

EXPOSURE DRAFT



EXPOSURE DRAFT (20/10/2021)

Education Services for Overseas Students (Registration Charges) Regulations 2021

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 2021

David Hurley
Governor-General

By His Excellency's Command

Alan Tudge [**DRAFT ONLY—NOT FOR SIGNATURE**]
Minister for Education and Youth

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1 Name

This instrument is the *Education Services for Overseas Students (Registration Charges) Regulations 2021*.

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	1 January 2022.	1 January 2022

Note: This table relates only to the provisions of this instrument as originally made.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 *Education Services for Overseas Students (Registration Charges) Act 1997*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

Act means the *Education Services for Overseas Students (Registration Charges) Act 1997*.

total enrolments, for a provider for a year, has the same meaning as in the *Education Services for Overseas Students (TPS Levies) Act 2012*.

6 CRICOS annual registration charge

For the purposes of paragraph 5(4)(b) of the Act, the amount of CRICOS annual registration charge imposed on a provider for a year is the sum of the following components:

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Section 7

- (a) \$440;
- (b) \$5 multiplied by the total enrolments for the provider [for/in] the previous year;
- (c) if the provider is an approved school provider—\$116;
- (d) if the provider is an approved school provider and had at least one overseas student enrolled in the previous year for a course for which the provider was registered for that year—\$695.

Note: These amounts are indexed under section 9.

7 Schools initial registration charge

For the purposes of paragraph 6(4)(a) of the Act, the amount of schools initial registration charge imposed on an application is \$2,690.

Note: This amount is indexed under section 9.

8 Schools renewal registration charge

For the purposes of paragraph 7(4)(a) of the Act, the amount of schools renewal registration charge imposed on an application is \$1,080.

Note: This amount is indexed under section 9.

9 Indexation of amounts

- (1) At the start of each year (an *indexation year*) after the year beginning 1 January 2022, the dollar amounts mentioned in paragraphs 6(a) to (d) and sections 7 and 8 are replaced by the amount worked out using the following formula for each of those amounts:

$$\frac{\text{Indexation factor for the indexation year}}{\text{Dollar amount for the previous year}} \times$$

- (2) The *indexation factor* for an indexation year is the number worked out using the following formula:

$$\frac{\text{Index number for the reference quarter}}{\text{Index number for the base quarter}}$$

where:

base quarter means the last September quarter before the reference quarter.

index number, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

reference quarter means the September quarter in the year before the indexation year.

- (3) An indexation factor is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).

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- (4) Amounts worked out under subsection (1) are to be rounded to the nearest whole dollar (rounding 50 cents upwards).
- (5) An indexation factor that is less than 1 is to be increased to 1.
- (6) Calculations under subsection (2):
 - (a) are to be made using only the index numbers published in terms of the most recently published index reference period; and
 - (b) are to be made disregarding index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

10 Transitional provision

Despite the repeal of the *Education Services for Overseas Students (Registration Charges) Regulations 2011* by this instrument, those Regulations continue to apply in relation to a charge that became due for payment before the commencement of this section, as if that repeal had not happened.

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Section 10

Schedule 1—Repeals

Education Services for Overseas Students (Registration Charges) Regulations 2011

1 The whole of the instrument

Repeal the instrument.