

Queensland



Training and Employment Act 2000

TRAINING AND EMPLOYMENT REGULATION 2000

**Reprinted as in force on 1 January 2003
(includes amendments up to SL No. 321 of 2002)**

Reprint No. 1E

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 1 January 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Queensland



TRAINING AND EMPLOYMENT REGULATION 2000

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	5
2	Definitions	5
PART 2—REGISTERING TRAINING ORGANISATIONS AND ACCREDITING COURSES		
<i>Division 1—Training organisations</i>		
3	Applying to register training organisation	5
4	Amending registration on application by registered training organisation	6
<i>Division 2—Course accreditation</i>		
5	Applying for grant of course accreditation	6
6	Amending course accreditation on application	6
7	How council may deal with application to amend accreditation	7
<i>Division 3—Provisions about certificates</i>		
8	Application of div 3	7
9	Definition for div 3	7
10	Replacement certificates	7
11	Displaying invalid certificate	8
PART 3—APPRENTICES AND TRAINEES		
<i>Division 1—Training contracts</i>		
12	Registering training contracts	8
13	Applying for approval to amend registered training contract	9
14	How council may deal with application to amend registered training contract	9
15	Applying for approval to temporarily assign registered training contract	10

16	How council may deal with application to temporarily assign registered training contract.	10
	<i>Division 2—Training plans</i>	
17	Changing training plan for an apprentice or trainee	11
18	Signing changed training plan for apprentice or trainee	12
19	Copies of signed changed training plan for apprentice or trainee.	12
	<i>Division 3—Training records</i>	
20	Keeping training record.	12
21	Falsifying training record	13
22	Ombudsman may require production of training record.	13
	PART 4—FAIR PROCEDURES	
23	Application	14
24	Timeliness	14
25	Show cause notice	14
26	Representations about show cause notices	15
27	Administrator may inform itself	15
28	Administrator may ask for additional information	15
29	All representations and material to be considered.	15
	PART 5—VOCATIONAL PLACEMENT	
30	Particulars for Act, s 117(3)	16
	PART 5A—TAFE INSTITUTE FEES	
30A	Time for payment of tuition fee or student services fee	16
30B	When fee for ACE course is chargeable at an hourly rate.	16
30C	Facilities fee for ACE courses	16
30D	Government funded subjects for which there are no tuition or student services fees, and free tests	17
30E	Government funded subjects for which there are no tuition fees	17
30F	Transition if a program is superseded by a replacement program.	18
30G	Director may waive fees for professional development of TAFE institute staff	18
30H	Vocational placement hours—25% of fees payable for nominal vocational placement hours.	18
30I	Fee adjustment for certain transfers and cancellations of enrolment in government funded subjects	19

30J	Fee exemption on grounds of extreme financial hardship	19
30K	Tuition fee exemptions for government funded subjects.	19
30L	Half fee exemption for ACE courses for students entitled to concessions under Commonwealth law.	20
30M	Allowing time to pay fees for government funded subjects	22
30N	Refund if subject or course cancelled by director	22
30O	Refund if enrolment cancelled before subject or course starts	22
30P	Refund after government funded subject starts.	23
30Q	Refund if academic exemption received	23
30R	Refund if re-evaluation successful	23
30S	Refused applications for fee exemptions, refunds and time to pay.	23
30T	Delegation of director's powers.	24
30U	Approval of forms	24

PART 6—GENERAL

31	Fees	24
32	Prescribed persons for Act, s 257	24
33	Appointment of prescribed person as inspector	25
34	False or misleading statements to registered training organisation.	25
35	False or misleading document to registered training organisation	25
36	Offences about false or misleading statements or documents.	25

SCHEDULE 1	26
-----------------------------	----

FEEES

SCHEDULE 2	31
-----------------------------	----

PRESCRIBED PERSONS FOR SECTION 257 OF THE ACT

SCHEDULE 3	32
-----------------------------	----

DICTIONARY

ENDNOTES

1	Index to endnotes.	36
2	Date to which amendments incorporated.	36
3	Key	36
4	Table of reprints	37

5	List of legislation	37
6	List of annotations	38

TRAINING AND EMPLOYMENT REGULATION 2000

[as amended by all amendments that commenced on or before 1 January 2003]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Training and Employment Regulation 2000*.

2 Definitions

The dictionary in schedule 3 defines particular words used in this regulation.

PART 2—REGISTERING TRAINING ORGANISATIONS AND ACCREDITING COURSES

Division 1—Training organisations

3 Applying to register training organisation

(1) An application for the registration of a training organisation must be accompanied by the prescribed fee.

(2) The council may, by signed notice, require the applicant to give within the reasonable time stated in the notice, not less than 14 days, the additional documents or information the council considers necessary to decide the application.

(3) The council may refuse to consider the application until the applicant supplies the requested documents or information.

4 Amending registration on application by registered training organisation

An application by a registered training organisation to amend its registration must—

- (a) state the proposed amendment and the reasons for it; and
- (b) be accompanied by the prescribed fee.

Division 2—Course accreditation

5 Applying for grant of course accreditation

(1) An application by an entity for the grant of an accreditation for a course must be accompanied by the prescribed fee.

(2) The council may, by signed notice, require the entity to give within the reasonable time stated in the notice, not less than 14 days, the additional documents or information the council considers necessary to decide the application.

(3) The council may refuse to consider the application until the entity supplies the requested documents or information.

6 Amending course accreditation on application

(1) An entity that has been granted the accreditation of a course may apply in writing to the council to amend the accreditation.

(2) The application must—

- (a) state the proposed amendment and the reasons for it; and
- (b) be accompanied by the prescribed fee.

(3) The council may, by signed notice, require the entity to give within the reasonable time stated in the notice, not less than 14 days, the additional documents or information the council considers necessary to decide the application.

(4) The council may refuse to consider the application until the entity supplies the requested documents or information.

(5) The council may amend the accreditation only if satisfied the course under the amended accreditation meets the approved guidelines for accreditation.

7 How council may deal with application to amend accreditation

(1) The council must consider an application to amend a course accreditation and either—

- (a) amend the accreditation, with or without reasonable conditions imposed by the council; or
- (b) refuse to amend the accreditation.

(2) If the council decides to amend the accreditation, the council must promptly give the entity—

- (a) an amended certificate of accreditation for the course; and
- (b) if the amended accreditation is subject to conditions, an information notice.

(3) If the council decides to refuse to amend the accreditation, the council must promptly give the entity an information notice.

Division 3—Provisions about certificates

8 Application of div 3

This division applies to the following certificates—

- (a) a certificate of registration of a training organisation;
- (b) a certificate of accreditation of a course.

9 Definition for div 3

In this division—

“holder”—

- (a) of a certificate of registration of a training organisation, means the training organisation that has been granted registration; or
- (b) of a certificate of accreditation of a course, means the entity that has been granted accreditation for the course.

10 Replacement certificates

(1) The holder of a lost, damaged or destroyed certificate may apply to the council for its replacement.

(2) The application must be in writing and accompanied by the prescribed fee.

(3) The council may, by signed notice, require the holder to give within the reasonable time stated in the notice, not less than 14 days, the additional documents or information the council considers necessary to decide the application.

(4) If the council is satisfied the certificate has been lost, damaged or destroyed the council must replace it.

11 Displaying invalid certificate

(1) An entity must not publicly display a certificate if—

- (a) the certificate is invalid; or
- (b) the entity is not the holder of the certificate.

Maximum penalty—20 penalty units.

(2) In this section—

“**invalid**” means cancelled, expired or suspended.

PART 3—APPRENTICES AND TRAINEES

Division 1—Training contracts

12 Registering training contracts

(1) This section applies if the council receives a signed training contract from an employer for registration.

(2) The council must consider the contract and register or refuse to register it.

(3) The council may, by signed notice, require the employer to give within the reasonable time stated in the notice, not less than 14 days, the additional documents or information the council considers necessary to decide whether to register the contract.

(4) The council may refuse to register the contract until the employer supplies the requested documents or information.

13 Applying for approval to amend registered training contract

(1) The parties to a registered training contract may apply in writing to the council to approve an amendment of the contract.¹

(2) The application must—

(a) state—

(i) the proposed amendment; and

(ii) the reasons for the proposed amendment; and

(iii) the proposed amendment is agreed to by the parties; and

(b) be signed by the parties.

(3) The council may, by signed notice, require the parties to give within the reasonable time stated in the notice, not less than 14 days, the additional documents or information the council considers necessary to decide the application.

(4) The council may refuse to consider the application until the parties supply the requested documents or information.

14 How council may deal with application to amend registered training contract

(1) The council must consider an application to amend a registered training contract and decide either—

(a) to approve the proposed amendment; or

(b) to refuse to approve the proposed amendment.

(2) If the council decides to approve the proposed amendment, the council must promptly give the parties signed notice of its approval.

(3) The approval is effective from the date of the notice unless an earlier or later day is stated in the notice.

(4) If the council decides to refuse to approve the proposed amendment, the council must promptly give the parties an information notice.

¹ Section 52(3) of the Act states who are the parties to a training contract.

15 Applying for approval to temporarily assign registered training contract

(1) The parties to a registered training contract and an employer (“**new employer**”) may apply in writing to the council to approve the temporary assignment of the contract from the employer under the contract (“**original employer**”) to the new employer.

(2) The application must—

(a) state—

- (i) the term of the proposed temporary assignment; and
- (ii) the reasons for the proposed temporary assignment; and
- (iii) the proposed temporary assignment is agreed to by the parties and the new employer; and
- (iv) the new employer’s name, address and telephone number; and
- (v) any other particulars about the new employer stated in an approved guideline; and

(b) be signed by the parties and the new employer.

(3) The council may, by signed notice, require the parties or the new employer to give within the reasonable time stated in the notice, not less than 14 days, the additional documents or information the council considers necessary to decide the application.

(4) The council may refuse to consider the application until the parties or the new employer supply the requested documents or information.

16 How council may deal with application to temporarily assign registered training contract

(1) The council must consider an application to temporarily assign a registered training contract and decide either—

- (a) to approve the proposed temporary assignment; or
- (b) to refuse to approve the proposed temporary assignment.

(2) However, the council may approve the proposed temporary assignment only if—

- (a) the new employer is not a prohibited employer; and

Training and Employment Regulation 2000

- (b) the council reasonably believes the new employer is able to meet the training obligations under the training plan that the original employer was unable to meet.

(3) The council may approve the proposed temporary assignment subject to reasonable conditions.

(4) If the council decides to approve the proposed temporary assignment, the council must promptly give the parties and the new employer signed notice of its approval.

(5) The notice must state—

- (a) the duration of the temporary assignment; and
- (b) the day the temporary assignment starts; and
- (c) the conditions, if any, imposed by the council.

(6) The council must promptly give the parties and the new employer an information notice if the council decides—

- (a) to impose conditions on the temporary assignment; or
- (b) to refuse to approve the proposed temporary assignment.

Division 2—Training plans

17 Changing training plan for an apprentice or trainee

The parties to a training plan (“**original training plan**”) for an apprentice or trainee may change the plan only if—

- (a) all the parties agree to the change; and
- (b) the qualification or statement of attainment to be issued to the apprentice or trainee on completing the training under the changed plan is the same as would have been issued under the original training plan.²

² Section 97(1) of the Act states who are the parties to a training plan.

18 Signing changed training plan for apprentice or trainee

(1) When the parties to a training plan for an apprentice or trainee have agreed to change the training plan, they must sign the changed training plan.

(2) The supervising registered training organisation for the apprentice or trainee must take all reasonable steps to ensure that the parties sign the changed training plan within 14 days after the parties agree to the change.

Maximum penalty for subsection (2)—20 penalty units.

19 Copies of signed changed training plan for apprentice or trainee

The supervising registered training organisation for an apprentice or trainee must ensure that a copy of the signed changed training plan for the apprentice or trainee is given to the apprentice or trainee and the employer within 7 days after the parties sign it.

Maximum penalty—20 penalty units.

Division 3—Training records**20 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.³

Maximum penalty—20 penalty units.

(2) The training record may be kept in any way the supervising registered training organisation considers appropriate.

(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 or the supervising registered training organisation may, by reasonable notice, require the apprentice or trainee to produce the training record to the employer or supervising registered training organisation—

³ Section 97(1) of the Act states who are the parties to a training plan.

- (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.

21 Falsifying training record

A person must not—

- (a) enter in a training record anything the person knows is false or misleading in a material particular; or
- (b) change or delete a particular entered in a training record or omit to enter a particular in a training record if the effect of the change, deletion or omission is to create a training record that is false or misleading in a material particular.

Maximum penalty—20 penalty units.

22 Ombudsman may require production of training record

(1) The ombudsman may, by signed notice, require the apprentice or trainee to produce the training record to the ombudsman.

(2) The apprentice or trainee must not contravene the requirement, unless the apprentice or trainee has a reasonable excuse.

Maximum penalty—20 penalty units.

PART 4—FAIR PROCEDURES

23 Application

(1) This part applies if, under a relevant section of the Act, an administrator is required to exercise a power or perform a function by fair procedures.

(2) The administrator must exercise the power or perform the function in accordance with this part.

(3) Subsection (2) does not limit the way the administrator exercises the power or performs the function if the way is not inconsistent with this part.

24 Timeliness

The administrator must exercise the power or perform the function as quickly as possible.

25 Show cause notice

(1) The administrator must give the affected person for the relevant section a signed notice (“**show cause notice**”).

(2) The show cause notice must state the following—

- (a) the action (“**proposed action**”) the administrator proposes taking under the relevant section;
- (b) the grounds for the proposed action;
- (c) an outline of the facts and circumstances that are the basis of the grounds;
- (d) if the proposed action is suspension of a registered training contract—the proposed maximum suspension period;
- (e) an invitation to the affected person to show within a stated reasonable time (not less than 14 days after the notice is given to the affected person) why the proposed action should not be taken.

26 Representations about show cause notices

(1) The affected person for the relevant section may, in relation to the show cause notice—

- (a) make oral or written representations to the administrator; or
- (b) give the administrator any document or thing (“**material**”).

(2) The representations must be made, or the material given, to the administrator within the time stated in the notice.

(3) The administrator may permit the affected person to make oral representations by telephone, closed circuit television or another form of communication allowing reasonably contemporaneous and continuous communication between the affected person and the administrator.

27 Administrator may inform itself

The administrator may inform itself of any matter relevant to the exercise of the power or the performance of the function in the way it considers appropriate.

28 Administrator may ask for additional information

(1) The administrator may ask the affected person for the relevant section to give the administrator the additional documents or information it considers necessary to exercise the power or perform the function.

(2) The administrator must give the affected person a reasonable time to give the administrator the additional documents or information.

29 All representations and material to be considered

The administrator must, in exercising the power or performing the function, consider all representations made, or material given, to it by or on behalf of the affected person for the relevant section.

PART 5—VOCATIONAL PLACEMENT

30 Particulars for Act, s 117(3)

The particulars for section 117(3)⁴ of the Act are—

- (a) the name, address and telephone number of the placement person and the student; and
- (b) the training outcome; and
- (c) the start and end dates of the vocational placement.

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.⁵

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

4 Section 117 (Registration of vocational placement agreement for short placement) of the Act

5 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.

- (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 category A areas of learning, or category B areas of learning, within the meaning of the *Education (Queensland Studies Authority) Regulation 2002*, 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 14 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.

PART 6—GENERAL

31 Fees

The fees payable under the Act are stated in schedule 1.

32 Prescribed persons for Act, s 257

The persons mentioned in schedule 2 are prescribed for section 257(1)⁶ of the Act.

6 Section 257 (Appointment) of the Act

33 Appointment of prescribed person as inspector

(1) This section applies if a person (“**prescribed person**”) is prescribed for section 257(1) of the Act.

(2) The chief executive may only appoint the prescribed person as an inspector to monitor or enforce compliance with the Act for a single matter stated in the instrument of appointment.

34 False or misleading statements to registered training organisation

In making oral or written representations to a registered training organisation under section 26,⁷ a person must not state anything to the organisation the person knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

35 False or misleading document to registered training organisation

(1) In giving a document to a registered training organisation under section 26, a person must not give the organisation a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to a person who when giving the document—

- (a) tells the organisation, to the best of the person’s ability, how it is false or misleading; and
- (b) if the person has, or can get, the correct information, gives the correct information to the organisation.

36 Offences about false or misleading statements or documents

For an offence against section 21, 34 or 35, it is enough to allege that the relevant statement or document was ‘false or misleading’ without specifying which.

⁷ Section 26 (Representations about show cause notices)

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

SCHEDULE 1 (continued)

**PART 2—GOVERNMENT FUNDED SUBJECTS AT
TAFE INSTITUTES**

	\$
5. Tuition fee for a subject—	
(a) for each nominal hour for the subject	0.91
(b) maximum fee for a program of study for each year starting on the first day of study in the program	715.00
6. Tuition fee for 1 or more category A areas of learning, or category B areas of learning, within the meaning of the <i>Education (Queensland Studies Authority) Regulation 2002</i> , or equivalent areas of learning, for a semester	45.80
7. Student services fee for a subject—	
(a) for each nominal hour for the subject	0.23
(b) maximum fee for a program of study for each year starting on the first day of study in the program	172.20
8. Student services fee for 1 or more category A areas of learning, or category B areas of learning, within the meaning of the <i>Education (Queensland Studies Authority) Regulation 2002</i> , or equivalent areas of learning, for a semester	57.50
9. Application for re-evaluation of the result for a subject or part of a subject—	
(a) re-evaluation taking 1 hour or less	28.70
(b) re-evaluation taking over 1 hour	at cost
10. For a replacement award	13.75
11. For a student academic history	9.20
12. For a replacement result of assessment	9.20
13. For a copy of another student record	9.20
14. For a statement to the holder of an award certifying the award as equivalent to another award	9.20
15. For a late enrolment for 1 or more subjects enrolled in at the same time	11.50

SCHEDULE 1 (continued)

	\$
16. For a trade test, apprentice level test or trainee level test	at cost or \$284.00, whichever is the lesser
17. For a literacy or numeracy test for a special entry apprentice, payable by the person requesting the test	103.45
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	1.89
(ii) if the fee is chargeable at an hourly rate and a teacher only is supplied—for each nominal hour for the course	3.62
(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	5.54
(iv) if the fee is not chargeable at an hourly rate	at cost

SCHEDULE 1 (continued)

	\$
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	2.06
(ii) if the fee is chargeable at an hourly rate and a teacher only is supplied—for each nominal hour for the course	3.99
(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	6.06
(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)	11.90
or	
(b) for any other ACE course	13.10
22. Facilities fee for each course	the amount under section 30C

SCHEDULE 1 (continued)

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

SCHEDULE 2**PRESCRIBED PERSONS FOR SECTION 257 OF THE
ACT**

section 32

1. A person who is a certified practising accountant, a lawyer or a management consultant.
2. A person who has proven experience in any of the following areas—
 - (a) management;
 - (b) the Australian Recognition Framework;
 - (c) group training organisations;
 - (d) industry training advisory bodies;
 - (e) vocational education and training or industrial relations legislation.

SCHEDULE 3

DICTIONARY

section 2

“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.

“administrator” means—

- (a) the board; or
- (b) the council; or
- (c) a registered training organisation.

“affected person”, for a relevant section, means the following—

- for section 24(3)(b)—the training organisation;
- for section 36(1)—the person to whom the qualification or a statement of attainment has been issued;
- for section 45(1) or 47—the entity granted accreditation of a course;
- for section 63(2), 64(6), 65(4), 66(1) or 71(3)—the parties to the training contract;
- for section 76(1)—the person to whom the completion certificate has been issued;
- for section 83(1) or 84(2)—the employer;
- section 182(4)—the person to whom the recognition certificate has been issued;
- for section 220(1)—the industry training advisory body;
- for section 223(1)—the group training organisation;
- for section 301(3)—
 - (i) if the approval is the registration of a training organisation—the organisation; or

SCHEDULE 3 (continued)

- (ii) if the approval is the accreditation of a course—the entity granted the accreditation.

“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.

“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.

“original employer” see section 15.

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

“relevant section” means each of the following sections of the Act—

SCHEDULE 3 (continued)

- section 24(3)(b)
- section 36(1)
- section 45(1)
- section 47
- section 63(2)
- section 64(6)
- section 65(4)
- section 66(1)
- section 71(3)
- section 76(2)
- section 83(1)
- section 84(2)
- section 182(4)
- section 220(1)
- section 223(1)
- section 301(3)

“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

SCHEDULE 3 (continued)

- 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.

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	36
3	Key	36
4	Table of reprints	37
5	List of legislation	37
6	List of annotations	38

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 January 2003. Future amendments of the Training and Employment Regulation 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the latest reprint.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none		3 November 2000
1A	to SL No. 173 of 2001		28 September 2001
1B	to SL No. 173 of 2001		11 January 2002
1C	to SL No. 19 of 2002		22 February 2002
			(Column discontinued)
			Notes
1D	to SL No. 155 of 2002	1 July 2002	
1E	to SL No. 321 of 2002	1 January 2003	

5 List of legislation

Training and Employment Regulation 2000 SL No. 267

made by the Governor in Council on 19 October 2000

notfd gaz 20 October 2000 pp 647–8

commenced on date of notification

exp 1 September 2011 (see SIA s 54)

amending legislation—

Training and Employment Amendment Regulation (No. 1) 2001 SL No. 173

notfd gaz 21 September 2001 pp 230–31

pt 3 commenced 1 January 2002 (see s 2)

remaining provisions commenced on date of notification

Note— A regulatory impact statement and explanatory note were prepared

Training and Employment Amendment Regulation (No. 1) 2002 SL No. 19

notfd gaz 15 February 2002 pp 618–19

commenced on date of notification

Education (Queensland Studies Authority) Regulation 2002 SL No. 155 ss 1–2, 100

notfd gaz 28 June 2002 pp 876–83

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2002 (see s 2)

Training and Employment Amendment Regulation (No. 2) 2002 SL No. 321

notfd gaz 6 December 2002 pp 1162–66

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2003 (see s 2)

6 List of annotations

PART 5A—TAFE INSTITUTE FEES

pt hdg ins 2001 SL No. 173 s 4

Time for payment of tuition fee or student services fee

s 30A ins 2001 SL No. 173 s 4

When fee for ACE course is chargeable at an hourly rate

s 30B ins 2001 SL No. 173 s 4

Facilities fee for ACE courses

s 30C ins 2001 SL No. 173 s 4

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

s 30D ins 2001 SL No. 173 s 4

Government funded subjects for which there are no tuition fees

s 30E ins 2001 SL No. 173 s 4

Transition if a program is superseded by a replacement program

s 30F ins 2001 SL No. 173 s 4

Director may waive fees for professional development of TAFE institute staff

s 30G ins 2001 SL No. 173 s 4

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

s 30H ins 2001 SL No. 173 s 4

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

s 30I ins 2001 SL No. 173 s 4

Fee exemption on grounds of extreme financial hardship

s 30J ins 2001 SL No. 173 s 4

Tuition fee exemptions for government funded subjects

s 30K ins 2001 SL No. 173 s 4
amd 2002 SL No. 155 s 100(2)

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

s 30L ins 2001 SL No. 173 s 4

Allowing time to pay fees for government funded subjects

s 30M ins 2001 SL No. 173 s 4

Refund if subject or course cancelled by director

s 30N ins 2001 SL No. 173 s 4

Refund if enrolment cancelled before subject or course starts

s 30O ins 2001 SL No. 173 s 4

Refund after government funded subject starts

s 30P ins 2001 SL No. 173 s 4

Refund if academic exemption received

s 30Q ins 2001 SL No. 173 s 4

Refund if re-evaluation successful

s 30R ins 2001 SL No. 173 s 4

Refused applications for fee exemptions, refunds and time to pays 30S ins 2001 SL No. 173 s 4
amd 2002 SL No. 19 s 3**Delegation of director's powers**

s 30T ins 2001 SL No. 173 s 4

Approval of forms

s 30U ins 2001 SL No. 173 s 4

PART 7—REPEALpt hdg prev pt hdg exp 21 October 2000 (see s 40)
pres pt hdg ins 2001 SL No. 173 s 5
exp 28 September 2001 (see s 37(2))**Repeal**s 37 prev s 37 exp 21 October 2000 (see s 40)
pres s 37 ins 2001 SL No. 173 s 5
exp 28 September 2001 (see s 37(2))**Omission of pts 3 and 4**

s 38 exp 21 October 2000 (see s 40)

Omission of sch 1, pt 4 (Australian Recognition Framework)

s 39 exp 21 October 2000 (see s 40)

Expiry of part

s 40 exp 21 October 2000 (see s 40)

SCHEDULE 1—FEESsub 2001 SL No. 173 s 6
amd 2001 SL No. 173 s 8; 2002 SL No. 155 s 100(3); 2002 SL No. 321 s 4**SCHEDULE 3—DICTIONARY**def "ACE course" ins 2001 SL No. 173 s 7
def "apprentice level test" ins 2001 SL No. 173 s 7
def "approved form" ins 2001 SL No. 173 s 7
def "at cost" ins 2001 SL No. 173 s 7
def "BSSSS" ins 2001 SL No. 173 s 7
om 2002 SL No. 155 s 100(4)
def "director" ins 2001 SL No. 173 s 7
def "government funded" ins 2001 SL No. 173 s 7
def "late enrolment" ins 2001 SL No. 173 s 7
def "nominal hours" ins 2001 SL No. 173 s 7
def "official publication" ins 2001 SL No. 173 s 7
def "official TAFE institute publication" ins 2001 SL No. 173 s 7
def "program of study" ins 2001 SL No. 173 s 7
def "special entry apprentice" ins 2001 SL No. 173 s 7
def "student" ins 2001 SL No. 173 s 7

def “**student services**” ins 2001 SL No. 173 s 7

def “**subject**” ins 2001 SL No. 173 s 7

def “**trade test**” ins 2001 SL No. 173 s 7

def “**trainee level test**” ins 2001 SL No. 173 s 7

def “**tuition fee**” ins 2001 SL No. 173 s 7