

2004-2005

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

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

4 The Parliament of Australia enacts:

5 **1 Short title**

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

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.
13

Commencement information

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

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

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

7 **3 Schedule(s)**

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9 repealed as set out in the applicable items in the Schedule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

1
2 **Schedule 1—Main amendments**
3

4 *Education Services for Overseas Students Act 2000*

5 **1 Section 5 (definition of provider)**

6 Omit “in Australia”.

7 **2 Paragraph 9(2)(a)**

8 Repeal the paragraph, substitute:

9 (a) the provider is:

10 (i) a resident of Australia; or

11 (ii) a Table C provider (within the meaning of the *Higher*
12 *Education Support Act 2003*); and

13 **3 Section 16**

14 Repeal the section, substitute:

15 **16 Only Australian residents and Table C providers may be**
16 **registered**

17 A registered provider must be:

18 (a) a resident of Australia; or

19 (b) a Table C provider (within the meaning of the *Higher*
20 *Education Support Act 2003*).

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

23 **4 Application of items 1 to 3**

24 A Table C provider (within the meaning of the *Higher Education*
25 *Support Act 2003*) does not breach its obligations under the national
26 code established under Part 4 of the *Education Services for Overseas*
27 *Students Act 2000* merely because the provider is not a resident of
28 Australia.

29 **5 Section 18**

30 Before “If a”, insert “(1)”.

31 **6 At the end of section 18**

Schedule 1 Main amendments

1 Add:

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

7 Note: The heading to section 18 is replaced by the heading "**Payments to registered**
8 **providers**".

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2
3
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Schedule 2—Technical amendments relating to legislative instruments

5

Education Services for Overseas Students Act 2000

6

1 Subsection 33(1)

7

After “Minister must”, insert “, by legislative instrument,”.

8

2 Subsection 33(3)

9

Repeal the subsection.