



# Immigration (Education) Amendment Act 1991

No. 35 of 1991

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**An Act to amend the *Immigration (Education) Act 1971***

[Assented to 21 March 1991]

The Parliament of Australia enacts:

**Short title etc.**

1. (1) This Act may be cited as the *Immigration (Education) Amendment Act 1991*.

(2) In this Act, “Principal Act” means the *Immigration (Education) Act 1971*<sup>1</sup>.

**Commencement**

2. This Act commences on the day on which it receives the Royal Assent.

**Interpretation**

3. Section 3 of the Principal Act is amended:

- (a) by omitting the definition of “approved course of instruction”;
- (b) by omitting “or of a State” from the definition of “independent school” and substituting “, a State or a Territory”;
- (c) by omitting the definition of “teaching and learning materials” and substituting the following definition:  
“**‘teaching and learning materials’** includes printed materials, audio materials, visual aids and audiovisual aids;”;
- (d) by inserting the following definitions:  
“**‘approved course’** means an English course or a citizenship course provided under section 4;  
**‘citizenship course’** means a course of instruction designed to impart an understanding of ways of life in Australia and of the rights and duties of an Australian citizen;  
**‘English course’** means a course of instruction in the English language;  
**‘Migration Act’** means the *Migration Act 1958*;  
**‘permanent entry permit’** has the same meaning as in the Migration Act;  
**‘temporary entry permit’** has the same meaning as in the Migration Act.”.

4. Section 4 of the Principal Act is repealed and the following section is substituted:

**English courses and citizenship courses**

“4. The Minister may arrange for English courses and citizenship courses to be provided:

- (a) outside Australia for persons intending to migrate to Australia; and
- (b) in Australia for persons who:
  - (i) hold a permanent entry permit; or
  - (ii) hold a temporary entry permit of a class specified by the Minister by notice published in the *Gazette*; or
  - (iii) previously held a permanent entry permit and have become Australian citizens; or
  - (iv) are under 18 and have at least one parent who has held or holds a permanent entry permit; or
  - (v) are citizens of New Zealand who are exempt, under section 106 of the Migration Act, from the operation of subsection 14 (1) or section 76 of that Act, and whose stay in Australia is not subject to a time limit; and
- (c) in the Territory of Cocos (Keeling) Islands or in the Territory of Christmas Island for persons in the Territory concerned who:

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- (i) hold a permanent entry permit; or
- (ii) hold a temporary entry permit of a class specified by the Minister by notice published in the *Gazette*; or
- (iii) previously held a permanent entry permit and have become Australian citizens; or
- (iv) are under 18 and have at least one parent who has previously held or holds a permanent entry permit.”.

**Provision of teaching and learning materials**

5. Section 5 of the Principal Act is amended:

- (a) by omitting from paragraph (a) “of instruction”;
- (b) by omitting paragraph (b) and substituting the following paragraph:

“(b) for use in schools (whether or not in an approved course) for:

- (i) teaching the English language; or
  - (ii) imparting an understanding of ways of life in Australia and of the rights and duties of an Australian citizen;
- to children referred to in subparagraph 4 (b) (iv) or (c) (iv).”.

6. Section 6 of the Principal Act is repealed.

**Training courses for teachers**

7. Section 7 of the Principal Act is amended:

- (a) by omitting from subsection (1) “the giving of approved courses of instruction.” and substituting “giving approved courses.”;
- (b) by inserting in subsection (2) “or her” after “his” (wherever occurring);
- (c) by inserting in the definition of “employer” in subsection (3) “or Territory” after “State”.

**Research projects**

8. Section 8 of the Principal Act is amended by omitting all the words after “content of” and substituting “approved courses”.

**Payments under arrangements etc.**

9. Section 9 of the Principal Act is amended:

- (a) by omitting from subsection (2) “courses of instruction” and substituting “approved courses”;
- (b) by inserting in subsection (2) “or Territory” after “State”;
- (c) by adding at the end of paragraphs (2) (a) and (b) “and”;
- (d) by adding at the end of subsection (2) the following word and paragraph:

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“; and (e) the cost of student support services.”;

(e) by omitting from subsection (3) “courses of instruction” and substituting “approved courses”;

(f) by inserting in subsection (3) “or Territory” after “State”.

10. After section 9 of the Principal Act the following section is inserted:

**Services for non-government organisations**

“9A. The Minister may arrange to provide language training and related services to or for a non-government organisation or non-government body.”.

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**NOTE**

1. No. 3, 1971, as amended. For previous amendments, see Nos. 110 and 216, 1973; No. 37, 1976; and No. 76, 1986.

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*[Minister's second reading speech made in—  
House of Representatives on 20 February 1991  
Senate on 7 March 1991]*