



Trade Support Loan Rules 2014

I, IAN MACFARLANE, Minister for Industry, make these Rules under subsection 106(1) of the *Trade Support Loans Act 2014*.

Dated 17 July 2014

IAN MACFARLANE
Minister for Industry

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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*.

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.

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
- (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.

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- (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
 - (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:

- (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 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.

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
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State/Territory	Postcodes
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State/Territory	Postcodes
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South Australia	5312
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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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