



**Education Services for Overseas
Students (Registration Charges)
Amendment (Streamlining Regulation)
Act 2015**

No. 172, 2015

**An Act to amend the *Education Services for
Overseas Students (Registration Charges) Act 1997*,
and for other purposes**

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

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**An Act to amend the *Education Services for
Overseas Students (Registration Charges) Act 1997*,
and for other purposes**

[Assented to 11 December 2015]

The Parliament of Australia enacts:

No. 172, 2015 Education Services for Overseas Students (Registration Charges) 1
Amendment (Streamlining Regulation) Act 2015

1 Short title

This Act may be cited as the *Education Services for Overseas Students (Registration Charges) Amendment (Streamlining Regulation) Act 2015*.

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
Provisions	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.	11 December 2015
2. Schedule 1	At the same time as Schedule 1 to the <i>Education Services for Overseas Students Amendment (Streamlining Regulation) Act 2015</i> commences.	1 July 2016

Note: This table relates only to the provisions of this Act as originally enacted.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 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Education Services for Overseas Students (Registration Charges) Act 1997

1 Section 6

Repeal the section, substitute:

6 Entry to market charges

(1) If:

- (a) a provider applies under section 9 of the *Education Services for Overseas Students Act 2000* (the **ESOS Act**) to be registered to provide a course at a location to overseas students; and
- (b) the provider meets the registration requirements (disregarding paragraph 11(g)(i) of the ESOS Act); and
- (c) at the time the provider meets those requirements, the provider is not registered under the ESOS Act to provide any course at any location; and
- (d) the provider is not included in a class of providers that is prescribed by the regulations to be exempt from the requirement to pay the entry to market charges imposed by section 8 of this Act;

the provider is liable to pay 3 entry to market charges in accordance with this section.

First entry to market charge

(2) The amount of the first entry to market charge is \$7,998.

Note: This amount is indexed under section 7.

(3) The first entry to market charge is payable before the provider is registered (the **first registration**) to provide the course at the location.

Second entry to market charge

- (4) The amount of the second entry to market charge is \$5,332.
Note: This amount is indexed under section 7.
- (5) If the provider is still registered to provide the course at the location on the first anniversary day, the second entry to market charge is payable by the end of that day.

Third entry to market charge

- (6) The amount of the third entry to market charge is \$2,666.
Note: This amount is indexed under section 7.
- (7) If the provider is still registered to provide the course at the location on the second anniversary day, the third entry to market charge is payable by the end of that day.

When a provider is taken to be still registered

- (8) If:
- (a) the provider's first registration is renewed, continued or extended under the ESOS Act for a period; and
 - (b) the first anniversary day or second anniversary day falls within that period;
- the provider is taken, for the purposes of this section, to be still registered to provide the course at the location on that day.

Exemption

- (9) The regulations may prescribe one or more classes of provider that are exempt from the requirement to pay the entry to market charges imposed by section 8.

Definitions

- (10) In this section:

first anniversary day means the first anniversary of the day on which the period of the provider's first registration started.

second anniversary day means the second anniversary of the day on which the period of the provider's first registration started.

2 Subsection 7(2)

Omit "column 1 of the table in subsection 6(2)", substitute "subsection 6(2), (4) or (6)".

3 Subsection 7(6)

Repeal the subsection, substitute:

Definition

(6) In this section:

initial year means:

- (a) in relation to the annual registration charge—the first calendar year in which the dollar amounts specified in subsection 5(2) are imposed under section 8; or
- (b) in relation to an entry to market charge—the year 2015.

4 Transitional—payment of an entry to market charge after commencement

- (1) This item applies if:
 - (a) before the commencement of this item, a provider is liable under section 6 of the *Education Services for Overseas Students (Registration Charges) Act 1997* to pay 3 entry to market charges; and
 - (b) immediately before that commencement, the amount of such a charge has not become payable.
- (2) The following provisions apply in relation to the provider's liability to pay the amount of an entry to market charge that becomes payable after the commencement of this item:
 - (a) section 6 of that Act, as inserted by this Schedule;
 - (b) section 7 of that Act, as amended by this Schedule.

5 Saving of regulations

- (1) This item applies to regulations if:
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Schedule 1 Entry to market charges

- (a) the regulations were made for the purposes of subsection 6(4) of the *Education Services for Overseas Students (Registration Charges) Act 1997*; and
 - (b) the regulations were in force immediately before the commencement of this item.
 - (2) After the commencement of this item, the regulations continue in force (and may be dealt with) as if they had been made for the purposes of subsection 6(9) of that Act, as inserted by this Schedule.
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[*Minister's second reading speech made in—
House of Representatives on 17 September 2015
Senate on 9 November 2015*]

(166/15)

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