



# Education Services for Overseas Students Amendment Regulation 2012 (No. 1)<sup>1</sup>

**Select Legislative Instrument 2012 No. 128**

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Education Services for Overseas Students Act 2000*.

Dated 28 June 2012

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

CHRIS EVANS  
Minister for Tertiary Education, Skills, Science and Research

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**1 Name of regulation**

This regulation is the *Education Services for Overseas Students Amendment Regulation 2012 (No. 1)*.

**2 Commencement**

This regulation commences on 1 July 2012.

**3 Amendment of *Education Services for Overseas Students Regulations 2001***

Schedule 1 amends the *Education Services for Overseas Students Regulations 2001*.

**Schedule 1 Amendments**

(section 3)

**[1] Regulation 1.03, definition of *agreed starting day***

*substitute*

*agreed starting day*, for a course provided to a student, means the day on which the course is scheduled to start, or a later day agreed between the provider for the course and the student.

**[2] Regulation 1.03**

*insert*

*confirmation of enrolment* means the information a registered provider must give the Secretary under section 19 of the Act when a person becomes an accepted student of the provider.

**[3] Regulation 1.03, definition of *parent organisation***

*omit*

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**[4] Regulation 1.03**

*insert*

***public provider*** means:

- (a) a government school; or
- (b) a vocational education and training institution that is owned or controlled (whether directly or indirectly) by a State or Territory; or
- (c) a Table A provider within the meaning of the *Higher Education Support Act 2003*.

**[5] Regulation 1.03, note**

*substitute*

*Note* For the definitions of the following terms, see section 5 of the Act:

- accepted student
- approved provider
- course
- designated authority
- Immigration Minister
- national code
- overseas student
- provide
- provider
- Register
- registered provider
- Secretary
- tuition fees.

**[6] Subregulation 2.01 (1)**

*omit*

For paragraph 10 (4) (d)

*insert*

For paragraph 14A (4) (i)

**[7] Paragraph 2.01 (1) (g)***substitute*

- (g) the estimated annual number of full-time equivalent domestic students enrolled with the provider, excluding students enrolled for online study only;

**[8] Subregulation 2.01 (2), including the examples***substitute*

- (2) For paragraph 14A (4) (i) of the Act, the information that must be entered on the Register for each course that the provider mentioned in subregulation (1) is registered to provide is:
- (a) the duration, level and field of study of the course; and
  - (b) the estimated total of the tuition fees payable by a student for the course; and
  - (c) the estimated total of the non-tuition fees payable by a student for the course; and
  - (d) whether the provider only accepts payment in arrears; and
  - (e) each location where the course will be provided, including:
    - (i) the address of the location; and
    - (ii) the period of approval for the course at the location; and
    - (iii) the telephone number, fax number (if any), email address (if any) and primary contact, for the location; and
    - (iv) the maximum number of students on a student visa to whom the provider may provide the course in the location; and
  - (f) whether the course is provided:
    - (i) by the owner-operator of the provider mentioned in subregulation (1); or
    - (ii) under an arrangement with another registered provider; or
    - (iii) under an arrangement with a non-registered provider.

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*Examples of levels of study of courses for paragraph (a)*

- 1 Primary.
- 2 Secondary.
- 3 Diploma.
- 4 Bachelor degree.
- 5 Masters coursework.
- 6 PhD.
- 7 Non award.
- 8 Foundation studies.
- 9 English language intensive courses for overseas students.

*Examples of fields of study of courses for paragraph (a)*

- 1 Business administration.
- 2 English language study.
- 3 Visual and performing arts.
- 4 Education.

**[9] After paragraph 3.01 (e)**

*insert*

(ea) if the student is under 18 years old:

- (i) the current residential address, mobile phone number (if any) and email address (if any) of a person other than the provider who has legal authority to act on the student's behalf; and
- (ii) the relationship of the person to the student;

*Example*

A parent or guardian.

**[10] Paragraph 3.01 (f)**

*substitute*

(f) the unique identifier of the student's course and its location;

**[11] Paragraphs 3.01 (i) and (j)**

*substitute*

- (i) the amount of tuition fees that the provider received for the student for the course before confirming the student's enrolment using PRISMS;
- (ia) if the provider is not a public provider—the start and end dates of the period to which the amount mentioned in paragraph (i) relates;
- (ib) the amount of non-tuition fees that the provider received for the student for the course before confirming the student's enrolment using PRISMS;
- (j) the total amount of tuition fees that the student is required to pay to the provider to undertake the full course in accordance with the written agreement entered into with the student;

**[12] Paragraphs 3.02 (1) (b), 3.03 (1) (b) and 3.03 (2) (b)**

*omit*

residential address

*insert*

residential address, mobile phone number (if any) and email address (if any)

**[13] After subregulation 3.03 (4)**

*insert*

- (5) For paragraph 19 (1) (f) of the Act, the following are prescribed matters relating to an accepted student of a provider that is not a public provider, for whom the provider receives tuition fees during a calendar month:
  - (a) the amount of each payment made;
  - (b) the date the payment was made;
  - (c) the start and end dates of the period to which the payment relates.

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**[14] Regulation 3.04**

*omit*

paid any course money for a course

*insert*

paid any tuition fees for a course

**[15] Paragraph 3.04 (a)**

*substitute*

(a) the amount of money that the student has paid to the provider, including the separate identification of tuition fees and non-tuition fees;

**[16] Paragraph 3.04 (b)**

*omit*

course money

*insert*

tuition fees

**[17] Subparagraph 3.04 (d) (ii)**

*omit*

paid.

*insert*

paid;

**[18] After paragraph 3.04 (d)**

*insert*

(e) the amount that a student will be charged to access the student's records.

**[19] After regulation 3.04**

*insert*

**3.05 Electronic records**

If records kept for the purpose of section 21 of the Act are kept electronically, they must be backed up.

**3.06 Fees for accessing records**

The fee for a student to access a record mentioned in regulation 3.04 must not exceed the cost incurred by the provider in providing access to that record.

**[20] Divisions 3.2 to 3.4**

*omit*

**[21] Parts 5, 8 and 9**

*omit*

**[22] Schedule 1**

*omit*

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.comlaw.gov.au](http://www.comlaw.gov.au).