

Education Services for Overseas Students (Registration Charges) Regulations 2011

Select Legislative Instrument No. 210, 2011

made under the

Education Services for Overseas Students (Registration Charges) Act 1997

**Compilation No. 3**

**Compilation date:** 1 July 2021

**Includes amendments up to:** F2021L00847

**Registered:** 6 August 2021

**About this compilation**

**This compilation**

This is a compilation of the *Education Services for Overseas Students (Registration Charges) Regulations 2011* that shows the text of the law as amended and in force on 1 July 2021 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

 These Regulations are the *Education Services for Overseas Students (Registration Charges) Regulations 2011*.

3 Definitions

 In these Regulations:

***Act*** means the *Education Services for Overseas Students (Registration Charges) Act 1997.*

***State or Territory VET institution*** means a vocational education and training institution that is owned or controlled (whether directly or indirectly) by a State or Territory.

***Table A provider*** has the same meaning as in the *Higher Education Support Act 2003*.

Part 2—Matters relating to charges imposed from the 2012 calendar year

4 Application of this Part

 This Part applies to charges imposed by the Act for 2012 and all later calendar years.

5 Annual registration charge—lower dollar amount

 For paragraphs 5(7)(a) and (b) of the Act, a class of providers mentioned in an item in the table may pay the lower dollar amount mentioned in the item.

| Item | For this class of providers ... | the lower dollar amount is ... |
| --- | --- | --- |
| 1 | Registered providers that did not provide a course to an accepted student in the previous year and are a government school or non‑government school | $366.00 |

6 Annual registration charge—exemption

 For paragraph 5(7)(c) of the Act, a class of providers mentioned in an item in the table is exempt from the requirement to pay the annual registration charge as described in the item.

| Item | This class of providers ... | is exempt from ... |
| --- | --- | --- |
| 1 | Government schools | the charge component listed in paragraph 5(2)(c) of the Act |
| 2 | State or Territory VET institutions | the charge component listed in paragraph 5(2)(c) of the Act |
| 3 | Table A providers | the charge component listed in paragraph 5(2)(c) of the Act |

7 Entry to market charges—exemption

 For subsection 6(9) of the Act, a class of providers mentioned in an item in the table is exempt from the requirement to pay the entry to market charges.

| Item | Class of providers |
| --- | --- |
| 1 | Government schools |
| 2 | State or Territory VET institutions |
| 3 | Table A providers  |

Part 3—Exemption from entry to market charges imposed from 1 July 2021 to 31 December 2021

8 Entry to market charges—exemption

 For the purposes of subsection 6(9) of the Act, the class of providers made up of all providers (other than providers mentioned in regulation 7) is prescribed for entry to market charges imposed during the period commencing 1 July 2021 and ending on 31 December 2021.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Education Services for Overseas Students (Registration Charges) Regulations 2011 (SLI No. 210, 2011) | 29 Nov 2011 (F2011L02479) | 30 Nov 2011 (r 2) |  |
| Education Services for Overseas Students (Registration Charges) Amendment (COVID‑19 Exemptions) Regulations 2020 | 10 July 2020 (F2020L00905) | Sch 1 (items 4, 5): 11 July 2020 (s 2(1) item 3)Sch 1 (item 6): 1 July 2021 (s 2(1) item 4)Remainder: 12 Apr 2020 (s 2(1) items 1, 2) | — |
| Education Services for Overseas Students (Registration Charges) Amendment (Exemptions from Entry to Market Charges) Regulations 2021 | 25 June 2021 (F2021L00847) | 1 July 2021 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| Part 1 heading  | ad F2020L00905 |
| r 2  | rep LA s 48D |
| **Part 2** |  |
| Part 2 heading  | ad F2020L00905 |
| r 4  | rs F2020L00905 |
| r 7  | am F2020L00905 |
| **Part 3** |  |
| Part 3  | ad F2020L00905 |
|  | rep F2020L00905 |
|  | ad F2021L00847 |
| r 8  | ad F2020L00905 |
|  | rep F2020L00905 |
|  | ad F2021L00847 |
| Part 4  | ad F2020L00905 |
|  | rep F2020L00905 |
| r 9  | ad F2020L00905 |
|  | rep F2020L00905 |