



Education Services for Overseas Students (ESOS Agency—ELICOS and Foundation Programs) Determination 2016

I, Richard Colbeck, Minister for Tourism and International Education, make the following determination.

Dated 2nd May 2016

Richard Colbeck
Minister for Tourism and International Education

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<i>Education Services for Overseas Students (Designated Authority)</i>		
<i>Determination 2012 (No. 1)</i>		3

1 Name

This is the *Education Services for Overseas Students (ESOS Agency—ELICOS and Foundation Programs) Determination 2016*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 July 2016.	1 July 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 6C(2) of the *Education Services for Overseas Students Act 2000*, as in force on and after 1 July 2016.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

Act means the *Education Services for Overseas Students Act 2000*.

entry arrangement means an arrangement between:

- (a) the provider of an ELICOS; and
- (b) a registered higher education provider;

under which overseas students undertake an ELICOS conducted by the provider mentioned in paragraph (a) for entry to a higher education course, or Foundation Program, conducted by the provider mentioned in paragraph (b).

6 ESOS agency—ELICOS

For the purposes of subsection 6C(2) of the Act, the ESOS agency for a provider or registered provider, to the extent that the provider or registered provider is a person or entity that provides an ELICOS, is as follows:

- (a) if the provider or registered provider is a registered higher education provider—TEQSA;
- (b) if the provider or registered provider is a registered VET provider—the National VET Regulator;
- (c) if the provider or registered provider is an approved school provider—the Secretary;
- (d) if the provider or registered provider:
 - (i) is not a person or entity mentioned in paragraph (a), (b) or (c); and
 - (ii) provides an ELICOS under an entry arrangement; TEQSA;
- (e) in any other case—the National VET Regulator.

7 ESOS agency—Foundation Programs

For the purposes of subsection 6C(2) of the Act, the ESOS agency for a provider or registered provider, to the extent that the provider or registered provider is a person or entity that provides a Foundation Program, is TEQSA.

Schedule 1—Repeals

Education Services for Overseas Students (Designated Authority) Determination 2012 (No. 1)

1 The whole of the determination

Repeal the determination.