



Western Australia

# **Vocational Education and Training Regulations 1996**

**Reprinted as at 26 May 2000**



Western Australia

## Vocational Education and Training Regulations 1996

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Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 26 May 2000

Vocational Education and Training Act 1996

## Vocational Education and Training Regulations 1996

### Part 1 — Preliminary

**1. Citation**

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

**2. Commencement**

These regulations come into operation on the day on which Part 5 of the Act comes into operation<sup>1</sup>.

**3. Definitions**

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**

### **4. Classification by Minister**

- (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**

#### **5. Definitions**

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 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.

#### **7. Admissions Manager to perform functions on behalf of colleges**

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.

**8. Application for selection for a course**

- (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.

**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 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.

**10. Fee for assessing suitability of particular practical experience**

- (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.

**11. Amendment of application**

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**

**12. Tuition fee for category A courses**

Subject to regulation 15A, the tuition fee for a category A course is to be an amount calculated in accordance with item 5 of Schedule 1.

*[Regulation 12 amended in Gazette 13 April 1999 p.1547.]*

**13. No tuition fee for category B courses**

Subject to regulation 15A, no tuition fee is payable for a category B course.

*[Regulation 13 amended in Gazette 13 April 1999 p.1547.]*

**14. Tuition fees for category C courses**

Subject to regulation 15A, the tuition fee for a category C course is to be an amount calculated in accordance with item 6 of Schedule 1.

*[Regulation 14 amended in Gazette 13 April 1999 p.1547.]*

**15. Tuition fees for category D courses**

Subject to regulation 15A, the tuition fee for a category D course is to be an amount calculated in accordance with item 7 of Schedule 1.

*[Regulation 15 inserted in Gazette 13 April 1999 p.1547.]*

**15A. Tuition fees for overseas students**

- (1) The tuition 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 calculated in accordance with regulation 12, 13, 14 or 15, as the case requires.
- (2) The Minister may by instrument issued to the relevant college or colleges determine the tuition 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;
  - (b) the subject matter of the course;
  - (c) which college provides the course;
  - (d) the country of origin of the student;
  - (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* of the Commonwealth; or
  - (b) holds —
    - (i) a permanent visa; or

(ii) a visa of sub-class 309, 310, 820 or 826,  
within the meaning of the *Migration Act 1958* of the  
Commonwealth.

*[Section 15A inserted in Gazette 13 April 1999 pp.1547-8;  
amended in Gazette 5 November 1999 p.5635.]*

### **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. Fee for application for registration as training provider**

- (1) The fee for making an application to the Council for registration as a training provider is —
  - (a) if the training provider is endorsed by the department as a quality endorsed training provider, nil; or
  - (b) otherwise, the fee specified in item 7A of Schedule 1.
- (2) If an application for registration is not accompanied by a certificate of assessment in a form approved by the Council, the Council may charge the applicant for the costs and expenses incurred by the Council in considering the application.
- (3) If a charge imposed under subregulation (2) is not paid within the time specified by the Council when the charge is imposed,

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**Part 3** Selection and fees

**Division 3** Other fees

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the amount of the charge may be recovered in a court of competent jurisdiction as a debt due to the Crown.

*[Regulation 16A inserted in Gazette 7 November 1997 p.6150; amended in Gazette 14 August 1998 pp.4433-4.]*

## Part 4 — Enrolment

### 17. Enrolment

- (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.

### 18. When enrolment 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

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- (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. Enrolment fee**

- (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**

#### **20. Persons entitled to concessional rate of tuition fees**

(1) In this regulation —

“**Centrelink**” means the Commonwealth agency known as Centrelink.

(2) The following persons are entitled to the concessional rate of tuition fees 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 and Youth Allowances Act 1973* 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;
- (f) persons who are inmates of a custodial institution for adults or juveniles;
- (g) persons who are dependents of persons entitled to the concessional rate of tuition fees under paragraphs (a) to (f).

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

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**Part 5** Fee concessions, exemptions etc.

**Division 1** Concessional rates of fees

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- (2b) The following persons are entitled to the concessional rate of tuition fees for any category D 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 holding a Seniors Card issued by the Office of Seniors Interests;
  - (e) persons who are dependents of persons entitled to the concessional rate of tuition fees under paragraphs (a) to (d).
- (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 November 1997 p.6150 (disallowed in Gazette 9 June 1998 p.3098); 14 August 1998 pp.4434-5; 4 December 1998 p.6535.]*

**21. Concessional rate may be allowed for vocational courses in cases of 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 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.

*[Regulation 21 amended in Gazette 7 November 1997 p.6150 (disallowed in Gazette 9 June 1998 p.3098).]*

**Division 2 — Other fee relief**

- 22. Payment of certain fees by instalments may be allowed in cases of 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 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.
  - (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 November 1997 p.6151.]*

**23. Exemption from fees in cases of 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 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.

**24. Refund of fees on cancellation etc. of course**

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.

**25. Full refund of tuition fee on withdrawal within specified period**

- (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.

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

- (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**

### **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 — Supplementary transitional provisions**

### **32. State Training Profile**

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.

### **33. College Training Profile**

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.

### **34. Agreements with training providers**

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.

**35. Saving**

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

**36. Funds and accounts of colleges**

- (1) Any account established for a college under section 38(2) of the *Colleges Act 1978*<sup>2</sup> is to be taken to be an account established for that college under section 49 of the Act.
- (2) All moneys that had been credited to, or placed to the credit of, an account referred to in subregulation (1) and which were available to the Council of the college under section 38(1) of the *Colleges Act 1978*<sup>2</sup> are to be taken to be funds of the college under section 48(b) of the Act.

*[Regulation 36 inserted in Gazette 7 November 1997 p.6152]*

**37. Funds and accounts for technical schools or technical colleges**

- (1) All moneys standing to the credit of an account established for a technical school or technical college under section 9B of the *Education Act 1928* are to be taken to have been transferred to, and placed to the credit of, an account established under section 49 of the Act for the college on the commencement of the Act.
- (2) All moneys transferred to, and placed to the credit of, an account for a college under subregulation (1) are to be taken to be funds of the college under section 48(b) of the Act.



- (3) For the purposes of the *Financial Administration and Audit Act 1985* the accountable officer in respect of the accounts referred to in subregulation (1) for the period ending on 31 December 1996 is the chief executive officer of the department.

*[Regulation 37 inserted in Gazette 7 November 1997 p.6152.]*

**38. State Employment and Skills Development Authority Account**

The funds standing to the credit of the State Employment and Skills Development Authority Account established under section 34 of the *State Employment and Skills Development Authority Act 1990*<sup>2</sup> are to be taken to have been transferred to, and placed to the credit of, the Vocational Education and Training Trust Fund established under section 15 of the Act on the commencement of the Act.

*[Regulation 38 inserted in Gazette 7 November 1997 p.6152.]*

Schedule 1 Fees

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**Schedule 1 — Fees**

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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).....	70.00
4. Fee for changing application (reg. 11).....	20.00
5. Tuition fee for a category A course (reg. 12) —	
(a) if the concessional rate applies under regulation 20(2) or 21, 60 cents; or	
(b) in any other case, \$1.15,	
for each hour, or part of an hour, of tuition in the course.	
The maximum fee under this item for all category A courses taken by a person in a semester is —	
(i) where paragraph (a) applies, \$210.00; or	
(ii) where paragraph (b) applies, \$420.00.	
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) if the concessional rate applies under regulation 20(2b), \$2.50; or	
(b) in any other case, \$5.00,	
for each hour, or part of an hour, of tuition in the course.	
Where paragraph (a) applies the maximum fee under this item for all category D courses taken by a person in a semester is \$50.00.	
7A. Fee for application for registration as a training provider (reg. 16A).....	100.00
8. Enrolment fee per semester (reg. 19).....	20.00

*[Schedule 1 amended in Gazette 7 November 1997 p.6151; 14 August 1998 pp.4435-6; 4 December 1998 p.6535; 5 November 1999 p.5635.]*

**Notes**

<sup>1</sup> This reprint is a compilation as at 26 May 2000 of the *Vocational Education and Training Regulations 1996* and includes the amendments referred to in the following Table.

**Table of Regulations**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>	<b>Miscellaneous</b>
<i>Vocational Education and Training Regulations 1996</i>	27 December 1996 pp.7167-84	1 January 1997 (see regulation 2 and <i>Gazette</i> 12 November 1996 p.6301)	
<i>Vocational Education and Training Amendment Regulations 1997</i> (Clauses 4 and 5 disallowed on 21 May 1998 published in <i>Gazette</i> 9 June 1998 p.3098)	7 November 1997 pp.6149-51	7 November 1997	
<i>Vocational Education and Training Amendment Regulations (No. 2) 1997</i>	7 November 1997 p.6152	Deemed operative 1 January 1997 (see regulation 2 and <i>Gazette</i> 12 November 1996 p.6301)	
<i>Vocational Education and Training Amendment Regulations 1998</i>	14 August 1998 pp.4433-6	14 August 1998	
<i>Vocational Education and Training Amendment Regulations (No. 2) 1998</i>	4 December 1998 pp.6534-5	4 December 1998	
<i>Vocational Education and Training Amendment Regulations 1999</i>	13 April 1999 pp.1546-8	13 April 1999	
<i>Vocational Education and Training Amendment Regulations (No. 2) 1999</i> , regulations 5 and 6	5 November 1999 pp.5634-5	5 November 1999 (see regulation 2(1))	

<sup>2</sup> Repealed by the *Vocational Education and Training Act 1996* (No. 42 of 1996).

Defined Terms

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**Defined Terms**

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

*The list is not part of the law.]*

<u>Defined Term</u>	<u>Provision(s)</u>
Admissions Manager .....	5
Australian resident .....	15A(4)
category A course .....	3
category B course .....	3
category C course .....	3
category D course .....	3
Centrelink .....	20(1)
course .....	5
the seal book .....	31(1)