

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2007 No. 165**

Issued by the Minister for Immigration and Citizenship

*Immigration (Education) Act 1971*

*Immigration (Education) Amendment Regulations 2007 (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 of the Act provides that the Minister for Immigration and Citizenship may arrange for English courses to be provided for persons intending to migrate to Australia and to persons in Australia, including permanent residents, temporary visa holders listed in a Gazette notice, new Australian citizens, children of permanent residents, New Zealand citizens who hold a special category visa and, under certain circumstances, persons in the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island.

Subsection 4A(1) of the Act 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 (the applicable fee limit in respect of a course is worked out in accordance with the formula in subsection 4A(3A) of the Act).

The purpose of the Regulations is to amend the *Immigration (Education) Regulations 1992* (the Principal Regulations) to increase the fees in line with the Consumer Price Index (CPI) for prescribed English courses available to migrants and other persons under section 4 of the Act. The amount of this increase is approximately 3.5%, which does not cause the applicable fee limit set out in subsection 4A(3A) of the Act to be exceeded.

Details of the Regulations are set out in the Attachment.

The Regulations commence on 1 July 2007.

The Office of Best Practice Regulation in the Productivity Commission has been consulted and advises that the Regulations are of a minor or machinery nature and do not substantially alter existing arrangements.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

**ATTACHMENT****Details of the *Immigration (Education) Amendment Regulations 2007 (No. 1)*****Regulation 1 – Name of Regulations**

This regulation provides that these Regulations are the *Immigration (Education) Amendment Regulations 2007 (No. 1)*.

**Regulation 2 - Commencement**

These Regulations commence on 1 July 2007.

**Regulation 3 – Amendment of *Migration Regulations 1994***

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

**Regulation 4 – Transitional**

This regulation provides that that the amendments made by Schedule 1 apply to a person who enrolls in a prescribed English course on or after 1 July 2007.

**Schedule 1 – Amendments****Item [1] – Paragraph 4(1)(a)**

This item amends paragraph 4(1)(a) of the Principal Regulations to provide for the annual indexation of the prescribed fee for a formal course provided in accordance with section 4 of the Act. The fee is increased from \$315 to \$325. This indexation will result in an increase to the charge of approximately 3.5% which is in line with the CPI. The increase does not cause the applicable fee limit set out in subsection 4A(3A) of the *Immigration (Education) Act 1971* (the Act) to be exceeded.

**Item [2] – Paragraph 4(1)(b)**

This item amends paragraph 4(1)(b) of the Principal Regulations to provide for the annual indexation of the prescribed fee for a course, other than a formal course, provided in accordance with section 4 the Act. The fee is increased from \$70 to \$75. This indexation will result in an increase to the charge of approximately 3.5%, which is in line with the CPI. The increase does not cause the applicable fee limit set out in subsection 4A(3A) of the Act to be exceeded.