



Education Services for Overseas Students (Calculation of unspent pre-paid fees – provider default) 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 46D(7) of the *Education Services for Overseas Students Act 2000* (the Act), specify the method for working out the amount of unspent pre-paid fees for the purposes of subsection 46D(6) 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 (Calculation of unspent pre-paid fees – provider default) 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*.

Tuition Fees has the same meaning as it has in section 7 of the Act.

Course has the same meaning as it has in section 5 of the Act.

4 Calculation of the amount of unspent pre-paid fees – provider default

For subsection 46D(7) of the Act, the specified method for working out the amount of unspent pre-paid fees is:

- (a) $\text{Pre-paid amount for a particular period} / \text{Number of weeks}^1 \text{ to which the payment relates}$
= Tuition fee per week
- (b) $\text{Tuition fee per week} \times \text{number of weeks}^2 \text{ between the date of default and the end of the period to which the payment relates}$
= unspent pre-paid tuition (the refund amount)

¹ The number of weeks to which the pre-paid amount relates is to be calculated by rounding up the number obtained by dividing the number of days between the start and end dates of the period to which the payment relates (inclusive) by 7.

² The number of weeks between the date of default and the end of the period to which the payment relates is to be calculated by rounding up the number obtained by dividing the number of days between the date of default and the end date of the period to which the payment relates (inclusive) by 7.