



Immigration (Education) Regulations 1992

Statutory Rules 1992 No. 432 as amended

made under the

Immigration (Education) Act 1971

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taking into account amendments up to SR 2004 No. 301

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1 Name of regulations [see Note 1]

These regulations are the *Immigration (Education) Regulations 1992*.

2 Commencement

These regulations commence on 1 January 1993.

3 Interpretation

In these Regulations, unless the contrary intention appears:

CES has the same meaning as in the *Social Security Act 1991*.

formal course, in relation to a prescribed English course, means a course for which a statement of attainment or progress in functional English is given on completion of the course.

prescribed English course means an English course provided in accordance with section 4 of the Act.

the Act means the *Immigration (Education) Act 1971*.

4 Fees — prescribed English courses

- (1) For subsection 4A (1) of the Act, the fee for a prescribed English course is:
 - (a) for a formal course — \$300; and
 - (b) for any other course — \$65.
- (2) The fee is payable on enrolment in the course.
- (3) A person enrolling in a prescribed English course is exempt from paying the fee if, at the time of enrolment, he or she is:
 - (a) the holder of a health care card, within the meaning of section 4A of the Act; or
 - (b) a registered job seeker, within the meaning of that section.
- (4) The fee for a person enrolling in a prescribed English course is waived if, at the time of enrolment, the person is the holder of:
 - (a) a Business Skills (Provisional) (Class UR) visa; or
 - (b) an Interdependency (Provisional) (Class UG) visa; or
 - (c) a Partner (Provisional) (Class UF) visa; or
 - (d) a Partner (Temporary) (Class UK) visa; or
 - (e) a Resolution of Status (Temporary) (Class UH) visa; or
 - (f) a Skilled — Independent Regional (Provisional) (Class UX) visa.
- (5) The Minister must give a person a refund of an amount paid in respect of the fee for a prescribed English course if the Minister is satisfied that the person:
 - (a) was, at the time of enrolment:
 - (i) exempt from paying the fee under subregulation (3); or
 - (ii) entitled to a waiver of the fee under subregulation (4); and
 - (b) has paid the amount.

5 Definitions — section 4A of the Act

- (1) For the purposes of section 4A of the Act, the following cards are prescribed:
 - (a) the cards known as:

- (i) the Health Benefits Card; or
 - (ii) the Pensioner Health Benefits Card; or
 - (iii) the Pensioner Concession Card;
issued by the Department of Social Security for the purposes of the *National Health Act 1953*;
 - (b) the card known as the Health Care Card issued by the Department of Social Security for the purposes of the *Health Insurance Act 1973*;
 - (c) the cards known as:
 - (i) the Dependant Treatment Entitlement Card; or
 - (ii) the Pensioner Health Benefits Card; or
 - (iii) the Pensioner Concession Card;
issued by the Department of Veterans' Affairs for the purposes of the *Veterans' Entitlements Act 1986*.
- (2) For the purposes of section 4A of the Act, a person is a registered job seeker if he or she:
- (a) is registered with the CES as a person who:
 - (i) is unemployed; or
 - (ii) is employed on a part-time, temporary or casual basis; and
 - (b) meets one of the following criteria:
 - (i) the person is actively seeking full-time employment;
 - (ii) the person:
 - (A) is restricted by a medical condition to working on a part-time basis; and
 - (B) is actively seeking employment that is compatible with that restriction;
 - (iii) the person:
 - (A) is in receipt of sickness benefit under Part 2.14 of the *Social Security Act 1991*; and
 - (B) has been referred by a Disability Panel to the CES; and
 - (C) has agreed with the CES to develop an Activity Plan.

5A Persons excluded from English tuition — paragraphs 4B (e) and 4C (e) of the Act

A person for whom an English course has been provided under section 4 of the Act is excluded from being provided with English tuition under section 4B or 4C of the Act.

6 Prescribed matters — paragraph 4D (3) (b) of the Act

For the purposes of paragraph 4D (3) (b) of the Act, the following matters are prescribed:

- (a) the employment record of the person referred to in section 4D of the Act;
- (b) the record of that person in learning English;
- (c) any long term illness of the person;
- (d) the family commitments of the person;
- (e) any period or periods of absence from Australia; in the period of 36 months starting on the visa commencement date.

Table of Statutory Rules

Notes to the *Immigration (Education) Regulations 1992***Note 1**

The *Immigration (Education) Regulations 1992* (in force under the *Immigration (Education) Act 1971*) as shown in this compilation comprise Statutory Rules 1992 No. 432 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Statutory Rules

| Year and number | Date of notification in <i>Gazette</i> | Date of commencement | Application, saving or transitional provisions |
|------------------------|---|---|---|
| 1992 No. 432 | 24 Dec 1992 | 1 Jan 1993 | |
| 1993 No. 31 | 12 Feb 1993 | 1 Mar 1993 | — |
| 1993 No. 54 | 4 May 1993 | R. 3: 1 Jan 1993 Remainder: 4 May 1993 | — |
| 1994 No. 142 | 23 May 1994 | 1 Jan 1994 | — |
| 1995 No. 303 | 26 Oct 1995 | 1 Nov 1995 | — |
| 1997 No. 136 | 23 June 1997 | 1 July 1997 | — |
| 1997 No. 280 | 1 Oct 1997 | 1 Oct 1997 | — |
| 1997 No. 405 | 24 Dec 1997 | 1 Jan 1998 | — |
| 1999 No. 90 | 4 June 1999 | 1 July 1999 | — |
| 2001 No. 46 | 16 Mar 2001 | 1 Apr 2001 | — |
| 2002 No. 120 | 14 June 2002 | 1 July 2002 | R. 4 |
| 2003 No. 91 | 22 May 2003 | 1 Mar 2003 | — |
| 2004 No. 192 | 1 July 2004 | 1 July 2004 | — |
| 2004 No. 301 | 7 Sept 2004 | 1 Sept 2004 | — |

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| R. 1 | rs. 1999 No. 90 |
| R. 4 | am. 1995 No. 303; 1997 Nos. 136, 280 and 405; 1999 No. 90; 2001 No. 46; 2002 No. 120; 2003 No. 91; 2004 Nos. 192 and 301 |
| R. 5 | am. 1993 Nos. 31 and 54; 1994 No. 142 |
| R. 5A..... | ad. 1997 No. 136 |
| R. 6 | ad. 1993 No. 31 am. 1993 No. 54 |

Table A

Table A Application, saving or transitional provisions

Statutory Rules 2002 No. 120

4 Transitional

The amendment made by Schedule 1 applies to a person who enrolls in a prescribed English course (within the meaning of the *Immigration (Education) Regulations 1992*) on or after 1 July 2002.