Education Services for Overseas Students (ESOS Agency – ELICOS and Foundation Programs) Determination 2026

I, Julian Hill, Assistant Minister for International Education, make the following determination.

Dated 25 September 2026

Julian Hill
Assistant Minister for International Education

Authorised Version F2026L01317 registered 28/09/2026

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1 Name

This instrument is the *Education Services for Overseas Students (ESOS Agency – ELICOS and Foundation Programs) Determination 2026*.

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**
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Note: This table relates only to the provisions of this instrument as originally made.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 subsection 6C(2) of the *Education Services for Overseas Students Act 2000*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

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

(a) ELICOS;
(b) National VET Regulator;
(c) provider;
(d) registered higher education provider;
(e) registered provider;
(f) registered VET provider.

In this instrument:

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

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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 delivered by the provider described in paragraph (a) for entry to a higher education course, or Foundation Program, delivered by the provider described in paragraph (b).

6 ESOS agency – ELICOS

For the purposes of item 4 in the table in subsection 6C(1) and 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 item 4 in the table in subsection 6C(1) and 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.

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Schedule 1—Repeals

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1 The whole of the instrument

Repeal the instrument.

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