

Immigration (Education) Amendment Regulations 2002 (No. 1) 2002 No. 120

EXPLANATORY STATEMENT

STATUTORY RULES 2002 No. 120

Issued by the Authority of the Minister for Immigration and Multicultural and Indigenous Affairs

Immigration (Education) Act 1971

Immigration (Education) Amendment Regulations 2002 (No. 1)

Section 13 of the *Immigration (Education) Act 1971* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 4 provides that the Minister may arrange for English courses and citizenship courses to be provided for prospective migrants, permanent residents, temporary visa holders listed in a Gazette notice, new Australian citizens, children of permanent residents and New Zealand citizens who are special category visa holders.

Section 4A of the Act relates to the fees for these English courses. Subsection 4A(1) provides that the regulations may provide for the charging and recovery of fees, not exceeding the applicable fee limit per year per student, in respect of English courses provided in accordance with section 4.

The purpose of the Regulations is to increase the fees for English and citizenship courses available to migrants and other persons prescribed in section 4 of the Act in line with annual indexation. The new fees represent an increase of 2.01% in line with general price movements. The quantum of this increase does not cause the applicable fee limit set out in the *Immigration (Education) Charge Act 1992* to be exceeded.

The amendments result in an increase in the fee:

- for a formal course (defined in regulation 1.03 of the *Migration Regulations 1994* to mean in summary a course of study approved by the Education Minister), from \$285 to \$290;
- for any other course, from \$60 to \$65.

Details of the Regulations are set out in the Attachment.

The Regulations commence on 1 July 2002.

ATTACHMENT

Regulation 1 -Name of Regulations

This regulation provides that these Regulations are the *Immigration (Education) Amendment Regulations 2002 (No. 1)*.

Regulation 2 - Commencement

This regulation provides that these Regulations commence on 1 July 2002.

Regulation 3 - Amendment of *Immigration (Education) Regulations 1992*

This regulation provides that Schedule 1 amends the *Immigration (Education) Regulations 1992*.

Regulation 4 - Transitional

This regulation provides that the amendment made by Schedule 1 applies to a person who enrolls in a prescribed English course (within the meaning of the *Immigration (Education) Regulations 1992*) on or after 1 July 2002.

Schedule 1 - Amendment

Item [1] - Subregulation 4(1)

This item amends subregulation 4(1) of the *Immigration (Education) Regulations 1992* to provide for the annual indexation of the fees for a prescribed English course.

The fee for a formal course is increased from \$285 to \$290. The fee for any other course is increased from \$60 to \$65.

This item also amends subregulation 4(1) to provide a reference to the relevant power in the *Immigration (Education) Act 1971*.