

2019-2020-2021

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Education Services for Overseas
Students (Registration Charges)
Amendment Bill 2021**

No. , 2021

(Education and Youth)

**A Bill for an Act to amend the *Education Services
for Overseas Students (Registration Charges) Act
1997*, and for related purposes**

Contents

| | | |
|---|--------------------|----------|
| 1 | Short title | 1 |
| 2 | Commencement | 1 |
| 3 | Schedules..... | 2 |
| Schedule 1—Amendments | | 3 |
| Part 1—Amendments | | 3 |
| <i>Education Services for Overseas Students (Registration Charges) Act 1997</i> | | 3 |
| Part 2—Transitional | | 9 |

A Bill for an Act to amend the *Education Services for Overseas Students (Registration Charges) Act 1997*, and for related purposes

4 The Parliament of Australia enacts:

5 1 Short title

6 This Act is the *Education Services for Overseas Students*
7 (*Registration Charges*) Amendment Act 2021.

8 2 Commencement

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.

| Commencement information | | |
|---------------------------------|---------------------|---------------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | 1 January 2022. | 1 January 2022 |

2
3
4

Note: This table relates only to the provisions of this Act as originally enacted.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

5
6
7

(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.

8

3 Schedules

9
10
11
12

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

1 **Schedule 1—Amendments**

2 **Part 1—Amendments**

3 ***Education Services for Overseas Students (Registration***
4 ***Charges) Act 1997***

5 **1 After section 3**

6 Insert:

7 **3A Definitions**

8 In this Act:

9 ***amount*** includes a nil amount.

10 ***CRICOS annual registration charge*** has the meaning given by
11 subsection 5(2).

12 ***schools initial registration charge*** has the meaning given by
13 subsection 6(2).

14 ***schools renewal registration charge*** has the meaning given by
15 subsection 7(2).

16 ***year*** means calendar year.

17 **2 Sections 5 to 8**

18 Repeal the sections, substitute:

19 **5 CRICOS annual registration charge**

20 (1) Charge is imposed on a provider for a year if the provider is a
21 registered provider on 1 January of that year.

22 (2) Charge imposed by subsection (1) is to be known as ***CRICOS***
23 ***annual registration charge***.

24 (3) CRICOS annual registration charge imposed on a provider for a
25 year is payable by the provider.

Schedule 1 Amendments

Part 1 Amendments

Amount of charge

- (4) The amount of CRICOS annual registration charge imposed on a provider for a year is the amount:
 - (a) prescribed by the regulations for that year; or
 - (b) worked out for that year in accordance with a method prescribed by the regulations.
- (5) Without limiting paragraph (4)(b), the regulations may provide for the amount of CRICOS annual registration charge imposed on a provider for a year to be equal to the sum of such components as are prescribed by, or ascertained in accordance with, the regulations.
- (6) Before the Governor-General makes regulations for the purposes of subsection (4), the Minister must be satisfied that the effect of those regulations will be to recover no more than the Commonwealth's likely costs in connection with the Secretary's performance of functions, and exercise of powers, under the *Education Services for Overseas Students Act 2000*.
- (7) For the purposes of subsection (6), disregard the following:
 - (a) costs in connection with functions or powers covered by subsection 6(6) or 7(6);
 - (b) costs that are likely to be offset by reinstatement fees.
- (8) The regulations may provide for indexation of amounts specified in the regulations.

Exemption

(9) The regulations may prescribe one or more classes of provider that are exempt from CRICOS annual registration charge.

6 Schools initial registration charge

(1) If:

- (a) a provider makes an application under section 9 of the *Education Services for Overseas Students Act 2000* for registration to provide a course or courses at a location or locations; and

1 (b) the provider:

2 (i) is an approved school provider when the application is
3 made; and

4 (ii) meets the registration requirements (disregarding
5 subparagraph 11(g)(i) of the *Education Services for
6 Overseas Students Act 2000*); and

7 (iii) is not registered under the *Education Services for
8 Overseas Students Act 2000* to provide any course at
9 any location;

10 charge is imposed on the application.

11 (2) Charge imposed by subsection (1) is to be known as ***schools initial
12 registration charge***.

13 (3) Schools initial registration charge imposed on an application made
14 by a provider is payable by the provider.

15 *Amount of charge*

16 (4) The amount of schools initial registration charge imposed on an
17 application is the amount:

18 (a) prescribed by the regulations; or

19 (b) worked out in accordance with a method prescribed by the
20 regulations.

21 (5) Without limiting paragraph (4)(b), the regulations may provide for
22 the amount of schools initial registration charge imposed on an
23 application to be equal to the sum of such components as are
24 prescribed by, or ascertained in accordance with, the regulations.

25 (6) Before the Governor-General makes regulations for the purposes of
26 subsection (4), the Minister must be satisfied that the effect of
27 those regulations will be to recover no more than the
28 Commonwealth's likely costs in connection with the Secretary's
29 performance of functions, and exercise of powers, under:

30 (a) Subdivision A of Division 3 of Part 2 of the *Education
31 Services for Overseas Students Act 2000*; or

32 (b) section 11 of that Act, so far as that section relates to
33 section 10 of that Act; or

34 (c) section 11A of that Act, so far as that section relates to an
35 application made under section 9 of that Act; or

Schedule 1 Amendments

Part 1 Amendments

Exemption

12 (8) The regulations may prescribe one or more classes of provider that
13 are exempt from schools initial registration charge.

7 Schools renewal registration charge

15 (1) If:

16 (a) a registered provider makes an application under section 10D
17 of the *Education Services for Overseas Students Act 2000* for
18 renewal of registration; and

19 (b) the registered provider:

20 (i) is an approved school provider when the application is
21 made; and

22 (ii) meets the registration requirements (disregarding
23 subparagraph 11(h)(ii) of the *Education Services for*
24 *Overseas Students Act 2000*);

25 charge is imposed on the application.

26 (2) Charge imposed by subsection (1) is to be known as *schools*
27 *renewal registration charge*.

28 (3) Schools renewal registration charge imposed on an application
29 made by a registered provider is payable by the registered provider.

Amount of charge

1 **8 Act does not impose tax on property of a State**

2 (1) This Act does not impose a tax on property of any kind belonging
3 to a State.

4 (2) For the purposes of this section, *property of any kind belonging to*
5 *a State* has the same meaning as in section 114 of the Constitution.

1 Part 2—Transitional

3 Transitional—annual registration charge and entry to market charges

Despite the repeal of sections 5 to 8 of the *Education Services for Overseas Students (Registration Charges) Act 1997* by this Schedule, those sections continue to apply in relation to a charge that became due for payment before the commencement of this item, as if that repeal had not happened.

Unless otherwise indicated in this document, it is Copyright of the Commonwealth of Australia and the following applies:

Copyright Commonwealth of Australia.

This material does not purport to be the official or authorised version. Reproduction and use of this material is subject to a [Creative Commons Attribution-NonCommercial-ShareAlike 3.0 Australia License](#).

You should make independent inquiries and obtain appropriate advice before relying on the information in any important matter.

This document has been distributed by LexisNexis Australia. All queries regarding the content should be directed to the author of this document.