

Education Services for Overseas Students Legislation Amendments 2006

This information sheet is designed to provide an overview of key amendments to the *Education Services for Overseas Students Act 2000* (the ESOS Act) passed by the Australian Parliament in November 2006 and commences 1 January 2007.

Section 90: Automatic suspension of provider registration

Purpose

This amendment stipulates that non-payment of the annual registration charge (ARC) will result in automatic suspension of a provider's Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registration.

Key requirements

- To avoid automatic suspension all registered providers must pay the Annual Registration Charge (ARC) by the last business day of February of each year.

What does this amendment involve?

Providers who fail to pay the ARC by the due date will have their CRICOS registration for all courses and all states **automatically** suspended. The suspension will be removed when the provider has paid the amount owing; the associated late payment penalty; and, the associated reinstatement fee.

Providers receive a reminder in November that the ARC will be due at the end of February of the following year. Upon receipt of the ARC notice in mid -January, providers have approximately six weeks to calculate their enrolment figures from their enrolment data for the past year and make their payment. During that time alerts will appear on the Provider Registration and Student Management System (PRISMS) and reminder notices will be sent to providers.

Where a provider's CRICOS registration is suspended, the provider may continue to teach students who have already commenced study until they finish the course for which they were issued a student visa. However, the provider cannot advertise, recruit or enrol overseas students; accept money from students; or permit an accepted student to begin a course if they have not already commenced. All confirmation of enrolments at the 'saved' or 'pending' status on PRISMS will be deleted and the refund provisions for provider default will apply.

Assistance with ARC Charges can be obtained by contacting:

- ARC Hotline 1300793993 between 1 Jan and 30 April each year; or
- Email: esosarcmailbox@dest.gov.au

For more information about this amendment, your questions may be sent to esosmailbox@dest.gov.au.