National Code of Practice for Providers of Education and Training to Overseas Students Amendment (Overseas Student Transfers) Instrument 2026

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

Dated 30 September 2026

Julian Hill
Assistant Minister for International Education

Authorised Version F2026L01351 registered 01/10/2026

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1 Name

This instrument is the *National Code of Practice for Providers of Education and Training to Overseas Students Amendment (Overseas Student Transfers) Instrument 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**
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Note: This table relates only to the provisions of this instrument as originally made.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 subsection 33(1) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Amendments

National Code of Practice for Providers of Education and Training to Overseas Students 2018

1 Item 3 in Part A - The Education Services for Overseas Students Framework

Omit "prior to the student completing six months of his or her principal course (or for the school sector, until after the first six months of the first registered school sector course)", substitute "until the relevant specified time period has passed".

2 Standard 7.1

Repeal Standard 7.1, substitute:

7.1 Subject to Standard 7.1A, a registered provider (the ***receiving provider***) must not knowingly enrol an overseas student seeking to transfer from a course with another registered provider (the ***releasing provider***) unless:

- 7.1.1 for receiving providers where the student's releasing provider is an approved school provider – the first six months of the student's first registered school sector course with the releasing provider has passed
- 7.1.2 for all other receiving providers on or before 30 June 2027 – the student has completed at least twelve months of their principal course with the releasing provider
- 7.1.3 for all other receiving providers on or after 1 July 2027 – the student has completed at least six months of their principal course with the releasing provider.

7.1A For the purposes of Standard 7.1, the receiving provider may enrol an overseas student seeking to transfer from a course with the releasing provider if:

- 7.1A.1 the releasing provider, or the course in which the overseas student is enrolled, has ceased to be registered
- 7.1A.2 the releasing provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that releasing provider
- 7.1A.3 the releasing provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS, and complied with the policy and process referred to in Standard 7.2
- 7.1A.4 any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.

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3 Standard 7.2

Omit "For the purposes of Standard 7.1.3, the registered provider must have and implement a documented policy and process for assessing overseas student transfer requests prior to the overseas student completing six months of their principal course (or for the school sector, until after the first six months of the first registered school sector course).", substitute "For the purposes of Standard 7.1A.3, the registered provider must have a documented policy and process for assessing overseas student transfer requests.".

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