



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 2009
taking into account amendments up to SLI 2009 No. 116

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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 — \$400; and
 - (b) for any other course — \$90.
- (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

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- (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; or
 - (g) a Skilled – Designated Area-sponsored (Provisional) (Class UZ) visa; or
 - (h) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (i) a Subclass 487 (Skilled — Regional Sponsored) 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;

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- (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 Instruments**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 Instruments

Year and number	Date of notification in Gazette or FRLI registration	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	—
2005 No. 134	20 June 2005 (see F2005L01502)	1 July 2005	R. 5
2006 No. 157	26 June 2006 (see F2006L01878)	1 July 2006	—
2007 No. 165	25 June 2007 (see F2007L01827)	1 July 2007	R. 4
2007 No. 256	27 Aug 2007 (see F2007L02645)	1 Sept 2007	—

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
2008 No. 91	3 June 2008 (see F2008L01848)	1 July 2008	R. 4
2009 No. 116	22 June 2009 (see F20092376)	1 July 2009	R. 13

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; 2005 No. 134; 2006 No. 157; 2007 Nos. 165 and 256; 2008 No. 91; 2009 No. 116
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.

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.
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Select Legislative Instrument 2007 No. 165

5 Application

The amendments made by Schedule 1 apply to a person who enrolls in a prescribed English course on or after 1 July 2007.

Select Legislative Instrument 2008 No. 91

4 Amendment of *Immigration (Education) Regulations 1992*

- (1) Schedule 3 amends the *Immigration (Education) Regulations 1992*.
 - (2) The amendment made by Schedule 3 applies in relation to enrolment in a prescribed English course that occurs on or after 1 July 2008.
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Select Legislative Instrument 2009 No. 116

13 Amendment of *Immigration (Education) Regulations 1992* — Schedule 11

- (1) Schedule 11 amends the *Immigration (Education) Regulations 1992*.
 - (2) The amendments made by Schedule 11 apply in relation to an enrolment in a prescribed English course on or after 1 July 2009.
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