



New South Wales

Technical and Further Education Commission Amendment (Fees) Bill 2014

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to freeze at their 2014 level the maximum fees chargeable by the Technical and Further Education Commission (the *TAFE Commission*) for its courses (subject to indexation for inflation) and to preserve existing fee waivers, exemptions and concessions.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Technical and Further Education Commission Act 1990 No 118

Schedule 1 [1] makes it clear that the powers of the TAFE Commission to charge fees are subject to proposed Part 7A (Maximum fees payable for courses).

Schedule 1 [2] limits the ability of the TAFE Commission to increase its fees after 2014, as follows:

- (a) maximum fees for courses are frozen at the 2014 level, subject to indexation for inflation,
- (b) maximum fees payable by apprentices, trainees and government benefits recipients are frozen at the 2014 level, subject to indexation for inflation,

- (c) the complete exemption for Aboriginal and Torres Strait Islander students and students with a disability that applied in 2014 is preserved,
- (d) the complete exemption for special access courses that applied in 2014 is preserved,
- (e) provision is made for the indexation of fees, where applicable, having regard to changes in the Sydney Education Group Index recorded by the Australian Statistician.

Schedule 1 [3] provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act.



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Technical and Further Education Commission Amendment (Fees) Bill 2014

No. , 2014

A Bill for

An Act to amend the *Technical and Further Education Commission Act 1990* to freeze the maximum fees chargeable by the Technical and Further Education Commission for its courses at their 2014 level, subject to indexation for inflation, and to preserve existing fee waivers, exemptions and concessions.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Technical and Further Education Commission Amendment (Fees) Act 2014</i> .	3
	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1	Amendment of Technical and Further Education Commission Act 1990 No 118	1
		2
[1] Section 7 Miscellaneous functions		3
	Insert “subject to Part 7A,” before “impose” in section 7 (1) (h).	4
[2] Part 7A		5
	Insert after Part 7:	6
	Part 7A Maximum fees payable for courses	7
29A Fees for courses frozen at 2014 levels		8
(1)	Subject to this Part, the fees payable to undertake courses provided by the TAFE Commission during 2015 or subsequently are not to exceed the following fees, with adjustments for inflation as provided by this Part:	9
(a)	for an Advanced Diploma course—\$1,818 (for the whole year) or \$909 (for one semester or less),	10
(b)	for a Diploma course—\$1,514 (for the whole year) or \$757 (for one semester or less),	11
(c)	for a Certificate IV course—\$1,140 (for the whole year) or \$570 (for one semester or less),	12
(d)	for a Certificate III course—\$838 (for the whole year) or \$419 (for one semester or less),	13
(e)	for a Certificate II course—\$534 (for the whole year) or \$267 (for one semester or less),	14
(f)	for a Certificate I course—\$534 (for the whole year) or \$267 (for one semester or less),	15
(g)	for a Statement or Short course—\$534 (for the whole year) or \$267 (for one semester or less).	16
(2)	The fees payable to undertake any other course provided by the TAFE Commission are not to exceed the fees payable, as at 1 July 2014, for the nearest equivalent 2014 course, with adjustments for inflation as provided by this Part.	17
29B Fees for courses undertaken by apprentices or trainees frozen at 2014 levels		18
(1)	The fees payable by an apprentice or trainee to undertake a course provided by the TAFE Commission are not to exceed \$506 (for the whole year) or \$253 (for an enrolment of one semester or less), with adjustments for inflation as provided by this Part.	19
(2)	In this section: <i>apprentice</i> and <i>trainee</i> have the same meanings as they have in the <i>Apprenticeship and Traineeship Act 2001</i> .	20
29C Fees for courses undertaken by government benefits recipients frozen at 2014 levels		21
(1)	The fees payable by a government benefits recipient to undertake a course provided by the TAFE Commission are not to exceed \$106 (for the whole year or for an enrolment of one semester or less), with adjustments for inflation as provided by this Part.	22

(2)	In this section:	1
	<i>government benefits recipient</i> means a person who is of a class treated as a	2
	government benefits recipient by the TAFE Commission in 2014 and includes,	3
	but is not limited to, an eligible pensioner within the meaning of the <i>Motor</i>	4
	<i>Vehicles Taxation Act 1988</i> .	5
29D	No fees payable for certain special access courses	6
	Fees are not payable:	7
(a)	in relation to any course provided by the TAFE Commission that was a	8
	special access course in 2014, or	9
(b)	in relation to any other course first provided by the TAFE Commission	10
	that is equivalent to a special access course.	11
29E	No fees payable by certain persons	12
(1)	Fees are not payable by any person who identifies as an Aboriginal or Torres	13
	Strait Islander person for any course provided by the TAFE Commission.	14
(2)	Fees are not payable by any person with a disability for the first course	15
	provided by the TAFE Commission undertaken by the person in any calendar	16
	year.	17
29F	Indexing of fees under this Part	18
(1)	The maximum fees set out in this Part are to be increased annually	19
	(commencing on 1 July 2015) having regard to the annual increase in the	20
	Education Group Index during that previous year commencing on 1 July of	21
	that year.	22
(2)	In this section:	23
	<i>Education Group Index</i> means the Education Group Index for Sydney	24
	published by the Australian Statistician as part of the Australian Consumer	25
	Price Index for Sydney.	26
[3]	Schedule 4 Savings, transitional and other provisions	27
	Insert at the end of clause 1 (1):	28
	<i>Technical and Further Education Commission Amendment (Fees) Act 2014</i>	29