



New South Wales

Education Amendment (School Providers for Overseas Students) Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Education Act 1990* to enable the Board of Studies (*the Board*) to continue approving and regulating providers who provide courses at schools to overseas students, following the repeal of the transitional arrangements under which the Board currently carries out these functions. The Board's approval of the providers concerned forms the basis for the Secretary of the Commonwealth Department of Education, Employment and Workplace Relations to register those providers under the *Education Services for Overseas Students Act 2000* of the Commonwealth.

The Board approved and regulated the providers concerned under the *Vocational Education and Training Act 2005* until the repeal of that Act in 2011. Following the repeal of that Act, the Board continued to approve and regulate the providers under transitional arrangements set out in the *Vocational Education and Training (Commonwealth Powers) (Transitional) Regulation 2011*. That Regulation is to be repealed at the end of 30 June 2013.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 July 2013.

Schedule 1 Amendment of Education Act 1990 No 8

Schedule 1 [1]–[3] make amendments by way of statute law revision, relating to a change of Department name.

Schedule 1 [4] amends the *Education Act 1990* by inserting a new Part 7A into that Act to give effect to the object outlined in the Overview above. **Schedule 1 [5]** makes a consequential amendment.

Schedule 1 [6] enables a person to apply to the Administrative Decisions Tribunal (*the Tribunal*) for the review of certain decisions of the Board under the new Part 7A. The decisions concerned are decisions to refuse to grant approval under that Part or decisions to impose conditions on, amend, suspend or cancel such an approval. **Schedule 1 [7]** makes a consequential amendment.

Schedule 1 [8] enables a person to apply to the Tribunal for a review if the Board fails to determine the person's application for an approval under the new Part 7A within 5 months of lodging the application.

Schedule 1 [9] makes an amendment that is related to the power set out in the new Part 7A (proposed section 83D) to inspect the premises of approved providers and the schools at which the courses concerned are provided. In particular, the proposed amendment ensures that a Board inspector who is carrying out an inspection under proposed section 83D has (at all reasonable times) full and free access to the premises and any documents on the premises, and may remove or make copies of any such documents.

Schedule 1 [10] provides for the issue of evidentiary certificates by the Board.

Schedule 1 [11] enables the Board to make rules that provide guidance with respect to the requirements for approval set out in the new Part 7A.

Schedule 1 [12] enacts a savings and transitional regulation-making power.

Schedule 1 [13] enacts provisions of a savings and transitional nature as a consequence of the repeal of the *Vocational Education and Training (Commonwealth Powers) (Transitional) Regulation 2011* and the enactment of the proposed Act.