

## **EXPLANATORY STATEMENT**

### ***Education Services for Overseas Students (TEQSA Registration Renewal Application Period) Determination 2016***

Issued by the authority of the Tertiary Education Quality and Standards Agency (TEQSA)

**Subject:** *Education Services for Overseas Students (TEQSA Registration Renewal Application Period) Determination 2016*

#### **Authority**

Section 10D(4) of the *Education Services for Overseas Students Act 2000* (the Act) allows TEQSA to determine, by legislative instrument, the period within which applications under Section 10D must be made.

#### **Purpose and Description of the provisions**

The purpose of the instrument is to set out the period of time within which applications under Section 10D of the Act must be made.

Under section 10D of the Act, a registered provider may apply to TEQSA to renew the provider's registration to provide a course or courses at a location or locations to overseas students. Where TEQSA is the ESOS agency for the registered provider, the application must be made to TEQSA and made within the period determined in this legislative instrument pursuant to subsection 10D(3).

#### **Consultation**

On 29 August 2016, TEQSA wrote to peak sector organisations to advise that TEQSA was accepting submissions on the Education Services for Overseas Students (TEQSA Registration Renewal Application Period) Determination 2016. TEQSA also published details on how to make a submission to TEQSA on the TEQSA website, with a statement that TEQSA would accept submissions on the Guidelines until 29 August 2016. TEQSA received four submissions during the consultation period, all of which endorsed the draft instrument. TEQSA has had regard to provider's feedback, changes to the ESOS Act, and procedural fairness for all providers.

#### **Commencement**

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003* and will commence on the day after registration on the Federal Register of Legislation.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **Education Services for Overseas Students (TEQSA Registration Renewal Application Period) Determination 2016**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

The purpose of the instrument is to set out the period of time within which applications must be made for the purposes of Section 10D of the *Education Services for Overseas Students Act 2000*. These applications are applications for renewal of registration of providers on the Commonwealth Register of Institutions and Courses for Overseas Students.

#### **Human rights implications**

The Instrument engages the right to education, contained in Article 13 of the International Covenant on Economic, Social, and Cultural Rights. In particular, this instrument has an effect on the provision of education services by higher education providers.

To the extent that the right to education is engaged, this right is promoted by the Legislative Instrument.

#### **Conclusion**

This Instrument is compatible with human rights because it advances the protection of human rights.

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Professor Nicholas Saunders AO  
Chief Commissioner

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Linley Martin  
Commissioner

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Emeritus Professor Cliff Walsh  
Commissioner

Tertiary Education Quality and Standards  
Agency