

ED301*

Vocational Education and Training Act 1996

Vocational Education and Training (Colleges) Amendment Regulations 2010

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (Colleges) Amendment Regulations 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Vocational Education and Training (Colleges) Regulations 1996*.

4. Regulation 12 amended

- (1) In regulation 12(1):
 - (a) delete paragraph (a) and insert:
 - (a) for a category A course — the fee determined in accordance with regulation 13B(1) or 13C(2);

- (2) Delete regulation 12(3) and (4) and insert:
- (2) The unit fee for a unit that is a component of a category A course is the fee determined in accordance with Schedule 1 item 2.

Note: The heading to amended regulation 12 is to read:

Course and unit fees

5. Regulations 13A to 13D inserted

After regulation 12 insert:

13A. Payment methods for category A course

The course fee for a category A course may be paid —

- (a) by semester; or
(b) by paying the whole course fee by instalments.

13B. Payment by semester for category A course

- (1) The course fee for a category A course for a person who pays by semester is the sum of the unit fees payable at the time the person enrolls in a unit for each unit that is a component of the course.
- (2) Subject to subregulation (3), the amount of the course fee payable for a semester by a person enrolled for a category A course who pays by semester is the sum of the unit fees payable for each unit that the person is enrolled in for the semester.
- (3) The maximum amount of the course fee payable by a person for a semester is —
- (a) if the person is a concessional student —
- (i) for the units in which the person is enrolled only for the purpose of assessment of skills and competency — \$145;
- (ii) for all units — \$290;
- (b) if the person is not a concessional student —
- (i) for the units in which the person is enrolled only for the purpose of assessment of skills and competency — \$290;
- (ii) for all units — \$580.
- (4) The course fee payable by a person enrolled for a category A course who pays by semester is due before the commencement of study in the semester.

13C. Payment of whole course fee for category A course

- (1) In this regulation —
payment plan means a plan determined by the college at which a person is enrolled for the payment of the whole course fee by instalments.
- (2) The course fee for a category A course for a person who pays the whole course fee by instalments is the sum of —
 - (a) the unit fees payable at the time the person enrolls in the course for each unit that is a component of the course; and
 - (b) if the person repeats a unit — the unit fee payable for that unit at the time the person enrolls to repeat the unit.
- (3) Subject to subregulations (4) and (5), a person who pays the whole course fee by instalment for a category A course is to make payments in accordance with a payment plan provided to the person by the college at which the person is enrolled.
- (4) The maximum amount of the course fee payable in any period of 6 months by a person who pays the whole course fee by instalments is —
 - (a) if the person is a concessional student — \$290;
 - (b) if the person is not a concessional student — \$580.
- (5) A person is not required to make a payment under a payment plan if the person has withdrawn from the course before the payment becomes due.
- (6) The governing council of a college may cancel the enrolment of a person if —
 - (a) the person fails to make a payment in accordance with a payment plan when it becomes due; and
 - (b) the council has given the person 21 days written notice of its intention to cancel the enrolment; and
 - (c) the payment remains unpaid at the expiry of those 21 days.
- (7) If a person fails to make a payment in accordance with a payment plan when it becomes due, the governing council of the college may recover the amount in a court of competent jurisdiction as a debt due to the college.

13D. Payment for category B and category C courses

A person enrolled for a category B or category C course is to pay the course fee at the time the person enrolls for the course.

6. Regulation 17 amended

Delete regulation 17(2) and insert:

- (2) A person is enrolled as a student at a college if —
- (a) he or she has lodged a completed enrolment form for a course with the college; and
 - (b) subject to regulations 22 and 23, he or she pays —
 - (i) any amount payable in respect of the course fee for the course provided for by Part 3 Division 2 as the payment becomes due; and
 - (ii) any other fee or charge properly payable in connection with the course under regulation 16.

7. Regulations 24 to 26 deleted

Delete regulations 24 to 26.

8. Part 5 Division 3 inserted

At the end of Part 5 insert:

Division 3 — Refund of fees**24A. Terms used**

In this Division —

payment period, in relation to the payment of the whole course fee by instalments for a category A course, means a period of 6 months commencing on the date the payment is due under the payment plan;

pro rata refund means —

- (a) for a category A unit where fees are paid by semester — a refund of the same proportion of the fee paid by a person for the unit as the proportion of the unit that had not been delivered at the time the person withdrew from the unit;
- (b) for a category A course where the whole course fee is paid by instalments — a refund of the

same proportion of the payment made by a person for a payment period as the proportion of the course to be delivered in that payment period that had not been delivered at the time the person withdrew from the course;

unforeseen circumstances means a change of circumstances that a person could not reasonably have foreseen before the expiry of the allowed period under regulation 25(2).

24B. Withdrawal from course or unit

For the purposes of this Division, a person withdraws from a course or unit when he or she gives the college providing the course or unit a notice of withdrawal, in a form provided by the college, or if no form is provided, in writing.

24. Refund of fees on cancellation etc. of course or unit

A person enrolled for a course or a unit that is a component of a course is entitled to a full refund of all fees paid in respect of a semester or payment period for that course or unit —

- (a) if, after the commencement of the semester or payment period, the course or unit is cancelled; or
- (b) if, after the commencement of the semester or payment period —
 - (i) there is a change in the day or time scheduled for the course or unit; and
 - (ii) the person withdraws from the course or unit because the day or time as changed is not suitable for him or her.

25. Full refund of certain fees on withdrawal within specified period

- (1) A person enrolled for a course or for a unit that is a component of a course is entitled to a full refund of all fees paid in respect of a semester or a payment period for that course or unit if within the allowed period the person withdraws from the course.
- (2) For the purpose of subregulation (1) the allowed period is the period ending —
 - (a) 4 weeks after the commencement of delivery of the course or the unit in that semester or payment period; or
 - (b) when 25% of the course or unit has been delivered in that semester or payment period,whichever is the sooner.

26. Pro rata refund of certain fees on withdrawal

- (1) A person enrolled for a category A unit who pays fees by semester is entitled to a pro rata refund of the fees paid for the unit if, after the expiry of the allowed period for that unit under regulation 25(2), he or she —
- (a) withdraws from the unit; and
 - (b) provides evidence to the satisfaction of the governing council that the withdrawal is due to unforeseen circumstances.
- (2) A person enrolled for a category A course who pays the whole course fee by instalments is entitled to a pro rata refund of the amount of the fee paid in respect of a payment period if after the expiry of the allowed period for that payment period under regulation 25(2), he or she —
- (a) withdraws from the course; and
 - (b) provides evidence to the satisfaction of the governing council that the withdrawal is due to unforeseen circumstances.

9. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[r. 9 and 12]

Item	Fee for	Fee (\$)
1.	Late application (r. 9(2))	75.00
2.	Unit fee for unit that is a component of a category A course (r. 12(2)) —	
	(a) For a person who is not a concessional student and is enrolled to undertake the unit —	
	(i) for a band 1 unit	14.00
	(ii) for a band 2 unit	30.00
	(iii) for a band 3 unit	62.00
	(iv) for a band 4 unit	124.00
	(b) For a person who is a concessional student and is enrolled to undertake the unit —	
	(i) for a band 1 unit	7.00
	(ii) for a band 2 unit	15.00

Item	Fee for	Fee (\$)
	(iii) for a band 3 unit	31.00
	(iv) for a band 4 unit	62.00
	(c) For a person who is not a concessional student and is enrolled for the purpose of assessment of skills and competency —	
	(i) for a band 1 unit	7.00
	(ii) for a band 2 unit	15.00
	(iii) for a band 3 unit	31.00
	(iv) for a band 4 unit	62.00
	(d) For a person who is a concessional student and is enrolled for the purpose of an assessment of skills and competency —	
	(i) for a band 1 unit	3.50
	(ii) for a band 2 unit	7.50
	(iii) for a band 3 unit	15.50
	(iv) for a band 4 unit	31.00
3.	Category B course, per semester (r. 12(1))	25.00
4.	Category C course, per hour or part of an hour, for the course (r. 12(1))	4.15

By Command of the Lieutenant-Governor and deputy of the Governor,

R. KENNEDY, Clerk of the Executive Council.