Education Services for Overseas Students (Provider default – discharge of obligations – requirements for a notice) Determination 2012 (No. 1)

Education Services for Overseas Students Act 2000

I, CHRIS EVANS, Minister for Tertiary Education, Skills, Science and Research, pursuant to subsection 46F(5) of the Education Services for Overseas Students Act 2000 (the Act), specify the requirements for a notice given under section 46F of the Act.

Dated 18th June 2012

CHRIS EVANS
Minister for Tertiary Education, Skills, Science and Research

1 Name of determination
This determination is the Education Services for Overseas Students (Provider default – discharge of obligations – requirements for a notice) Determination 2012 (No. 1).

2 Commencement
This determination commences at the same time as item 2 of the table under subsection 2(1) of the Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Act 2012.

3 Definitions
In this determination:
Act means the Education Services for Overseas Students Act 2000.
CoE means a confirmation of enrolment for a course issued by a provider to an overseas student or an intending overseas student.
Course has the same meaning as it has in section 5 of the Act.
PRISMS: has the same meaning as it has under Regulation 1.03 of the Education Services for Overseas Students Regulations 2001. Tuition Fees has the same meaning as it has in section 7 of the Act.

4 Requirements of a notice – Provider default – discharge of provider obligations

For section 46F, the provider must enter for each CoE, the information below into the specified fields in PRISMS:

(a) If the provider has not met their obligations in accordance with section 46D, the reasons for this;

(b) If the provider has met their obligations in accordance with section 46D, whether this was under subsections (4) and (5) Arranging alternative courses or under subsections (6) and (7) Providing a refund;

(c) If their obligations were met by arranging alternative courses:
   i. the date the provider met their obligations;
   ii. the CoE code of the alternative course accepted by the student (if known); and
   iii. confirmation that the provider has evidence of the student’s acceptance of an offer of a place in an alternative course.

(d) If their obligations were met by providing a refund:
   i. the amount of the refund; and
   ii. the date the refund was paid.