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**Education Services for Overseas Students (Designated Authority) Determination 2012 (No.1)**

***Education Services for Overseas Students Act 2000***

**I, CHRIS EVANS, Minister for Tertiary Education, Skills, Science and Research, determine in this instrument *designated authorities* in relation to a provider for the purpose of subsection 7A(3) of the *Education Services for Overseas Students Act 2000.***

**Dated**  **18th June 2012**

**CHRIS EVANS
Minister for Tertiary Education, Skills, Jobs and Workplace Relations**

**1 Name of determination**

 **This determination is the *(No.1).***

**2 Commencement**

 **This determination commences 1 July 2012**

**3 Revocation**

 **The *Education Services for Overseas Students (Designated Authority) Determination 2011 (No. 2)* made on 8 November 2011 and registered on 17 November 2011 (F2011L02388) is revoked.**

**4 Definitions**

***Act* means the *Education Services for Overseas Students Act 2000.***

***Australian Skills Quality Authority* means the body established by section 155 of the *NVETR Act.***

***ASQA* means the Australian Skills Quality Authority**

***ELICOS* has the meaning given to it under the Act.**

***Entry Arrangement* means a pathway arrangement under which an overseas student, who completes an ELICOS with the provider, meets the minimum English proficiency requirements for entry with the higher education provider to study a higher education course or foundation program.**

***Foundation Program* has the meaning given to it under the Act.**

***NVETR Act* means the *National Vocational Education and Training Regulator Act 2011.***

***Tertiary Education Quality and Standards Agency* means the body established by section 132 of the TEQSA Act.**

***TEQSA* means Tertiary Education Quality and Standards Agency.**

***TEQSA Act* means the *Tertiary Education Quality and Standards Agency Act 2011.***

**5 Designated authorities**

**For the purpose of subsection 7A(3) of the Act the *designated authority* in relation to a provider who is providing or seeking to provide ELICOS or Foundation program, is as follows:**

| **Item** | **For a provider, to the extent that it is:** | **the designated authority is:** |
| --- | --- | --- |
| **1** | **a School** | **the person responsible under the law of the State for approving providers to provide courses to overseas students at locations in the State** |
| **2** | 1. **a registered higher education provider (within the meaning of the TEQSA Act); or**
2. **providing or seeking to provide ELICOS under an Entry Arrangement with at least one registered higher education provider; or**
3. **providing or seeking to provide a Foundation Program**
 | **TEQSA** |
| **3** | 1. **an NVR registered training organisation (within the meaning of the NVETR Act) *except* where item 2(iii) applies; or**
2. **any other provider not covered by items 1 & 2.**
 | **ASQA** |