



Trade Support Loans Rules 2014

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

Compilation No. 3

Compilation date: 25 December 2021

Includes amendments up to: F2021L01905

Prepared by Department of Education, Skills and Employment, Canberra.

About this compilation

This compilation

This is a compilation of the *Trade Support Loans Rules 2014* that shows the text of the law as amended and in force on 25 December 2021 (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). 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 Loans Rules 2014*.

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 2021 published by the Australian Taxation Office in November 2021.

Note: As of November 2021, the *Salary and wage occupation codes 2020* is available at www.ato.gov.au/forms/salary-and-wage-occupation-codes-2021/.

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 a postcode listed in Schedule 1 to these Rules.

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 on 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.

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 Special case qualification and payability (the Act, ss 11(2))

- (a) The Secretary is to determine that subsection 11(1) of the Act applies to a person where before the end of an 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.
- (b) To avoid doubt, paragraph (a) does not limit the circumstances in which the Secretary may determine that subsection 11(1) of the Act applies to a person.

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

- (a) Subject to paragraph (b), a person making an application for trade support loan must lodge their application:
 - (i) in person;
 - (ii) by mail;
 - (iii) by email; or

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- (iv) electronically through a website or software program made available by the Department for that purpose.
- (b) If:
- (i) a person is undertaking a qualifying apprenticeship in respect of which the Secretary has previously made a determination granting an application by the person for trade support loan; and
 - (ii) the person is continuing that apprenticeship under the same training contract,
- the person may lodge a subsequent application for trade support loan in respect to that apprenticeship:
- (iii) in person; or
 - (iv) by mail; or
 - (v) by email; or
 - (vi) electronically through a website or software program made available by the Department for that purpose.

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 st year
13 – 24 completed calendar months	2 nd year
25 – 36 completed calendar months	3 rd year
37 + completed calendar months	4 th 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.

16 Foreign sourced income

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.

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
 - (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:

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- (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.

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.

Schedule 1 – List of postcodes in rural or regional areas

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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
<i>Trade Support Loans Legislation Amendment Instrument 2021</i>	24 December 2021 (see F2021L01905)	25 December 2021	-

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	am F2021L01905
r. 1	am F2021L01905
r. 2	rep LA s 48D
r. 4	am def F2017L00158 ad def F2018L00939 am def F2021L01905
r. 6	am F2021L01905
r. 8	am F2021L01905
r. 11	rs F2021L01905
r. 12	rs F2021L01905
r. 16	ad F2017L00158 am F2018L00939 rs F2018L00939
r. 17	ad F2017L00158
Sch. 1	rs F2021L01905