



Western Australia

Vocational Education and Training Act 1996

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

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# Vocational Education and Training (Colleges) Regulations 1996

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**Defined terms**



## 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*<sup>1</sup>.

*[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 operation<sup>1</sup>.

#### 3. Terms used

- (1) In these regulations, unless the contrary intention appears —
- category**, in relation to a course, means the category into which the course is classified under regulation 4;
  - 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;

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**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 the calendar year in which their compulsory education period expires, as defined in the *School Education Act 1999* section 4;

**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*]

[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; 17 Dec 2013 p. 6255-6; 12 Dec 2014 p. 4739.]

**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.

*[Regulation 3AA inserted in Gazette 17 Dec 2013 p. 6256-7.]*

**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**

*[Heading amended in Gazette 9 Nov 2007 p. 5606; 17 Dec 2013 p. 6257.]*

### **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 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;

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- (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.

(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.

(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;  
17 Dec 2013 p. 6257-9.]*

*[4A, 4B. Deleted in Gazette 17 Dec 2013 p. 6259.]*

## Part 3 — Selection and fees

### Division 1 — Selection for certain courses, and fees

*[Heading amended in Gazette 17 Dec 2013 p. 6259.]*

#### 5. Terms used

In this Division —

*Admissions Manager* means the officer designated under regulation 7;

*course* means a category 1, 2 or 3 course.

*[Regulation 5 amended in Gazette 17 Dec 2013 p. 6259;  
12 Dec 2014 p. 4739.]*

#### 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 courses on behalf of colleges.

*[Regulation 7 amended in Gazette 9 Nov 2007 p. 5607; 17 Dec 2013 p. 6259.]*

**8. Application for selection for course at 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 late application fee set out in Schedule 1 item 1.

*[Regulation 9 amended in Gazette 9 Nov 2007 p. 5607; 17 Dec 2013 p. 6259; 12 Dec 2014 p. 4739.]*

**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.]*

## Division 2 — Course fees

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

*[Subdivision 1 (r. 11-13A) deleted in Gazette 12 Dec 2014 p. 4739.]*

*[Heading deleted in Gazette 12 Dec 2014 p. 4740.]*

### 13B. Course fees for 2015 — Schedule 1

- (1) The course fee for a unit of a course to be commenced by a student in 2015 is as follows —
  - (a) the relevant fee determined in accordance with Schedule 1 item 2, 3, 4 or 5 (the *unit fee*);
  - (b) if more than one unit is to be commenced — the sum of the unit fees for each unit to be commenced.
- (2) Subregulation (1) does not apply to a course or unit for which there is a determination in force under regulation 15A.
- (3) Despite subregulation (1), the maximum amount of course fee payable in 2015 by a student who is not a secondary school aged person is \$7 700 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 in 2015 by a student who is a secondary school aged person is \$410.

*[Regulation 13B inserted in Gazette 12 Dec 2014 p. 4740.]*

### 13. Courses exempt from course fees

*[(1) deleted]*

- (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) Course in Applied Vocational Study Skills (CAVSS);

(b) Course in Underpinning Skills for Industry Qualifications (USIQ).

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

(a) by a person enrolled on a full-time basis 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*.

*[Regulation 13 inserted in Gazette 31 Dec 2008 p. 5682; amended in Gazette 18 Dec 2009 p. 5173; 17 Dec 2013 p. 6263-4; 12 Dec 2014 p. 4740.]*

*[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 13B.

(2) The Minister may by instrument issued to the relevant college or colleges determine the course fee for a course for students who are not Australian residents.

(3) The Minister may determine different fees for different courses, different units or different students based on —

(a) the categories of the course; or

(b) the subject matter of the course or unit; or

(c) which college provides the course or unit; 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*<sup>2</sup> 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; 17 Dec 2013 p. 6264-5.]*

### **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,

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**Part 3** Selection and fees

**Division 3** Other fees

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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 college

- (1) A person cannot take a course or unit 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 one, or more than one, unit of a course with the college; and
  - (b) subject to regulations 22 and 23, he or she pays, or has arranged to the satisfaction of the college for the payment of —
    - (i) the course fee for the unit or units 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; 17 Dec 2013 p. 6265.]*

### 18. When enrolment at 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

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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. 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 2 or 3 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*<sup>3</sup> 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) secondary school aged person;
- (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).]

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**Part 5** Fee concessions, exemptions and refunds

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

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- (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; 17 Dec 2013 p. 6266.]*

**21. Concessional rate for category 2 or 3 course where there is 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 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 would cause financial hardship to the person, the council may determine that the concessional rate is to apply to that person for that unit, or those units, as if the person were a person to whom regulation 20(2) applies.

*[Regulation 21 amended in Gazette 7 Nov 1997 p. 6150 (disallowed in Gazette 9 Jun 1998 p. 3098); 23 Dec 2005 p. 6249; 17 Dec 2013 p. 6266.]*

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

*[Heading inserted in Gazette 17 Dec 2013 p. 6267.]*

**22. Payment of certain fees by instalments**

- (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.

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- (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.
  - (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; 17 Dec 2013 p. 6267.]*

**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 that payment of the course fee would cause severe financial hardship to the person, the council may determine that the person is not required to pay the course fee.
- (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; 17 Dec 2013 p. 6267-8.]*

### **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 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, or a period of up to 12 months (if within the same calendar year);

***pro rata refund*** means —

- (a) where the course fee is paid at enrolment — 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) where the 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(3).

*[Regulation 24A inserted in Gazette 19 Jan 2010 p. 144-5; amended in Gazette 17 Dec 2013 p. 6268; 12 Dec 2014 p. 4740-1.]*



**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 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; amended in Gazette 17 Dec 2013 p. 6268.]*

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

- (1) A person enrolled for a whole of course is entitled to a full refund of all fees paid in respect of the payment period for that course if within the allowed period the person withdraws from the course.
- (2) A person enrolled for a unit is entitled to a full refund of all fees paid in respect of that unit or a payment period for that unit if within the allowed period the person withdraws from the unit.

- (3) For the purpose of subregulations (1) and (2) the allowed period —
- (a) for a course is the period ending 20% of the way through the payment period; and
  - (b) for a unit is the period ending 20% of the way through the period during which that unit is undertaken.

*[Regulation 25 inserted in Gazette 12 Dec 2014 p. 4741.]*

**26. Pro rata refund of fees if withdrawal after allowed period**

- (1) A person enrolled for a unit where the course fee was paid at enrolment 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(3), 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 unit where the course fee is paid 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(3), 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.

*[Regulation 26 inserted in Gazette 19 Jan 2010 p. 146; amended in Gazette 17 Dec 2013 p. 6269; 12 Dec 2014 p. 4741.]*

*[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 Pt. 3 Div. 2]

[Heading inserted in Gazette 17 Dec 2013 p. 6270.]

[Division 1 deleted in Gazette 12 Dec 2014 p. 4741.]

[Heading deleted in Gazette 12 Dec 2014 p. 4741.]

<b>Item</b>	<b>Fee for</b>	<b>Fee</b>
1.	Late application (r. 9(2)) .....	75.00
		<b>Fee in \$ per hour of unit</b>
2.	Category 1 course — all students .....	5.67
3.	Category 2 course —	
	(a) for a student who is not a concessional student .....	3.09
	(b) for a concessional student .....	1.55
4.	Category 3 course —	
	(a) student who is not a concessional student	4.65
	(b) for a concessional student .....	2.32
5.	Category 4 course — all students .....	0.21

[Division 2 inserted in Gazette 17 Dec 2013 p. 6271; amended in Gazette 12 Dec 2014 p. 4742.]



## Notes

- <sup>1</sup> 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 <sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Vocational Education and Training Regulations 1996</i> <sup>4</sup>	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> <sup>5</sup>	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))
<b>Reprint of the <i>Vocational Education and Training Regulations 1996</i> as at 26 May 2000</b> (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
<b>Reprint 2: The Vocational Education and Training Regulations 1996 as at 17 Dec 2004</b> (includes amendments listed above)		
<i>Vocational Education and Training Amendment Regulations 2005</i> <sup>6</sup>	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))
<b>Reprint 3: The Vocational Education and Training Regulations 1996 as at 4 Jan 2008</b> (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))
<b>Reprint 4: The Vocational Education and Training (Colleges) Regulations 1996 as at 7 Aug 2009</b> (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))

## Vocational Education and Training (Colleges) Regulations 1996

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))
<b>Reprint 5: The Vocational Education and Training (Colleges) Regulations 1996 as at 9 Mar 2012</b> (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))
<i>Vocational Education and Training (Colleges) Amendment Regulations 2013</i>	17 Dec 2013 p. 6255-71	r. 1 and 2: 17 Dec 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2014 (see r. 2(b))
<b>Reprint 6: The Vocational Education and Training (Colleges) Regulations 1996 as at 7 Mar 2014</b> (includes amendments listed above)		
<i>Vocational Education and Training (Colleges) Amendment Regulations 2014</i>	12 Dec 2014 p. 4739-42	r. 1 and 2: 12 Dec 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Dec 2014 (see r. 2(b))

<sup>1a</sup> 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

Citation	Gazettal	Commencement
<i>Vocational Education and Training (Colleges) Amendment Regulations 2015</i> r. 3-13 <sup>7</sup>	11 Dec 2015 p. 4957-60	1 Jan 2016 (see r. 2(b))

- <sup>2</sup> Repealed by the *Australian Citizenship (Transitionals and Consequentials) Act 2007* of the Commonwealth.
- <sup>3</sup> 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).
- <sup>4</sup> Now known as the *Vocational Education and Training (Colleges) Regulations 1996*; citation changed (see note under r. 1).
- <sup>5</sup> 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).
- <sup>6</sup> 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.

- <sup>7</sup> On the date as at which this compilation was prepared, the *Vocational Education and Training (Colleges) Amendment Regulations 2015* r. 3-13 had not come into operation. They read as follows:

**3. Regulations amended**

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

**4. Regulations 11 and 12 inserted**

At the beginning of Part 3 Division 2 insert:

**11. Course fees for 2016 — Schedule 1**

- (1) The course fee for a course to be commenced by a student in 2016 is as follows —
- (a) where only one unit is commenced — the relevant fee determined in accordance with Schedule 1 item 2, 3, 4 or 5 (the *unit fee*);



- (b) if more than one unit is to be commenced — the sum of the unit fees for each unit to be commenced.
  - (2) Subregulation (1) does not apply to a course or unit for which there is a determination in force under regulation 15A or 16A.
- 12. Annual course fee caps**
- (1) The fee caps set out in this regulation are applicable to persons, despite the operation of regulation 11(1).
  - (2) The maximum amount of course fee payable for 2016 by a student who is not a secondary school aged person is \$7 780.
  - (3) The cap in subregulation (2) applies for each course in which the student is enrolled (by enrolling in one or more than one unit of that course) that, if successfully completed, would result in the conferral of a prescribed VET qualification of a Diploma or Advanced Diploma.
  - (4) The maximum amount of course fee payable for 2016 by a student who is a secondary school aged person, but not enrolled at school, is \$415.
- 5. Regulation 13B deleted**  
Delete regulation 13B.
- 6. Regulation 13 amended**  
Delete regulation 13(3) and insert:
- (3) No course fee is payable for a course undertaken by a person enrolled at a school, as defined in the *School Education Act 1999* section 4.
- 7. Regulation 15A amended**
- (1) In regulation 15A(1)(b) delete “13B.” and insert:  
  
11.
  - (2) In regulation 15A(4) in the definition of *Australian resident*:
    - (a) in paragraph (a) delete “1948” and insert:  
  
2007

- (b) in paragraph (b)(ii) delete “820, 826 or 851” and insert:

820 or 826

**8. Regulation 16 amended**

Before regulation 16(1) insert:

- (1A) This regulation does not apply to vocational education or training or related services supplied by a college on a fee for service basis under section 37(1)(bb) of the Act.

**9. Regulation 16A inserted**

At the end of Part 3 Division 3 insert:

**16A. Fee for service**

- (1) A college may from time to time determine the fee or charge that is payable to the college for the supply of a particular vocational education or training or related service, where that supply is to be provided on a fee for service basis under section 37(1)(bb) of the Act.
- (2) Subregulation (1) does not apply to students who are already subject to a determination under regulation 15A.

**10. Regulation 18 amended**

In regulation 18(2):

- (a) in paragraph (b) delete “college.” and insert:

college; or

- (b) after paragraph (b) insert:

- (c) has enrolled as a student at a college by satisfying regulation 17(2)(b) by undertaking to arrange for payment of fees by way of Commonwealth assistance (**VET FEE-HELP**), but has not had an eligible application for VET FEE-HELP to the college confirmed within the required period for that unit.

**11. Regulation 20A inserted**

After regulation 20 insert:

**20A. Concessions for existing worker**

- (1) This regulation applies to a person, other than an apprentice —
  - (a) regarded as an existing worker under a *Vocational Education and Training (General) Regulations 2009* Schedule 1 training contract; and
  - (b) who is undertaking training in a Certificate IV level qualification or below.
- (2) If the training contract referred to in subregulation (1)(a) was received by the Apprenticeship Office of the Department of Training and Workforce Development on or before 30 September 2015, the fees payable by that person for 2016 are the fees applicable to Category 2 courses.
- (3) If the training contract referred to in subregulation (1)(a) was received by the Apprenticeship Office of the Department of Training and Workforce Development after 30 September 2015, the fees payable by that person for 2016 are the fees applicable to Category 1 courses.

**12. Regulation 25 amended**

- (1) Delete regulation 25(1).
- (2) Delete regulation 25(3) and insert:
- (3) For the purpose of subregulation (2), the allowed period for a unit is the period set by the college for that unit, ending no less than 20% of the way through the period during which that unit is undertaken.

**13. Schedule 1 amended**

In Schedule 1 amend the provisions listed in the Table as set out in the Table.

**Table**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
Sch. 1 it. 2	5.67	5.73

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
Sch. 1 it. 3(a)	3.09	3.21
Sch. 1 it. 3(b)	1.55	1.61
Sch. 1 it. 4(a)	4.65	4.84
Sch. 1 it. 4(b)	2.32	2.42

## Defined terms

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

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

<b>Defined term</b>	<b>Provision(s)</b>
Admissions Manager .....	5
Australian resident .....	15A(4)
category .....	3(1)
Centrelink .....	20(1)
concessional student .....	3(1)
course .....	3(1), 5
course fee .....	3(1)
hours .....	3(1)
nominal hours .....	3AA(1)
payment period .....	24A
pro rata refund .....	24A
seal book .....	31(1)
secondary school aged person .....	3(1)
unforeseen circumstances .....	24A
unit .....	3(1)