

1 Name of instrument

This instrument is the *Immigration (Education) (Functional English) Specification 2017*

2 Commencement

This instrument commences on 1 July 2017.

3 Authority

This instrument is made under subsection 3(2) of the *Immigration (Education) Act 1971*.

4 Definition

In this instrument:

the Act means the *Immigration (Education) Act 1971*.

5 Revocation

The instrument registered on the Federal Register of Legislation as, IMMI 10/057, also known as *Procedures or Standards for Functional English*, made on 8 December 2010 ([F2010L03242](#)) is revoked.

6 Savings provision

For the avoidance of doubt, if:

- (a) a provider of an approved English course has, prior to the commencement of this instrument, determined in accordance with the standards and procedures specified by IMMI 10/057, that a person has functional English, that determination continues to have effect; and
- (b) any determination made by a provider of an approved English course, after the date of commencement of this instrument, must be made in accordance with the procedures and standards specified in this instrument.

7 Procedures or standards for determining that a person has functional English

For the purposes of the definition of *functional English* in subsection 3(1) of the Act, I specify that:

- (a) if, in order to be granted a visa, a person has been assessed as having functional English:
 - (i) in accordance with a test; or
 - (ii) following the provision of evidence;

in the form as may be required from time to time by operation of subsection 5(2) of the *Migration Act 1958*; or
- (b) where paragraph 7(a) of this instrument does not apply and the person has been assessed as having achieved Level 3 proficiency or above under the Australian Core Skills Framework (as in force or existing from time to time) across each of the core skills of learning, reading, writing and oral communication;

the person is taken to have functional English.