

Amendments to the Education Services for Overseas Students Act 2000

On Thursday 22 March 2007, the Education Services for Overseas Students Legislation Amendment Bill 2007 was introduced in the House of Representatives. A copy of the Bill can be found at: [ESOS Amendment Bill](#)

The amendments introduced by this bill implement additional recommendations of the independent evaluation of the Education Services for Overseas Students Act 2000 (the ESOS Act) undertaken in 2004-05; facilitate approval of education and training delivery across state boundaries, and allow for flexibility in the allocation of roles and responsibilities of the Australian and state and territory governments.

Some of the amendments are of a technical nature whilst others are consequential to the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007.

The Bill will amend the ESOS Act to:

- include an objects clause to clarify the main purposes of the ESOS Act;
- provide for delivery of education to overseas students on Christmas Island and Cocos (Keeling) Islands within the scope of the ESOS Act;
- facilitate course delivery by arrangement across state boundaries by allowing designated authorities to approve arrangements where the provider (other than the registered provider) is located in a different state to the registered provider;
- allow for a reflection of the actual allocation of the roles and responsibilities of the Australian Government and the state and territory governments in relation to investigating breaches of the National Code 2007;
- recognise that the role of DIAC is to resolve the visa status of an overseas student subsequent to an education provider advising a breach of a student visa condition;
- recognise that written agreements with each overseas student are mandatory, rather than optional, under the National Code 2007; and
- remove the imposition of a late payment penalty for late payment of the annual Fund contribution, deemed to be administratively burdensome on the Fund Manager and not cost-effective.

Protection and enhancement of Australia's reputation for providing reliable and high quality education is crucial to achieving sustainable growth of this important export industry. These amendments will strengthen the regulatory framework and consumer protection provisions of the legislation, and should aid in the streamlining of processes for all stakeholders.