



Western Australia

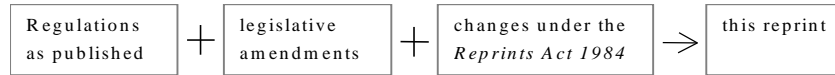
Vocational Education and Training Act 1996

**Vocational Education and
Training (Colleges)
Regulations 1996**

Reprint 5: The regulations as at 9 March 2012

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Vocational Education and Training (Colleges) Regulations 1996

CONTENTS

Part 1 — Preliminary		
1.	Citation	1
2.	Commencement	1
3.	Terms used	1
Part 2A — Management of colleges		
3A.	Period prescribed for strategic plans (Act s. 43(1))	4
Part 2 — Classification of courses and units		
4.	Classification of courses	5
4A.	Classification of units	5
4B.	Nominal duration of courses and units	6
Part 3 — Selection and fees		
Division 1 — Selection for category A courses, and fees		
5.	Terms used	7
6.	Application of this Division	7
7.	Admissions Manager, designation and functions of	7
8.	Application for selection for course at a college	8

Contents

9.	Late applications	8
10.	Assessing applicant on basis of experience, fee for	8
	Division 2 — Course fees	
12.	Course and unit fees	9
13A.	Payment methods for category A course	9
13B.	Course fee for category A course if payment is by semester	9
13C.	Course fee for category A course if payment is for whole of course	10
13D.	Payment for category B and category C courses	11
13.	Courses exempt from course fees	11
14.	Unemployed persons exempt from course fees	12
15A.	Course fees for overseas students	13
	Division 3 — Other fees	
16.	Colleges may determine other fees	14
	Part 4 — Enrolment	
17.	Enrolment as student at a college	15
18.	When enrolment at a college may be refused	15
	Part 5 — Fee concessions, exemptions and refunds	
	Division 1 — Concessional rates of fees	
20.	Persons entitled to concessional rate of course fee	17
21.	Concessional rate may be allowed for category A course if financial hardship	18
	Division 2 — Other fee relief	
22.	Payment of certain fees by instalments may be allowed if financial hardship	18
23.	Exemption from fees if severe financial hardship	19
	Division 3 — Refund of fees	
24A.	Terms used	20
24B.	Withdrawing from course or unit, manner of	21
24.	Refund of fees on cancellation etc. of course or unit	21
25.	Full refund of certain fees if withdrawal within allowed period	21
26.	Pro rata refund of fees for category A units etc. if withdrawal after allowed period	22

Part 6 — Common seals of colleges

27.	Form	23
28.	Custody	23
29.	Use	23
30.	Attestation	23
31.	Seal book	23

Schedule 1 — Fees

Notes

Compilation table	25
-------------------	----

Defined Terms



Western Australia

Reprinted under the
Reprints Act 1984 as
at 9 March 2012

Vocational Education and Training Act 1996

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

r. 3

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;

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;

r. 4B

- (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.

r. 13C

- (3) The maximum amount of the course fee payable by a person for a semester is —
 - (a) if the person is a concessional student — \$303;
 - (b) if the person is not a concessional student — \$606.
- (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.]

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.
- (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 — \$303;

- (b) if the person is not a concessional student — \$606.
- (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.]

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. Unemployed persons exempt from course fees

- (1) In this regulation —

Job Services Australia provider means an organisation contracted by the Department of Education, Employment and Workplace Relations of the Commonwealth to provide Job Support services to job seekers;

unemployed person means a person who holds —

- (a) a Health Care Card issued by Centrelink that identifies the person as being in receipt of a Newstart Allowance with the code “NS”; or
 - (b) a Health Care Card issued by Centrelink that identifies the person as being in receipt of a Youth Allowance with the code “YA”; or
 - (c) a Job Services identification card issued by Centrelink or by a Job Services Australia provider that includes a job seeker identification number.
- (2) Subject to subregulation (3), no amount of a category A course fee is payable on or before 30 June 2012 in respect of a semester by a person who is an unemployed person at the commencement of the semester.
- (3) Subregulation (2) does not apply if the unemployed person was —
- (a) exempt in a previous semester from the payment of course fees under subregulation (2) for a category A course that was wholly completed in that semester; or

- (b) exempt in any 2 previous semesters from the payment of course fees under subregulation (2) for a category A course where both exemptions were for the same course.

[Regulation 14 inserted in Gazette 26 Jun 2009 p. 2566-7; amended in Gazette 18 Dec 2009 p. 5173-4; 27 Oct 2011 p. 4558.]

[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
- 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

r. 18

- (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	34.00
	(iii) for a band 3 unit	66.00
	(iv) for a band 4 unit	128.00
	(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	17.00
	(iii) for a band 3 unit	33.00
	(iv) for a band 4 unit	64.00
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.]



Notes

- ¹ This reprint is a compilation as at 9 March 2012 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. 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 <i>Vocational Education and Training Regulations 1996</i> 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)

- ² Repealed by the *Australian Citizenship (Transitionals and Consequentials) 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.

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
Act.....	3(1)
Admissions Manager	5
assessment of skills and competency	3(1)
Australian resident	15A(4)
band.....	3(1)
category.....	3(1)
Centrelink.....	3(1), 20(1)
completing a course	3(3)
completing a unit.....	3(3)
concessional student.....	3(1)
course	3(1), 5
hours.....	3(1)
Job Services Australia provider	14(1)
payment period.....	24A
payment plan	13C(1)
pro rata refund.....	24A
seal book	31(1)
unemployed person	14(1)
unforseen circumstances	24A
unit	3(1)