Education Services for Overseas Students Amendment Bill 2005

No. , 2005

(Education, Science and Training)

A Bill for an Act to amend the Education Services for Overseas Students Act 2000, and for related purposes
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A Bill for an Act to amend the Education Services for Overseas Students Act 2000, and for related purposes

The Parliament of Australia enacts:

1  Short title

This Act may be cited as the Education Services for Overseas Students Amendment Act 2005.

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
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<tr>
<td><strong>Provision(s)</strong></td>
<td><strong>Commencement</strong></td>
<td><strong>Date/Details</strong></td>
</tr>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day on which this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>2. Schedule 1</td>
<td>At the same time as Schedule 1 to the <em>Higher Education Legislation Amendment (2005 Measures No. 4) Act 2005</em> commences.</td>
<td></td>
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<tr>
<td>3. Schedule 2</td>
<td>The day after this Act receives the Royal Assent.</td>
<td></td>
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</tbody>
</table>

1. Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

2. Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3. **Schedule(s)**

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 Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Education Services for Overseas Students Act 2000

1 Section 5 (definition of provider)
   Omit “in Australia”.

2 Paragraph 9(2)(a)
   Repeal the paragraph, substitute:
   (a) the provider is:
       (i) a resident of Australia; or
       (ii) a Table C provider (within the meaning of the Higher Education Support Act 2003); and

3 Section 16
   Repeal the section, substitute:

16 Only Australian residents and Table C providers may be registered
   A registered provider must be:
       (a) a resident of Australia; or
       (b) a Table C provider (within the meaning of the Higher Education Support Act 2003).

   Note: The Minister may take action under Division 1 of Part 6 against a registered provider that has breached this section.

4 Application of items 1 to 3
   A Table C provider (within the meaning of the Higher Education Support Act 2003) does not breach its obligations under the national code established under Part 4 of the Education Services for Overseas Students Act 2000 merely because the provider is not a resident of Australia.

5 Section 18
   Before “If a”, insert “(1)”.

6 At the end of section 18
Add:

(2) A registered provider does not breach its obligations under this Act or any other Act relating to education by charging overseas students, or intending overseas students, an amount as part of the student’s tuition fee, if the amount is for any action the provider is required to undertake because of this Act or the national code.

Note: The heading to section 18 is replaced by the heading “Payments to registered providers”.
Schedule 2—Technical amendments relating to legislative instruments

Education Services for Overseas Students Act 2000

1 Subsection 33(1)
   After “Minister must”, insert “, by legislative instrument,”.

2 Subsection 33(3)
   Repeal the subsection.