



## **Education Services for Overseas Students (Notice Requirements) Instrument 2022**

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I, Jason Clare, Minister for Education, make the following instrument.

Dated            29/09/2022

Jason Clare  
Minister for Education

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## 1 Name

This instrument is the *Education Services for Overseas Students (Notice Requirements) Instrument 2022*.

## 2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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

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

## 3 Authority

This instrument is made under subsections 46B(6) and 46F(5) of the *Education Services for Overseas Students Act 2000*.

## 4 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the Act, including the following:

- (a) course;
- (b) default.

In this instrument:

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

*confirmation of enrolment* has the same meaning as in regulation 1.03 of the *Migration Regulations 1994*.

Note: Regulation 1.03 of the *Migration Regulations 1994* provides that confirmation of enrolment, in relation to a student and a registered provider, means a confirmation by the registered provider that the student is enrolled in a registered course provided by the registered provider, as required by section 19 of the Act.

## 5 Schedules

The instruments that are specified in Schedule 1 to this instrument are repealed as set out in the applicable item in that Schedule.

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## **6 Requirements for a notice of provider default**

- (1) For the purposes of subsections 46B(2) and (5) of the Act, the provider must enter the following information in the computer system established by the Secretary, as mentioned in section 109 of the Act, for each student to whom the provider has issued a confirmation of enrolment:
  - (a) the date of the default; and
  - (b) the reason for the default.
- (2) For the purposes of subsection 46B(2) of the Act, if known by the provider, the provider must also enter in the computer system the following contact details for the student:
  - (a) current residential address;
  - (b) email address;
  - (c) home phone number; and
  - (d) mobile phone number.

## **7 Requirements for a notice of outcome of discharge of obligations**

- (1) For the purposes of subsection 46F(2) and (4) of the Act, the provider must enter the following information in the computer system established by the Secretary, as mentioned in section 109 of the Act:
  - (a) if the provider has not met their obligations in accordance with section 46D—the reason the provider has not met these obligations; or
  - (b) if the provider has met their obligations in accordance with section 46D of the Act—whether they met their obligations by:
    - (i) arranging an alternative course under subsections 46D(4) and (5) of the Act; or
    - (ii) providing a refund under subsections 46D(6) and (7) of the Act.
- (2) If subparagraph (1)(b)(i) applies, the provider must also enter the following information in the computer system:
  - (a) the date the provider met their obligations;
  - (b) if known by the provider—the confirmation of enrolment code of the alternative course accepted by the student; and
  - (c) confirmation that the provider has evidence of the student's acceptance of an offer of a place in an alternative course.
- (3) If subparagraph (1)(b)(ii) applies, the provider must also enter the following information in the computer system:
  - (a) the amount of the refund; and
  - (b) the date the refund was paid.

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## **Schedule 1—Repeals**

### ***Education Services for Overseas Students (Notifying provider default – requirements for a notice) Determination 2012 (No. 1)***

#### **1 The whole of the instrument**

Repeal the instrument.

### ***Education Services for Overseas Students (Provider default – discharge of obligations – requirements for a notice) Determination 2012 (No. 1)***

#### **2 The whole of the instrument**

Repeal the instrument.