

2010-2011

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Education Services for Overseas
Students (Registration Charges)
Amendment Bill 2011**

No. , 2011

(Education, Employment and Workplace Relations)

**A Bill for an Act to amend the *Education Services
for Overseas Students (Registration Charges) Act
1997*, and for related purposes**

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedule(s).....	2
Schedule 1—Amendments		3
	<i>Education Services for Overseas Students (Registration Charges) Act</i> <i>1997</i>	3

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.
12

1
2 **Schedule 1—Amendments**
3

4 ***Education Services for Overseas Students (Registration***
5 ***Charges) Act 1997***

6 **1 Subsection 5(2)**

7 Repeal the subsection, substitute:

8 *Amount of the charge*

9 (2) The amount of the charge for the provider for the year (the ***charge***
10 ***year***) is the sum of the following components:

- 11 (a) \$1,300;
12 (b) \$10 multiplied by the total enrolments for the provider in the
13 previous year;
14 (c) \$100 multiplied by the total number of courses for which the
15 provider is registered on 1 January of the charge year;
16 (d) if the Minister has taken action against the provider under
17 section 83 of the *Education Services for Overseas Students*
18 *Act 2000* in the previous year—\$1,000.

19 Note 1: The dollar amounts are indexed under section 7.

20 Note 2: Regulations made under subsection (7) of this section may provide for
21 lower dollar amounts and exemptions.

22 **2 Subsection 5(3)**

23 Omit “provided by the provider”, substitute “for which the provider is
24 registered”.

25 Note: The following heading to subsection 5(3) is inserted “*Total enrolments*”.

26 **3 Paragraph 5(4)(b)**

27 Repeal the paragraph, substitute:

- 28 (b) for a course of 13 or more weeks, but less than 26 weeks,
29 duration—each student who is enrolled in the course at any
30 time during the year counts as 0.5 of an enrolment; and
31 (c) for a course of less than 13 weeks duration—each student
32 who is enrolled in the course at any time during the year
33 counts as 0.25 of an enrolment.

1 **4 At the end of section 5**

2 Add:

- 3 (6) For the purposes of this section, if:
4 (a) a provider is registered to provide a course for a State; and
5 (b) the Register lists one or more locations within the State
6 where the course will be provided;
7 the course is taken to be a separate course at each of those
8 locations.

9 *Regulations*

- 10 (7) The regulations may prescribe any one or more of the following:
11 (a) a lower dollar amount for the purposes of paragraph (2)(a);
12 (b) one or more classes of providers who may pay the lower
13 dollar amount prescribed under paragraph (a) of this
14 subsection;
15 (c) one or more classes of providers who are exempt from the
16 requirement to pay:
17 (i) the annual registration charge entirely; or
18 (ii) one or more components of the charge listed in
19 paragraph (2)(a), (b) or (c).
20 (8) Regulations made under subsection (7) must be expressed to apply
21 to the first calendar year beginning after the regulations are made
22 and all later calendar years.

23 Note: The following heading to subsection 5(5) is inserted “*Working out what constitutes a*
24 *course*”.

25 **5 Section 5A**

26 Repeal the section.

27 **6 Section 6**

28 Repeal the section, substitute:

29 **6 Entry to market charges**

30 *Application of section*

31 (1) This section applies if:

- 1 (a) a designated authority for a State recommends under
 2 section 9 of the *Education Services for Overseas Students Act*
 3 *2000* (the **ESOS Act**) that a provider be registered under that
 4 Act to provide a course for the State to overseas students; and
 5 (b) the provider meets the requirements in subsection 9(2) of that
 6 Act, other than the requirement in paragraph 9(2)(aa); and
 7 (c) at the time the provider meets those requirements, the
 8 provider is not registered to provide any course for any State.

9 *Amount of the entry to market charges and due dates*

- 10 (2) The provider is (subject to subsection (3) of this section) liable to
 11 pay 3 entry to market charges of the amount specified in column 1
 12 by the time specified in column 2.

13

Entry to market charge

Item	Column 1 Amount of each charge	Column 2 Time by which each charge is payable
1	\$7,500	The time when the provider becomes registered to provide the course for the State under section 9 of the ESOS Act
2	\$5,000	The end of the first anniversary of the day on which the provider was registered to provide the course for the State under section 9 of the ESOS Act
3	\$2,500	The end of the second anniversary of the day on which the provider was registered to provide the course for the State under section 9 of the ESOS Act

14 Note: The dollar amounts of the charges are indexed under section 7.

- 15 (3) A provider is liable to pay the second or third entry to market
 16 charge only if the provider is still registered to provide the course
 17 for the State on the relevant anniversary referred to in column 2 of
 18 table item 2 or 3.

19 *Exemptions from the charges*

- 20 (4) The regulations may prescribe one or more classes of providers
 21 who are exempt from the requirement to pay the entry to market
 22 charges.

1 **7 Subsection 7(1)**

2 Omit “initial registration charge for any year (the *current year*) after
3 2004”, substitute “an entry to market charge for a year (the *current*
4 *year*) after the initial year”.

5 Note: The following heading to subsection 7(1) is inserted “*Application of section*”.

6 **8 Subsection 7(1A)**

7 Omit “after 2004, unless that year is the first year to which a particular
8 section 5A instrument applies”, substitute “after the initial year, unless
9 that year is the first year to which regulations made under paragraph
10 5(7)(a) apply”.

11 **9 Subsection 7(1A) (note)**

12 Omit “the instrument”, substitute “the regulations”.

13 **10 Subsection 7(2)**

14 Omit “or in an instrument in effect under section 5A, and the amount
15 specified in the formula”, substitute “, in regulations made under
16 paragraph 5(7)(a), or in column 1 of the table”.

17 Note 1: The following heading to subsection 7(2) is inserted “*Indexation formula*”.

18 Note 2: The following heading to subsection 7(3) is inserted “*Rounding factors and amounts*”.

19 Note 3: The following heading to subsection 7(5) is inserted “*Changes to CPI*”.

20 **11 At the end of section 7**

21 Add:

22 *Definition of initial year*

23 (6) In this section, the *initial year* means the first calendar year in
24 which the dollar amounts specified in subsection 5(2), and in the
25 table in subsection 6(2), are imposed under section 8.

26 **12 Section 8**

27 Omit “the initial registration charge”, substitute “the entry to market
28 charges”.

29 **13 Section 9**

30 Repeal the section, substitute:

1 **9 Regulations**

- 2 The Governor-General may make regulations prescribing matters:
3 (a) required or permitted by this Act to be prescribed; or
4 (b) necessary or convenient to be prescribed for carrying out or
5 giving effect to this Act.

6 **14 Application**

- 7 (1) The amendments made by this Schedule (other than the amendments
8 made by items 6 and 13 of this Schedule) apply on and after the first
9 1 January that occurs after this Schedule commences.
- 10 (2) The amendment made by item 6 of this Schedule applies in relation to
11 any recommendation made by a designated authority for a State under
12 section 9 of the *Education Services for Overseas Students Act 2000* on
13 or after the first 1 January that occurs after this Schedule commences.