



Queensland

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

Subordinate Legislation 2008 No. 81

made under the

Dental Technicians and Dental Prosthetists Registration Act 2001

Drug Court Act 2000

Education (Overseas Students) Act 1996

Environmental Protection Act 1994

Integrated Planning Act 1997

Statutory Bodies Financial Arrangements Act 1982

Vocational Education, Training and Employment Act 2000

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 1) 2008*.

2 Commencement

This regulation commences on 1 April 2008.

Part 2 Amendment of Vocational Education, Training and Employment Regulation 2000

3 Regulation amended in pt 2

This part amends the *Vocational Education, Training and Employment Regulation 2000*.

4 Replacement of pt 5A, hdg (TAFE institute fees)

Part 5A, heading—
omit, insert—

‘Part 5A TAFE institute and statutory TAFE institute fees’.

5 Amendment of s 30A (Time for payment of tuition fee or student services fee)

Section 30A, after ‘institute’—

insert—

‘or a statutory TAFE institute’.

6 Amendment of s 30B (When fee for ACE course is chargeable at an hourly rate)

Section 30B, ‘TAFE’—

omit.

7 Amendment of s 30C (Facilities fee for ACE courses)

Section 30C(2)(a) and (b), ‘TAFE’—

omit.

8 Amendment of s 30D (Government funded subjects for which there are no tuition or student services fees, and free tests)

Section 30D(1)(b) and (e), after ‘institute’—

insert—

‘or a statutory TAFE institute’.

9 Amendment of s 30F (Transition if a program is superseded by a replacement program)

(1) Section 30F(1)(a), after ‘institute’—

insert—

‘or a statutory TAFE institute’.

(2) Section 30F(1)(b), after ‘institute’—

insert—

‘or statutory TAFE institute’.

10 Amendment of s 30G (Director may waive fees for professional development of TAFE institute staff)

- (1) Section 30G, heading—

omit, insert—

‘30G Waiver of fees for professional development of institute staff’.

- (2) Section 30G, after ‘director’, first mention—

insert—

‘of a TAFE institute’.

- (3) Section 30G—

insert—

- ‘(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
(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.’.

11 Amendment of s 30I (Fee adjustment for certain transfers and cancellations of enrolment in government funded subjects)

Section 30I(1), after ‘TAFE institute’—

insert—

‘or statutory TAFE institute’.

12 Amendment of s 30J (Fee exemption on grounds of extreme financial hardship)

- (1) Section 30J(1), after ‘director’—
insert—
‘of a TAFE institute or the executive officer of a statutory TAFE institute’.
- (2) Section 30J(2), after ‘director’—
insert—
‘or executive officer’.

13 Amendment of s 30K (Tuition fee exemptions for government funded subjects)

- (1) Section 30K(1), after ‘director’, first mention—
insert—
‘of a TAFE institute or the executive officer of a statutory TAFE institute’.
- (2) Section 30K(1)(b), after ‘director’—
insert—
‘or executive officer’.

14 Amendment of s 30L (Half fee exemption for ACE courses for students entitled to concessions under Commonwealth law)

- (1) Section 30L(3), ‘to the director’—
omit.
- (2) Section 30L(4) and (5)—
renumber as section 30L(5) and (6).
- (3) Section 30L—
insert—
- ‘(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.’.

15 Amendment of s 30M (Allowing time to pay fees for government funded subjects)

- (1) Section 30M(1), ‘to the director’—
omit.
- (2) Section 30M(2), after ‘enrolling’—
insert—
‘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) Section 30M(3), after ‘director’—
insert—
‘or executive officer’.

16 Replacement of s 30N (Refund if subject or course cancelled by director)

Section 30N—
omit, insert—

‘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.’.

17 Amendment of s 30O (Refund if enrolment cancelled before subject or course starts)

- (1) Section 30O(1), after ‘student’, first mention—
insert—
‘of a TAFE institute or a statutory TAFE institute’.
- (2) Section 30O(1), after ‘director’—
insert—
‘or executive officer of the institute’.

18 Amendment of s 30P (Refund after government funded subject starts)

- (1) Section 30P(1), ‘to the director’—
omit.
- (2) Section 30P(2)—
omit, insert—
- ‘(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) Section 30P(3), after ‘director’—
insert—
‘or executive officer’.

19 Amendment of s 30Q (Refund if academic exemption received)

Section 30Q(1), from ‘to the director’—

omit, insert—

‘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.’.

20 Replacement of s 30R (Refund if re-evaluation successful)

Section 30R—

omit, insert—

‘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.’.

21 Amendment of s 30S (Refused applications for fee exemptions, refunds and time to pay)

- (1) Section 30S(1), after ‘director’, first mention—

insert—

‘of a TAFE institute or the executive officer of a statutory TAFE institute’.

- (2) Section 30S(1), after ‘director’, second mention—

insert—

‘or executive officer’.

- (3) Section 30S(2), after ‘director’—

insert—

‘or executive officer’.

- (4) Section 30S—

insert—

- ‘(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.’.

22 Insertion of new ss 31A and 31B

After section 31—

insert—

‘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.’.

23 Insertion of new pt 7

After section 37—

insert—

**‘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.’.

24 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *at cost* and *official TAFE institute publication*—

omit.

- (2) Schedule 3—

insert—

‘*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.

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—

26 Amendment of s 10 (Approved oral pathology courses—Act, s 124B)

(1) Section 10, after ‘of the Act,’—

insert—

‘definition *approved oral pathology course*,’.

(2) Section 10(a)—

omit, insert—

‘(a) the course in oral pathology for dental prosthetists provided by—

(i) the TAFE institute known as the ‘Southbank Institute of TAFE’ or the ‘Southbank Institute of Technology’; or

(ii) the statutory TAFE institute with the corporate name ‘Southbank Institute of Technology’;’.

Part 4 Amendment of Drug Court Regulation 2006

27 Regulation amended in pt 4

This part amends the *Drug Court Regulation 2006*.

28 Amendment of sch 5 (Prescribed persons)

(1) Schedule 5, section 1(1)(c)—

omit, insert—

‘(c) persons acting for TAFE institutes or statutory TAFE institutes and appointed by the chief executive (vocational education and training) as prescribed persons for section 39 of the Act;’.

- (2) Schedule 5, section 1(2), definition *chief executive (State colleges)*, ‘*State colleges*’—
omit, insert—
‘vocational education and training’.

Part 5

Amendment of Education (Overseas Students) Regulation 1998

29 Regulation amended in pt 5

This part amends the *Education (Overseas Students) Regulation 1998*.

30 Amendment of s 3 (Definitions for pt 2)

- (1) Section 3, definitions *approved training organisation*, *institute of TAFE* and *State college*—
omit.
- (2) Section 3—
insert—
‘registered training organisation see the *Vocational Education, Training and Employment Act 2000*, schedule 3.’.

31 Amendment of s 4 (Persons who may make applications—Act, s 7(1))

- (1) Section 4(1A)(a), ‘an institute of TAFE’—
omit, insert—
‘a TAFE institute’.
- (2) Section 4(2)(d) and (e)—

ENDNOTES

- 1 Made by the Governor in Council on 27 March 2008.
- 2 Notified in the gazette on 28 March 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Education, Training and the Arts.

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