



Queensland

# Further Education and Training Regulation 2014

## Subordinate Legislation 2014 No. 103

made under the

*Agricultural Chemicals Distribution Control Act 1966*

*Animal Care and Protection Act 2001*

*Animal Management (Cats and Dogs) Act 2008*

*Building Act 1975*

*Chemical Usage (Agricultural and Veterinary) Control Act 1988*

*Education and Care Services Act 2013*

*Education (Overseas Students) Act 1996*

*Education (Queensland College of Teachers) Act 2005*

*Electrical Safety Act 2002*

*Explosives Act 1999*

*Fire and Emergency Services Act 1990*

*Further Education and Training Act 2014*

*Health Act 1937*

*Nature Conservation Act 1992*

*Petroleum and Gas (Production and Safety) Act 2004*

*Plumbing and Drainage Act 2002*

*Private Employment Agents Act 2005*

*Property Agents and Motor Dealers Act 2000*

*Prostitution Act 1999*

*Queensland Building and Construction Commission Act 1991*

*Queensland Civil and Administrative Tribunal Act 2009*

*Transport Operations (Road Use Management) Act 1995*

*Transport (Rail Safety) Act 2010*

*Weapons Act 1990*

*Workers' Compensation and Rehabilitation Act 2003*

*Work Health and Safety Act 2011*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Further Education and Training Regulation 2014*.

### 2 Commencement

This regulation commences on 1 July 2014.

## Part 2 Prescribed matters for Act, chapters 2 and 8

### 3 Requirements for apprenticeship or traineeship—Act, s 8(3)(c)

- (1) For section 8(3)(c) of the Act, a declaration of an apprenticeship or traineeship under section 8(2) of the Act may include the following prescribed requirements for the apprenticeship or traineeship—
  - (a) the level of education a person must have reached before starting the apprenticeship or traineeship;
  - (b) that a person can not start the apprenticeship or traineeship without the prior approval in writing of a nominated entity for the apprenticeship or traineeship;
  - (c) that a person completing the apprenticeship or traineeship (the *relevant apprentice or trainee*) must be supervised;
  - (d) if the relevant apprentice or trainee must be supervised—
    - (i) the qualifications and experience the supervisor must have; and

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- (ii) that the supervisor—
  - (A) may also, at a place the apprenticeship or traineeship is being completed, supervise other apprentices or trainees; or
  - (B) must not, at a place the apprenticeship or traineeship is being completed, supervise any other apprentices or trainees; and
- (iii) for a supervisor who may supervise other apprentices or trainees under subparagraph (ii)(A)—the number of other apprentices or trainees the supervisor may supervise;
- (e) other requirements relating to the nature and quality of the supervision the chief executive considers relevant.

(2) In this section—

***nominated entity***, for an apprenticeship or traineeship, means an employer group, industry body or regulatory authority nominated in the declaration of the apprenticeship or traineeship under section 8(2) of the Act.

*Examples of regulatory authorities—*

Office of Fair and Safe Work Queensland, Queensland Building and Construction Commission, Maritime Safety Queensland

#### **4 Keeping training record**

- (1) Within 14 days after a training plan for an apprentice or trainee is signed by the parties to the training plan, the supervising registered training organisation must give the apprentice or trainee the appropriate training record to be kept for the apprenticeship or traineeship.

Maximum penalty—20 penalty units.

- (2) The training record must be kept by the parties in any way the supervising registered training organisation considers appropriate.

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- (3) The training record is to be in the possession of the apprentice or trainee except when it is required to be produced to a person under the Act.
  - (4) The employer, the supervising registered training organisation or the chief executive may, by reasonable notice, require the apprentice or trainee to produce the training record to the employer, supervising registered training organisation or chief executive—
    - (a) for inspection; or
    - (b) to enable the record to be kept as required by subsection (6)(b).
  - (5) The apprentice or trainee must not contravene the requirement, unless the apprentice or trainee has a reasonable excuse.

Maximum penalty—20 penalty units.

- (6) Where training is required to be delivered by the employer or the supervising registered training organisation, the employer or the supervising registered training organisation must, at reasonable intervals of not more than 3 months—
  - (a) require the apprentice or trainee to produce the training record to have the particulars of the training completed by the apprentice or trainee during the interval entered in it; and
  - (b) if the training record is produced—keep the record complete, accurate and up-to-date by entering the particulars in it.

Maximum penalty for subsection (6)—20 penalty units.

## **5 Fees**

- (1) The fees payable under the Act are stated in schedule 1.
- (2) The chief executive may waive payment of a fee stated in schedule 1 if the chief executive considers that there are exceptional circumstances to do so.

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## **Part 3** **Amendment of Education and Care Services Regulation 2013**

### **6 Regulation amended**

This part amends the *Education and Care Services Regulation 2013*.

### **7 Amendment of s 69 (Prescribed records—Act, s 128)**

Section 69(2), ‘items 22 and 23’—

*omit, insert—*

items 21 and 22

## **Part 4** **Amendment of Education (Queensland College of Teachers) Regulation 2005**

### **8 Regulation amended**

This part amends the *Education (Queensland College of Teachers) Regulation 2005*.

### **9 Amendment of schs 1 and 2**

Schedule 1, item 3(a) and schedule 2, definitions *course of preservice teacher education* and *graduate course of preservice teacher education*, ‘higher education entity’—

*omit, insert—*

registered higher education provider



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## **Part 5                                  Amendment of Electrical Safety Regulation 2013**

### **10            Regulation amended**

This part amends the *Electrical Safety Regulation 2013*.

### **11            Amendment of s 43 (Eligibility requirements for electrical mechanic licence, electrical linesperson licence, electrical fitter licence and electrical jointer licence)**

Section 43(3)(a) and (6), definition *relevant qualification*, paragraph (c), ‘*Vocational Education, Training and Employment Act 2000*’—

*omit, insert—*

*Further Education and Training Act 2014*

### **12            Amendment of s 44 (Eligibility requirements for restricted electrical work licence)**

(1) Section 44(2)(a), ‘*Vocational Education, Training and Employment Act 2000*’—

*omit, insert—*

*National Vocational Education and Training Regulator Act 2011 (Cwlth)*

(2) Section 44(7), definition *corresponding training department*, ‘*Vocational Education, Training and Employment Act 2000*’—

*omit, insert—*

*Further Education and Training Act 2014*

### **13            Amendment of s 61 (Examinations)**

Section 61(2)(c), ‘*Vocational Education, Training and Employment Act 2000*’—

*omit, insert—*

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*National Vocational Education and Training  
Regulator Act 2011 (Cwlth)*

**14 Amendment of sch 9 (Dictionary)**

- (1) Schedule 9, definitions *qualification*, *registered training organisation*, *statement of attainment* and *training plan*—  
*omit.*
- (2) Schedule 9—  
*insert—*

***qualification*** means a VET qualification under the *National Vocational Education and Training Regulator Act 2011 (Cwlth)*.

***registered training organisation*** see the *National Vocational Education and Training Regulator Act 2011 (Cwlth)*, section 3.

***statement of attainment*** means a VET statement of attainment under the *National Vocational Education and Training Regulator Act 2011 (Cwlth)*.

***training plan***, for an apprentice or trainee, see the *Further Education and Training Act 2014*, schedule 2.

- (3) Schedule 9, definition *training person*, paragraph (a), ‘*Vocational Education, Training and Employment Act 2000*’—  
*omit, insert—*

*Further Education and Training Act 2014*

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## Part 6                      Amendment of Nature Conservation (Administration) Regulation 2006

### 15      Regulation amended

This part amends the *Nature Conservation (Administration) Regulation 2006*.

### 16      Amendment of s 150 (Exemption for particular collection authorities)

(1) Section 150(c)—

*omit, insert—*

(c) a school, college or registered higher education provider.

(2) Section 150—

*insert—*

(2) In this section—

*registered higher education provider* see the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth), section 5.

## Part 7                      Amendment of Petroleum and Gas (Production and Safety) Regulation 2004

### 17      Regulation amended

This part amends the *Petroleum and Gas (Production and Safety) Regulation 2004*.

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**18 Amendment of s 117 (Particular apprentices and trainees taken to be holders of gas work licence)**

Section 117(4), '*Vocational Education, Training and Employment Act 2000*'—

*omit, insert—*

*Further Education and Training Act 2014*

## **Part 8 Amendment of Plumbing and Drainage Regulation 2003**

**19 Regulation amended**

This part amends the *Plumbing and Drainage Regulation 2003*.

**20 Amendment of sch 5 (Dictionary)**

(1) Schedule 5, definitions *apprenticeship*, *chief executive (VETE)*, *plumbing and draining apprenticeship* and *registered training organisation*—

*omit.*

(2) Schedule 5—

*insert—*

*apprenticeship* see the *Further Education and Training Act 2014*, schedule 2.

*chief executive (training)* means the chief executive of the department in which the *Further Education and Training Act 2014* is administered.

*plumbing and draining apprenticeship* means employment-based training in plumbing and draining that is declared by the chief executive

(training) to be an apprenticeship under the *Further Education and Training Act 2014*.

**registered training organisation** see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

## **Part 9**

# **Amendment of Private Employment Agents (Code of Conduct) Regulation 2005**

### **21 Regulation amended**

This part amends the *Private Employment Agents (Code of Conduct) Regulation 2005*.

### **22 Amendment of schedule, s 5 (Knowledge of Act and code)**

- (1) Schedule, section 5, examples, seventh dot point—  
*omit.*
- (2) Schedule, section 5, examples—  
*insert—*
  - *Further Education and Training Act 2014*

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## **Part 10**                      **Amendment of Property Agents and Motor Dealers Regulation 2001**

### **23**      **Regulation amended**

This part amends the *Property Agents and Motor Dealers Regulation 2001*.

### **24**      **Amendment of sch 2 (Qualifications for particular licences and registration certificates)**

Schedule 2, section 1A, definition *registered training organisation*—

*omit, insert*—

*registered training organisation* see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

## **Part 11**                      **Amendment of Prostitution Regulation 2000**

### **25**      **Regulation amended**

This part amends the *Prostitution Regulation 2000*.

### **26**      **Amendment of sch 1 (Agencies with which Authority must liaise)**

Schedule 1, ‘Department in which the *Vocational Education, Training and Employment Act 2000* is administered’—

*omit, insert*—

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Department in which the *Further Education and Training Act 2014* is administered

## Part 12                      **Amendment of Queensland Building and Construction Commission Regulation 2003**

### **27      Regulation amended**

This part amends the *Queensland Building and Construction Commission Regulation 2003*.

### **28      Amendment of sch 3 (Dictionary)**

- (1) Schedule 3, definitions *recognition certificate*, *registered training organisation*, *statement of attainment* and *unit of competency*—

*omit.*

- (2) Schedule 3—

*insert—*

***recognition certificate*** means a recognition certificate, issued under the repealed *Vocational Education, Training and Employment Act 2000*, that has not been cancelled.

***registered training organisation*** see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

***statement of attainment*** means a VET statement of attainment under the *National Vocational Education and Training Regulator Act 2011* (Cwlth).

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*unit of competency* means a specification of knowledge and skill and their application to a specified standard of performance.

## **Part 13**                      **Amendment of Queensland Civil and Administrative Tribunal Regulation 2009**

### **29**      **Regulation amended**

This part amends the *Queensland Civil and Administrative Tribunal Regulation 2009*.

### **30**      **Amendment of sch 1 (Enabling Acts and provisions)**

(1) Schedule 1, part 1, ‘*Higher Education (General Provisions) Act 2008*’—

*omit.*

(2) Schedule 1, part 2—

*insert—*

*Further Education and Training Act 2014*

## **Part 14**                      **Amendment of Traffic Regulation 1962**

### **31**      **Regulation amended**

This part amends the *Traffic Regulation 1962*.



**32 Amendment of s 171 (Prescribed persons for training programs)**

Section 171(1)—

*omit, insert—*

- (1) The Queensland University of Technology may conduct a training program under section 82 of the Act.

**Part 15 Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005**

**33 Regulation amended**

This part amends the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.

**34 Amendment of s 30 (Definitions for pt 3)**

Section 30, definition *registered training organisation—*

*omit, insert—*

*registered training organisation* see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

**35 Amendment of sch 2 (Necessary expertise for vehicle safety inspections)**

Schedule 2, sections 1 to 5, before ‘*Vocational*’—

*insert—*

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repealed

## **Part 16                      Amendment of Transport (Rail Safety) Regulation 2010**

### **36            Regulation amended**

This part amends the *Transport (Rail Safety) Regulation 2010*.

### **37            Amendment of s 20 (Assessment of competence of rail safety workers—Act, s 87(2))**

Section 20(2), definition *Australian Qualifications Framework*—  
*omit, insert—*

*Australian Qualifications Framework* see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

*Editor's note—*

For more information about the framework, see <[www.aqf.edu.au](http://www.aqf.edu.au)>.

## **Part 17                      Amendment of Weapons Regulation 1996**

### **38            Regulation amended**

This part amends the *Weapons Regulation 1996*.

**39 Amendment of sch 1A (Licence conditions)**

Schedule 1A, entry for TR2, column 2, '*Vocational Education, Training and Employment Act 2000*'—

*omit, insert—*

*National Vocational Education and Training Regulator Act 2011 (Cwlth)*

**Part 18 Amendment of Workers' Compensation and Rehabilitation Regulation 2003**

**40 Regulation amended**

This part amends the *Workers' Compensation and Rehabilitation Regulation 2003*.

**41 Omission of s 26 (Insurance of vocational placement students)**

Section 26—

*omit.*

**42 Amendment of sch 13 (Dictionary)**

Schedule 13, definition *registered training organisation*—

*omit.*

## Part 19 Other amendments

### 43 Schedule 2 amendments

- (1) Each provision of a regulation listed in schedule 2, part 1 is amended by omitting '*Vocational Education, Training and Employment Act 2000, schedule 3*' and inserting '*National Vocational Education and Training Regulator Act 2011 (Cwlth), section 3*'.
- (2) Each provision of a regulation listed in schedule 2, part 2 is amended by omitting 'see the *Vocational Education, Training and Employment Act 2000, schedule 3*' and inserting 'means a VET qualification under the *National Vocational Education and Training Regulator Act 2011 (Cwlth)*'.
- (3) Each provision of a regulation listed in schedule 2, part 3 is amended by omitting 'see the *Vocational Education, Training and Employment Act 2000, schedule 3*' and inserting 'means a VET statement of attainment under the *National Vocational Education and Training Regulator Act 2011 (Cwlth)*'.

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**Schedule 1      Fees**

section 5

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1    Extract from the register of training contracts . . . . .	16.85
2    Certified copy of—	
(a) an indenture. . . . .	18.20
(b) a completion certificate or certificate of completion of apprenticeship or traineeship . . . . .	16.85
(c) a training contract or other training agreement. . . . .	16.85

## **Schedule 2      Consequential amendments**

section 43

### **Part 1                      References to Vocational Education, Training and Employment Act 2000, schedule 3**

- 1      Agricultural Chemicals Distribution Control Regulation 1998**
  - section 8A(2), definition *registered training organisation*
  
- 2      Animal Care and Protection Regulation 2012**
  - schedule 2, part 2, section 3(2), definition *registered training organisation*
  
- 3      Animal Management (Cats and Dogs) Regulation 2009**
  - schedule 5, definition *registered training organisation*
  
- 4      Building Fire Safety Regulation 2008**
  - schedule 3, definition *registered training organisation*
  
- 5      Chemical Usage (Agricultural and Veterinary) Control Regulation 1999**
  - section 5, definition *registered training organisation*
  - section 9, definition *registered training organisation*
  - section 12M, definition *registered training organisation*

- 6 Education (Overseas Students) Regulation 1998**
- section 3, definition *registered training organisation*
- 7 Explosives Regulation 2003**
- schedule 7, definition *registered training organisation*
- 8 Health (Drugs and Poisons) Regulation 1996**
- appendix 9, definition *registered training organisation*

## **Part 2                      References relating to qualifications**

- 9 Animal Care and Protection Regulation 2012**
- schedule 2, part 2, section 3(2), definition *qualification*
- 10 Health (Drugs and Poisons) Regulation 1996**
- appendix 9, definition *qualification*

## **Part 3                      References relating to statements of attainment**

- 11 Animal Care and Protection Regulation 2012**
- schedule 2, part 2, section 3(2), definition *statement of attainment*

**12 Chemical Usage (Agricultural and Veterinary) Control Regulation 1999**

- section 9, definition *statement of attainment*

**13 Health (Drugs and Poisons) Regulation 1996**

- appendix 9, definition *statement of attainment*

**14 Work Health and Safety Regulation 2011**

- schedule 19, definition *statement of attainment*
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ENDNOTES

- 1 Made by the Governor in Council on 19 June 2014.
- 2 Notified on the Queensland legislation website on 20 June 2014.
- 3 The administering agency is the Department of Education, Training and Employment.

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