after the commencement of this Part, whether the debt is incurred before, on or after that commencement.

(2) The amendments of section 137A of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by this Part apply in relation to an application for ART review that is made on or after the day this Part commences.

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Part 4—Date of effect

Division 1—Amendments

A New Tax System (Family Assistance) (Administration) Act 1999

22 After subsection 67CC(1)

Insert:

Cessation of eligibility because the CCS reconciliation conditions not met by second deadline

(1A) The Secretary must determine that an individual for whom a determination (the ***earlier determination***) under paragraph (1)(a) is in effect in relation to a child is not eligible for CCS by fee reduction for the child if the individual does not meet the CCS reconciliation conditions for an income year by the second deadline for the income year.

(1B) Subsection (1A) only applies in relation to the claim in respect of which the earlier determination was made.

23 Subsection 67CC(2) (heading)

After "*eligibility*", insert "*on discretionary grounds*".

24 Paragraph 67CC(2)(b)

Repeal the paragraph.

25 Paragraph 67CC(4)(a)

Repeal the paragraph, substitute:

(a) takes effect on the day specified in the determination in accordance with subsection (4A) or (4B); and

26 Subparagraph 67CC(4)(b)(i)

Omit "subsection (2)", substitute "subsection (1A), (2)".

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27 After subsection 67CC(4)

Insert:

(4A) If subsection (4B) does not apply, the day specified in the determination must be the first day for which the Secretary is satisfied that the requirements in subparagraphs 85BA(1)(a)(i) to (iv) of the Family Assistance Act are met that is also:

(a) the first Monday of a CCS fortnight; and

(b) not more than 28 days before the day the claim was made.

(4B) If:

(a) the Secretary has determined under subsection (1A) that the individual is not eligible for CCS by fee reduction in relation to a child because the individual did not meet the CCS reconciliation conditions for an income year (the ***relevant income year***) by the second deadline for the relevant income year; and

(b) the Secretary later determines under paragraph (1)(a) that the individual is eligible for CCS by fee reduction in relation to the child;

the day specified in the later determination must be the later of:

(c) the first Monday of a CCS fortnight that is not more than 28 days before the day the claim in respect of which the later determination was made; and

(d) the first Monday of the CCS fortnight beginning on or after the day the individual met the CCS reconciliation conditions for the relevant income year.

28 After subsection 67CC(5)

Insert:

(5A) A determination made under subsection (1A) has effect from the first Monday of the CCS fortnight beginning after the second deadline for the income year.

29 After paragraph 67CD(2)(b)

Insert:

(ba) in the case where all of the following apply:

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(i) the Secretary has made a previous determination under this section that the individual is entitled to be paid CCS for a session of care in a week in an income year (the ***relevant income year***);

(ii) the first deadline for the relevant income year has passed;

(iii) a CCS fortnight has begun after the first deadline for the relevant income year has passed;

the individual has met the CCS reconciliation conditions for the relevant income year on or before the first Monday of the CCS fortnight in which the week referred to in paragraph (a) occurs; and

30 After paragraph 67CD(3)(c)

Insert:

and (ca) in the case where all of the following apply:

(i) the Secretary has made a previous determination under this section that the individual is entitled to be paid ACCS for a session of care in a week in an income year (the ***relevant income year***);

(ii) the first deadline for the relevant income year has passed;

(iii) a CCS fortnight has begun after the first deadline for the relevant income year has passed;

the individual has met the CCS reconciliation conditions for the relevant income year on or before the first Monday of the CCS fortnight in which the week referred to in paragraph (a) occurs;

31 After paragraph 67CD(4)(e)

Insert:

; and (ea) in the case where all of the following apply:

(i) the Secretary has made a previous determination under this section that the individual is entitled to be paid ACCS for a session of care in a week in an income year (the ***relevant income year***);

(ii) the first deadline for the relevant income year has passed;

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(iii) a CCS fortnight has begun after the first deadline for the relevant income year has passed;

the individual has met the CCS reconciliation conditions for the relevant income year on or before the first Monday of the CCS fortnight in which the week referred to in paragraph (a) occurs;

32 After paragraph 67CD(6)(e)

Insert:

; and (ea) in the case where all of the following apply:

(i) the Secretary has made a previous determination under this section that the individual is entitled to be paid ACCS for a session of care in a week in an income year (the ***relevant income year***);

(ii) the first deadline for the relevant income year has passed;

(iii) a CCS fortnight has begun after the first deadline for the relevant income year has passed;

the individual has met the CCS reconciliation conditions for the relevant income year on or before the first Monday of the CCS fortnight in which the week referred to in paragraph (a) occurs;

33 Paragraph 67CD(10)(c)

Omit "document; and", substitute "document.".

34 Paragraph 67CD(10)(d)

Repeal the paragraph.

Division 2—Application of amendments

35 Application provision—general

The amendments of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by this Part apply in relation to a claim in respect of a child for CCS by fee reduction for a week in a CCS fortnight starting on or after 2 July 2018.

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36 Application provision—decisions made before commencement

(1) A decision made:

(a) before the commencement of this Part; and

(b) in accordance with the *A New Tax System (Family Assistance) (Administration) Act 1999*, as amended by this Part;

is taken for all purposes to have been, and to always have been, made in accordance with the *A New Tax System (Family Assistance) (Administration) Act 1999*.

(2) To avoid doubt, anything done, or anything purported to have been done, by a person that would have been wholly, or partly, invalid or unlawful except for subitem (1) is taken for all purposes to be valid and lawful and to have always been valid and lawful, despite any effect that may have on the accrued rights of any person.

(3) For the purposes of applying this item in relation to civil or criminal proceedings, this item applies in relation to:

(a) civil and criminal proceedings instituted on or after the commencement of this Part; and

(b) civil and criminal proceedings instituted before commencement, being proceedings that are concluded:

(i) before the commencement of this Part; or

(ii) on or after the commencement of this Part.

(4) If the Commonwealth, acting on a decision to which subitem (1) applies has paid, before the commencement of this Part, an amount to a person that would be recoverable by the Commonwealth because it was paid in accordance with the *A New Tax System (Family Assistance) (Administration) Act 1999* as amended by this Part, that amount is waived.

37 Compensation for acquisition of property

(1) If:

(a) apart from this section, the operation of this Part would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person

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otherwise than on just terms (within the meaning of that paragraph); and

(b) the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution;

the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia or the Supreme Court of a State or Territory for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

[*Minister's second reading speech made in—*
House of Representatives on 9 October 2025
Senate on 3 November 2025]

(83/25)

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