

Western Australia

Education Service Providers (Full Fee Overseas Students) Registration
Act 1991

**Education Service Providers (Full Fee Overseas
Students) Registration Regulations 1992**

As at 09 Oct 2013

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Education Service Providers (Full Fee Overseas Students) Registration Regulations 1992

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Education Service Providers (Full Fee Overseas Students) Registration
Act 1991

**Education Service Providers (Full Fee Overseas
Students) Registration Regulations 1992**

1. Citation

These regulations may be cited as the *Education Service Providers (Full Fee Overseas Students) Registration Regulations 1992*¹.

2. Commencement

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

3. Interpretation

- (1) In these regulations, unless the contrary intention appears —
- approved*** means approved by the chief executive officer;
 - exempted education service provider*** means an education service provider exempted under regulation 5;
 - register*** means the register of education service providers kept under section 41;
 - section*** means a section of the Act.
- (2) A reference in these regulations to registration or the renewal of registration includes a reference to the issue or renewal of a certificate of registration under section 18.

r. 4

4. Fees

The fees set out in Schedule 1 are payable in respect of the matters referred to in that Schedule.

5. Exempted education service providers

An education service provider mentioned in Schedule 2 is exempted from —

- (a) section 9, 10 or 11, whichever is applicable; and
- (b) Part 3 of the Act other than sections 22, 25 and 28.

6. Renewal of registration

- (1) An application for renewal of registration under the Act shall be made in the approved form not earlier than 90 days and not later than 30 days before the date on which the registration expires.
- (2) An application under subregulation (1) shall be accompanied by the fee set out in Schedule 1.
- (3) If —
 - (a) an application is made, and the fee is paid, under this regulation; and
 - (b) the chief executive officer is satisfied —
 - (i) as to the matters referred to in section 13(1); and
 - (ii) if section 9, 10 or 11 is applicable, as to the matters referred to in that section,

the chief executive officer shall renew the registration of the education service provider subject to such conditions (if any) as the chief executive officer imposes under section 15.

7. Particulars to be included in register

The register of education service providers is to contain the following particulars with respect to each registered education service provider —

- (a) the name, principal location and other contact details of the education service provider;
- (b) the registered name, address and other contact details of the proprietor of the education service provider;
- (c) the name, title, address and other contact details of the vice-chancellor, director or principal of the education service provider;
- (d) the name, title, address and other contact details of the person designated by the education service provider as the person who has particular responsibility for overseas students;
- (e) the name and location of other premises of the education service provider;
- (f) the title, duration and tuition fee for each education service that the education service provider provides to full fee overseas students;
- (g) the amount and purpose of any additional fees charged of full fee overseas students; and
- (h) the information supplied by the education service provider as to the number of full fee overseas student numbers to whom it provides education services.

8. Notification of changes in particulars

- (1) A registered education service provider shall notify the chief executive officer in writing as soon as practicable after any change occurs in relation to —
 - (a) any of the particulars contained in the register with respect to that education service provider;
 - (b) any matter relating to that education service provider of a kind referred to in section 13(1); or
 - (c) any other information supplied by that education service provider in its most recent application for registration or renewal of registration.

r. 9

- (2) Subregulation (1) does not apply to a change in respect of which an application or notice has to be given under section 18.

9. Annual returns

- (1) Not later than 30 April each year a registered education service provider must give to the chief executive officer an annual return for the year ending on the previous 31 December.
- (2) An annual return —
- (a) must be in the form of Form 1 in Schedule 3 or in another form approved by the chief executive officer; and
 - (b) may be provided on computer disc or by another electronic or other method, if that is approved by the chief executive officer.

[Regulation 9 inserted in Gazette 6 Sep 1996 p. 4408.]

10. Offences

A person who contravenes regulation 8 or 9 commits an offence and is liable to a penalty of \$1 000.

11. Operation of approved accounts and trust accounts

If, under section 16, an education service provider to which that section applies is directed by the chief executive officer to pay students' funds into an approved account or an approved trust account the education service provider shall —

- (a) operate the approved account or approved trust account;
- (b) make payments into and out of the approved account or approved trust account; and
- (c) pay interest derived from students' funds,

in accordance with the contractual arrangements referred to in section 13(1)(e) and any conditions imposed by the chief executive officer under section 15.

Schedule 1

[Reg. 4]

Fees

1. For —
 - (a) an application under section 9, 10, 11, 12 or 20 for registration of an education service provider;
 - (b) an application under regulation 6 for renewal of the registration of an education service provider;
 - (c) an application under section 18(1) for the amendment of a certificate of registration by adding one or more education services:
 - if the number of full fee overseas students at the education service provider is less than 10 \$300
 - if the number of full fee overseas students at the education service provider is 10 or more \$745
2. For an application under section 18(1) for the amendment of a certificate of registration by deleting one or more education services\$20
3. For a notice under section 18(3) of a change in particulars where there is a change in the proprietorship of the education service provider:
 - if the number of full fee overseas students at the education service provider is less than 10 \$300
 - if the number of full fee overseas students at the education service provider is 10 or more \$745
4. For a notice under section 18(3) of any other change in particulars\$20

[Schedule 1 amended in Gazette 6 Oct 1995 p. 4734; 7 Mar 1997 p. 1404; 14 Aug 2009 p. 3185; 25 Nov 2011 p. 4870; 8 Oct 2013 p. 4591-2.]

Schedule 2

[Reg. 5]

Exempted education service providers

Aquinas College	Manning
Aranmore Catholic College	Leederville
Australian Islamic College	Thornlie
Bunbury Cathedral Grammar School	Bunbury
Carmel Adventist College	Carmel
Catholic Agricultural College	Bindoon
Chisholm Catholic College	Bedford
Christ Church Grammar School	Claremont
Christian Brothers College Fremantle	Fremantle
Christ the King School	Beaconsfield
Foothills School	Guildford
Guildford Grammar School	Guildford
Hale School	Wembley Downs
Iona Presentation College	Mosman Park
John Paul XXIII College	Claremont
Lake Joondalup Baptist College	Joondalup
Mazenod College	Lesmurdie
Mercy College	Koondoola
Methodist Ladies College	Claremont
Montessori School	Kingsley
Nagle Catholic College	Geraldton
Newman College	Doubleview
Orana Catholic Primary School	Willetton
Penrhos College	Como
Perth College (Inc.)	Mt Lawley
Perth Montessori School	Victoria Park
Pioneer Village School	Armadale
Presbyterian Ladies College	Cottesloe
Quinns Baptist College	Quinns Rocks
Sacred Heart College	Sorrento
Sacred Heart Primary School	Mt Lawley
Santa Maria College	Attadale
Scotch College	Claremont
Servite College	Tuart Hill
Seton Catholic College	Samson
St Andrew's Grammar	Dianella

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Exempted education service providers **Schedule 2**

St Brigid's College	Lesmurdie
St Denis School	Joondanna
St Hilda's Anglican School for Girls	Mosman Park
St John's School	Scarborough
St Joseph's College	Albany
St Jude's Catholic School	Langford
St Luke's College	Karratha
St Mary's Anglican Girls School	Karrinyup
St Michael's School	Bassendean
St Norbet College	Cannington
St Paul's Primary School	Mount Lawley
St Pius X Catholic Primary School	Manning
St Stephen's School	Duncraig
Swan Christian High School	Midland
Trinity College	East Perth
Ursula Frayne Catholic College	Victoria Park
Wesley College	South Perth

[Schedule 2 inserted in Gazette 22 Dec 1995 p. 6168-9; amended in Gazette 7 Mar 1997 p. 1405.]

Schedule 3 — Forms

[Regulation 9]

Form 1

Education Service Provider:

 Page number of pages.

Education Service Providers (Full Fee Overseas Students) Registration Act 1992
ANNUAL RETURN

Field 2	Field 3	Field 4	Field 5	Field 6	Field 7	Field 8	Field 9	Field 10	Field 11	Field 12	Field 13
Student number	Country of origin (code)	Gender (M/F)	Date of birth	Type of course (code)	Level of course (code)	Course start date	Course finish date	Weeks studied	Student transfer (code)	Studied in W.A. or off-shore	Broad field of study (code)

[Schedule 3 inserted in Gazette 6 Sep 1996 p. 4409.]

Notes

- ¹ This is a compilation of the *Education Service Providers (Full Fee Overseas Students) Registration Regulations 1992* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Education Service Providers (Full Fee Overseas Students) Registration Regulations 1992</i>	16 Oct 1992 p. 5115-18	16 Oct 1992 (see r. 2 and <i>Gazette</i> 16 Oct 1992 p. 5114)
<i>Education Service Providers (Full Fee Overseas Students) Registration Amendment Regulations 1995</i>	6 Oct 1995 p. 4733-4	6 Oct 1995
<i>Education Service Providers (Full Fee Overseas Students) Registration Amendment Regulations (No. 2) 1995</i>	22 Dec 1995 p. 6168-9	22 Dec 1995
<i>Education Service Providers (Full Fee Overseas Students) Registration Amendment Regulations 1996</i>	6 Sep 1996 p. 4408-9	6 Sep 1996
<i>Education Service Providers (Full Fee Overseas Students) Registration Amendment Regulations 1997</i>	7 Mar 1997 p. 1404-5	17 Apr 1997 (see r. 2)
Reprint of the <i>Education Service Providers (Full Fee Overseas Students) Registration Regulations 1992</i> as at 11 Oct 2002 (includes amendments listed above)		
<i>Education Service Providers (Full Fee Overseas Students) Registration Amendment Regulations 2009</i>	14 Aug 2009 p. 3184-5	r. 1 and 2: 14 Aug 2009 (see r. 2(a); Regulations other than r. 1 and 2: 15 Aug 2009 (see r. 2(b))
<i>Education Service Providers (Full Fee Overseas Students) Registration Amendment Regulations 2011</i>	25 Nov 2011 p. 4869-70	r. 1 and 2: 25 Nov 2011 (see r. 2(a); Regulations other than r. 1 and 2: 26 Nov 2011 (see r. 2(b))
<i>Education Service Providers (Full Fee Overseas Students) Registration Amendment Regulations 2013</i>	8 Oct 2013 p. 4591-2	r. 1 and 2: 8 Oct 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Oct 2013 (see r. 2(b))