



Western Australia

Vocational Education and Training (Colleges) Regulations 1996

Compare between:

[13 Oct 2012, 05-b0-01] and [17 Dec 2013, 05-c0-00]

Vocational Education and Training (Colleges) Regulations 1996

Part 1 — Preliminary

1. Citation

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

[Regulation 1 amended in Gazette 22 May 2009 p. 1693.]

2. Commencement

These regulations come into operation on the day on which Part 5 of the Act comes into operation¹.

3. Terms used

- (1) In these regulations, unless the contrary intention appears —
- Act* means the *Vocational Education and Training Act 1996*;
- assessment of skills and competency* means an assessment of whether a person who has not undertaken or successfully completed a unit nevertheless has the skills and competency required for successful completion of the unit;
- band*, in relation to a unit, means the band into which the unit is classified under regulation 4A;
- category*, in relation to a course, means the category into which the course is classified under regulation 4;

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Centrelink has the meaning given in regulation 20(1);

concessional student means a person who is, under regulation 20(2) or 21, entitled to the concessional rate of course fee;

course means a VET course, whether an approved VET course or not;

hours for a course, or for a unit that is a component of a course, means the nominal duration of the course or unit (in hours) set by the chief executive;

unit means a unit or module that is a component of a course and in which vocational education or training on a discrete subject is provided in accordance with the specifications of the unit or module to people enrolled in the course with the object that those who successfully complete the unit or module will have achieved a level of knowledge or competence in the subject concerned as specified in those specifications.

[(2) *deleted*]

(3) For the purposes of these regulations **completing a course** or **completing a unit** —

- (a) includes undertaking any assessment required to be undertaken to complete the course or unit, as the case may be; but
- (b) does not include undertaking any of the following —
 - (i) unsupervised work experience;
 - (ii) unsupervised industry placement;
 - (iii) unsupervised field placement;
 - (iv) private study.

[Regulation 3 amended in Gazette 23 Dec 2005 p. 6246-7; 9 Nov 2007 p. 5605-6; 22 May 2009 p. 1693-4; 26 Jun 2009 p. 2566; 18 Dec 2009 p. 5172.]

Part 2A — Management of colleges

[Heading inserted in Gazette 22 May 2009 p. 1694.]

3A. Period prescribed for strategic plans (Act s. 43(1))

For the purposes of section 43(1) of the Act, a college's draft strategic plan must be for a period of 3 years.

[Regulation 3A inserted in Gazette 22 May 2009 p. 1694.]

Part 2 — Classification of courses and units

[Heading amended in Gazette 9 Nov 2007 p. 5606.]

4. Classification of courses

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

[Regulation 4 amended in Gazette 18 Dec 2009 p. 5172.]

4A. Classification of units

- (1) For the purposes of these regulations, units are classified as follows —
 - (a) a band 1 unit is any unit the number of hours for which is less than 15;
 - (b) a band 2 unit is any unit the number of hours for which is 15 or more and less than 25;

- (c) a band 3 unit is any unit the number of hours for which is 25 or more and less than 51;
 - (d) a band 4 unit is any unit the number of hours for which is 51 or more.
- (2) Not later than the beginning of each calendar year, the chief executive must give public notice of the band of each unit in such manner as the chief executive decides.

[Regulation 4A inserted in Gazette 9 Nov 2007 p. 5606-7.]

4B. Nominal duration of courses and units

The chief executive must give public notice of the nominal duration (in hours) of each course, and of each unit that is a component of a course, in such manner and at such times as the chief executive decides.

[Regulation 4B inserted in Gazette 22 May 2009 p. 1694.]

Part 3 — Selection and fees

Division 1 — Selection for category A courses, and fees

5. Terms used

In this Division —

Admissions Manager means the officer designated under regulation 7;

course means a category A course.

6. Application of this Division

- (1) This Division does not apply to a course if —
 - (a) the number of hours 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 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.

[Regulation 6 amended in Gazette 23 Dec 2005 p. 6247; 9 Nov 2007 p. 5607.]

7. Admissions Manager, designation and functions of

The chief executive 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.

[Regulation 7 amended in Gazette 9 Nov 2007 p. 5607.]

8. Application for selection for course at a college

A person who wishes to be selected for a course provided by a college must apply in writing to the Admissions Manager for selection.

[Regulation 8 inserted in Gazette 9 Nov 2007 p. 5607.]

9. Late applications

(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 makes an application under regulation 8 that is a late application must pay the fee in Schedule 1 item 1.

[Regulation 9 amended in Gazette 9 Nov 2007 p. 5607.]

10. Assessing applicant on basis of experience, fee for

(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,

must pay a fee determined by the Admissions Manager as representing the cost of dealing with the application.

(2) The fee determined under subregulation (1) must not exceed \$70.

[Regulation 10 amended in Gazette 9 Nov 2007 p. 5607.]

[11. Deleted in Gazette 9 Nov 2007 p. 5608.]

Division 2 — Course fees

[Heading inserted in Gazette 23 Dec 2005 p. 6247.]

12. Course and unit fees

- (1) Subject to regulations 13, 14 and 15A the course fee for a course is as follows —
 - (a) for a category A course — the fee determined in accordance with regulation 13B(1) or 13C(2);
 - (b) for a category B course — the fee in Schedule 1 item 3;
 - (c) for a category C course — the fee determined in accordance with Schedule 1 item 4.
- (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.

[Regulation 12 inserted in Gazette 23 Dec 2005 p. 6247-8; amended in Gazette 9 Nov 2007 p. 5608; 21 Nov 2008 p. 4921; 31 Dec 2008 p. 5681; 26 Jun 2009 p. 2566; 18 Dec 2009 p. 5173; 19 Jan 2010 p. 141-2.]

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.

[Regulation 13A inserted in Gazette 19 Jan 2010 p. 142.]

13B. Course fee for category A course if payment is by semester

- (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 — \$313;
 - (b) if the person is not a concessional student — \$626.
- (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.

[Regulation 13B inserted in Gazette 19 Jan 2010 p. 142; amended in Gazette 26 Nov 2010 p. 5956-7; 27 Oct 2011 p. 4558; 12 Oct 2012 p. 4853.]

13C. Course fee for category A course if payment is for whole of 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.

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- (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 — \$313;
 - (b) if the person is not a concessional student — \$626.
- (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.

[Regulation 13C inserted in Gazette 19 Jan 2010 p. 143; amended in Gazette 26 Nov 2010 p. 5957; 27 Oct 2011 p. 4558; 12 Oct 2012 p. 4853.]

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.

[Regulation 13D inserted in Gazette 19 Jan 2010 p. 144.]

13. Courses exempt from course fees

- (1) No course fee is payable for a course that, if successfully completed, would result in the conferral of any of these qualifications —
 - (a) Diploma of Children Services;
 - (b) Advanced Diploma of Children Services.
- (2) No course fee is payable by 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.

[Regulation 13 inserted in Gazette 31 Dec 2008 p. 5682; amended in Gazette 18 Dec 2009 p. 5173.]

[14. Deleted in Gazette 12 Oct 2012 p. 4853.]

[15. Deleted in Gazette 23 Dec 2005 p. 6247.]

15A. Course fees for overseas students

- (1) The course fee for any course for a student who is not an Australian resident is —
 - (a) if there is a relevant determination in force under this regulation, the fee specified in that determination; or
 - (b) otherwise, the fee determined in accordance with regulation 12.
- (2) The Minister may by instrument issued to the relevant college or colleges determine the course fee for a course for a student who is not an Australian resident.
- (3) The Minister may determine different fees for different courses or different students based on —
 - (a) the categories of the course; or
 - (b) the subject matter of the course; or

- (c) which college provides the course; or
- (d) the country of origin of the student; or
- (e) the level and extent of the student's previous vocational education, training and experience; or
- (f) any other criteria the Minister considers relevant to the cost of providing the course,

or any combination of those criteria.

- (4) In this regulation —

Australian resident means a person who —

- (a) is an Australian citizen within the meaning of the *Australian Citizenship Act 1948*² of the Commonwealth; or
- (b) holds —
 - (i) a permanent visa within the meaning of the *Migration Act 1958* of the Commonwealth; or
 - (ii) a visa of subclass 309, 310, 820, 826 or 851 within the meaning of the *Migration Regulations 1994* of the Commonwealth; or
 - (iii) a visa of subclass 457 within the meaning of those regulations, other than a person who satisfied the primary criteria for that subclass of visa.

[Regulation 15A inserted in Gazette 13 Apr 1999 p. 1547-8; amended in Gazette 5 Nov 1999 p. 5635; 8 Oct 2002 p. 5097; 23 Dec 2005 p. 6248; 30 May 2008 p. 2068-9; 27 Oct 2011 p. 4558.]

Division 3 — Other fees

16. Colleges may determine other fees

- (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.

[16A, 16B. Deleted in Gazette 22 May 2009 p. 1694.]

Part 4 — Enrolment

17. Enrolment as student at a college

- (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 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.

[Regulation 17 amended in Gazette 29 Nov 2002 p. 5667; 23 Dec 2005 p. 6248; 9 Nov 2007 p. 5608; 19 Jan 2010 p. 144.]

18. When enrolment at a college may be refused

- (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.

[19. Deleted in Gazette 9 Nov 2007 p. 5608.]

Part 5 — Fee concessions, exemptions and refunds

[Heading inserted in Gazette 18 Dec 2009 p. 5174.]

Division 1 — Concessional rates of fees

20. Persons entitled to concessional rate of course fee

(1) In this regulation —

Centrelink means the Commonwealth agency known as Centrelink.

(2) The following persons are entitled to the concessional rate of course fee for any category A course —

- (a) persons holding a Health Care Card issued by Centrelink;
- (b) persons holding a Pensioner Concession Card issued by Centrelink;
- (c) persons holding a Repatriation Health Benefits Card issued by the Commonwealth Department of Veterans' Affairs;
- (d) persons in receipt of a benefit under the AUSTUDY scheme described in the *Student Assistance Act 1973*³ of the Commonwealth;
- (e) persons in receipt of a benefit under the ABSTUDY scheme of the Commonwealth;
- (ea) persons in receipt of the common youth allowance from the Commonwealth;
- (eb) persons who have reached 15 years of age, who have not reached 18 years of age and who are not due to reach 18 years of age in the calendar year for which they enrol;
- (f) persons who are inmates of a custodial institution for adults or juveniles;
- (g) dependents of persons referred to in paragraphs (a) to (f).

[(2a) Omitted under the Reprints Act 1984 s. 7(4)(e).]

- (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.

[Regulation 20 amended in Gazette 7 Nov 1997 p. 6150 (disallowed in Gazette 9 Jun 1998 p. 3098); 14 Aug 1998 p. 4434-5; 4 Dec 1998 p. 6535; 28 Nov 2003 p. 4774; 23 Dec 2005 p. 6248-9; 18 Dec 2009 p. 5174.]

21. Concessional rate may be allowed for category A course if financial hardship

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 course 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.

[Regulation 21 amended in Gazette 7 Nov 1997 p. 6150 (disallowed in Gazette 9 Jun 1998 p. 3098); 23 Dec 2005 p. 6249.]

Division 2 — Other fee relief

22. Payment of certain fees by instalments may be allowed if financial hardship

- (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 course 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.
- (3) If a student fails to pay an instalment when it becomes due and payable the governing council of a college may —
 - (a) withdraw the allowance granted under subregulation (1) or (2) and require the student to pay the total unpaid portion of the fee by a date specified by the council; or
 - (b) cancel the enrolment of a student.
- (4) The governing council of a college may only exercise a power under subregulation (3) if —
 - (a) the council has given the student 21 days written notice of its intention to do so; and
 - (b) any instalment payable before the notice was given remains unpaid at the expiry of those 21 days.
- (5) If a student fails to pay an instalment, or an amount payable under subregulation (3)(a), when it becomes due and payable the governing council of a college may recover that amount in a court of competent jurisdiction as a debt due to the college.

*[Regulation 22 amended in Gazette 7 Nov 1997 p. 6151;
23 Dec 2005 p. 6249.]*

23. Exemption from fees if severe financial hardship

- (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 course fee for the course would cause severe financial hardship to the person, the council may determine that no course 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.

[Regulation 23 amended in Gazette 23 Dec 2005 p. 6249.]

Division 3 — Refund of fees

[Heading inserted in Gazette 19 Jan 2010 p. 144.]

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).

[Regulation 24A inserted in Gazette 19 Jan 2010 p. 144-5.]

24B. Withdrawing from course or unit, manner of

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.

[Regulation 24B inserted in Gazette 19 Jan 2010 p. 145.]

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.

[Regulation 24 inserted in Gazette 19 Jan 2010 p. 145.]

25. Full refund of certain fees if withdrawal within allowed 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.

[Regulation 25 inserted in Gazette 19 Jan 2010 p. 145.]

26. Pro rata refund of fees for category A units etc. if withdrawal after allowed period

- (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.

[Regulation 26 inserted in Gazette 19 Jan 2010 p. 146.]

[26A. Deleted in Gazette 18 Dec 2009 p. 5174.]

Part 6 — Common seals of colleges

27. Form

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.

28. Custody

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

29. Use

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.

30. Attestation

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.

31. Seal book

- (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 (r. 32-38) deleted in Gazette 22 May 2009 p. 1694.]

Schedule 1 — Fees

[r. 9 and 12]

[Heading inserted in Gazette 19 Jan 2010 p. 146.]

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	16.00
	(ii) for a band 2 unit	36.00
	(iii) for a band 3 unit	68.00
	(iv) for a band 4 unit	132.00
	(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	34.00
	(iv) for a band 4 unit	66.00
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

[Schedule 1 amended in Gazette 27 Oct 2011 p. 4558-9; 12 Oct 2012 p. 4853-4.]

Notes

¹ This is a compilation of the *Vocational Education and Training (Colleges) Regulations 1996* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Vocational Education and Training Regulations 1996</i> ⁴	27 Dec 1996 p. 7167-84	1 Jan 1997 (see r. 2 and <i>Gazette</i> 12 Nov 1996 p. 6301)
<i>Vocational Education and Training Amendment Regulations 1997</i> ⁵	7 Nov 1997 p. 6149-51	7 Nov 1997
<i>Vocational Education and Training Amendment Regulations (No. 2) 1997</i>	7 Nov 1997 p. 6152	1 Jan 1997 (see r. 2 and <i>Gazette</i> 12 Nov 1996 p. 6301)
<i>Vocational Education and Training Amendment Regulations 1998</i>	14 Aug 1998 p. 4433-6	14 Aug 1998
<i>Vocational Education and Training Amendment Regulations (No. 2) 1998</i>	4 Dec 1998 p. 6534-5	4 Dec 1998
<i>Vocational Education and Training Amendment Regulations 1999</i>	13 Apr 1999 p. 1546-8	13 Apr 1999
<i>Vocational Education and Training Amendment Regulations (No. 2) 1999</i> r. 5 and 6	5 Nov 1999 p. 5634-5	5 Nov 1999 (see r. 2(1))
Reprint of the Vocational Education and Training Regulations 1996 as at 26 May 2000 (includes amendments listed above)		
<i>Vocational Education and Training Amendment Regulations 2001</i>	2 Nov 2001 p. 5795-6	2 Nov 2001
<i>Vocational Education and Training Amendment Regulations (No. 3) 2001</i>	14 Dec 2001 p. 6408-9	14 Dec 2001
<i>Vocational Education and Training Amendment Regulations 2002</i>	16 Aug 2002 p. 4209-10	16 Aug 2002
<i>Vocational Education and Training Amendment Regulations (No. 2) 2002</i>	8 Oct 2002 p. 5096-7	8 Oct 2002
<i>Vocational Education and Training Amendment Regulations (No. 3) 2002</i>	29 Nov 2002 p. 5667-8	29 Nov 2002
<i>Vocational Education and Training Amendment Regulations 2003</i>	28 Nov 2003 p. 4773-4	28 Nov 2003
<i>Vocational Education and Training Amendment Regulations 2004</i>	26 Nov 2004 p. 5310	26 Nov 2004

Vocational Education and Training (Colleges) Regulations 1996

Citation	Gazettal	Commencement
Reprint 2: The Vocational Education and Training Regulations 1996 as at 17 Dec 2004 (includes amendments listed above)		
<i>Vocational Education and Training Amendment Regulations 2005</i> ⁶	23 Dec 2005 p. 6246-50	23 Dec 2005
<i>Vocational Education and Training Amendment Regulations 2006</i>	20 Oct 2006 p. 4467-9	20 Oct 2006
<i>Vocational Education and Training Amendment Regulations (No. 2) 2006</i>	24 Nov 2006 p. 4813-14	24 Nov 2006
<i>Vocational Education and Training Amendment Regulations 2007</i>	9 Nov 2007 p. 5605-9	r. 1 and 2: 9 Nov 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Nov 2007 (see r. 2(b))
Reprint 3: The Vocational Education and Training Regulations 1996 as at 4 Jan 2008 (includes amendments listed above)		
<i>Vocational Education and Training Amendment Regulations 2008</i>	30 May 2008 p. 2068-9	r. 1 and 2: 30 May 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 31 May 2008 (see r. 2(b))
<i>Vocational Education and Training Amendment Regulations (No. 2) 2008</i>	21 Nov 2008 p. 4920-1	r. 1 and 2: 21 Nov 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 22 Nov 2008 (see r. 2(b))
<i>Vocational Education and Training Amendment Regulations 2009</i>	31 Dec 2008 p. 5681-2	r. 1 and 2: 31 Dec 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2009 (see r. 2(b))
<i>Vocational Education and Training Amendment Regulations (No. 2) 2009</i>	22 May 2009 p. 1693-4	r. 1 and 2: 22 May 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 23 May 2009 (see r. 2(b))
<i>Vocational Education and Training (Colleges) Amendment Regulations 2009</i>	26 Jun 2009 p. 2565-8	r. 1 and 2: 26 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
Reprint 4: The Vocational Education and Training (Colleges) Regulations 1996 as at 7 Aug 2009 (includes amendments listed above)		
<i>Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2009</i>	18 Dec 2009 p. 5172-5	r. 1 and 2: 18 Dec 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Dec 2009 (see r. 2(b))

Citation	Gazettal	Commencement
<i>Vocational Education and Training (Colleges) Amendment Regulations 2010</i>	19 Jan 2010 p. 141-7	r. 1 and 2: 19 Jan 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 20 Jan 2010 (see r. 2(b))
<i>Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2010</i>	26 Nov 2010 p. 5956-8	r. 1 and 2: 26 Nov 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Nov 2010 (see r. 2(b))
<i>Vocational Education and Training (Colleges) Amendment Regulations 2011</i>	27 Oct 2011 p. 4557-9	r. 1 and 2: 27 Oct 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Oct 2011 (see r. 2(b))
Reprint 5: The Vocational Education and Training (Colleges) Regulations 1996 as at 9 Mar 2012 (includes amendments listed above)		
<i>Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2012</i>	12 Oct 2012 p. 4852-4	r. 1 and 2: 12 Oct 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Oct 2012 (see r. 2(b))

^{1a} [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

Provisions that have not come into operation

<u>Citation</u>	<u>Gazettal</u>	<u>Commencement</u>
Vocational Education and Training (Colleges) Amendment Regulations 2013 r. 3-26⁷	17 Dec 2013 p. 6255-71	1 Jan 2014 (see r. 2(b))

² Repealed by the *Australian Citizenship (Transitional and Consequential) Act 2007* of the Commonwealth.

³ Formerly referred, incorrectly, to the *Student and Youth Allowances Act 1973* of the Commonwealth. The correct short title of the Act was the *Student and Youth Assistance Act 1973*. That short title was changed to the *Student Assistance Act 1973* by the *Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998* of the Commonwealth. The reference was changed under the *Reprints Act 1984* s. 7(3)(h).

- ⁴ Now known as the *Vocational Education and Training (Colleges) Regulations 1996*; citation changed (see note under r. 1).
- ⁵ The *Vocational Education and Training Amendment Regulations 1997* r. 4 and 5 were disallowed on 21 May 1998 (see *Gazette* 9 Jun 1998 p. 3098).
- ⁶ The *Vocational Education and Training Amendment Regulations 2005* r. 6(3) reads as follows:

6. Regulation 15A amended and savings

- (3) A determination issued under regulation 15A that is in force immediately before these regulations commence and specifies a tuition fee for a course for a student, continues in force after these regulations commence and the fee so specified is to be taken to be the course fee specified for that course for that student.

⁷ On the date as at which this compilation was prepared, the *Vocational Education and Training (Colleges) Amendment Regulations 2013* r. 3-26 had not come into operation. They read as follows:

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

- (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
 - (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

(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 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.

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.

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*);

- (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;
 - (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.

(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

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

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

- (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”.

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

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

<u>Item</u>	<u>Fee for</u>	<u>Fee (\$)</u>
<u>1.</u>	<p><u>Unit fee for unit that is a component of a category A course —</u></p> <p><u>(a) For a person who is not a concessional student and is enrolled to undertake the unit —</u></p> <p><u>(i) for a band 1 unit</u></p> <p><u>(ii) for a band 2 unit</u></p>	

<u>Item</u>	<u>Fee for</u>	<u>Fee (\$)</u>
	<u>(iii) for a band 3 unit</u>	
	<u>(iv) for a band 4 unit</u>	
	<u>(b) For a person who is a concessional student and is enrolled to undertake the unit —</u>	
	<u>(i) for a band 1 unit</u>	
	<u>(ii) for a band 2 unit</u>	
	<u>(iii) for a band 3 unit</u>	

<u>Item</u>	<u>Fee for</u>	<u>Fee (\$)</u>
	<u>(iv) for a band 4 unit</u>	
	<u>Category B course, per semester</u>	

Division 2 — 2014 — other fees

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

<u>Item</u>	<u>Fee for</u>	<u>Fee</u>
	(a) <u>student who is not a concessional student</u>	<u>3.92</u>
	(b) <u>for a concessional student</u>	<u>1.96</u>
<u>5.</u>	<u>Category 4 course — all students</u>	<u>0.20</u>