

A large, bold, black letter 'G' is the central element of the logo. To its left is a white silhouette of the Western Australian coastline, set against a background of horizontal black lines.

WESTERN
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VOCATIONAL EDUCATION AND TRAINING
ACT 1996

**VOCATIONAL EDUCATION AND
TRAINING
REGULATIONS 1996**

WESTERN AUSTRALIA

**VOCATIONAL EDUCATION AND
TRAINING REGULATIONS 1996**

ARRANGEMENT

Page

PART 1 — PRELIMINARY

1. Citation
2. Commencement
3. Definitions

PART 2 — CLASSIFICATION OF COURSES

4. Classification by Minister

PART 3 — SELECTION AND FEES

Division 1 — Selection for category A courses, and fees

5. Definitions
6. Application of this Division
7. Admissions Manager to perform functions on behalf of colleges
8. Application for selection for a course
9. Late applications
10. Fee for assessing suitability of particular practical experience
11. Amendment of application

Division 2 — Tuition fees for courses

12. Tuition fee for category A courses
13. No tuition fee for category B courses
14. Tuition fees for category C courses
15. Tuition fees for category D courses

Division 3 — Other fees

16. Colleges may determine other fees

PART 4 — ENROLMENT

17. Enrolment
18. When enrolment may be refused
19. Enrolment fee

PART 5 — FEE CONCESSIONS, EXEMPTIONS ETC.

Division 1 — Concessional rates of fees

20. Persons entitled to concessional rate of tuition fees
21. Concessional rate may be allowed for vocational courses in cases of financial hardship

Division 2 — Other fee relief

22. Payment of certain fees by instalments may be allowed in cases of financial hardship
23. Exemption from fees in cases of severe financial hardship
24. Refund of fees on cancellation etc. of course
25. Full refund of tuition fee on withdrawal within specified period
26. *Pro rata* refund of tuition fee on withdrawal

PART 6 — COMMON SEALS OF COLLEGES

27. Form
28. Custody
29. Use
30. Attestation
31. Seal book

PART 7 — SUPPLEMENTARY TRANSITIONAL PROVISIONS

32. State Training Profile
33. College training profile
34. Agreements with training providers
35. Saving

SCHEDULE 1 — FEES

VOCATIONAL EDUCATION AND TRAINING ACT 1996
VOCATIONAL EDUCATION AND TRAINING REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

PART 1 — PRELIMINARY

Citation

1. These regulations may be cited as the *Vocational Education and Training Regulations 1996*.

Commencement

2. These regulations come into operation on the day on which Part 5 of the Act comes into operation.

Definitions

3. In these regulations the expression “**category A course**”, “**category B course**”, “**category C course**” or “**category D course**” means a course classified as of that category under regulation 4.

PART 2 — CLASSIFICATION OF COURSES

Classification by Minister

4. (1) The Minister is to issue to all colleges not later than the beginning of a calendar year an instrument setting out for that year the way in which courses provided by colleges are classified for the purposes of these regulations.

(2) In the instrument referred to in subregulation (1) the courses provided by colleges are to be classified as follows —

- (a) category A is to consist of courses that the Minister determines generally lead to credentials for engaging in any occupation, employment or trade;
- (b) category B is to consist of courses that the Minister determines are intended to promote equality of opportunity in gaining access to vocational education and training or employment;
- (c) category C is to consist of courses that the Minister determines are intended for persons engaged, or seeking to be engaged, in small business undertakings; and
- (d) category D is to consist of courses that the Minister determines are intended for personal or community development.

(3) The Minister may by instrument issued to all colleges amend an instrument issued under subregulation (1).

PART 3 — SELECTION AND FEES***Division 1 — Selection for category A courses, and fees*****Definitions**

5. In this Division —

“**Admissions Manager**” means the officer designated under regulation 7;

“**course**” means a category A course.

Application of this Division

6. (1) This Division does not apply to a course if —

(a) the tuition for the course does not exceed —

(i) an average of 13 hours in each week; or

(ii) a total of 221 hours in a semester; or

(b) the chief executive officer of the department has determined that applications for selection for the course are to be made to the college concerned.

(2) The description of a course in the handbook of courses published for prospective students of colleges is to indicate whether subregulation (1) (b) applies to the course.

Admissions Manager to perform functions on behalf of colleges

7. The chief executive officer of the department is to designate an officer of the department as Admissions Manager with the function of undertaking, where this Division applies, the selection of persons for category A courses on behalf of colleges.

Application for selection for a course

8. (1) A person who wishes to be selected for a course provided by a college is to —

(a) apply in writing to the Admissions Manager for selection; and

(b) pay the application fee specified in item 1 of Schedule 1.

(2) A fee is not payable by a person for an application under subsection (1) if the person was enrolled in a secondary education institution (whether a senior college, senior campus or secondary school) on a full-time basis at any time during the academic year before the year in which the application is made.

Late applications

9. (1) The Admissions Manager may for any course determine a day after which applications under regulation 8 are to be regarded as late applications.

(2) A person who wishes to make a late application under regulation 8 (including a person who comes within regulation 8(2)) is to pay, instead of the fee specified in item 1 of Schedule 1, the late application fee specified in item 2 of that Schedule.

Fee for assessing suitability of particular practical experience

10. (1) A person who wishes —

- (a) to make an application under regulation 8 in respect of a course; and
- (b) to be selected for the course on the basis of experience rather than previous vocational education,

is to pay, instead of the fee specified in item 1 of Schedule 1, an application fee determined by the Admissions Manager as representing the cost of dealing with the application.

(2) The fee determined under subregulation (1) is not to exceed the relevant amount specified in item 3 of Schedule 1.

Amendment of application

11. A person who —

- (a) has made an application under regulation 8; and
- (b) wishes to make a change to the application,

is to pay to the Admissions Manager the fee specified in item 4 of Schedule 1.

Division 2 — Tuition fees for courses

Tuition fee for category A courses

12. The tuition fee for a category A course is to be an amount calculated in accordance with item 5 of Schedule 1.

No tuition fee for category B courses

13. No tuition fee is payable for a category B course.

Tuition fees for category C courses

14. The tuition fee for a category C course is to be an amount calculated in accordance with item 6 of Schedule 1.

Tuition fees for category D courses

15. (1) The tuition fee for a category C course is to be an amount calculated in accordance with item 7 of Schedule 1.

Division 3 — Other fees

Colleges may determine other fees

16. (1) A college may from time to time determine any fee or charge that is payable to the college for any particular vocational education or training or related service supplied by the college, not being a service for which a fee is prescribed by these regulations.

(2) The Minister is to direct each college under section 11 of the Act as to the manner in which a determination under subregulation (1) is to be published.

(3) A determination under subregulation (1) does not have effect until it is published accordingly.

PART 4 — ENROLMENT

Enrolment

17. (1) A person cannot take a course provided by a college unless he or she is enrolled as a student at the college.

(2) A person is enrolled by —

- (a) lodging a completed enrolment form with the college; and
- (b) paying —
 - (i) the enrolment fee provided for by regulation 19;
 - (ii) the tuition fee for the course provided for by Division 2 of Part 3 except to the extent that he or she is —
 - (I) exempt from payment under regulation 13 or 23; or
 - (II) allowed to pay by instalments under regulation 22;
- and
- (iii) any other fee or charge properly payable in connection with the course under regulation 16.

When enrolment may be refused

18. (1) Despite regulation 17, a person is not enrolled at a college if, within 21 days after he or she has complied with that regulation, the governing council of the college —

- (a) decides to refuse the enrolment; and
- (b) gives notice in writing to the person of the decision and of the reasons for it.

(2) The only grounds on which a governing council may refuse an enrolment under subregulation (1) are that the person —

- (a) has committed —
 - (i) a breach of discipline at a college; or
 - (ii) a breach of the by-laws of a college,
- and the governing council considers that there is a significant risk of a further breach by the person; or
- (b) has failed to pay any fee or charge properly payable to a college.

(3) It is sufficient compliance with subregulation (1) (b) if the notice is sent by post to a postal address given by the person in the enrolment form.

(4) Nothing in this regulation affects the application of criteria in the selection of persons for a course.

Enrolment fee

19. (1) The enrolment fee is the relevant fee specified in item 8 of Schedule 1.

(2) A person is a full-time student for the purposes of item 8 of Schedule 1 if his or her application for enrolment covers a course or courses for which the tuition exceeds —

- (a) an average of 13 hours in each week; or
- (b) a total of 221 hours in a semester.

PART 5 — FEE CONCESSIONS, EXEMPTIONS ETC.***Division 1 — Concessional rates of fees*****Persons entitled to concessional rate of tuition fees**

20. (1) The following persons are entitled to a concessional rate of tuition fees for any category A course —

- (a) persons holding —
 - (i) a Health Benefit Card issued by the Commonwealth Department of Social Security;
 - (ii) a Pensioner Concession Card issued by the Commonwealth Department of Social Security;
 - (iii) a Veteran's Health Benefits Card issued by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs; or
 - (iv) a State Concession Card issued by the Director of the Department for Family and Children's Services in this State, and dependants of such persons;
- (b) persons in receipt of —
 - (i) a benefit under —
 - (I) the AUSTUDY scheme described in the *Student and Youth Assistance Act 1973* of the Commonwealth; or
 - (II) the ABSTUDY scheme;or
 - (ii) a Job Search or newstart allowance, an additional family payment or special benefit under the *Social Security Act 1991* of the Commonwealth, and dependants of such persons;
- (c) a youth training allowance under the *Student and Youth Assistance Act 1973* of the Commonwealth;
- (d) persons who were enrolled in a secondary education institution (whether a senior college, senior campus or secondary school) on a full-time basis at any time during the academic year before the year in which the course is taken; and
- (e) persons who are inmates of a custodial institution for adults or juveniles.

(2) The following persons are entitled to a concessional rate of tuition fees for any category D course —

- (a) persons holding —
 - (i) a Health Benefit Card issued by the Commonwealth Department of Social Security;
 - (ii) a Health Care Card issued by the Commonwealth Department of Social Security;
 - (iii) a Pensioner Concession Card issued by the Commonwealth Department of Social Security;
 - (iv) a Veteran's Health Benefits Card issued by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs; or
 - (v) a State Concession Card issued by the Director of the Department for Family and Children's Services in this State,
 and dependants of such persons; and
- (b) persons holding a Senior's Card issued by the Office of Seniors' Interests in this State.

(3) It is the responsibility of a person who claims an entitlement under this regulation in relation to a course provided by a college to establish that entitlement to the satisfaction of the governing council of the college.

Concessional rate may be allowed for vocational courses in cases of financial hardship

21. If the governing council of a college is satisfied, on application by a person who wishes to enrol at the college for a category A course, that payment of the full tuition fee for the course would cause financial hardship to the person, the council may determine that the concessional rate is to apply to that person for that course as if he or she were a person to whom regulation 20 (1) applies.

Division 2 — Other fee relief

Payment of certain fees by instalments may be allowed in cases of financial hardship

22. (1) If the governing council of a college is satisfied, on application by a person who wishes to enrol at the college for a course, that payment of the full tuition fee for the course at the time of enrolment would cause financial hardship to the person, the council may allow the person to pay the fee by instalments of such amounts and at such times as it determines.

(2) If the governing council of a college is satisfied, on application by a person who would otherwise be liable for a fee imposed under regulation 16 for a service, that payment of the fee would cause financial hardship to the person,

the council may allow the person to pay the fee by instalments of such amounts and at such times as it determines.

Exemption from fees in cases of severe financial hardship

23. (1) If the governing council of a college is satisfied, on application by a person who wishes to enrol at the college for a course, that payment of the tuition fee for the course would cause severe financial hardship to the person, the council may determine that no tuition fee is payable by the person for the course.

(2) If the governing council of a college is satisfied, on application by a person who would otherwise be liable for a fee imposed under regulation 16 for a service, that payment of the fee would cause severe financial hardship to the person, the council may determine that the fee is not payable by the person for the service.

Refund of fees on cancellation etc. of course

24. A person who is enrolled at a college for a course is entitled to a full refund of any fee paid for that course under regulation 17, or any instalment of the tuition fee —

- (a) if, after enrolment, the course is cancelled; or
- (b) if, after enrolment —
 - (i) there is a change in the day or time when tuition is given; and
 - (ii) the person lodges with the college notice, in a form provided by the college, that he or she has withdrawn from the course because the day or time as changed is not suitable to him or her.

Full refund of tuition fee on withdrawal within specified period

25. (1) A person who is enrolled at a college for a course is entitled to a full refund of the tuition fee paid for that course, or any instalment of the fee, if within the allowed period he or she lodges with the college notice, in a form provided by the college, that he or she has withdrawn from the course.

(2) For the purposes of subregulation (1) the allowed period ends —

- (a) 4 weeks after tuition has begun; or
- (b) on the completion of 25% of the tuition hours of the course,

whichever is the sooner.

***Pro rata* refund of tuition fee on withdrawal**

26. (1) A person who is enrolled at a college for a course is entitled to a *pro rata* refund of the tuition fee paid for that course, or any instalment of the fee, if after the expiry of the allowed period under regulation 25 (2), he or she —

- (a) lodges with the college notice, in a form provided by the college, that he or she has withdrawn from the course; and
- (b) provides evidence to the satisfaction of the governing council that the withdrawal is due to a change of circumstances which the person could not reasonably have foreseen at the time of the enrolment.

(2) The *pro rata* refund is to be the same proportion of the fee paid as the balance of the number of hours of tuition bears to the total number of hours of tuition in the course.

PART 6 — COMMON SEALS OF COLLEGES

Form

- 27.** The common seal of a college is to be circular in form and have —
- (a) the name of the college in its centre; and
 - (b) the words “Common Seal” around its circumference.

Custody

- 28.** The common seal of a college is to be kept in safe custody by the managing director of the college.

Use

- 29.** The common seal of a college is not to be affixed to any document unless the governing council of the college has determined by resolution that it be so affixed.

Attestation

- 30.** The common seal of a college is to be affixed to a document in the presence of —
- (a) the chairperson or deputy chairperson of the governing council of the college; and
 - (b) at least one other member of the governing council,

and each of the persons so present is to sign the document to attest that the common seal was so affixed.

Seal book

- 31.** (1) A college is to have a book (“**the seal book**”) in which is to be entered a record of all documents to which the common seal has been affixed.
- (2) The managing director is responsible for —
- (a) keeping the seal book in safe custody; and
 - (b) ensuring that the necessary entries are made in it.

PART 7 — SUPPLEMENTARY TRANSITIONAL PROVISIONS

State Training Profile

32. The State Training Profile —

- (a) prepared by the department as the State training agency under clause 23 of the Schedule to the *Australian National Training Authority Act 1992* of the Commonwealth and approved under clause 27 of that Schedule; and
- (b) as in force immediately before the commencement of the Act,

is to be taken, on that commencement, to be the approved State Training Profile for the purposes of section 8 (b) of the Act.

College training profile

33. A College Training Profile for a college —

- (a) prepared for the purposes of the State Training Profile referred to in regulation 32; and
- (b) as in force immediately before the commencement of the Act,

is to be taken, on that commencement, to be a College Training Profile approved by the Minister for that college for the purposes of section 42 (2) (a) of the Act.

Agreements with training providers

34. Any agreement relating to the provision of vocational education and training in force immediately before the commencement of the Act between —

- (a) the Minister responsible for the administration of the Act repealed by section 70 (2) of the Act, or a person acting on behalf of that Minister; and
- (b) a training provider,

is to be taken to be an agreement relating to the provision of vocational education and training between the Minister responsible for the administration of the Act and that training provider for the purposes of the Act.

Saving

35. Nothing in this Part affects the exercise of the powers conferred by the Act in respect of the matters dealt with in this Part.

SCHEDULE 1 — FEES

	\$
1. Application fee for selection for a category A course (reg. 8 (1))	20.00
2. Late application fee (reg. 9 (2))	45.00
3. Fee for assessing practical experience (reg. 10) —	
(a) where the person comes within any class of persons specified in regulation 20 (1)	40.00
(b) in any other case	70.00
4. Fee for changing application (reg. 11)	20.00
5. Tuition fee for a category A course (reg. 12) —	
(a) 50 cents, if the concessional rate applies under regulation 20 (1) or 21; or	
(b) in any other case, 80 cents,	
for each hour, or part of an hour, of tuition in the course.	
The maximum fees under this item for all category A courses taken by a person in a semester are —	
(i) where paragraph (a) applies, \$170.00; and	
(ii) where paragraph (b) applies, \$272.00.	
6. Tuition fee for a category C course (reg. 14) — \$4.15 for each hour, or part of an hour of tuition in the course.	
7. Tuition fee for a category D course (reg. 15) —	
(a) \$1.55 if the concessional rate applies under regulation 20 (2); or	
(b) in any other case, \$4.15,	
for each hour, or part of an hour, of tuition in the course.	
The maximum fee where paragraph (a) applies is \$24.40.	
8. Enrolment fee (reg. 19) —	
(a) for a full-time student	15.00
(b) for any other student	10.00

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

