



Western Australia

Higher Education Act 2004

Higher Education Regulations 2005

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**Schedule 1 — Information prescribed
under section 7, 9, 13A or 13**

**Schedule 2 — Information to be
included in applications for
course accreditation**

**Division 1 — Information to be included in all
applications for course accreditation**

**Division 2 — Additional information to be
included in subsequent applications for
course accreditation**

Notes

Compilation table

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Higher Education Regulations 2005

1. Citation

These regulations are the *Higher Education Regulations 2005*¹.

2. Terms used

- (1) In these regulations, unless the contrary intention appears —
- ACN*, which stands for “Australian company number”, has the meaning given to that term in the Corporations Act;
- Australian student* means a student or prospective student who is an Australian citizen or who is an Australian permanent resident within the meaning of the *Migration Act 1958* of the Commonwealth;
- award* means a higher education award;
- Corporations Act* means the *Corporations Act 2001* of the Commonwealth;
- corresponding law* means a law of the Commonwealth, another State or a Territory that corresponds to the Act;
- course*, in relation to an application under section 9, 13 or 17 of the Act, means a higher education course to which the application relates;
- higher education advisory committee*, in relation to a request under section 7 of the Act or an application under section 9, 13 or 17 of the Act, means the higher education advisory committee appointed to consider the request or application;

overseas student means a person who holds a student visa in force under the *Migration Act 1958* of the Commonwealth;

recognised course provider means —

- (a) a recognised overseas university that is providing an accredited course; or
- (b) an authorised non-university institution that is providing an accredited course;

registered business name means a business name that is registered under the *Business Names Registration Act 2011* (Commonwealth);

registered office, in relation to a company, has the meaning given to that term in the Corporations Act;

related, in relation to a course, has the meaning given to that term in subregulation (2)(b);

unrelated, in relation to a course, has the meaning given to that term in subregulation (2)(a).

- (2) For the purposes of these regulations —
 - (a) a course to which an application under section 13 or 17 of the Act relates is **unrelated** if it is in a different field of study from each other course (if any) to which the application relates; and
 - (b) a course to which an application under section 13 or 17 of the Act relates is **related** if it is one of a group of 2 or more courses to which the application relates that are in the same field of study as each other.

[Regulation 2 amended: Gazette 8 Jun 2010 p. 2608; 27 Nov 2012 p. 5736.]

3. Information prescribed (Act s. 7(2)(b))

For the purposes of section 7(2)(b) of the Act, the prescribed information is the information specified in Schedule 1.

[Regulation 3 inserted: Gazette 8 Jun 2010 p. 2608.]

4. Information prescribed (Act s. 9(2)(b))

For the purposes of section 9(2)(b) of the Act, an application for a section 10 determination must include the information specified in Schedule 1.

5A. Information prescribed (Act s. 13A(2)(b))

For the purposes of section 13A(2)(b) of the Act, the prescribed information is the information specified in Schedule 1.

[Regulation 5A inserted: Gazette 8 Jun 2010 p. 2609.]

5B. Agreement under Act s. 28(1), content of

- (1) An arrangement entered into under section 28(1) of the Act by the Minister with a person (the *applicant*) must provide for —
 - (a) the costs and expenses of the preparation of a report by a person approved by the Minister on —
 - (i) the financial and other resources available to the applicant; and
 - (ii) whether or not those resources are adequate to enable the applicant to comply with the requirements of the Act and meet the criteria set out in any National Protocol applicable to the applicant;
 - and
 - (b) the costs and expenses relating to preparing and executing the agreement; and
 - (c) in the case of an appointment of a higher education advisory committee, the costs and expenses incurred by the Minister in relation to —
 - (i) the remuneration, allowances and expenses of members of the committee; and
 - (ii) selecting and appointing members of the committee; and

- (iii) providing services to the committee; and
 - (iv) the preparation of interim or other reports of the committee;
- and
- (d) the times or stages in which, and the manner in which, payments of costs, expenses remuneration and allowances are to be made by the applicant to the Minister.
- (2) If there is a dispute between the applicant and the Minister about the costs and expenses that are to be paid by the applicant under an arrangement entered into under section 28(1) of the Act, that dispute is to be determined by arbitration under the *Commercial Arbitration Act 2012*.
- [Regulation 5B inserted: Gazette 8 Jun 2010 p. 2609-10; amended: Gazette 19 Jul 2013 p. 3265.]*

5. Fees prescribed etc. (Act s. 13(2)(a))

- (1) For the purposes of section 13(2)(a) of the Act, the fee to accompany an application for a provider's authorisation is \$1 500.
- (2) If, after making a preliminary assessment of the application, the higher education advisory committee makes a full assessment of the application, then the applicant —
 - (a) is liable to pay a fee for the full assessment calculated in accordance with subregulation (4); and
 - (b) is entitled to a refund or rebate of the amount of the application fee paid under subregulation (1).
- (3) The fee for the full assessment is payable within 30 days after the applicant is notified of the higher education advisory committee's decision to make the full assessment.
- (4) The fee for the full assessment is the amount equal to the sum of —

- (a) the fees payable under subregulation (5) for each unrelated course; and
- (b) the fees payable under subregulation (6) for each group of 2 or more related courses.
- (5) The fee payable for an unrelated course leading to an award of a kind specified in column 2 of an item in the Table to this regulation is the amount specified in column 3 of the item.
- (6) The fee payable for a group of 2 or more related courses each leading to an award of a kind specified in column 2 in the Table to this regulation is the amount specified in column 3 of the item in the Table that refers to the higher or highest award that can be conferred in respect of a course in the group.

Fees for provider's authorisation

Item	Award	Fee
1.	Diploma	\$3 860
2.	Advanced diploma	\$3 860
3.	Associate degree	\$4 630
4.	Bachelor degree	\$8 190
5.	Graduate certificate	\$4 630
6.	Graduate diploma	\$4 630
7.	Masters degree	\$8 190
8.	Doctoral degree	\$8 190

[Regulation 5 amended: Gazette 14 Aug 2009 p. 3183; 25 Nov 2011 p. 4868.]

6. Information prescribed (Act s. 13(2)(b))

For the purposes of section 13(2)(b) of the Act, an application for a provider's authorisation must include the information specified in Schedule 1.

7. Fees prescribed etc. (Act s. 17(2)(a))

- (1) For the purposes of section 17(2)(a) of the Act, the fee to accompany an application for ministerial accreditation of a course is \$1 500.
- (2) However, if the applicant applies at the same time for both a provider's authorisation and ministerial accreditation of a course —
 - (a) an application fee is not payable under subregulation (1); and
 - (b) the fee payable under subregulation (5) (if any) for a full assessment is payable in addition to the fees payable under regulation 5 in relation to the application for a provider's authorisation.
- (3) If, after making a preliminary assessment of the application, the higher education advisory committee makes a full assessment of the application, then the applicant —
 - (a) is liable to pay a fee for the full assessment calculated in accordance with subregulation (5); and
 - (b) is entitled to a refund or rebate of the amount of the application fee paid under subregulation (1) (if any).
- (4) The fee for the full assessment is payable within 30 days after the applicant is notified of the higher education advisory committee's decision to make the full assessment.
- (5) The fee for the full assessment is the amount equal to the sum of —
 - (a) the fees payable under subregulation (6) for each unrelated course; and

- (b) the fees payable under subregulation (7) for each group of 2 or more related courses.
- (6) The fee payable for an unrelated course leading to an award of a kind specified in column 2 of an item in the Table to this regulation is the amount specified in column 3 of the item.
- (7) The fee payable for a group of 2 or more related courses each leading to an award of a kind specified in column 2 of the Table to this regulation is the amount equal to the sum of —
- the amount specified in column 3 of the item in the Table that refers to the higher or highest award that can be conferred in respect of a course in the group; and
 - for each other course in the group — the amount specified in column 4 of the item in the Table that refers to the award that can be conferred in respect of the course.

Fees for course accreditation

Item	Award	Fee for course for highest award	Fee for additional course
1.	Diploma	\$4 630	\$1 155
2.	Advanced diploma	\$4 630	\$1 155
3.	Associate degree	\$4 630	\$1 155
4.	Bachelor degree	\$5 940	\$1 470
5.	Graduate certificate	\$4 630	\$1 155
6.	Graduate diploma	\$4 630	\$1 155
7.	Masters degree	\$7 420	\$1 850

Item	Award	Fee for course for highest award	Fee for additional course
8.	Doctoral degree	\$7 420	\$1 850

[Regulation 7 amended: Gazette 14 Aug 2009 p. 3184; 25 Nov 2011 p. 4868-9.]

8. Information prescribed (Act s. 17(2)(b))

- (1) For the purposes of section 17(2)(b) of the Act, an application for ministerial accreditation of a course must include the information specified in Schedule 2 Division 1.
- (2) An application for accreditation of a course that is or has been registered under section 23(3) of the Act must also include the information specified in Schedule 2 Division 2.

9A. Fee, how calculated (Act s. 21A(3)(c))

For the purposes of section 21A(3)(c) of the Act, the fee to accompany a request to undertake a review of a report of a higher education advisory committee is to be calculated by multiplying —

- (a) the rate per hour agreed to by the applicant and the Minister; and
- (b) an estimate of the number of hours that will be required to undertake the review agreed to by the applicant and the Minister.

[Regulation 9A inserted: Gazette 8 Jun 2010 p. 2610.]

9. Information to be provided by recognised course providers

- (1) For the purposes of section 30(2)(b) of the Act, a recognised course provider must give the Minister written notice of the following —

- (a) any proposed change in the ownership of the recognised course provider;
 - (b) any material change in another particular required to be included in an application made by the recognised course provider under section 9, 13A, 13 or 17 of the Act.
- (2) Notice of a proposed change in the ownership of the recognised course provider must be given at least 30 days before the proposed change is made.
Penalty: a fine of \$5 000.
- (3) Notice of a material change in another particular must be given within 30 days after the change occurs.
Penalty: a fine of \$5 000.

[Regulation 9 amended: Gazette 8 Jun 2010 p. 2610.]

10. Waiver of fees

The Minister may in a particular case waive all or part of a fee prescribed in these regulations if, in the Minister's opinion, it is fair to do so in the circumstances of the case.

Notes

- ¹ This is a compilation of the *Higher Education Regulations 2005* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Higher Education Regulations 2005</i>	26 Jul 2005 p. 3411-27	26 Jul 2005
<i>Higher Education Amendment Regulations 2009</i>	14 Aug 2009 p. 3183-4	r. 1 and 2: 14 Aug 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Aug 2009 (see r. 2(b))
<i>Higher Education Amendment Regulations 2010</i>	8 Jun 2010 p. 2608-11	r. 1 and 2: 8 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Jun 2010 (see r. 2(b))
<i>Higher Education Amendment Regulations 2011</i>	25 Nov 2011 p. 4867-9	r. 1 and 2: 25 Nov 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Nov 2011 (see r. 2(b))
Reprint 1: The <i>Higher Education Regulations 2005</i> as at 19 Oct 2012 (includes amendments listed above)		
<i>Higher Education Amendment Regulations 2012</i>	27 Nov 2012 p. 5736	27 Nov 2012
<i>Higher Education Amendment Regulations 2013</i>	19 Jul 2013 p. 3265	r. 1 and 2: 19 Jul 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Aug 2013 (see r. 2(b) and <i>Gazette</i> 6 Aug 2013 p. 3677)

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
ACN.....	2(1)
applicant.....	5B(1)
Australian student	2(1)
award	2(1)
Corporations Act.....	2(1)
corresponding law.....	2(1)
course.....	2(1)
higher education advisory committee	2(1)
overseas student	2(1)
recognised course provider	2(1)
registered business name.....	2(1)
registered office	2(1)
related	2(1), 2(2)
unrelated	2(1), 2(2)