



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

6255



PERTH, TUESDAY, 17 DECEMBER 2013 No. 231 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 1.00 PM

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Vocational Education and Training Act 1996

**Vocational Education and Training (Colleges)
Amendment Regulations 2013**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (Colleges) Amendment Regulations 2013*.

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 1 January 2014.

3. Regulations amended

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

4. Regulation 3 amended

- (1) In regulation 3(1) delete the definitions of:

Act

assessment of skills and competency

band

Centrelink

hours

**Vocational Education and Training (Colleges) Amendment
Regulations 2013**

r. 5

- (2) In regulation 3(1) insert in alphabetical order:

course fee, in relation to a person, means the fee to be paid under regulation 17 by the person when enrolling as a student at a college;

hours for a unit of a course, means the nominal hours for the unit determined under regulation 3AA;

secondary school aged person means a person who has reached 15 years of age but has not reached the end of their compulsory education period, as defined in the *School Education Act 1999* section 4;

- (3) In regulation 3(1) in the definition of *course* delete “course, whether an approved VET course or not;” and insert:

course;

- (4) Delete regulation 3(3).

5. Regulation 3AA inserted

At the end of Part 1 insert:

3AA. Nominal hours

- (1) The *nominal hours* for a unit of a course means —
- (a) for a unit of a course accredited by the Council — the number of hours set out in the application to have the course accredited under section 58C of the Act as being the number of hours in which an average student could reasonably be expected to complete the unit; or

***Vocational Education and Training (Colleges) Amendment
Regulations 2013***

r. 6

- (b) for a listed unit of competency that forms part of a listed training package, as referred to in the *Vocational Education and Training (General) Regulations 2009* regulation 4 — the number of hours approved by the Minister as being the number of hours in which an average student could reasonably be expected to complete the unit; or
 - (c) for a unit of a course accredited under a corresponding law — the number of hours set out in the application to have the course accredited under the corresponding law as being the number of hours in which an average student could reasonably be expected to complete the unit.
- (2) The chief executive must give public notice of the nominal hours for each unit, in such manner and at such times as the chief executive decides is appropriate, which may include on a website approved by the chief executive.

6. Part 2 heading amended

In the heading to Part 2 delete “**and units**”.

7. Regulation 4 amended

- (1) Delete regulation 4(2)(a), (b) and (c) and insert:
- (a) category 1 is to consist of courses that —
 - (i) are approved VET courses or result in the conferral of a prescribed VET qualification of one of the following types — Diploma or Advanced Diploma; and

***Vocational Education and Training (Colleges) Amendment
Regulations 2013***

r. 7

- (ii) the Minister determines are priorities for industry training, apprenticeships or traineeships or are for general industry training;
 - (b) category 2 is to consist of courses that —
 - (i) are approved VET courses or result in the conferral of a prescribed VET qualification of one of the following types — Certificate I, II, III or IV; and
 - (ii) the Minister determines are priorities for industry training, apprenticeships or traineeships;
 - (c) category 3 is to consist of courses that —
 - (i) are approved VET courses or result in the conferral of a prescribed VET qualification of one of the following types — Certificate I, II, III or IV; and
 - (ii) the Minister determines are for general industry training;
 - (d) category 4 is to consist of courses that the Minister determines are —
 - (i) foundation skills training; or
 - (ii) intended to promote equality of opportunity in gaining access to vocational education and training or employment.
- (2) After regulation 4(2) insert:
- (3A) Despite subregulation (1), if a course that results in the conferral of a Diploma or an Advanced Diploma is also an apprenticeship course, the Minister may, in the

**Vocational Education and Training (Colleges) Amendment
Regulations 2013**

r. 8

instrument referred to in that subregulation, classify the course as a category 2 course.

8. Regulations 4A and 4B deleted

Delete regulations 4A and 4B.

9. Part 3 Division 1 heading amended

In the heading to Part 3 Division 1 delete “**category A**” and insert:

certain

10. Regulation 5 amended

In regulation 5 delete the definition of *course* and insert:

course means —

- (a) a category 1, 2 or 3 course; or
- (b) in relation to an eligible student who, under regulation 13A is to pay the course fee for a category A course for 2014 under the transitional fee arrangements, that category A course.

11. Regulation 7 amended

In regulation 7 delete “category A”.

12. Regulation 9 amended

In regulation 9(2) delete “fee in Schedule 1 item 1.” and insert:

late application fee set out in Schedule 1 Division 2 item 1.

**Vocational Education and Training (Colleges) Amendment
Regulations 2013**

r. 13

**13. Regulations 12 to 13D deleted and Part 3 Division 2
Subdivisions 1 and 2 inserted**

Delete regulations 12 to 13D and insert:

**Subdivision 1 — 2014 transitional fee arrangements for
eligible students**

11. Terms used

In this Subdivision —

band, in relation to a unit, means the band into which the unit was classified under regulation 4A immediately before 1 January 2014;

category A course means a course so classified under regulation 4 immediately before 1 January 2014;

category B course means a course so classified under regulation 4 immediately before 1 January 2014;

concessional student means an eligible student enrolling for a category A course —

- (a) who would be entitled to the concessional rate of fee under regulation 20(2) if the course were a category 2 or 3 course; or
- (b) in respect of whom the governing council of a college determines, under regulation 13A(3), that the concessional rate of fee is to apply;

eligible student, in relation to a course, means a person who —

- (a) was enrolled in the course before 22 August 2013 and undertook study in that course in 2013; and
- (b) enrolls in the same course, or a course that is replacing that course, in 2014.

**Vocational Education and Training (Colleges) Amendment
Regulations 2013**

r. 13

12. Eligible students in 2014 may choose old fee structure

- (1) An eligible student may choose to pay the course fee for a course for 2014 —
 - (a) under the new fee arrangements set out in these regulations; or
 - (b) under the transitional fee arrangements.
- (2) If an eligible student chooses under subregulation (1)(b) to pay the course fee for a course for 2014 under the transitional fee arrangements then —
 - (a) regulation 13A applies to, and in respect of the student; and
 - (b) regulation 13B does not apply to, or in respect of, the student.

13A. 2014 transitional fee arrangements — Schedule 1 Division 1

- (1) The course fee for a unit of a category A course, or a category B course, to be commenced in 2014 by an eligible student who chooses to pay the course fee under the transitional fee arrangements is as follows —
 - (a) for a unit of a category A course — the relevant fee set out in Schedule 1 Division 1 item 1 (the *unit fee*);
 - (b) if more than one unit of a category A course is to be commenced — the sum of the unit fees for each unit to be commenced;
 - (c) for a category B course — the relevant fee set out in Schedule 1 Division 1 item 2.

**Vocational Education and Training (Colleges) Amendment
Regulations 2013**

r. 13

- (2) Despite subregulation (1), the maximum amount of course fee payable by an eligible student for a semester is —
 - (a) if the student is a concessional student — \$321;
 - (b) if the student is not a concessional student — \$642.
- (3) Despite subregulation (1), if the governing council of a college is satisfied, on application by a person who wishes to enrol at the college in a unit, or more than one unit, of a category A course, that payment of the course fee would cause financial hardship to the person, the council may determine that the concessional rate is to apply to that person for that unit or course as if he or she were a person to whom regulation 20(2) applies.
- (4) Despite subregulation (1), no course fee is payable for a person for a category B course if —
 - (a) the person is also enrolled for a category A course; and
 - (b) the category B course relates to, or is a component of, the category A course.

Subdivision 2 — Course fees for 2014

13B. Course fees for 2014 — Schedule 1 Division 2

- (1) The course fee for a unit of a course to be commenced by a student in 2014 is as follows —
 - (a) the relevant fee determined in accordance with Schedule 1 Division 2 item 2, 3, 4 or 5 (the *unit fee*);
 - (b) if more than one unit is to be commenced — the sum of the unit fees for each unit to be commenced.

***Vocational Education and Training (Colleges) Amendment
Regulations 2013***

r. 14

- (2) Subregulation (1) does not apply to a course or unit for which there is a determination in force under regulation 15A.
- (3) Despite subregulation (1), the maximum amount of course fee payable for 2014 by a student who is not a secondary school aged person is —
 - (a) \$2 500 for each of the following courses, that the student is enrolled in one or more than one unit of —
 - (i) an approved VET course;
 - (ii) a course that, if successfully completed, would result in the conferral of a prescribed VET qualification of a Certificate I, II, III or IV;
 - (b) \$7 500 for each course, that the student is enrolled in one or more than one unit of, that, if successfully completed, would result in the conferral of a prescribed VET qualification of a Diploma or Advanced Diploma.
- (4) Despite subregulation (1), the maximum amount of course fee payable for 2014 by a student who is a secondary school aged person is \$400.

14. Regulation 13 amended

- (1) Delete regulation 13(1)(a) and (b) and insert:
 - (a) CHC50302 Diploma of Children Services;
 - (b) CHC60202 and CHC60208 Advanced Diploma of Children Services;
 - (c) CHC50113 Diploma of Early Childhood Education and Care;

**Vocational Education and Training (Colleges) Amendment
Regulations 2013**

r. 15

- (d) CHC50908 Diploma of Children's Services (Early Childhood Education and Care).

(2) Delete regulation 13(2) and insert:

(2) No course fee is payable for the following category 4 courses if the person enrolling in the course is also enrolled for a category 1, 2 or 3 course —

- (a) 52626WA Course in Applied Vocational Study Skills (CAVSS);
- (b) 52379 Course in Underpinning Skills for Industry Qualifications (USIQ).

(3) No course fee is payable for a course undertaken —

- (a) by a person enrolled at a school, as defined in the *School Education Act 1999* section 4; and
- (b) as part of a requirement for graduation from secondary school and the issue of a certificate of student achievement under the *School Curriculum and Standards Authority Act 1997*.

15. Regulation 15A amended

(1) In regulation 15A(1)(b) delete “regulation 12.” and insert:

regulation 13B.

(2) In regulation 15A(2) delete “a student who is not an Australian resident.” and insert:

students who are not Australian residents.

***Vocational Education and Training (Colleges) Amendment
Regulations 2013***

r. 16

- (3) In regulation 15A(3):
- (a) delete “different courses or” and insert:

different courses, different units or
 - (b) in paragraphs (b) and (c) delete “course; or” and insert:

course or unit; or

16. Regulation 17 amended

- (1) In regulation 17(1) delete “course” and insert:

course or unit
- (2) In regulation 17(2):
- (a) in paragraph (a) after “form for” insert:

one, or more than one, unit of
 - (b) in paragraph (b) delete “pays —” and insert:

pays, or has arranged to the satisfaction of the college
for the payment of —
 - (c) in paragraph (b)(i) delete “any amount payable in
respect of the course fee for the course” and insert:

the course fee for the unit or units

***Vocational Education and Training (Colleges) Amendment
Regulations 2013***

r. 17

17. Regulation 20 amended

In regulation 20(2):

- (a) delete “category A course —” and insert:

category 2 or 3 course —

- (b) delete paragraph (eb) and insert:

(eb) secondary school aged person;

18. Regulation 21 amended

In regulation 21:

- (a) delete “category A course, that payment of the full course fee for the course” and insert:

unit, or more than one unit, of a category 2 or 3 course, that payment of the course fee provided for by Part 3 Division 2

- (b) delete “course as if he or she were a person to whom regulation 20(1) applies.” and insert:

unit, or those units, as if the person were a person to whom regulation 20(2) applies.

Note: The heading to amended regulation 21 is to read:

Concessional rate for category 2 or 3 course where there is financial hardship

***Vocational Education and Training (Colleges) Amendment
Regulations 2013***

r. 19

19. Part 5 Division 2 heading replaced

Delete the heading to Part 5 Division 2 and insert:

**Division 2 — Payment by instalment and exemption for
severe financial hardship**

20. Regulation 22 amended

Delete regulation 22(1) and (2) and insert:

- (1) The governing council of a college may, on application by a person who wishes to enrol at the college, allow the person to pay a course fee by instalments of such amounts and at such times as it determines.
- (2) The governing council of a college may, on application by a person who would otherwise be liable for a fee imposed under regulation 16 for a service, allow the person to pay the fee by instalments of such amounts and at such times as it determines.

Note: The heading to amended regulation 22 is to read:

Payment of certain fees by instalments

21. Regulation 23 amended

In regulation 23(1):

- (a) delete “for a course, that payment of the course fee for the course” and insert:

that payment of the course fee

**Vocational Education and Training (Colleges) Amendment
Regulations 2013**

r. 22

- (b) delete “no course fee is payable by the person for the course.” and insert:

the person is not required to pay the course fee.

22. Regulation 24A amended

- (1) In regulation 24A delete the definition of *payment period* and insert:

payment period, in relation to the payment of an instalment of a course fee under a determination by a governing council under regulation 22, means a period of 6 months commencing on the day the payment of the instalment was due;

- (2) In regulation 24A in the definition of *pro rata refund*:
- (a) in paragraph (a) delete “for a category A unit where fees are paid by semester —” and insert:

where the course fee is paid at enrolment —

- (b) in paragraph (b) delete “for a category A course where the whole course fee is paid by instalments —” and insert:

where the course fee is paid by instalments —

23. Regulation 24 amended

In regulation 24 delete “that is a component of a course”.

***Vocational Education and Training (Colleges) Amendment
Regulations 2013***

r. 24

24. Regulation 25 amended

- (1) In regulation 25(1):
- (a) delete “that is a component of a course”;
 - (b) delete “course.” and insert:
- course or unit.
- (2) In regulation 25(2) delete the passage that begins with “ending —” and continues to the end of the subregulation and insert:

ending 20% of the way through the period during which the course or unit is undertaken.

25. Regulation 26 amended

- (1) In regulation 26(1) delete “category A unit who pays fees by semester” and insert:
- unit where the course fee was paid at enrolment
- (2) In regulation 26(2):
- (a) delete “category A course who pays the whole course fee by instalments” and insert:

unit where the course fee is paid by instalments

- (b) in paragraph (a) delete “course; and” and insert:

unit; and

**Vocational Education and Training (Colleges) Amendment
Regulations 2013**

r. 26

26. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[r. 9 and Pt. 3 Div. 2]

Division 1 — 2014 course fees for eligible students

Item	Fee for	Fee (\$)
1.	Unit fee for unit that is a component of a category A course — (a) For a person who is not a concessional student and is enrolled to undertake the unit — (i) for a band 1 unit 16.00 (ii) for a band 2 unit 36.00 (iii) for a band 3 unit 70.00 (iv) for a band 4 unit 136.00 (b) For a person who is a concessional student and is enrolled to undertake the unit — (i) for a band 1 unit 8.00 (ii) for a band 2 unit 18.00 (iii) for a band 3 unit 35.00 (iv) for a band 4 unit 68.00	
2.	Category B course, per semester	25.00

**Vocational Education and Training (Colleges) Amendment
Regulations 2013**

r. 26

Division 2 — 2014 — other fees

Item	Fee for	Fee
1.	Late application (r. 9(2)) ..	75.00
		Fee in \$ per hour of unit
2.	Category 1 course — all students	5.53
3.	Category 2 course —	
	(a) for a student who is not a concessional student	2.49
	(b) for a concessional student	1.25
4.	Category 3 course —	
	(a) student who is not a concessional student ..	3.92
	(b) for a concessional student	1.96
5.	Category 4 course — all students	0.20

G. MOORE, Clerk of the Executive Council.