

Statutory Rules 1992 No. *1**432*

Immigration (Education) Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 4 of the *Acts Interpretation Act 1901*, make the following Regulations under the *Immigration (Education) Act 1971*.

Dated *17 December* 1992.

BILL HAYDEN

Governor-General

By His Excellency's Command,

Gerry Hand

Minister of State for Immigration, Local
Government and Ethnic Affairs

Citation

1. These Regulations may be cited as the Immigration (Education) Regulations.

Commencement

2. These Regulations commence on 1 January 1993.

Interpretation

3. 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*.

Fees—prescribed English courses

4. (1) The fee for a prescribed English course is:
 - (a) in the case of a formal course—\$250; and
 - (b) in any other case—\$50.
- (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) If the Minister is satisfied that a person who has paid a fee for a prescribed English course was, at the time of enrolment, exempt under subregulation (3) from paying the fee, the Minister must give the person a refund of the amount paid.

Definitions—section 4A of the Act

5. (1) For the purposes of section 4A of the Act, the card known as a Health Care Card that is issued by the Department of Social Security for the purposes of the *Health Insurance Act 1973* is a health care card.
- (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.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on

L 1992.

24 December