



## **Education Services for Overseas Students (Exempt Courses) Instrument 2021**

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I, Alan Tudge, Minister for Education and Youth, make the following instrument.

Dated 25 June 2021

Alan Tudge  
Minister for Education and Youth

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## 1 Name

This instrument is the *Education Services for Overseas Students (Exempt Courses) Instrument 2021*.

## 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 the instrument | On the day after the instrument is registered. |              |

Note: This table relates only to the provisions of this instrument as originally made.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 section 5AA of the *Education Services for Overseas Students Act 2000*.

## 4 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the Act, including the following:

- (a) ELICOS;
- (b) registered higher education provider.

In this instrument:

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

**Australian Qualifications Framework** means the framework of that name as defined in Schedule 1 of the *Higher Education Support Act 2003* and as in force on the day this instrument is made.

Note: The Australian Qualifications Framework is available online at <https://www.aqf.edu.au/> and is defined in the *Higher Education Support Act 2003* as the framework for recognition and endorsement of qualifications:

- (a) that is established by the Council consisting of the Ministers for the Commonwealth and each State and Territory responsible for higher education; and
- (b) that is to give effect to agreed standards in relation to the provision of education in Australia.

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***Professional outcomes and placement course*** means a course for which the requirements include practical work placements and professional skills study aimed at enabling work in a certain occupation or profession.

***Study abroad or student exchange*** means a course provided under an arrangement where a student of an overseas institution undertakes study at an Australian higher education provider, where the study at the Australian higher education provider contributes to the requirements of a course of study being undertaken by the student with the overseas institution.

***Tertiary coursework and research preparatory course*** means a short course which a student must pass as a condition of admission to a main course of study.

***VET course*** has the same meaning as in the *National Vocational Education and Training Regulator Act 2011*.

## **5 Exempt courses**

For the purposes of subsection 5AA(3) of the Act, the following courses of education or training are determined to not be a course for the purposes of the definition of course under subsection 5AA(1) of the Act:

- (a) VET courses where the requirements of the course only consist of one or a combination of any of the units of competency specified in Part 1 of Schedule 1 to this instrument and where the course does not lead to a qualification recognised under the Australian Qualifications Framework;
- (b) VET courses specified in Part 2 of Schedule 1 to this instrument; or
- (c) courses offered by a registered higher education provider specified in Schedule 2 to this instrument.

Note: To avoid doubt, for the purposes of paragraph 5(a), where the requirements of the course consist of a combination of more than one unit of competency specified in Part 1 of Schedule 1, no other units of competency that are not specified in Part 1 of Schedule 1 can form part of the requirements for the course.

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## Schedule 1 — VET courses

### Part 1 – Units of competency

The following units of competency, and any unit identified in the National Register referred to in section 216 of the *National Vocational and Training Regulator Act 2011* as a later version of, or a superseding unit of the following units, are specified:

| Item | Unit code    | Unit of competency                                                       |
|------|--------------|--------------------------------------------------------------------------|
| 1    | AHCCHM304    | Transport and store chemicals                                            |
| 2    | AHCCHM307    | Prepare and apply chemicals to control pest, weeds and diseases          |
| 3    | HLTAID009    | Provide cardiopulmonary resuscitation                                    |
| 4    | HLTAID010    | Provide basic emergency life support                                     |
| 5    | HLTAID011    | Provide First Aid                                                        |
| 6    | HLTAID012    | Provide First Aid in an education and care setting                       |
| 7    | HLTAID013    | Provide First Aid in remote or isolated site                             |
| 8    | HLTAID014    | Provide Advanced First Aid                                               |
| 9    | HLTAID015    | Provide advanced resuscitation and oxygen therapy                        |
| 10   | HLTAID016    | Manage first aid services and resources                                  |
| 11   | HLTINFCOV001 | Comply with infection prevention and control policies and procedures     |
| 12   | HLTINF001    | Comply with infection prevention and control policies and procedures     |
| 13   | BSBWHS332X   | Apply infection prevention and control procedures to own work activities |
| 14   | SITHFAB002   | Provide responsible service of alcohol                                   |
| 15   | HLTWHS005    | Conduct manual tasks safely                                              |
| 16   | SITHGAM001   | Provide responsible gambling services                                    |
| 17   | SITXFSA001   | Use hygienic practices for food safety                                   |
| 18   | SITXFSA002   | Participate in safe food handling practices                              |
| 19   | CPCCWHS1001  | Prepare to work safely in the construction industry                      |
| 20   | SITHFAB005   | Prepare and serve espresso coffee                                        |
| 21   | TLILIC0003   | Licence to operate a forklift truck                                      |

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## Part 2 – VET courses

The following VET courses, and any courses identified in the National Register referred to in section 216 of the *National Vocational and Training Regulator Act 2011* as a later version of, or a superseding course of the following courses, are specified:

| Item | Course code | Course                                                                    |
|------|-------------|---------------------------------------------------------------------------|
| 1    | 22556VIC    | Course in the Management of Asthma Risks and Emergencies in the Workplace |
| 2    | 22578VIC    | Course in First Aid Management of Anaphylaxis                             |

## Schedule 2 — Higher education

- (1) Subject to subsection (2), the following courses are specified:
  - (a) courses offered by a registered higher education provider which:
    - (i) do not lead to a qualification recognised under the Australian Qualifications Framework, and
    - (ii) the provider does not recognise as eligible for granting credit (whether as prior learning or otherwise) towards another course that leads to a qualification recognised under the Australian Qualifications Framework; and
    - (iii) are not eligible for credit (whether as prior learning or otherwise) towards a course offered by another registered higher education provider (the **second course**), where the second course leads to a qualification recognised under the Australian Qualifications Framework, and there is an agreement between the provider of the course and the provider of the second course to grant credit for the course.
- (2) Subsection (1) does not apply if the course is provided as one of the following:
  - (a) an ELICOS;
  - (b) a Foundation Program;
  - (c) study abroad or student exchange;
  - (d) a tertiary coursework and research preparatory course; or
  - (e) a professional outcomes and placement course.