



# Trade Support Loan Rules 2014

made under subsection 106(1) of the *Trade Support Loans Act 2014*.

## Compilation No. 2

**Compilation date:** 1 July 2018

**Includes amendments up to:** *Trade Support Loans (Overseas Debtor Repayment) Amendment and Repeal Instrument 2018* [F2018L00939]

Prepared by Department of Education and Training, Canberra

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## About this compilation

### **This compilation**

This is a compilation of the *Trade Support Loan Rules 2014* that shows the text of the law as amended and in force on 1 July 2018 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### **Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### **Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### **Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### **Self-repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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**1 Name of Rules**

These Rules are the *Trade Support Loan Rules 2014*.

**2 Commencement**

These Rules commence on the day after registration.

**3 Authority**

These Rules are made under the *Trade Support Loans Act 2014*.

**4 Definitions**

In these Rules, unless the contrary intention appears:

*Act* means the *Trade Support Loans Act 2014*.

*ATO Occupation Code* means the *Salary and wage occupation codes 2018* published by the Australian Taxation Office in June 2018.

Note: In 2018, the *Salary and wage occupation codes 2018* was available at [www.ato.gov.au](http://www.ato.gov.au).

*commencement date* means the date confirmed by the relevant State Training Authority, as the date that the training contract for the apprenticeship is taken to have commenced. *Commenced* has a corresponding meaning.

*foreign currency* means a currency other than Australian currency.

*imprisoned* means a person serving a period of full time custodial imprisonment, home detention, weekend detention, temporary detention or otherwise in the custody of a law enforcement agency or correctional facility.

*recommencement date* means the date confirmed by the relevant State Training Authority, as the date the apprentice has commenced in an apprenticeship with the same or another employer, to continue working towards an incomplete apprenticeship. *rural or regional area* means a suburb with the postcode listed in Schedule 1.

*State Training Authority* means the State or Territory government body with responsibility for the regulation of apprenticeships within that State or Territory, and for the purposes of subsection 40(3) of the Act, is the designated State/Territory training authority for an apprentice who is employed within that State or Territory.

*training contract* means the form which evidences the:

- (a) agreement between an employer and apprentice to enter into an apprenticeship; and

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- (b) approval of the apprenticeship, including the approval of any relevant training plan, by the designated State/Territory training authority.

**TSL Priority List** means has the same meaning as in section 105 of the Act.

## **5 Other conditions for qualification (the Act, ss 8(1)(d))**

In addition to paragraphs 8(1)(a) to (c) of the Act, the following conditions must also be met in order for a person to qualify for a trade support loan:

- (a) the person is not imprisoned in Australia or any external Territory.
- (b) where a person is concurrently undertaking more than one qualifying apprenticeships, the person will only be able to qualify for trade support loan in relation to one of the qualifying apprenticeships.

## **6 Level of qualification (the Act, ss 8(2)(a)(i))**

For the purposes of subparagraph 8(2)(a)(i) of the Act, a qualifying apprenticeship is one that is at the following levels:

- (a) Certificate level III or IV for occupations in Schedule 1 of the TSL Priority List.
- (b) Certificate level II, III or IV for qualifications leading to occupations on the TSL Priority List.

## **7 Other requirements for a qualifying apprenticeship (the Act, ss 8(2)(b))**

Where a person is undertaking a qualification in the horticulture sector, as prescribed in the TSL Priority List, the person must also be working in a rural or regional area.

## **8 Circumstances where a person is taken to be undertaking a qualifying apprenticeship (the Act, ss 8(3))**

(a) For the purposes of subsection 8(3) of the Act, a person is taken to be undertaking a qualifying apprenticeship:

- (i) from the date a fully completed training contract has been submitted for approval by the State Training Authority (but only if the apprentice has started in the apprenticeship); or
- (ii) on or after the commencement date or recommencement date of the apprenticeship (if this date precedes the date in rule 8(a)(i)); and

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(iii) until notice of successful completion of the apprenticeship has been received by the Secretary from State Training Authority;

(b) If a training contract submitted under rule 8(a)(i) is not approved by the State Training Authority, the person is taken to have been undertaking a qualifying apprenticeship for the period up until the State Training Authority so notifies the Department of Industry.

**9 Other circumstances where a person *is taken to be undertaking a qualifying apprenticeship* (the Act, ss 8(4))**

A person is taken to be undertaking a qualifying apprenticeship during the period from when the person successfully completed their qualifying apprenticeship to the date a designated State/Territory training authority notifies the Secretary that the person has completed their qualifying apprenticeship.

**10 Instalment period (the Act, ss10(2))**

(a) For the purposes of paragraph 10(2)(a) of the Act, the instalment period for a person starts on the anniversary of the commencement (or recommencement) date of the person's qualifying apprenticeship.

(b) For the purposes of paragraph 10(2)(b) of the Act, the duration of a person's instalment period is one calendar month.

**11 Application of special case qualification and payability (the Act, ss 11(2))**

Subsection 11(1) of the Act is taken to apply to a person where:

(a) before the end of the final instalment period specified in a determination made for the person under section 16 of the Act, the person has notified the Secretary of a change of circumstances which would affect payability of trade support loan, but payments of trade support loan have continued to be made to the person for that period; or

(b) the person has successfully completed a qualifying apprenticeship but the Secretary has not received notice from the designated State/Territory training authority, or from the person, of this completion and the person has continued to receive instalments of trade support loan.

**12 Manner of lodgement for applications for trade support loan (the Act, ss 13(2))**

For the purposes of paragraph 13(2)(b) of the Act, a person may lodge:

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(a) the application form (Form 1289):

(i) in person; or

(ii) by mail.

(b) the opt-in form (Form 1290):

(i) in person; or

(ii) by mail; or

(iii) by fax; or

(iv) by email.

**13 Periods to be specified in a determination for trade support loan (the Act, ss 16(3))**

The determination must specify up to six instalment periods.

**14 Year of an apprenticeship a person is undertaking (the Act, ss 24(2))**

(a) For the purposes of subclause 24(2) of the Act, the year of an apprenticeship that a person is taken to be undertaking on any particular day is to be determined, in accordance with rule 14(b), by first calculating the total number of calendar months the person has completed of their qualifying apprenticeship

(b) For the purpose of rule 14(a), the total number of calendar months in Column A will mean that the person is taken to be in the year of an apprenticeship as specified in Column B.

Column A	Column B
1 – 12 completed calendar months	1 <sup>st</sup> year
13 – 24 completed calendar months	2 <sup>nd</sup> year
25 – 36 completed calendar months	3 <sup>rd</sup> year
37 + completed calendar months	4 <sup>th</sup> year

**15 Designated State/Territory training authority (the Act, ss 40(3))**

A designated State/Territory training authority is an authority of a State or Territory.

*The 3 methods for working out a person's foreign-sourced income*

- (1) For the purposes of subsection 47B(2) of the Act, the following are the methods for working out a person's foreign-sourced income for the 2016-17 income year or a later income year:
- (a) the simple self-assessment method (see subrules (5) and (6));
  - (b) the overseas assessed method (see subrules (7) and (8));
  - (c) the comprehensive tax-based assessment method (see subrule (9)).

Note 1: Foreign-sourced income is relevant to working out the person's assessed worldwide income for section 47B of the Act.

Note 2: Subrule (8) restricts when the overseas assessed method can be used.

- (2) The method to be used to work out the person's foreign-sourced income for the income year is the method that the person chooses, as stated in the notice given to the Commissioner under subsection 47C(3) of the Act, relating to the person's income for the income year.
- (3) However, if the person does not choose one of the methods in that notice, the simple self-assessment method (see subrule (5)) may be used to work out the person's foreign-sourced income for the income year.
- (4) The person cannot choose more than one of the methods for the same income year.

*The simple self-assessment method*

- (5) Under the simple self-assessment method, the person's foreign-sourced income for the income year is an amount equal to the difference between:
- (a) the total amount of all the person's income for the income year, other than ordinary income or statutory income that has an Australian source; and
  - (b) the standard deduction for the income year for the occupation in which the person derived the most income (other than ordinary income or statutory income that has an Australian source) for the income year.
- (6) For paragraph (5)(b), the standard deduction for an occupation is:
- (a) if the occupation has an occupation code listed in the ATO Occupation Code—the median ratio of work-related expenses to employment-related income calculated by the Australian Taxation Office for the occupation with that occupation code; or
  - (b) otherwise—nil.



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*The overseas assessed method*

- (7) Under the overseas assessed method, the person's foreign-sourced income for the income year is an amount equal to the person's income for taxation purposes according to the most recent assessment of the person's income, for a period of 12 months, by a taxation authority of a foreign country.
- (8) However, the overseas assessed method cannot be used to work out the person's foreign-sourced income for the income year if:
  - (a) the period to which that most recent assessment relates does not overlap with the income year; or
  - (b) taxation authorities from different foreign countries have each made assessments of the person's income for periods of 12 months that overlap with the income year; or
  - (c) that most recent assessment has already been used to work out the person's foreign-sourced income for a previous income year.

*The comprehensive tax-based assessment method*

- (9) Under the comprehensive tax-based assessment method, the person's foreign-sourced income for the income year is an amount equal to the difference between:
  - (a) the total amount of all the person's income for the income year, other than ordinary income or statutory income that has an Australian source; and
  - (b) the total amounts of the deductions that would be allowable under the income tax law if that income were assessable income.

*Translation of foreign currency*

- (10) For the purposes of subsection 47B(2) of the Act, convert an amount of a person's foreign-sourced income for an income year that is in a foreign currency by translating the foreign currency to Australian currency at the average exchange rate for the financial year most closely corresponding to the income year.

*Expressions used in the Income Tax Assessment Act 1997*

- (11) An expression used in this rule that is also used in the *Income Tax Assessment Act 1997* has the same meaning as in that Act.

## **17 Notices to be given to the Commissioner**

*Notices relating to leaving Australia*

- (1) A notice under subsection 47C(1) of the Act relating to a person leaving Australia must contain:
  - (a) the person's name; and
  - (b) the person's date of birth; and

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- (c) the following details (to the extent they are known):
    - (i) the person's intended country of residence;
    - (ii) the person's contact details, including email address and telephone number.
  - (2) For the purposes of paragraph 47C(1)(b) of the Act, a person is not required to give a notice under subsection 47C(1) of the Act relating to the person leaving Australia if:
    - (a) the person gave a notice under that subsection in relation to a previous departure from Australia; and
    - (b) since giving that notice, the person has not been an Australian resident.

*Notices relating to absence from Australia*

- (3) A notice under subsection 47C(2) of the Act relating to a person being outside Australia must contain:
  - (a) the person's name; and
  - (b) the person's date of birth; and
  - (c) the person's country of residence; and
  - (d) to the extent they are known, the person's contact details, including email address and telephone number.

*Notices relating to income*

- (4) A notice under subsection 47C(3) of the Act relating to a person's income for an income year must contain:
  - (a) the person's name; and
  - (b) the person's date of birth; and
  - (c) the person's country of residence; and
  - (d) the person's occupation; and
  - (e) the amount of the person's income (including foreign-sourced income) for the income year; and
  - (f) the method used to work out that foreign-sourced income; and
  - (g) if the overseas assessed method was used—the person's identification number used for tax purposes by the taxation authority of a foreign country that made the assessment of the person's income.
- (5) However, paragraphs (4)(d) to (g) do not apply if:
  - (a) the person's income (including foreign-sourced income) for the income year does not exceed 25% of the minimum repayment income for the income year; and
  - (b) the notice includes a declaration to that effect.

Note: ***Minimum repayment income*** is defined in section 5 of the Act.

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*Approved forms*

- (6) This rule does not affect the Commissioner's power under section 388-50 in Schedule 1 to the *Taxation Administration Act 1953* to require additional content to be included in the approved form of a notice under section 47C of the Act.

*Expressions used in the Income Tax Assessment Act 1997*

- (7) An expression used in this rule that is also used in the *Income Tax Assessment Act 1997* has the same meaning as in that Act.

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## Schedule 1 – List of postcodes in rural or regional areas

State/Territory	Postcodes
Australian Capital Territory	0200
	0221
	2619
	2620
Northern Territory	All
New South Wales	2264
	2265
	2267
	2278
	2280
	2281
	2282
	2283
	2284
	2285
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	2290
	2291
	2292
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State/Territory	Postcodes
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State/Territory	Postcodes
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	2500
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State/Territory	Postcodes
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State/Territory	Postcodes
	2627
	2628
	2630
	2631
	2632
	2633
	2726
	2590
	2640
	2641
	2642
	2643
	2644
	2645
	2646
	2647
	2648
	2649
	2650
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State/Territory	Postcodes
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	3500
	3585
	3644
	2786
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State/Territory	Postcodes
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State/Territory	Postcodes
	2797
	2798
	2799
	2800
	2803
	2804
	2805
	2806
	2807
	2808
	2809
	2810
	2820
	2821
	2823
	2824
	2825
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State/Territory	Postcodes
	2870
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	2880
Queensland	4209
	4210
	4211
	4212
	4213
	4214
	4215
	4216
	4217
	4218
	4219
	4220
	4221
	4223
	4224
	4225
	4226
	4227
	4228
	4229
	4230
	4270
	4271
	4272
	4275
	4280
	4285
	4287
	4300
	4309
	4310
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State/Territory	Postcodes
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	9727
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	9729
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	4482
	4677
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	4680
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State/Territory	Postcodes
	4697
	4699
	4700
	4701
	4702
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	4705
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	4712
	4713
	4714
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State/Territory	Postcodes
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	4756
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State/Territory	Postcodes
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State/Territory	Postcodes
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State/Territory	Postcodes
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State/Territory	Postcodes
	4673
	4674
	4676
	4719
South Australia	5312
	5455
	5486
	5653
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	5139
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State/Territory	Postcodes
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State/Territory	Postcodes
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Tasmania	7026
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State/Territory	Postcodes
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State/Territory	Postcodes
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Victoria	3212
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State/Territory	Postcodes
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State/Territory	Postcodes
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State/Territory	Postcodes
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State/Territory	Postcodes
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State/Territory	Postcodes
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State/Territory	Postcodes
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State/Territory	Postcodes
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State/Territory	Postcodes
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Western Australia	6041
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State/Territory	Postcodes
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State/Territory	Postcodes
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State/Territory	Postcodes
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State/Territory	Postcodes
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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	
exp = expires/expired or ceases/ceased to have effect	reloc = relocated
F = Federal Register of Legislation	renum = renumbered
gaz = gazette	rep = repealed
LA = <i>Legislation Act 2003</i>	rs = repealed and substituted
LIA = <i>Legislative Instruments Act 2003</i>	s = section(s)/subsection(s)
(md) = misdescribed amendment can be given effect	Sch = Schedule(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sdiv = Subdivision(s)
mod = modified/modification	SLI = Select Legislative Instrument
No. = Number(s)	SR = Statutory Rules
	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Trade Support Loan Rules 2014</i>	18 July 2014 (See F2014I01007)	19 July 2014	-
<i>Trade Support Loan Amendment (Overseas Debtors Repayment) Rules 2017</i>	24 February 2017 (see F2017L00158)	25 February 2017	-
<i>Trade Support Loans (Overseas Debtor Repayment) Amendment and Repeal Instrument 2018</i>	29 June 2018 (see F2018L00939)	01 July 2018	Sch 1, c 4

Endnote 4—Amendment history

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**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
r. 4	am def F2017L00158
r. 16	ad F2017L00158
r. 17	ad F2017L00158
r. 4	ad def F2018L00939
r. 16(5)	am F2018L00939
r. 16(6)	rs F2018L00939