



Queensland

*Vocational Education, Training and Employment Act 2000*

# **Vocational Education, Training and Employment Regulation 2000**

**Reprinted as in force on 1 January 2009**

**Reprint No. 4A**

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

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.**

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Queensland

# Vocational Education, Training and Employment Regulation 2000

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# Vocational Education, Training and Employment Regulation 2000

[as amended by all amendments that commenced on or before 1 January 2009]

## 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 5 defines particular words used in this regulation.

## Part 2 Registering training organisations and accrediting courses

### Division 1 Registering training organisations through TVET

#### 3 Application of div 1

- (1) This division applies if, under section 186 of the Act, the council has delegated to Technical and Vocational Education and Training Australia Limited ACN 062 758 632 (*TVET*), its powers under chapter 2, parts 1 to 3 of the Act to register

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training organisations and manage the registration of training organisations.

- (2) If the council delegates its powers as mentioned in subsection (1), notice of the delegation must be given on the department's website.

*Editor's note—*

The department's website address for notice of a delegation is <[www.trainandemploy.qld.gov.au/client/about\\_us/legislation/council/index.html](http://www.trainandemploy.qld.gov.au/client/about_us/legislation/council/index.html)>.

#### **4 Application for approval to register through TVET**

- (1) A person may apply to the council for approval—
  - (a) to apply through TVET for registration as a training organisation; and
  - (b) for TVET to manage the organisation's registration.
- (2) Also, a registered training organisation may apply to the council for approval to transfer the management of the organisation's registration to TVET.
- (3) An application under subsection (1) or (2) must be in writing and contain sufficient information to enable the council to decide the application.
- (4) An entity may not apply through TVET for registration or for TVET to manage the entity's registration unless the entity holds a transfer approval.

#### **5 Deciding application for approval**

- (1) The council must consider an application under section 4 and decide whether to grant or refuse to grant the application.
- (2) The council may grant the application only if the council is satisfied—
  - (a) for an applicant who is a registered training organisation—



- (i) the applicant is operating in this and at least 1 other jurisdiction; or
  - (ii) the applicant is operating in this jurisdiction and, within 6 months after receiving a transfer approval, will also be operating in at least 1 other jurisdiction; or
  - (b) for an applicant who is not a registered training organisation—the applicant will be operating in this and at least 1 other jurisdiction within 6 months after receiving a transfer approval.
- (3) If the council decides to grant the application, the council must immediately give the applicant a signed notice of its approval (a *transfer approval*).
- (4) If the council decides to refuse to grant the application, the council must immediately give the applicant an information notice about the decision.

## 6 Grounds for cancellation of transfer approval

Each of the following is a ground for cancelling a transfer approval—

- (a) the holder of the approval is no longer operating in this and at least 1 other jurisdiction;
- (b) both of the following apply—
  - (i) at the time the approval was given, the holder did not operate in this and at least 1 other jurisdiction;
  - (ii) at least 6 months after the holder received the approval, the holder has not started operating in this and at least 1 other jurisdiction.

### 6A Show cause notice

- (1) If the council reasonably believes a ground exists for cancelling a transfer approval, the council must give the holder of the approval a notice under this section (a *show cause notice*).

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- (2) The show cause notice must state the following—
  - (a) that the council proposes to cancel the approval (the *proposed action*);
  - (b) the ground for the proposed action;
  - (c) an invitation to the holder to show within a stated period (the *show cause period*) why the proposed action should not be taken.
- (3) The show cause period must be a period ending at least 14 days after the show cause notice is given to the holder.

#### **6B Representations about show cause notice**

- (1) The holder of the transfer approval may make written representations about the show cause notice to the council in the show cause period.
- (2) The council must consider all written representations (the *accepted representations*) made under subsection (1).

#### **6C Ending show cause process without further action**

If, after considering the accepted representations for the show cause notice, the council no longer believes the ground exists to cancel the transfer approval, the council must—

- (a) take no further action about the show cause notice; and
- (b) as soon as practicable, give written notice to the holder of the approval that no further action will be taken.

#### **6D Cancellation of transfer approval**

- (1) This section applies if, after considering the accepted representations for the show cause notice, the council—
  - (a) still believes the ground exists to cancel the transfer approval; and
  - (b) believes cancellation of the approval is warranted.

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- (2) This section also applies if there are no accepted representations for the show cause notice.
  - (3) The council may decide to cancel the approval.
  - (4) The council must, as soon as practicable after deciding, give an information notice about the decision to the holder of the approval.
  - (5) The decision does not take effect until—
    - (a) if the holder of the transfer approval appeals against the decision—the day the appeal is decided; or
    - (b) otherwise—the last day to appeal against the decision.
  - (6) On cancellation of the approval, the management of the training organisation's registration is transferred to the council.

## **6E Surrender of transfer approval**

- (1) The holder of a transfer approval may surrender the approval by—
  - (a) returning the approval to the council; and
  - (b) giving written notice of the surrender to the council.
- (2) On surrender of the approval, the management of the holder's registration is transferred to the council.

## **Division 2 Amending accreditation**

### **7 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.

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- (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.

*Editor's note—*

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

- (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

- (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.

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## **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.

*Editor's note—*

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

- (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.

#### **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

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- (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
  - (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.



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- (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.

*Editor's note—*

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.

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- (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.

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 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.

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## **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

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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) 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.

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## **Part 5A**                      **TAFE institute and statutory TAFE institute fees**

### **30A**    **Time for payment of student contribution fee or ACE tuition fee**

A student must pay a student contribution fee or ACE tuition fee when enrolling at a TAFE institute or a statutory TAFE institute.

### **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—
  - (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.

[s 30D]

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**30D Government funded subjects for which there are no student contribution fees, and free tests**

- (1) There is no student contribution 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 reduced student contribution fees**

Only 20% of the student contribution fee is payable 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 student contribution fees for the subjects in the replacement program are reduced by the amount of the student contribution 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 student contribution fee or ACE tuition 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 student contribution fee or ACE tuition 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
  - (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.

[s 30H]

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

(1) Only 25% of the student contribution 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 student contribution fee payable on the original or cancelled enrolment must be applied to reduce the student contribution fee payable on the later enrolment.

(3) Any balance of the student contribution fee 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 student contribution fee or ACE tuition 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.

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**30K Student contribution 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 60% of the student contribution 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, 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.

[s 30L]

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- (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 ACE tuition fee for an ACE course is chargeable at an hourly rate, the student may apply for exemption from half of the ACE 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.

[s 30M]

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

- (1) A student may apply for time to pay the student contribution fees for government funded subjects if the total amount of student contribution fees payable by the student 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.

**30O 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

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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 student contribution fee or ACE tuition 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.
- (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.

[s 30Q]

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### **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.
- (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.



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- (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**

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

[s 31A]

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- (2) Subsections (3) to (5) apply to an entity if—
  - (a) the council has delegated its powers under chapter 2, parts 1 to 3 of the Act to TVET; and
  - (b) the entity holds a transfer approval.
- (3) Subject to subsections (4) and (5)—
  - (a) the fees mentioned in schedule 1, part 2 apply to the entity; and
  - (b) the entity is not required to pay the fees mentioned in schedule 1, part 1, items 1 to 6.
- (4) Subsection (5) applies if—
  - (a) the entity is a registered training organisation; and
  - (b) the entity has paid the annual registration fee mentioned in schedule 1, part 1, item 2 to the council; and
  - (c) on a day (the *approval day*) during the year or part of the year for which the fee was paid, the entity becomes the holder of a transfer approval.
- (5) The entity must pay to TVET the amount calculated by TVET that is the difference between the proportion of each of the following amounts relating to the period from the approval date until the end of the year or part of the year for which the fee was paid to the council—
  - (a) the fee paid to the council;
  - (b) the fee mentioned in schedule 1, part 2, item 12.

### **31A Establishment of statutory TAFE institutes—Act, s 218A**

A TAFE institute mentioned in schedule 2, column 1 is established as a statutory TAFE institute with the corporate name mentioned opposite the institute in schedule 2, column 2.

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

- (1) This section applies to a statutory TAFE institute mentioned in schedule 3, column 1.
- (2) The amounts mentioned opposite the institute in schedule 3, column 2 are prescribed for section 218U of the Act.

**32 Prescribed persons for Act, s 257**

The persons mentioned in schedule 4 are prescribed for section 257(1) 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, 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.

[s 36]

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- (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
  - (b) the council has not granted or refused to grant the accreditation.
- (2) Section 5 as in force immediately before the commencement continues to apply in relation to the application as if it had not been repealed.

*Editor's note—*

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

- (3) In this section—

***commencement*** means the commencement of this section.

***old section 38 of the Act*** means section 38 of the Act as in force immediately before the commencement.

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## 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.

### **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.

## **Part 8**

# **Transitional provisions for the Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 2) 2008**

### **49 Definitions for pt 8**

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 Gold Coast Institute of TAFE.

*new institute* means the Gold Coast Institute of TAFE established as a statutory TAFE institute under section 31A.

### **50 Application of Act, s 220Z**

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



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## **51 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) In subsection (1), the assets and liabilities do not include the lease held by the State from XYZ Investments Pty Ltd ACN 010 149 943 over lot 9 on survey plan 126783, County of Ward, Parish of Coomera.
- (3) Also, subsection (1) does not apply to any right or obligation of the State, relating to the former TAFE institute, under an agreement or arrangement entered into by or on behalf of the State.
- (4) The registrar of titles or other person responsible for keeping a register of dealings in property must, if asked by the new institute, record the vesting of the property under this section in the new institute.

## **52 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 government entity 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.

### **53 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.

### **54 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.

### **55 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.

### **56 Accreditation of a course under the Act**

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

### **57 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.

**58 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 . . . . . 1 331.60
  - (b) from more than 2 training packages . . . . . 1 331.60  
for the first  
2 training  
packages  
plus  
\$443.90 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 . . . .	554.80
	(ii) from 3, 4, 5 or 6 training packages . . . . .	832.25
	(iii) from 7 or more training packages . . . . .	1 109.65
	(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. . . .	1 109.65
	(b) by adding qualifications—	
	(i) 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
	(ii) for any other person, for each additional qualification or part of a qualification . . . . .	111.00
	(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 . . . . .	16.65
4	Application for a replacement certificate under section 10(1) . . . . .	73.25

Schedule 1

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\$

- 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—
- (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 ..... 122.10  
plus  
reasonable  
travel and  
other  
expenses
  - (b) for an audit conducted outside Queensland, for each hour or part of an hour ..... 122.10  
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), for each hour or part of an hour. .... 122.10  
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 . . .	134.30
	plus reasonable travel and other expenses
(e) for any other audit. . . . .	nil
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 . . . . .	122.10
	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 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 . . . . .	332.90
(B) for any other course . . . . .	1 109.65
(ii) for a course leading to a statement of attainment, for each statement of attainment .	665.80

Schedule 1

		\$
	(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 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 . . . . .	33.25
	(B) for any other course . . . . .	111.00
	(ii) for a course leading to a statement of attainment, for each statement of attainment . . . . .	66.60
8	Application to amend accreditation under section 3(1)—	
	(a) for an entity with a delegation under section 186 of the Act to amend accreditation of a course, for each course . . . . .	33.25
	(b) for any other person, for each course . . . . .	332.90
9	Application to renew accreditation under section 47C of the Act—	
	(a) for an entity with a delegation under section 186 of the Act to renew accreditation of a course, for each course . . . . .	16.65
	(b) for any other person, for each course . . . . .	166.45

**Recognition of vocational placement scheme**

10	Application under section 108(2) of the Act to recognise a vocational placement scheme . . . . .	166.45
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## Part 2 Registration fees for holders of a transfer approval

		\$
11	Application for registration under section 23(1) of the Act .....	2 000.00
12	Annual registration fee under section 28(2) of the Act—	
	(a) for a whole year, if the scope of the registration is for—	
	(i) not more than 5 qualifications .....	1 400.00
	(ii) more than 5 but not more than 20 qualifications .....	2 600.00
	(iii) more than 20 qualifications .....	3 800.00
	(b) for part of a year that is 1 or more whole months .....	an amount adjusted in proportion to the number of months in the part of the year
13	Application to amend the scope of registration under section 29(2) of the Act by adding qualifications—	
	(a) to a training package being provided by the applicant, for each qualification .....	200.00
	(b) to a training package the applicant intends providing, for each qualification .....	400.00



	\$
(b) a statement of attainment certifying the statement of attainment as equivalent to a qualification or another statement of attainment . . . . .	11.25
23 Late enrolment for 1 or more subjects enrolled in at the same time . . . . .	14.05
24 Trade test, apprentice level test or trainee level test . . . . .	at cost or \$346.30, whichever is less
25 Literacy or numeracy test for a special entry apprentice, payable by the person requesting the test . . . . .	126.15
26 Student identification card . . . . .	at cost
27 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 4 ACE courses at TAFE institutes**

	\$
28 ACE tuition 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)—	
(i) if the fee is chargeable at an hourly rate and a tutor only is supplied—for each nominal hour for the course . . . . .	2.30
(ii) if the fee is chargeable at an hourly rate and a teacher only is supplied—for each nominal hour for the course . . . . .	4.43
(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 . . . . .	6.76
(iv) if the fee is not chargeable at an hourly rate . . . . .	at cost

Schedule 1

	\$
(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 . . . . .	2.51
(ii) if the fee is chargeable at an hourly rate and a teacher only is supplied—for each nominal hour for the course . . . . .	4.88
(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 . . . . .	7.39
(iv) if the fee is not chargeable at an hourly rate . .	at cost including any GST payable on the supply of the course
29 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) . . . . .	14.50
(b) for any other ACE course . . . . .	16.05
30 Facilities fee for each course . . . . .	the amount under section 30C

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## Part 5                      **Apprenticeship and traineeship documents**

	\$
31 Extract from the register of apprenticeships and traineeships .....	14.40
32 Certified copy of—	
(a) an indenture .....	15.60
(b) a certificate of completion of apprenticeship or traineeship .....	14.40
(c) a training contract or other training agreement .....	14.40
(d) a certificate of completion of training under a training contract or other training agreement .....	14.40

## **Schedule 2      Statutory TAFE institutes**

section 31A

**Column 1**

**TAFE institute**

Southbank Institute of  
Technology

Gold Coast Institute of TAFE

**Column 2**

**Statutory TAFE institute**

Southbank Institute of Technology

*Note—*

The Southbank Institute of Technology was established as a statutory TAFE institute under the Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 1) 2008.

Gold Coast Institute of TAFE

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## Schedule 3      Amounts prescribed for the Act, s 218U

section 31B

<b>Column 1</b>	<b>Column 2</b>
<b>Statutory TAFE institute</b>	<b>Amounts prescribed</b>
Southbank Institute of Technology	(a) for section 218U(1)(c)—\$3000000 (b) for section 218U(1)(d)—\$3000000 (c) for section 218U(1)(e)(i)—\$3000000 (d) for section 218U(1)(e)(ii)—\$3000000
Gold Coast Institute of TAFE	(a) for section 218U(1)(c)—\$1500000 (b) for section 218U(1)(d)—\$3000000 (c) for section 218U(1)(e)(i)—\$1500000 (d) for section 218U(1)(e)(ii)—\$1500000

## **Schedule 4      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.



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## Schedule 5      Dictionary

## section 2

*accepted representations*, for part 2, division 1, see section 6B.

*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.

*ACE tuition fee* means the fee for tuition for an ACE course.

*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)—
  - (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.

***manage***, a training organisation’s registration, means exercise the council’s powers under chapter 2, parts 1 to 3 of the Act in relation to the registration.

***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.

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***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
- (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).

*show cause notice*, for part 2, division 1, see section 6A(1).

*show cause period*, for part 2, division 1, see section 6A(2).

*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 contribution fee*, for a government funded subject, means the fee payable as a student's contribution to the cost of tuition in the subject and the provision of student services to the 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
- library service
- course information 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.

*transfer approval* see section 5(3).

*TVET* see section 3(1).

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## Endnotes

### 1 Index to endnotes

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4 Table of reprints . . . . .	60
5 List of legislation . . . . .	61
6 List of annotations . . . . .	63

### 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 2009. 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	

Reprint No.	Amendments included	Effective	Notes
2D	2006 SL No. 129	1 July 2006	
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	
3F	2008 SL No. 183	1 July 2008	
	2008 SL No. 184		
3G	2008 SL No. 214	1 August 2008	
3H	2008 SL No. 280	29 August 2008	R3H withdrawn, see R4
4	—	29 August 2008	
4A	2008 SL No. 280	1 January 2009	

## 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

Endnotes

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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**

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

**Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 2) 2008 SL No. 183 pts 1–2**

notfd gaz 27 June 2008 pp 1268–78  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2008 (see s 2)

**Vocational Education, Training and Employment Amendment Regulation (No. 1) 2008 SL No. 184**

notfd gaz 27 June 2008 pp 1268–78  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2008 (see s 2)

**Vocational Education, Training and Employment Amendment Regulation (No. 2) 2008 SL No. 214**

notfd gaz 4 July 2008 pp 1420–1  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 August 2008 (see s 2)

**Vocational Education, Training and Employment Amendment Regulation (No. 3) 2008 SL No. 280**

notfd gaz 29 August 2008 pp 2831–5  
ss 1–2, 17(1)–(2) commenced on date of notification  
remaining provisions commenced 1 January 2009 (see s 2)

## 6 List of annotations

**Short title**

s 1 sub 2003 SL No. 347 s 4

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**Definitions**

s 2 amd 2008 SL No. 183 s 4

**PART 2—REGISTERING TRAINING ORGANISATIONS AND ACCREDITING COURSES**

**Division 1—Registering training organisations through TVET**

div hdg ins 2008 SL No. 184 s 6

**Application of div 1**

s 3 ins 2008 SL No. 184 s 6

**Application for approval to register through TVET**

s 4 prev s 4 om 2003 SL No. 347 s 5  
pres s 4 ins 2008 SL No. 184 s 6

**Deciding application for approval**

s 5 prev s 5 om 2003 SL No. 347 s 5  
pres s 5 ins 2008 SL No. 184 s 6

**Grounds for cancellation of transfer approval**

s 6 prev s 6 om 2003 SL No. 347 s 5  
pres s 6 ins 2008 SL No. 184 s 6

**Show cause notice**

s 6A ins 2008 SL No. 184 s 6

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s 6B ins 2008 SL No. 184 s 6

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s 6C ins 2008 SL No. 184 s 6

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s 6E ins 2008 SL No. 184 s 6

**Division 2—Amending accreditation**

div hdg prev div 2 hdg om 2003 SL No. 347 s 5  
pres div 2 hdg (prev div 1 hdg) renum 2008 SL No. 184 s 4

**Procedure for amending accreditation—Act, s 47D**

s 7 (prev s 3) sub 2003 SL No. 347 s 5  
renum 2008 SL No. 184 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 student contribution fee or ACE tuition fee**

s 30A ins 2001 SL No. 173 s 4  
amd 2008 SL No. 81 s 5  
sub 2008 SL No. 280 s 4

**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 student contribution fees, and free tests**

prov hdg amd 2008 SL No. 280 s 5(1)  
s 30D ins 2001 SL No. 173 s 4  
amd 2008 SL No. 81 s 8; 2008 SL No. 280 s 5(2)

**Government funded subjects for which there are reduced student contribution fees**

s 30E ins 2001 SL No. 173 s 4  
sub 2008 SL No. 280 s 6

**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; 2008 SL No. 280 s 7

**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); 2008 SL No. 280 s 8

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

s 30H ins 2001 SL No. 173 s 4  
amd 2008 SL No. 280 s 9

**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; 2008 SL No. 280 s 10

**Fee exemption on grounds of extreme financial hardship**

s 30J ins 2001 SL No. 173 s 4  
amd 2008 SL No. 81 s 12; 2008 SL No. 280 s 11

**Student contribution fee exemptions for government funded subjects**

prov hdg amd 2008 SL No. 280 s 12(1)  
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; 2008 SL No. 280 s 12(2)

**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; 2008 SL No. 280 s 13

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**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; 2008 SL No. 280 s 14

**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; 2008 SL No. 280 s 15

**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

**PART 6—GENERAL**

**Fees**

s 31 amd 2008 SL No. 184 s 7; 2008 SL No. 280 s 16

**Establishment of statutory TAFE institutes—Act, s 218A**

s 31A ins 2008 SL No. 81 s 22  
sub 2008 SL No. 183 s 5

**Notice of proposed significant action—Act, s 218U**

s 31B ins 2008 SL No. 81 s 22  
sub 2008 SL No. 183 s 5

**Prescribed persons for Act, s 257**

s 32 amd 2008 SL No. 183 s 6

**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

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**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**

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**Accreditation of a higher education course**

**s 46** ins 2008 SL No. 81 s 23

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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

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4; 2007 SL No. 266 s 21(1) sch 1; 2007 SL No. 247 s 20; 2008 SL No. 184 s 8; 2008 SL No. 214 s 4; 2008 SL No. 280 s 17

**SCHEDULE 2—STATUTORY TAFE INSTITUTES**

ins 2008 SL No. 183 s 9

**SCHEDULE 3—AMOUNTS PRESCRIBED FOR THE ACT, s 218U**

ins 2008 SL No. 183 s 9

**SCHEDULE 4—PRESCRIBED PERSONS FOR SECTION 257 OF THE ACT**

(prev sch 2) amd 2007 SL No. 35 s 4

renum 2008 SL No. 183 s 8

**SCHEDULE 5—DICTIONARY**

(prev sch 3) renum 2008 SL No. 183 s 8

def “**accepted representations**” ins 2008 SL No. 184 s 9

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

amd 2008 SL No. 81 s 24(3)

def “**ACE tuition fee**” ins 2008 SL No. 280 s 18(2)

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 “**manage**” ins 2008 SL No. 184 s 9

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 “**show cause notice**” ins 2008 SL No. 184 s 9

def “**show cause period**” ins 2008 SL No. 184 s 9

def “**special entry apprentice**” ins 2001 SL No. 173 s 7

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

def “**student contribution fee**” ins 2008 SL No. 280 s 18(2)

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

amd 2008 SL No. 81 s 24(7)

sub 2008 SL No. 280 s 18

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 “**transfer approval**” ins 2008 SL No. 184 s 9  
def “**tuition fee**” ins 2001 SL No. 173 s 7  
om 2008 SL No. 280 s 18(1)  
def “**TVET**” ins 2008 SL No. 184 s 9

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