The Parliament of the Commonwealth of Australia

THE SENATE

Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011

(Amendments to be moved by Senator Rhiannon on behalf of the Australian Greens in committee of the whole)

(1) Schedule 1, item 1, page 12 (line 19), omit “Note”, substitute “Note 1”.

(2) Schedule 1, item 1, page 12 (after line 19), at the end of subsection 47A(1), add:

Note 2: For an exception to subparagraph (1)(c)(iii), see subsection (3).

(3) Schedule 1, item 1, page 12 (after line 24), at the end of section 47A, add:

(3) An overseas student or intending overseas student does not default under subparagraph (1)(c)(iii) unless the registered provider accords the student natural justice before refusing to provide, or continue providing, the course to the student at the location.

(4) Schedule 1, item 1, page 31 (after line 17), after subsection 55C(2), insert:

(2A) In appointing a Board member under paragraph (1)(b), the Minister must ensure that the Board members appointed under that paragraph, as a group, have qualifications or experience relevant to the operations of providers from across the international education and training sector, including providers of English language intensive courses for overseas students.

(5) Schedule 3, item 2, page 90 (line 10), after “tuition fees”, insert “and accommodation fees”.

(6) Schedule 3, item 4, page 91 (line 1), after “tuition fees”, insert “and any accommodation fees”.

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(7) Schedule 3, item 5, page 92 (line 12), after “begun the course”, insert “, or accommodation fees in relation to a study period before the student has begun the study period.”.

(8) Schedule 3, item 5, page 92 (line 25), after “begun the course”, insert “, or accommodation fees in relation to a study period before the student has begun the study period.”.

(9) Schedule 3, item 5, page 93 (line 6), after “tuition fees”, insert “and accommodation fees”.

(10) Schedule 3, item 5, page 93 (line 8), after “tuition fees”, insert “or accommodation fees”.

(11) Schedule 3, item 5, page 93 (line 23), at the end of subsection 29(4), add:

; or (d) the amount is withdrawn to make a payment directly related to the provision of accommodation to a relevant student.

(12) Schedule 3, item 5, page 93 (line 24), after “Tuition fees”, insert “and accommodation fees”.

(13) Schedule 3, item 5, page 94 (after line 10), after paragraph 30(a), insert:

(aa) accommodation fees for a study period for a course received by a provider, in respect of an overseas student or intending overseas student, before the student has begun the study period; or

(14) Schedule 3, item 6, page 95 (line 14), after “tuition fees”, insert “or accommodation fees”.

(15) Schedule 3, item 7, page 96 (line 3), before “The amendments”, insert “(1)”.

(16) Schedule 3, item 7, page 96 (after line 7), at the end of the item, add:

(2) The amendments made by this Schedule apply in relation to any accommodation fees for a study period for a course that are received, after Division 1 of Part 1 of this Schedule commences, by a registered provider, in respect of an overseas student or intending overseas student, before the student has begun the study period.

(17) Schedule 4, heading, page 97 (line 1), at the end of the heading, add “and accommodation fees”.

(18) Schedule 4, page 97 (after line 3), before item 1, insert:

1A Section 5

Insert:

accommodation fees:

(a) means fees a provider receives, directly or indirectly, from:
(i) an overseas student or intending overseas student; or
(ii) another person who pays the fees on behalf of an overseas student or intending overseas student;

that are directly related to the provision of accommodation to the student; and

(b) without limiting paragraph (a), includes any classes of fees prescribed by the regulations for the purposes of this paragraph; and

(c) without limiting paragraph (a), excludes any classes of fees prescribed by the regulations for the purposes of this paragraph.

(19) Schedule 4, item 5, page 98 (line 2), after “tuition fees”, insert “and accommodation fees”.

(20) Schedule 4, item 6, page 98 (line 4), after “tuition fees”, insert “or accommodation fees”.

(21) Schedule 4, page 98 (after line 8), after item 8, insert:

8A At the end of subsection 21(1)

Add “or any accommodation fees for a study period for a course provided by the provider”.

(22) Schedule 4, item 11, page 99 (line 3), before “The amendments”, insert “(1)”.

(23) Schedule 4, item 11, page 99 (after line 5), at the end of the item, add:

(2) The amendments made by this Schedule apply in relation to any accommodation fees for a study period for a course that are received by a registered provider after this item commences.