



## **Education Services for Overseas Students (TPS Levies—Exemptions) Instrument 2022**

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I, Jason Clare, Minister for Education, make the following instrument.

Dated 13 December 2022

Jason Clare  
Minister for Education



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## 1 Name

This instrument is the *Education Services for Overseas Students (TPS Levies—Exemptions) Instrument 2022*.

## 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	The day after this 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Note: This table relates only to the provisions of this instrument as originally made.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 12 of the *Education Services for Overseas Students (TPS Levies) Act 2012*.

## 4 Definitions

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

- (a) base fee component; and
- (b) risk rated premium component.

In this instrument:

**Act** means the *Education Services for Overseas Students (TPS Levies) Act 2012*.

**CRICOS** means the Commonwealth Register of Institutions and Courses for Overseas Students as referred to in section 14A of the *Education Services for Overseas Students Act 2000*.

**government school** has the same meaning as in section 6 of the *Australian Education Act 2013*.

Note: Section 6 of the *Australian Education Act 2013* provides that a government school means a school that is conducted by or on behalf of the government of a State or Territory.

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***non-government school*** has the same meaning as in section 6 of the *Australian Education Act 2013*.

Note: Section 6 of the *Australian Education Act 2013* provides that a non-government school means a school that is not a government school.

***registered provider*** has the same meaning as in section 5 of the *Education Services for Overseas Students Act 2000*.

***registered school*** means a non-government school that is registered on CRICOS.

***State or Territory VET institution*** means a vocational education and training institution that is owned or controlled (whether directly or indirectly) by a State or Territory.

***Table A provider*** means a provider listed in section 16-15 of the *Higher Education Support Act 2003*.

## **5 Base fee component – exemption**

For the purposes of paragraph 12(a) of the Act, registered schools that had no overseas student enrolments in the calendar year immediately prior to the year for which the TPS levy is imposed are exempt from the requirement to pay the base fee component.

## **6 Risk rated premium component – exemption**

For the purposes of paragraph 12(b) of the Act, the following classes of providers are exempt from the requirements to pay the risk rated premium component:

- (a) Table A providers;
- (b) government schools; and
- (c) State or Territory VET institutions.