



Queensland

Vocational Education, Training and Employment Act 2000

Vocational Education, Training and Employment Regulation 2000

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Queensland

Vocational Education, Training and Employment Regulation 2000

Contents

		Page
Part 1	Preliminary	
1	Short title	5
2	Definitions	5
Part 2	Registering training organisations and accrediting courses	
Division 1	Amending accreditation	
3	Procedure for amending accreditation—Act, s 47D	5
Division 3	Provisions about certificates	
8	Application of div 3	6
9	Definition for div 3	6
10	Replacement certificates	7
11	Displaying invalid certificate	7
Part 3	Apprentices and trainees	
Division 1	Training contracts	
12	Registering training contracts	7
13	Applying for approval to amend registered training contract	8
14	How council may deal with application to amend registered training contract	9
15	Applying for approval to temporarily assign registered training contract	9
16	How council may deal with application to temporarily assign registered training contract	10
Division 2	Training plans	
17	Changing training plan for an apprentice or trainee	11
18	Signing changed training plan for apprentice or trainee	11
19	Copies of signed changed training plan for apprentice or trainee	11

*Vocational Education, Training and Employment
Regulation 2000*

Division 3	Training records	
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 and statutory 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	18
30F	Transition if a program is superseded by a replacement program	18
30G	Waiver of fees for professional development of institute staff.	18
30H	Vocational placement hours—25% of fees payable for nominal vocational placement hours	19
30I	Fee adjustment for certain transfers and cancellations of enrolment in government funded subjects	19
30J	Fee exemption on grounds of extreme financial hardship	20
30K	Tuition fee exemptions for government funded subjects	20
30L	Half fee exemption for ACE courses for students entitled to concessions under Commonwealth law	21
30M	Allowing time to pay fees for government funded subjects	23
30N	Refund if subject or course cancelled by director or executive officer	23
30O	Refund if enrolment cancelled before subject or course starts	24
30P	Refund after government funded subject starts	24
30Q	Refund if academic exemption received	25
30R	Refund if re-evaluation successful	25

*Vocational Education, Training and Employment
Regulation 2000*

30S	Refused applications for fee exemptions, refunds and time to pay	25
30T	Delegation of director's powers	26
30U	Approval of forms	26
Part 6	General	
31	Fees	27
31A	Establishment of statutory TAFE institute—Act, s 218A	27
31B	Notice of proposed significant action—Act, s 218U	27
32	Prescribed persons for Act, s 257	27
33	Appointment of prescribed person as inspector	27
34	False or misleading statements to registered training organisation	28
35	False or misleading document to registered training organisation	28
36	Offences about false or misleading statements or documents	28
37	Transitional provision for application for course accreditation—Act, s 332	28
Part 7	Transitional provisions for the Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 1) 2008	
38	Definitions for pt 7	29
39	Application of Act, s 220Z	29
40	Assets and liabilities	30
41	Agreements and arrangements	30
42	Student enrolments	31
43	Legal proceedings	31
44	Former TAFE institute employees	31
45	Accreditation of a course under the Act	31
46	Accreditation of a higher education course	31
47	Supervising registered training organisation	32
48	Applications made to director of former TAFE institute	32
Schedule 1	Fees	33
Schedule 2	Prescribed persons for section 257 of the Act	41
Schedule 3	Dictionary	42
 Endnotes		
1	Index to endnotes	46
2	Date to which amendments incorporated	46
3	Key	47

*Vocational Education, Training and Employment
Regulation 2000*

4	Table of reprints	47
5	List of legislation	48
6	List of annotations	50

Vocational Education, Training and Employment Regulation 2000

[as amended by all amendments that commenced on or before 18 April 2008]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Vocational Education, 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 Amending accreditation

3 Procedure for amending accreditation—Act, s 47D

- (1) The holder of a certificate of accreditation for a course may apply to the council to amend the accreditation.
- (2) The application must be in the approved form and accompanied by the prescribed fee.
- (3) The applicant must give the council any information required by it to decide the application.

*Vocational Education, Training and Employment
Regulation 2000*

- (4) The council may—
 - (a) amend the accreditation in the way applied for; or
 - (b) amend the accreditation in a way other than as applied for; or
 - (c) refuse to amend the accreditation.
- (5) An amended accreditation may be subject to reasonable conditions imposed by the council.
- (6) In deciding the application, the council must apply the standards for accreditation of courses.
- (7) If the council decides to amend an accreditation, the council must give the applicant an amended certificate of accreditation for the course.¹
- (8) If the council decides to act under subsection (4)(b) or (c), the council must give the applicant an information notice about its decision no later than 7 days after the decision.

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

¹ See also section 47H (Council to give notice of decision and register amendment or cancellation) of the Act.

- (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.

*Vocational Education, Training and Employment
Regulation 2000*

- (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.²
- (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.

² Section 52(3) of the Act states who are the parties to a training contract.

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.

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

*Vocational Education, Training and Employment
Regulation 2000*

- (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
 - (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.³

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

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

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.⁴

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—
 - (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

⁴ Section 97(1) of the Act states who are the parties to a training plan.

*Vocational Education, Training and Employment
Regulation 2000*

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)⁵ 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 and statutory 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 or a statutory TAFE institute.⁶

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 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—

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

6 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.

*Vocational Education, Training and Employment
Regulation 2000*

- (a) is worked out by dividing the cost of running the course by the number of students for the course stated in an official institute publication; and
 - (b) is the amount stated in an official 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 or a statutory 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 or a statutory 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 or a statutory 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 or statutory 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 Waiver of fees for professional development of institute staff

- (1) The director of a TAFE institute 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.
- (2) The executive officer of a statutory TAFE institute 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 executive officer; and

*Vocational Education, Training and Employment
Regulation 2000*

- (b) taken for the staff member's professional development.
- (3) In this section—

staff member, of a statutory TAFE institute, means—

- (a) an employee of a department or other government entity performing work for the institute under a work performance arrangement; or
- (b) an employee of the institute.

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 or statutory TAFE institute—

- (a) transfers the enrolment to substantially the same subject at another TAFE institute or statutory 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 of a TAFE institute or the executive officer of a statutory TAFE institute may exempt a student from a tuition fee or student services fee.
- (2) However, the director or executive officer may grant the exemption only if the director or executive officer 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 of a TAFE institute or the executive officer of a statutory TAFE institute 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 approved subjects, 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 or executive officer 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,

*Vocational Education, Training and Employment
Regulation 2000*

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

*Vocational Education, Training and Employment
Regulation 2000*

- (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 for exemption from half of the tuition fee for the course.
- (4) The application must be made to—
 - (a) for a student of a TAFE institute—the director of the institute; or
 - (b) for a student of a statutory TAFE institute—the executive officer of the institute.
- (5) 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).

(6) 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 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 to—
 - (a) for a student of a TAFE institute—the director of the institute; or
 - (b) for a student of a statutory TAFE institute—the executive officer of the institute.
- (3) If the director or executive officer allows the student time to pay the fees the director or executive officer 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 or executive officer

- (1) Subsection (2) applies if a government funded subject or ACE course is cancelled before it starts by—
 - (a) for a subject or course offered at a TAFE institute—the director of the institute; or
 - (b) for a subject or course offered at a statutory TAFE institute—the executive officer of the institute.
- (2) The director or executive officer must refund the fees paid for the subject or course.

300 Refund if enrolment cancelled before subject or course starts

- (1) If a student of a TAFE institute or a statutory TAFE institute cancels enrolment in a government funded subject or ACE course before it starts, the director or executive officer of the institute 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 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, to—
 - (a) for a subject offered at a TAFE institute—the director of the institute; or
 - (b) for a subject offered at a statutory TAFE institute—the executive officer of the institute.

*Vocational Education, Training and Employment
Regulation 2000*

- (3) The director or executive officer 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 for a refund of fees for the subject to—
 - (a) for a subject offered at a TAFE institute—the director of the institute; or
 - (b) for a subject offered at a statutory TAFE institute—the executive officer of the institute.
- (2) The student must apply in the approved form within 5 weeks after the subject starts.

30R Refund if re-evaluation successful

- (1) Subsection (2) applies if a student's result in a government funded subject is, after re-evaluation, upgraded to a result of competent or an equivalent result.
- (2) The fee for re-evaluation of the student's result must be refunded to the student by—
 - (a) for a subject offered at a TAFE institute—the director of the institute; or
 - (b) for a subject offered at a statutory TAFE institute—the executive officer of the institute.

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

- (1) If the director of a TAFE institute or the executive officer of a statutory TAFE institute refuses a person's application for a fee exemption, refund or time to pay, the director or executive officer must give the person written notice of the reasons for refusal.

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Regulation 2000*

- (2) The person may, within 14 days after the written notice is given, apply to the director or executive officer 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.
- (4) In this section—
staff member, of a statutory TAFE institute, means—
 - (a) an employee of a department or other government entity performing work for the institute under a work performance arrangement; or
 - (b) an employee of the institute.

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.

31A Establishment of statutory TAFE institute—Act, s 218A

The TAFE institute known as the Southbank Institute of Technology is established as a statutory TAFE institute with the corporate name ‘Southbank Institute of Technology’.

31B Notice of proposed significant action—Act, s 218U

The following amounts are prescribed for section 218U of the Act—

- (a) for subsection (1)(c)—\$3000000;
- (b) for subsection (1)(d)—\$3000000;
- (c) for subsection (1)(e)(i)—\$3000000;
- (d) for subsection (1)(e)(ii)—\$3000000.

32 Prescribed persons for Act, s 257

The persons mentioned in schedule 2 are prescribed for section 257(1)⁷ 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.

⁷ Section 257 (Appointment) of the Act

34 False or misleading statements to registered training organisation

In making oral or written representations to a registered training organisation under section 26,⁸ 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.

37 Transitional provision for application for course accreditation—Act, s 332

- (1) This section applies if, before the commencement—
- (a) an entity had applied for the grant of an accreditation for a course under old section 38 of the Act; and

⁸ Section 26 (Representations about show cause notices)

- (b) the council has not granted or refused to grant the accreditation.
- (2) Section 5⁹ as in force immediately before the commencement continues to apply in relation to the application as if it had not been repealed.
- (3) In this section—
- commencement* means the commencement of this section.
- old section 38 of the Act* means section 38¹⁰ of the Act as in force immediately before the commencement.

Part 7

Transitional provisions for the Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 1) 2008

38 Definitions for pt 7

In this part—

changeover day means the day the former TAFE institute is established as a statutory TAFE institute under section 31A.

former TAFE institute means the TAFE institute known as the Southbank Institute of Technology.

new institute means the Southbank Institute of Technology established as a statutory TAFE institute under section 31A.

39 Application of Act, s 220Z

Section 220Z of the Act applies to the former TAFE institute.

⁹ Section 5 (Applying for grant of course accreditation) was repealed on 1 January 2004.

¹⁰ Section 38 (Council may accredit courses) of the Act

40 Assets and liabilities

- (1) On the changeover day, the assets and liabilities of the State relating to the former TAFE institute become the assets and liabilities of the new institute.
- (2) Subsection (1) does not apply to the following—
 - (a) the Kangaroo Point campus and the buildings and other structures on the campus;
 - (b) the Southbank campus and the buildings and other structures on the campus;
 - (c) any assets and liabilities of the State mentioned in the deed or in the project documents mentioned in the deed.
- (3) In this section—

deed means the Southbank Education and Training Precinct Public Private Partnership project deed between the State and Axiom Education Queensland Pty Ltd ACN 107 197 928, signed on 19 April 2005.

Kangaroo Point campus means lot 305 on plan SL7043 and lot 203 on plan SL6466.

Southbank campus means lot 9 on plan SL807632, lot 21 on plan SL811483 and lot 22 on plan CP817735.

41 Agreements and arrangements

- (1) This section applies if, immediately before the changeover day, under an agreement or arrangement entered into by or on behalf of the State—
 - (a) the State had a right to be supplied with or to use any goods or services including a right to use software or other information technology products; and
 - (b) the right expressly or impliedly extended to entitle the former TAFE institute and at least 1 other TAFE institute to be supplied with or to use the goods or services.
- (2) The agreement or arrangement is taken to include the new institute and its staff, faculty members, employees and

students in the same way, and on the same terms, as it included the former TAFE institute.

42 Student enrolments

A person who, immediately before the changeover day, was enrolled as a student of the former TAFE institute is enrolled as a student of the new institute.

43 Legal proceedings

A legal proceeding that could have been started or continued by or against the State in relation to the former TAFE institute before the changeover day may be started or continued by or against the new institute.

44 Former TAFE institute employees

A person who, immediately before the changeover day, was an employee of the department performing work at or for the former TAFE institute remains an employee of the department.

45 Accreditation of a course under the Act

- (1) The accreditation under chapter 2, part 4 of the Act of a course developed by the Southbank Institute of Technology continues in force.
- (2) Copyright in the accredited course remains the property of the State.

46 Accreditation of a higher education course

The accreditation under the *Higher Education (General Provisions) Act 2003* of a higher education course, offered by the former TAFE institute and held in the name of 'Department of Education, Training and the Arts trading as Southbank Institute of Technology', continues in force and is held by the new institute.

47 Supervising registered training organisation

If, immediately before the changeover day, the former TAFE institute was, under chapter 3, part 2 of the Act, a supervising registered training organisation for an apprentice or trainee, the new institute is the supervising registered training organisation for the apprentice or trainee.

48 Applications made to director of former TAFE institute

The following applications made to the director of the former TAFE institute, but not finally dealt with before the changeover day, may be dealt with by the executive officer of the new institute—

- (a) an application under section 30J, 30K or 30L for exemption from all or part of a tuition fee or student services fee;
- (b) an application under section 30M for time to pay tuition fees or student services fees;
- (c) an application under section 30P or 30Q for a refund of fees;
- (d) an application under section 30S for reconsideration of a refusal of an application for an exemption, refund or time to pay.

Schedule 1 Fees

section 31

Part 1 Registration, course accreditation and recognition of vocational placement

§

Registration as a training organisation

- | | | |
|-------|--|--|
| 1 | Application for registration under section 23(1) of the Act, or renewal of registration under section 28(1) of the Act, if the scope of registration is for 1 or more qualifications or 1 or more parts of a qualification, or both 1 or more qualifications and 1 or more parts of a qualification— | |
| (a) | from no more than 2 training packages | 1 270.60 |
| (b) | from more than 2 training packages | 1 270.60 |
| | | for the first
2 training
packages
plus
\$423.55
for each
additional
training
package |
| 2 | Annual registration fee under section 28(2) of the Act— | |
| (a) | for a whole year, if the scope of registration is for 1 or more qualifications or 1 or more parts of a qualification, or both 1 or more qualifications and 1 or more parts of a qualification— | |
| (i) | from no more than 2 training packages | 529.40 |
| (ii) | from 3, 4, 5 or 6 training packages | 794.15 |
| (iii) | from 7 or more training packages | 1 058.85 |

Schedule 1 (continued)

		\$
	(b) for part of a year that is 1 or more whole months, if the scope of registration is for 1 or more qualifications or 1 or more parts of a qualification, or both 1 or more qualifications and 1 or more parts of a qualification	an amount adjusted in proportion to the number of months in the part of the year
3	Application to amend the scope of registration under section 29(2) of the Act—	
	(a) from assessment to training and assessment	1 058.85
	(b) by adding qualifications—	
	(i) for a person other than a person mentioned in subparagraph (ii), for each additional qualification or part of a qualification	105.90
	(ii) for an entity with a delegation under section 186 of the Act to self-manage the scope of registration, for each additional qualification or part of a qualification	nil
	(c) from a qualification to an equivalent qualification, or part of a qualification to an equivalent part of a qualification, in a nationally endorsed training package, for each qualification or part of a qualification	15.90
4	Application for a replacement certificate under section 10(1)	69.90
5	Fee payable by a training organisation to the council for the conduct of a compliance audit of the training organisation under section 37 of the Act—	

Schedule 1 (continued)

	\$
(a) for an audit conducted because of a complaint against the training organisation, other than an audit conducted under paragraph (b) or (c), if the complaint is substantiated, for each hour or part of an hour	116.50
	plus reasonable travel and other expenses
(b) for an audit conducted outside Queensland, for each hour or part of an hour	116.50
	plus reasonable travel and other expenses
(c) for an audit conducted in relation to a delegation under section 186 of the Act to self-manage the scope of registration, or a training organisation seeking the delegation, other than an audit conducted under paragraph (b)	116.50
	plus reasonable travel and other expenses
(d) for an audit conducted at the request of a training organisation, for each hour or part of an hour	116.50
	plus GST and reasonable travel and other expenses
(e) for any other audit	nil

Schedule 1 (continued)

	\$
6	Fee payable by a training organisation to the council for the conduct of a compliance audit of the training organisation under section 38 of the Act, for each hour or part of an hour
	116.50
	plus reasonable travel and other expenses

Course accreditation

7	Application under section 47(1) of the Act for accreditation—	
	(a) for a person other than a person mentioned in paragraph (b)—	
	(i) for a course leading to a qualification—	
	(A) for each course other than a course for which subparagraph (B) sets the fee . . .	1 058.85
	(B) for each course leading to a lower qualification than, and that is in the same course structure as, an associated higher qualification course for which accreditation is being applied for at the same time	317.65
	(ii) for a course leading to a statement of attainment, for each statement of attainment	635.30
	(b) for an entity with a delegation under section 186 of the Act to accredit courses—	
	(i) for a course leading to a qualification—	
	(A) for each course other than a course for which subparagraph (B) sets the fee . . .	105.90
	(B) for each course leading to a lower qualification than, and that is in the same course structure as, an associated higher qualification course for which accreditation is being applied for at the same time	31.75

Schedule 1 (continued)

		\$
	(ii) for a course leading to a statement of attainment, for each statement of attainment	63.55
8	Application to amend accreditation under section 3(1)—	
	(a) for a person other than a person mentioned in paragraph (b), for each course	317.65
	(b) for an entity with a delegation under section 186 of the Act to amend accreditation of a course, for each course	31.75
9	Application to renew accreditation under section 47C of the Act—	
	(a) for a person other than a person mentioned in paragraph (b), for each course	158.85
	(b) for an entity with a delegation under section 186 of the Act to renew accreditation of a course, for each course	15.90
Recognition of vocational placement scheme		
10	Application under section 108(2) of the Act to recognise a vocational placement scheme	158.85

Part 2 Government funded subjects at TAFE institutes

		\$
11	Tuition fee for a subject—	
	(a) for each nominal hour for the subject	1.05
	(b) maximum fee for a program of study for each year starting on the first day of study in the program	830.60
12	Student services fee for a subject—	
	(a) for each nominal hour for the subject	0.28

Schedule 1 (continued)

		\$
	(b) maximum fee for a program of study for each year starting on the first day of study in the program	200.00
13	Application for re-evaluation of the result for a subject or part of a subject—	
	(a) re-evaluation taking 1 hour or less	33.30
	(b) re-evaluation taking more than 1 hour	at cost
14	Replacement qualification	15.90
15	Replacement statement of attainment	10.70
16	Replacement result of assessment for a unit of competency	10.70
17	Student academic history	10.70
18	Copy of another student record	10.70
19	Statement to the holder of—	
	(a) a qualification certifying the qualification as equivalent to another qualification or a statement of attainment	10.70
	(b) a statement of attainment certifying the statement of attainment as equivalent to a qualification or another statement of attainment	10.70
20	Late enrolment for 1 or more subjects enrolled in at the same time	13.35
21	Trade test, apprentice level test or trainee level test	at cost or \$329.50, whichever is less
22	Literacy or numeracy test for a special entry apprentice, payable by the person requesting the test	120.05
23	Student identification card	at cost
24	Supervising a student's examination at a TAFE institute other than the institute at which the student is enrolled for the subject	at cost

Schedule 1 (continued)

Part 3 ACE courses at TAFE institutes

	\$
25 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	2.19
(ii) if the fee is chargeable at an hourly rate and a teacher only is supplied—for each nominal hour for the course	4.21
(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	6.43
(iv) if the fee is not chargeable at an hourly rate	at cost
(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	2.39
(ii) if the fee is chargeable at an hourly rate and a teacher only is supplied—for each nominal hour for the course	4.64
(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	7.03
(iv) if the fee is not chargeable at an hourly rate	at cost including any GST payable on the supply of the course

*Vocational Education, Training and Employment
Regulation 2000*

Schedule 1 (continued)

		\$
26	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)	13.80
	(b) for any other ACE course	15.25
27	Facilities fee for each course	the amount under section 30C

Part 4 **Apprenticeship and traineeship documents**

		\$
28	Extract from the register of apprenticeships and traineeships	13.70
29	Certified copy of—	
	(a) an indenture	14.85
	(b) a certificate of completion of apprenticeship or traineeship	13.70
	(c) a training contract or other training agreement	13.70
	(d) a certificate of completion of training under a training contract or other training agreement	13.70

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) 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 or a statutory 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—

- (a) for section 45(1)—the person to whom the qualification or statement was issued;
- (b) for section 47F(1)—the holder of the certificate of accreditation for the course;
- (c) for section 47G—the holder of the certificate of accreditation for the course;
- (d) for section 63(2), 64(7), 65(4), 66(1) or 71(3)—the parties to the training contract;
- (e) for section 73A(2)—the employer, or apprentice or trainee, who refused to sign a completion agreement under s 73A(1)(c) of the Act;
- (f) for section 76(2)—the holder of the completion certificate;
- (g) for section 83(1) or 84(2)—the employer;
- (h) for section 182(4)—the person to whom the recognition certificate was issued;
- (i) for section 223(1)—the corporation recognised as a group training organisation;
- (j) for section 301(3)—

Schedule 3 (continued)

- (i) if the approval is the registration of a training organisation—the organisation; or
- (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, means the amount that is not more than the reasonable cost of providing the service, decided by—

- (a) for a service provided at a TAFE institute—the institute’s director; or
- (b) for a service provided at a statutory TAFE institute—the institute’s executive officer.

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 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 institute publication.

official institute publication, of a TAFE institute or a statutory TAFE institute, means a publication, or advertisement, about the institute, approved by the following and available for purchase or inspection at the institute—

- (a) for a TAFE institute—the institute’s director; or

Schedule 3 (continued)

- (b) for a statutory TAFE institute—the institute’s executive officer.

Examples—

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

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

original employer see section 15.

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

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

- (a) section 45(1);
- (b) section 47F(1);
- (c) section 47G;
- (d) section 63(2);
- (e) section 64(7);
- (f) section 65(4);
- (g) section 66(1);
- (h) section 71(3);
- (i) section 73A(2);
- (j) section 76(2);
- (k) section 83(1);
- (l) section 84(2);
- (m) section 182(4);
- (n) section 223(1);
- (o) section 301(3).

special entry apprentice means a person who—

Schedule 3 (continued)

- (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 or a statutory 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.

Endnotes

1 Index to endnotes

		Page
2	Date to which amendments incorporated.	46
3	Key	47
4	Table of reprints	47
5	List of legislation	48
6	List of annotations	50

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 18 April 2008. Future amendments of the Vocational Education, 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	rv	= revised edition
num	= numbered	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 reprint with the latest effective date.

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

Reprint No.	Amendments to	Effective	Reprint date
1	none	20 October 2000	3 November 2000
1A	2001 SL No. 173	21 September 2001	28 September 2001
1B	2001 SL No. 173	1 January 2002	11 January 2002
1C	2002 SL No. 19	15 February 2002	22 February 2002

Reprint No.	Amendments included	Effective	Notes
1D	2002 SL No. 155	1 July 2002	
1E	2002 SL No. 321	1 January 2003	
1F	2003 SL No. 347	1 January 2004	R1F withdrawn, see R2
2	—	1 January 2004	
2A	2004 SL No. 286	1 January 2005	
2B	2005 SL No. 102	1 July 2005	
2C	2005 SL No. 284	1 January 2006	
2D	2006 SL No. 129	1 July 2006	

*Vocational Education, Training and Employment
Regulation 2000*

Reprint No.	Amendments included	Effective	Notes
2E	2006 SL No. 282	1 January 2007	
2F	2007 SL No. 35	23 March 2007	R2F withdrawn, see R3
3	—	23 March 2007	
3A	2007 SL No. 103	1 July 2007	
3B	2007 SL No. 266	2 November 2007	
3C	2007 SL No. 247	1 January 2008	
3D	2008 SL No. 81	1 April 2008	
3E	2008 SL No. 93	18 April 2008	

5 List of legislation

Vocational Education, Training and Employment Regulation 2000 SL No. 267 (prev Training and Employment Regulation 2000)

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)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

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

notfd gaz 21 September 2001 pp 230–1

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 1162–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2003 (see s 2)

Training and Employment Amendment Regulation (No. 1) 2003 SL No. 347

notfd gaz 19 December 2003 pp 1307–13

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2004 (see s 2)

Vocational Education, Training and Employment Amendment Regulation (No. 1) 2004 SL No. 286

*Vocational Education, Training and Employment
Regulation 2000*

notfd gaz 17 December 2004 pp 1277–85
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2005 (see s 2)

**Vocational Education, Training and Employment Amendment Regulation (No. 1)
2005 SL No. 102**

notfd gaz 3 June 2005 pp 415–19
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2005 (see s 2)
Note—A regulatory impact statement and explanatory note were prepared

**Vocational Education, Training and Employment Amendment Regulation (No. 2)
2005 SL No. 284**

notfd gaz 2 December 2005 pp 1268–71
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2006 (see s 2)

**Vocational Education, Training and Employment Amendment Regulation (No. 1)
2006 SL No. 129**

notfd gaz 16 June 2006 pp 787–90
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2006 (see s 2)

**Vocational Education, Training and Employment Amendment Regulation (No. 2)
2006 SL No. 282**

notfd gaz 24 November 2006 pp 1476–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2007 (see s 2)

**Vocational Education, Training and Employment and Another Regulation
Amendment Regulation (No. 1) 2007 SL No. 35 pts 1–2**

notfd gaz 23 March 2007 pp 1366–9
ss 1–2 commenced on date of notification
remaining provisions commenced 23 March 2007 (see s 2)

**Vocational Education, Training and Employment Amendment Regulation (No. 1)
2007 SL No. 103**

notfd gaz 8 June 2007 pp 759–61
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2007 (see s 2)

Education Legislation Amendment Regulation (No. 1) 2007 SL No. 247 pts 1, 7

notfd gaz 12 October 2007 pp 841–2
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2008 (see s 2)

**Education Legislation Amendment Regulation (No. 2) 2007 SL No. 266 ss 1, 21(1) sch
1**

notfd gaz 2 November 2007 pp 1224–5
commenced on date of notification

**Vocational Education, Training and Employment and Other Legislation Amendment
Regulation (No. 1) 2008 SL No. 81 pts 1–2**

notfd gaz 28 March 2008 pp 1721–4
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 April 2008 (see s 2)

Education (Queensland Studies Authority) and Other Legislation Amendment

Regulation (No. 1) 2008 SL No. 93 pts 1, 5

notfd gaz 18 April 2008 pp 2085–8
 commenced on date of notification

6 List of annotations

Short title

s 1 sub 2003 SL No. 347 s 4

Division 1—Amending accreditation

div hdg sub 2003 SL No. 347 s 5

Procedure for amending accreditation—Act, s 47D

s 3 sub 2003 SL No. 347 s 5

Amending registration on application by registered training organisation

s 4 om 2003 SL No. 347 s 5

Division 2—Course accreditation

div 2 (ss 5–7) om 2003 SL No. 347 s 5

PART 5A—TAFE INSTITUTE AND STATUTORY TAFE INSTITUTE FEES

pt hdg ins 2001 SL No. 173 s 4

sub 2008 SL No. 81 s 4

Time for payment of tuition fee or student services fee

s 30A ins 2001 SL No. 173 s 4

amd 2008 SL No. 81 s 5

When fee for ACE course is chargeable at an hourly rate

s 30B ins 2001 SL No. 173 s 4

amd 2008 SL No. 81 s 6

Facilities fee for ACE courses

s 30C ins 2001 SL No. 173 s 4

amd 2008 SL No. 81 s 7

**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

amd 2008 SL No. 81 s 8

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

amd 2008 SL No. 81 s 9

Waiver of fees for professional development of institute staff

prov hdg sub 2008 SL No. 81 s 10(1)

s 30G ins 2001 SL No. 173 s 4
amd 2008 SL No. 81 s 10(2)–(3)

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
amd 2008 SL No. 81 s 11

Fee exemption on grounds of extreme financial hardship

s 30J ins 2001 SL No. 173 s 4
amd 2008 SL No. 81 s 12

Tuition fee exemptions for government funded subjects

s 30K ins 2001 SL No. 173 s 4
amd 2002 SL No. 155 s 100(2); 2007 SL No. 266 s 21(1) sch 1; 2008 SL No. 81 s 13; 2008 SL No. 93 s 23

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

s 30L ins 2001 SL No. 173 s 4
amd 2008 SL No. 81 s 14

Allowing time to pay fees for government funded subjects

s 30M ins 2001 SL No. 173 s 4
amd 2008 SL No. 81 s 15

Refund if subject or course cancelled by director or executive officer

s 30N ins 2001 SL No. 173 s 4
sub 2008 SL No. 81 s 16

Refund if enrolment cancelled before subject or course starts

s 30O ins 2001 SL No. 173 s 4
amd 2008 SL No. 81 s 17

Refund after government funded subject starts

s 30P ins 2001 SL No. 173 s 4
amd 2008 SL No. 81 s 18

Refund if academic exemption received

s 30Q ins 2001 SL No. 173 s 4
amd 2008 SL No. 81 s 19

Refund if re-evaluation successful

s 30R ins 2001 SL No. 173 s 4
sub 2008 SL No. 81 s 20

Refused applications for fee exemptions, refunds and time to pay

s 30S ins 2001 SL No. 173 s 4
amd 2002 SL No. 19 s 3; 2008 SL No. 81 s 21

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

Establishment of statutory TAFE institute—Act, s 218A

s 31A ins 2008 SL No. 81 s 22

Notice of proposed significant action—Act, s 218U

s 31B ins 2008 SL No. 81 s 22

Transitional provision for application for course accreditation—Act, s 332

s 37 orig s 37 exp 21 October 2000 (see s 40)
prev s 37 ins 2001 SL No. 173 s 5
exp 28 September 2001 (see s 37(2))
pres s 37 ins 2003 SL No. 347 s 6

**PART 7—TRANSITIONAL PROVISIONS FOR THE VOCATIONAL
EDUCATION, TRAINING AND EMPLOYMENT AND OTHER
LEGISLATION AMENDMENT REGULATION (No. 1) 2008**

pt hdg orig pt hdg exp 21 October 2000 (see s 40)
prev pt hdg ins 2001 SL No. 173 s 5
exp 28 September 2001 (see s 37(2))
pres pt hdg ins 2008 SL No. 81 s 23

Definitions for pt 7

s 38 prev s 38 exp 21 October 2000 (see s 40)
pres s 38 ins 2008 SL No. 81 s 23

Application of Act, s 220Z

s 39 prev s 39 exp 21 October 2000 (see s 40)
pres s 39 ins 2008 SL No. 81 s 23

Assets and liabilities

s 40 prev s 40 exp 21 October 2000 (see s 40)
pres s 40 ins 2008 SL No. 81 s 23

Agreements and arrangements

s 41 ins 2008 SL No. 81 s 23

Student enrolments

s 42 ins 2008 SL No. 81 s 23

Legal proceedings

s 43 ins 2008 SL No. 81 s 23

Former TAFE institute employees

s 44 ins 2008 SL No. 81 s 23

Accreditation of a course under the Act

s 45 ins 2008 SL No. 81 s 23

Accreditation of a higher education course

s 46 ins 2008 SL No. 81 s 23

Supervising registered training organisation

s 47 ins 2008 SL No. 81 s 23

Applications made to director of former TAFE institute

s 48 ins 2008 SL No. 81 s 23

SCHEDULE 1—FEES

sub 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;
2003 SL No. 347 s 7; 2004 SL No. 286 s 4; 2005 SL No. 102 s 4; 2005 SL
No. 284 s 4; 2006 SL No. 129 s 4; 2006 SL No. 282 s 4; 2007 SL No. 103 s
4; 2007 SL No. 266 s 21(1) sch 1; 2007 SL No. 247 s 20

SCHEDULE 2—PRESCRIBED PERSONS FOR SECTION 257 OF THE ACT

amd 2007 SL No. 35 s 4

SCHEDULE 3—DICTIONARY

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

amd 2008 SL No. 81 s 24(3)

def “**affected person**” sub 2003 SL No. 347 s 8(1)

amd 2007 SL No. 35 s 5(1)–(3)

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

sub 2008 SL No. 81 s 24(1)–(2)

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

amd 2008 SL No. 81 s 24(4)

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

amd 2008 SL No. 81 s 24(5)

def “**official institute publication**” ins 2008 SL No. 81 s 24(2)

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

def “**official TAFE institute publication**” ins 2001 SL No. 173 s 7

om 2008 SL No. 81 s 24(1)

def “**program of study**” ins 2001 SL No. 173 s 7

amd 2008 SL No. 81 s 24(6)

def “**relevant section**” sub 2003 SL No. 347 s 8(2)

amd 2007 SL No. 35 s 5(4)–(6)

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

amd 2008 SL No. 81 s 24(7)

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

*Vocational Education, Training and Employment
Regulation 2000*

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