

Queensland



Subordinate Legislation 2001 No. 173

Training and Employment Act 2000

**TRAINING AND EMPLOYMENT AMENDMENT
REGULATION (No. 1) 2001**

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(No. 1) 2001

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PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Training and Employment Amendment Regulation (No. 1) 2001*.

2 Commencement

Part 3 commences on 1 January 2002.

3 Regulation amended

This regulation amends the *Training and Employment Regulation 2000*.

PART 2—AMENDMENTS COMMENCING ON COMMENCEMENT OF THIS PART

4 Insertion of new pt 5A

After section 30—

insert—

‘PART 5A—TAFE INSTITUTE FEES

‘30A Time for payment of tuition fee or student services fee

‘A student must pay a tuition fee or student services fee when enrolling at a TAFE institute.¹

¹ This part contains provisions under which a student may not have to pay a tuition fee or student services fee or may be given time to pay a fee.

‘30B When fee for ACE course is chargeable at an hourly rate

‘A fee for an ACE course is chargeable at an hourly rate only if an official TAFE institute publication states the fee is chargeable at an hourly rate.

‘30C Facilities fee for ACE courses

‘(1) A student in an ACE course must pay a facilities fee for the course.

‘(2) The amount of the fee—

- (a) is worked out by dividing the cost of running the course by the number of students for the course stated in an official TAFE institute publication; and
- (b) is the amount stated in an official TAFE institute publication as payable by each student in the course as the student’s share of the cost of running the course.

‘(3) The cost of enrolment or tuition is not counted in working out the facilities fee.

‘(4) If the course is not an adult and community education course under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), the cost of running the course may be increased to take account of GST payable for the supply of the course.

‘30D Government funded subjects for which there are no tuition or student services fees, and free tests

‘(1) There is no tuition fee or student services fee for the following government funded subjects or tests—

- (a) a subject for which the Commonwealth or the State requires there be no fee;
- (b) a subject for tutors undertaken by someone who has agreed to tutor at a TAFE institute free of charge;
- (c) a test, other than for a special entry apprentice, to decide placement in a literacy or numeracy program;
- (d) an extra learning support subject;
- (e) a subject undertaken at a TAFE institute as part of the student’s secondary education.

‘(2) In this section—

“extra learning support subject” means a subject giving students greater learning support than is provided under normal learning circumstances.

‘30E Government funded subjects for which there are no tuition fees

‘There is no tuition fee for an adult literacy or numeracy program of study funded by the State.

‘30F Transition if a program is superseded by a replacement program

‘(1) This section applies if—

- (a) a student successfully completes subjects (**“completed subjects”**) in a program at a TAFE institute that is superseded by a replacement program; and
- (b) the subjects required to complete the superseded program are no longer offered by the TAFE institute; and
- (c) the completed subjects have no equivalent in the replacement program; and
- (d) the student enrolls in subjects in the replacement program.

‘(2) The tuition and student services fees for the subjects in the replacement program are reduced by the amount of the tuition and student services fees paid for the completed subjects.

‘30G Director may waive fees for professional development of TAFE institute staff

‘The director may waive payment of the tuition or student services fee for a subject taken by a student who is a staff member of the institute if the subject is—

- (a) approved by the director; and
- (b) taken for the staff member’s professional development.

‘30H Vocational placement hours—25% of fees payable for nominal vocational placement hours

‘(1) Only 25% of the tuition and student services fee is payable for the nominal vocational placement hours for a subject.

‘(2) In this section—

“**nominal vocational placement hours**”, for a subject, means the number of vocational placement hours for the subject stated in an official publication about the subject.

‘30I Fee adjustment for certain transfers and cancellations of enrolment in government funded subjects

‘(1) This section applies if a student enrolled in a government funded subject at a TAFE institute—

- (a) transfers the enrolment to substantially the same subject at another TAFE institute; or
- (b) cancels the enrolment and enrolls in another subject at the same institute no later than 2 weeks after the start of the cancelled subject.

‘(2) Any tuition or student services fee payable on the original or cancelled enrolment must be applied to reduce the total amount of tuition and student services fees payable on the later enrolment.

‘(3) Any balance of the tuition and student services fees paid on the original or cancelled enrolment must be refunded.

‘30J Fee exemption on grounds of extreme financial hardship

‘(1) The director may exempt a student from a tuition fee or student services fee.

‘(2) However, the director may grant the exemption only if the director is satisfied the student is suffering extreme financial hardship.

‘(3) The student must apply for the exemption in the approved form when enrolling.

‘30K Tuition fee exemptions for government funded subjects

‘(1) The director may exempt a student from 75% of the tuition fee for a government funded subject if—

- (a) the student has not completed year 12 and was or will be under 17 at the end of February in the year in which the subject is taken; or
- (b) for a subject in a program of study that includes BSSSS subjects, or the subject is in a program of study that is considered by the director to be equivalent to year 11 or 12—the student was or will be under 18 at the end of February in the year in which the subject is taken; or
- (c) the student is an Aboriginal or Torres Strait Islander; or
- (d) the student—
 - (i) holds a health care card or pensioner concession card issued under Commonwealth law; or
 - (ii) is—
 - (A) the partner or a dependant of a person who holds a health care card or pensioner concession card; and
 - (B) named on the card; or
 - (iii) has a document issued in an official form under Commonwealth law confirming that the student, the student’s partner or the person of whom the student is a dependant is entitled to concessions under a health care card or pensioner concession card.

‘(2) The student must apply for the exemption in the approved form when enrolling.

‘(3) Subsection (1)(d) does not apply if the student obtained a refund of fees for the subject.

‘(4) A student applying for exemption under subsection (1)(d) must also, when applying, produce—

- (a) the card or a copy of it certified to be a true copy by a justice or commissioner for declarations; or
- (b) the document mentioned in subsection (1)(d)(iii).

‘30L Half fee exemption for ACE courses for students entitled to concessions under Commonwealth law

‘(1) This section applies if—

- (a) a student holds a health care card issued under Commonwealth law; or
- (b) a student—
 - (i) holds a pensioner concession card issued under Commonwealth law; and
 - (ii) is entitled to the maximum rate of pension; or
- (c) a student—
 - (i) is the partner or a dependant of a person who holds a health care card; and
 - (ii) is named on the card; or
- (d) a student—
 - (i) is the partner or a dependant of a person who—
 - (A) holds a pensioner concession card; and
 - (B) is entitled to the maximum rate of pension; and
 - (ii) is named on the card.

‘(2) This section also applies—

- (a) if a student has a document issued in an official form under Commonwealth law confirming that the student, the student’s partner or the person of whom the student is a dependant is entitled to concessions under a health care card; or
- (b) if—
 - (i) a student has a document issued in an official form under Commonwealth law confirming that the student, the student’s partner or the person of whom the student is a dependant is entitled to concessions under a pensioner concession card; and
 - (ii) the student, the student’s partner or the person of whom the student is a dependant is entitled to the maximum rate of pension.

‘(3) If the tuition fee for an ACE course is chargeable at an hourly rate, the student may apply to the director for exemption from half of the tuition fee for the course.

‘(4) The student must when enrolling apply for the exemption in the approved form and produce—

- (a) the card or a copy of it certified to be a true copy by a justice or commissioner for declarations; or
- (b) the document mentioned in subsection (2).

‘(5) In this section—

“**maximum rate of pension**” means the maximum rate of pension payable under the Commonwealth law under which a pensioner concession card or document mentioned in this section is issued.

‘30M Allowing time to pay fees for government funded subjects

‘(1) A student may apply to the director for time to pay tuition fees or student services fees for a government funded subject if the total amount of tuition fees or student services fees payable when enrolling is more than \$75.00.

‘(2) The student must apply in the approved form when enrolling.

‘(3) If the director allows the student time to pay the fees the director may enter into a written arrangement for payment of the fees.

‘(4) The student must pay the fees as required under the arrangement.

‘30N Refund if subject or course cancelled by director

‘If the director cancels a government funded subject or ACE course before it starts, the director must refund the fees paid for the subject or course.

‘30O Refund if enrolment cancelled before subject or course starts

‘(1) If a student cancels enrolment in a government funded subject or ACE course before it starts, the director must refund the fees the student paid for the subject or course after deducting—

- (a) for an ACE course—the enrolment fee for the course; or

- (b) for a government funded subject—an administration charge of \$10.00 for all subjects cancelled at the same time.

‘(2) However, there is no refund for an ACE course unless the enrolment is cancelled no later than 2 days before the course starts.

‘(3) This section does not apply if a tuition or student services fee payable on the cancelled enrolment must be applied to reduce fees payable on a later enrolment.

‘30P Refund after government funded subject starts

‘(1) If any of the following things happen while a student is undertaking a government funded subject, the student may apply to the director for a refund of the fees for the subject—

- (a) the student accepts a place offered through the Queensland Tertiary Admissions Centre;
- (b) the student suffers an illness or injury preventing the student from completing the subject;
- (c) exceptional circumstances prevent the student from completing the subject.

‘(2) The student must apply in the approved form before the assessment for the subject ends.

‘(3) The director may refund the fees after deducting an administration charge of \$10.00 for all subjects to which the application relates.

‘30Q Refund if academic exemption received

‘(1) If a student has received an academic exemption from a government funded subject since enrolling in it, the student may apply to the director for a refund of fees for the subject.

‘(2) The student must apply in the approved form within 5 weeks after the subject starts.

‘30R Refund if re-evaluation successful

‘The director must refund the fee for re-evaluation of a student’s result in a government funded subject to the student if the student’s result is upgraded to a result of competent or an equivalent result.

‘30S Refused applications for fee exemptions, refunds and time to pay

‘(1) If the director refuses a person’s application for a fee exemption, refund or time to pay, the director must give the person written notice of the reasons for refusal.

‘(2) The person may, within 7 days after the written notice is given, apply to the director for a reconsideration of the refusal.

‘(3) The refusal must be reconsidered by an institute staff member more senior than the staff member who refused the original application.

‘30T Delegation of director’s powers

‘(1) A director may delegate the director’s powers under this regulation to an appropriately qualified member of the TAFE institute’s staff.

‘(2) In this section—

“**appropriately qualified**”, for a TAFE institute staff member to whom a power under this regulation may be delegated, includes having the qualifications, experience or standing appropriate to the exercise of the power.

Example of ‘standing’—

A staff member’s classification level in the public service.

‘30U Approval of forms

‘The chief executive may approve a form (an “**approved form**”) for use under this regulation.’.

5 Insertion of new pt 7

After section 36—

insert—

‘PART 7—REPEAL

‘37 Repeal

‘(1) The *Vocational Education, Training and Employment Regulation 1991* is repealed.

‘(2) This part expires on the date of the first reprint of this regulation produced under the *Reprints Act 1992*.’.

6 Replacement of sch 1 (Fees)

Schedule 1—

omit, insert—

‘SCHEDULE 1

‘FEES

section 31

PART 1—TRAINING ORGANISATION REGISTRATION AND COURSE ACCREDITATION

| | \$ |
|--|---------|
| 1. Application for, or for renewal of, registration as a training organisation— | |
| (a) if the registration is for 1 vocational training area. . . . | 1200.00 |
| (b) for each additional area | 300.00 |
| 2. Application to amend registration— | |
| (a) from recognition services to training services. | 600.00 |
| (b) to add a vocational training area, for each area to be added | 600.00 |
| (c) to raise the level of the highest qualification that may be issued in a particular vocational training area. . . . | 600.00 |
| 3. Application for accreditation of a course— | |
| (a) leading to a statement of attainment | 500.00 |
| (b) leading to a qualification— | |
| (i) for each course, other than a course for which subparagraph (ii) sets the fee. | 800.00 |

| | \$ |
|--|--------|
| (ii) for each course leading to a lower qualification than an associated higher qualification course for which accreditation is being applied for at the same time | 200.00 |
| 4. Application for amendment of course accreditation | 50.00 |

PART 2—GOVERNMENT FUNDED SUBJECTS AT TAFE INSTITUTES

| | \$ |
|--|---------|
| 5. Tuition fee for a subject— | |
| (a) for each nominal hour for the subject | 0.85 |
| (b) maximum fee for a program of study for each year starting on the first day of study in the program | 672.00 |
| 6. Tuition fee for 1 or more BSSSS subjects or equivalent subjects for a semester | 43.00 |
| 7. Student services fee for a subject— | |
| (a) for each nominal hour for the subject | 0.20 |
| (b) maximum fee for a program of study for each year starting on the first day of study in the program | 158.20 |
| 8. Student services fee for 1 or more BSSSS subjects or equivalent subjects for a semester | 54.00 |
| 9. Application for re-evaluation of the result for a subject or part of a subject— | |
| (a) re-evaluation taking 1 hour or less | 27.00 |
| (b) a re-evaluation taking over 1 hour | at cost |
| 10. For a replacement award | 12.95 |
| 11. For a student academic history | 8.60 |
| 12. For a replacement result of assessment | 8.60 |
| 13. For a copy of another student record | 8.60 |
| 14. For a statement to the holder of an award certifying the award as equivalent to another award | 8.60 |

| | \$ |
|---|--|
| 15. For a late enrolment for 1 or more subjects enrolled in at the same time | 10.80 |
| 16. For a trade test, apprentice level test or trainee level test | at cost or \$263.10, whichever is the lesser |
| 17. For a literacy or numeracy test for a special entry apprentice, payable by the person requesting the test | 97.25 |
| 18. For a student identification card | at cost |
| 19. For supervising a student's examination at a TAFE institute other than the institute at which the student is enrolled for the subject | at cost |

PART 3—ACE COURSES AT TAFE INSTITUTES

| | \$ |
|--|---------|
| 20. Tuition fee for an ACE course— | |
| (a) for an ACE course that is an adult and community education course under the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cwlth)— | |
| (i) if the fee is chargeable at an hourly rate and a tutor only is supplied—for each nominal hour for the course | 1.75 |
| (ii) if the fee is chargeable at an hourly rate and a teacher only is supplied—for each nominal hour for the course | 3.40 |
| (iii) if the fee is chargeable at an hourly rate and a tutor and a teacher are supplied—for each nominal hour for the course | 5.20 |
| (iv) if the fee is not chargeable at an hourly rate | at cost |
| or | |
| (b) for any other ACE course— | |

| | \$ |
|---|---|
| (i) if the fee is chargeable at an hourly rate and a tutor only is supplied—for each nominal hour for the course | 1.90 |
| (ii) if the fee is chargeable at an hourly rate and a teacher only is supplied—for each nominal hour for the course | 3.75 |
| (iii) if the fee is chargeable at an hourly rate and a tutor and a teacher are supplied—for each nominal hour for the course | 5.70 |
| (iv) if the fee is not chargeable at an hourly rate | at cost including any GST payable on the supply of the course |
| 21. Enrolment fee— | |
| (a) for an ACE course that is an adult and community education course under the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cwlth) | 11.20 |
| or | |
| (b) for any other ACE course. | 12.30 |
| 22. Facilities fee for each course | the amount under section 30C |

PART 4—APPRENTICESHIP AND TRAINEESHIP DOCUMENTS

| | \$ |
|---|-------|
| 23. For an extract from the register of apprenticeships and traineeships | 12.95 |
| 24. For a certified copy of— | |

| | \$ |
|---|---------|
| (a) an indenture | 14.00 |
| (b) a certificate of completion of apprenticeship or traineeship | 12.95 |
| (c) a training contract or other training agreement | 12.95 |
| (d) a certificate of completion of training under a training contract or other training agreement | 12.95’. |

7 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘**“ACE course”** means an adult community education course, offered at a TAFE institute, that is not run for profit and for which a person completing the course does not receive an award.

“apprentice level test” means a test to assess whether an apprentice has successfully completed a level for an apprenticeship.

“approved form” see section 30U.

“at cost”, for a service provided at a TAFE institute, means the amount, not more than the reasonable cost of providing the service, the institute director considers reasonable.

“BSSSS” means Board of Senior Secondary School Studies under the *Education (Senior Secondary School Studies) Act 1988*.

“director” means director of the TAFE institute in which a student is enrolled or is enrolling in.

“government funded” includes funded or partly funded by a State or the Commonwealth.

“late enrolment” means enrolment for a subject after the closing time for enrolment stated in an official TAFE institute publication.

“nominal hours” means—

- (a) for a government funded subject—the number of nominal hours stated for the subject in an official publication about the subject; or
- (b) for an ACE course—the number of hours stated for the course in an official TAFE institute publication.

“official publication” means a publication by a government or a statutory body.

“official TAFE institute publication”, of a TAFE institute, means a publication, or advertisement, about the institute, approved by the director and available for purchase or inspection at the institute.

Examples—

- an approved institute diary or handbook
- an approved course information sheet or brochure.

“program of study” means 1 or more subjects identified in an official TAFE institute publication as a program.

“special entry apprentice” means a person who—

- (a) does not meet the minimum entry requirements for an apprenticeship; and
- (b) the council allows to enter into the apprenticeship.

“student” includes a person enrolling as a student.

“student services” means any of the following services available to all students enrolled in a government funded subject at a TAFE institute—

- student counselling or job placement service
- student activities coordination service
- student security service
- library service
- course information service
- recreational facilities and activities service
- disability support service.

“subject” includes module, unit of competency and element of competency.

“trade test” means a test to assess whether a person has skills and knowledge appropriate to a particular apprenticeship occupation.

“trainee level test” means a test to assess whether a trainee has successfully completed a level for a traineeship.

“tuition fee” means—

- (a) for a government funded subject—the fee payable as the student’s contribution to the cost of tuition in the subject; or
- (b) for an ACE course—the fee for tuition in the course.’.

PART 3—AMENDMENTS COMMENCING ON 1 JANUARY 2002

8 Amendment of sch 1 (Fees)

Schedule 1, parts 2 to 4—

omit, insert—

‘PART 2—GOVERNMENT FUNDED SUBJECTS AT TAFE INSTITUTES

| | \$ |
|---|---------|
| 5. Tuition fee for a subject— | |
| (a) for each nominal hour for the subject | 0.88 |
| (b) maximum fee for a program of study for each year starting on the first day of study in the program | 693.50 |
| 6. Tuition fee for 1 or more BSSSS subjects or equivalent subjects for a semester | 44.40 |
| 7. Student services fee for a subject— | |
| (a) for each nominal hour for the subject | 0.22 |
| (b) maximum fee for a program of study for each year starting on the first day of study in the program | 167.00 |
| 8. Student services fee for 1 or more BSSSS subjects or equivalent subjects for a semester | 55.75 |
| 9. Application for re-evaluation of the result for a subject or part of a subject— | |
| (a) re-evaluation taking 1 hour or less | 27.85 |
| (b) re-evaluation taking over 1 hour | at cost |
| 10. For a replacement award | 13.35 |
| 11. For a student academic history | 8.90 |

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| | \$ |
|---|--|
| 12. For a replacement result of assessment | 8.90 |
| 13. For a copy of another student record | 8.90 |
| 14. For a statement to the holder of an award certifying the award as equivalent to another award | 8.90 |
| 15. For a late enrolment for 1 or more subjects enrolled in at the same time | 11.15 |
| 16. For a trade test, apprentice level test or trainee level test | at cost or \$275.45, whichever is the lesser |
| 17. For a literacy or numeracy test for a special entry apprentice, payable by the person requesting the test | 100.35 |
| 18. For a student identification card | at cost |
| 19. For supervising a student's examination at a TAFE institute other than the institute at which the student is enrolled for the subject | at cost |

PART 3—ACE COURSES AT TAFE INSTITUTES

| | \$ |
|--|------|
| 20. Tuition fee for an ACE course— | |
| (a) for an ACE course that is an adult and community education course under the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cwlth)— | |
| (i) if the fee is chargeable at an hourly rate and a tutor only is supplied—for each nominal hour for the course | 1.83 |
| (ii) if the fee is chargeable at an hourly rate and a teacher only is supplied—for each nominal hour for the course | 3.51 |
| (iii) if the fee is chargeable at an hourly rate and a tutor and a teacher are supplied—for each nominal hour for the course | 5.37 |

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| | \$ |
|---|---|
| (iv) if the fee is not chargeable at an hourly rate | at cost |
| or | |
| (b) for any other ACE course— | |
| (i) if the fee is chargeable at an hourly rate and a tutor only is supplied—for each nominal hour for the course | 2.00 |
| (ii) if the fee is chargeable at an hourly rate and a teacher only is supplied—for each nominal hour for the course | 3.87 |
| (iii) if the fee is chargeable at an hourly rate and a tutor and a teacher are supplied—for each nominal hour for the course | 5.88 |
| (iv) if the fee is not chargeable at an hourly rate | at cost including any GST payable on the supply of the course |
| 21. Enrolment fee— | |
| (a) for an ACE course that is an adult and community education course under the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cwlth) | 11.55 |
| or | |
| (b) for any other ACE course | 12.70 |
| 22. Facilities fee for each course | the amount under section 30C |

PART 4—APPRENTICESHIP AND TRAINEESHIP DOCUMENTS

| | \$ |
|---|---------|
| 23. For an extract from the register of apprenticeships and traineeships | 13.35 |
| 24. For a certified copy of— | |
| (a) an indenture | 14.45 |
| (b) a certificate of completion of apprenticeship or traineeship | 13.35 |
| (c) a training contract or other training agreement | 13.35 |
| (d) a certificate of completion of training under a training contract or other training agreement | 13.35’. |

ENDNOTES

1. Made by the Governor in Council on 20 September 2001.
2. Notified in the gazette on 21 September 2001.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Employment and Training.