Immigration (Education) Regulations 1992

Statutory Rules 1992 No. 432 as amended

made under the

Immigration (Education) Act 1971

This compilation was prepared on 1 July 2005
taking into account amendments up to SLI 2005 No. 134

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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### Notes

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2. *Immigration (Education) Regulations 1992*
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 — $305; and
   
   (b) for any other course — $70.

(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;
Regulation 6

in the period of 36 months starting on the visa commencement date.
Notes to the *Immigration (Education)*
*Regulations 1992*

**Note 1**


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

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, ie Year and Number.

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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 enrols in a prescribed English course (within the meaning of the Immigration (Education) Regulations 1992) on or after 1 July 2002.

Select Legislative Instrument 2005 No. 134

5  Transitional
   (1) The amendments made by Schedule 1 apply in relation to an enrolment in a prescribed English course on or after 1 July 2005.