



Education Services for Overseas Students Amendment Act 2014

No. 2, 2014

**An Act to amend the *Education Services for
Overseas Students Act 2000*, and for related
purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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Education Services for Overseas Students Amendment Act 2014

No. 2, 2014

An Act to amend the *Education Services for Overseas Students Act 2000*, and for related purposes

[Assented to 28 February 2014]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Education Services for Overseas Students Amendment Act 2014*.

Education Services for Overseas Students Amendment Act 2014 No. 2, 2014 1

2 Commencement

- (1) Each provision of this Act 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
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.	28 February 2014
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 July 2014 (see F2014L00709)

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Education Services for Overseas Students Act 2000

1 Section 5 (subparagraph (b)(ii) of the definition of *monitoring purpose*)

Repeal the subparagraph, substitute:

- (ii) refund amounts to its accepted students under Division 2 of Part 5.

2 Section 5 (definition of *national code*)

Omit “Registration Authorities and”.

3 Section 5 (definition of *pre-paid fees*)

Repeal the definition.

4 Division 2 of Part 3 (heading)

Repeal the heading, substitute:

Division 2—Tuition fees

5 Section 27 (heading)

Repeal the heading, substitute:

27 Tuition fees

6 Subsection 27(1) (heading)

Repeal the heading, substitute:

Limit on tuition fees received before course begins

7 Section 28 (heading)

Repeal the heading, substitute:

28 Obligation for registered provider to maintain account

8 Subsection 28(2) (heading)

Repeal the heading, substitute:

Account to be maintained with an Australian ADI

9 Subsection 28(3)

Repeal the subsection.

10 Section 29 (heading)

Repeal the heading, substitute:

29 Obligations in relation to account money

11 Subsection 29(1) (heading)

Repeal the heading, substitute:

Tuition fees received before course begins to be paid to credit of account

12 Subsection 33(2)

Omit “Registration Authorities and”.

13 Paragraph 38(g)

Omit “of pre-paid fees”, substitute “under Division 2 of Part 5”.

14 Subsection 46D(6)

Omit “pre-paid”, substitute “tuition”.

15 Subsection 46D(6) (note)

Omit “initial pre-paid fees account”, substitute “account in accordance with section 28”.

16 Subsection 46D(7)

Omit “pre-paid”, substitute “tuition”.

17 Subsection 47D(2) (note)

Omit “initial pre-paid fees account”, substitute “account in accordance with section 28”.

18 Subsection 47E(2)

Repeal the subsection, substitute:

- (2) The provider must pay the student a refund of the amount worked out in accordance with an instrument under subsection (4).

Note: For providers who are required to maintain an account in accordance with section 28, the refund might be paid out of the account: see section 29.

19 Subsection 47E(4)

Repeal the subsection, substitute:

Legislative instrument

- (4) The Minister may, by legislative instrument, specify a method for working out the amount of a refund for the purposes of subsection (2).

20 Subsection 50C(1)

Omit “pre-paid fees”, substitute “fees to which the refund requirements under Division 2 relate”.

21 Subsection 50C(2) (note)

Omit “initial pre-paid fees account”, substitute “account in accordance with section 28”.

22 Paragraph 83(1A)(b)

Repeal the paragraph, substitute:

- (b) refund amounts to its accepted students under Division 2 of Part 5.

23 Application and saving provisions

- (1) Despite the amendment made by item 3, the definition of *pre-paid fees* in section 5 of the *Education Services for Overseas Students Act 2000*, as in force immediately before the commencement of that item, continues to apply on and after that commencement for the purposes of:
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- (a) working out compliance with section 47B of that Act for agreements entered into before that commencement; and
 - (b) the operation of Part 5 of that Act in relation to defaults that occur before that commencement.
 - (2) The amendment made by item 12 does not affect the continuity of the code under Part 4 of the *Education Services for Overseas Students Act 2000* that was in force immediately before the commencement of that item.
 - (3) The amendment made by item 13 applies in relation to agreements entered into under section 47B of the *Education Services for Overseas Students Act 2000* on or after the commencement of that item.
 - (4) The amendments made by items 14, 16, 18, 19 and 20 apply in relation to defaults that occur on or after the commencement of those items.
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[Minister's second reading speech made in—
House of Representatives on 4 December 2013
Senate on 12 February 2014]

(233/13)
