



Education Services for Overseas Students (Student 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 47H(5) of the *Education Services for Overseas Students Act 2000* (the Act), specify the requirements for a notice for the purposes of section 47H 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 (Student 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*.

Default has the meaning as it has in section 5 of the Act.

CoE means a confirmation of enrolment for a course issued by a provider to an overseas student or an intending overseas student.

PRISMS has the same meaning as Regulation 1.03 of the *Education Services for Overseas Students Regulations 2001*.

4 Requirements of a notice - Student default - discharge of provider obligations

For section 47H, the provider must enter, for each CoE, the information below into the specified fields in PRISMS:

- (a) If the provider has not met their obligation under the Act, the reasons for this;
- (b) If the provider has met their obligations under the Act and if so whether this was under 47D or 47E;
- (c) If their obligations were met in accordance with a claim under 47D(4):
 - (i) The date the student's claim was received.
 - (ii) The amount claimed by the student.
 - (iii) The amount paid by the provider.
 - (iv) The date the refund was paid.
 - (v) Whether or not the refund was paid in accordance with the written agreement between the provider and the student.
- (d) If their obligations were met under 47E:
 - (i) The amount of the refund.
 - (ii) The date of the refund.
 - (iii) Confirmation that the refund amount was calculated in accordance with the Legislative Instrument made under section 47E(4).