

Migration Amendment (Suspending Education Providers) Regulations 2024

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 14 March 2024

David Hurley

Governor‑General

By His Excellency’s Command

Clare O’Neil

Minister for Home Affairs

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1 Name

This instrument is the *Migration Amendment (Suspending Education Providers) Regulations 2024*.

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. | 23 March 2024 |

Note: This table relates only to the provisions of this instrument as originally made.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 the *Migration Act 1958*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Migration Regulations 1994

1 Before regulation 1.30

Insert:

1.29 Score relevant to suspension of registered provider

(1) This regulation is made for the purposes of paragraph 97(2)(d) of the *Education Services for Overseas Students Act 2000*.

(2) In considering whether to give an Immigration Minister’s suspension certificate to a registered provider at a particular time, the Minister may have regard to the relevant score that has effect for the registered provider at that time.

(3) The Minister may, by legislative instrument, specify the following:

(a) the method for working out a score for a registered provider;

(b) when, and how often, a relevant score for a registered provider is to be worked out;

(c) the period for which a relevant score has effect for a registered provider.

(4) Without limiting paragraph (3)(a), the method specified in the instrument made under that paragraph may take into account the following:

(a) matters relating to overseas students, or intending overseas students, in respect of:

(i) the registered provider; or

(ii) another provider that is an associate of the registered provider;

(b) matters that occurred during a particular period, whether that period ends before or after the commencement of this regulation.

(5) In this regulation:

***associate*** has the same meaning as in the *Education Services for Overseas Students Act 2000*.

***Immigration Minister’s suspension certificate*** has the same meaning as in the *Education Services for Overseas Students Act 2000*.

***intending overseas student*** has the same meaning as in the *Education Services for Overseas Students Act 2000*.

***overseas student*** has the same meaning as in the *Education Services for Overseas Students Act 2000*.

***registered provider*** has the same meaning as in the *Education Services for Overseas Students Act 2000*.

***relevant score*** means a score that is worked out for a registered provider using the method specified in the instrument made under paragraph (3)(a).