

EDUCATION AND TRAINING REFORM ACT 2006

MINISTERIAL ORDER NO. 614

The Minister for Education makes the following Order:

Part 1 – Preliminary

1. Title

This Order may be cited as Ministerial Order No. 614.

2. Authorising Provisions and Commencement

This Order is made under the *Education and Training Reform Act 2006* (Vic) (including, without limitation, sections 2.2.9 and 5.10.4 of that Act), the *Interpretation of Legislation Act 1984* (Vic) (including, without limitation, section 27 of that Act), and all other enabling powers. This Order comes into operation on the day it is signed and the existing Order to be repealed on the same day.

3. Purpose

This Order specifies the fees to be paid by or on behalf of Overseas Students to be enrolled or seeking to be enrolled at a Government School for the instruction and educational and related services provided to the Overseas Student by the school.

4. Application

The fees specified in this Order are payable by an Overseas Student or by his or her parent, legal guardian or other person or body acting on behalf of the Overseas Student.

5. Scope

This Order applies to Overseas Students enrolled at Government Schools or seeking Enrolment at Government Schools.

6. Definitions

DEC means the Distance Education Centre.

Department means the Department of Education and Early Childhood Development or any Department which may succeed to the functions of that Department.

Dependant means a person named as a dependant on a visa issued to an overseas person which provides them with the entitlement to study in Victoria under regulations made under the *Migration Act 1958* (Cth).

ELC means an English Language Centre or an English Language School, whether or not it shares a physical campus with a Standard Government School.

English Language Course means an intensive English language program of 500 hours that may be undertaken over a period of up to 21 weeks.

Enrolment for the purposes of this Order occurs when either:

- (a) an Overseas Student or his or her parent or legal guardian accepts an offer of placement in a Government School from the Secretary or a person authorised by the Secretary and pays the relevant fees specified in this Order; or

- (b) an agreement is signed between a Tour Group Operator and the Secretary or a person authorised by the Secretary for the Overseas Student to participate in the instruction, educational and other related services of a Government School and pay the relevant fees specified in this Order.

Fees means the fees payable pursuant to this Order. All fees are in Australian Dollars.

Government School means any school established under the *Education and Training Reform Act 2006 (Vic)*.

International Student Visa means any “student visa”, as that term is defined by regulation 1.03 of the *Migration Regulations 1994 (Cth)*.

ISP means the International Student Program within the International Education Division of the Department.

Overseas Student means a person holding a visa under the *Migration Act 1958 (Cth)* which allows the person, whether expressly or otherwise, to study at a Government School in Victoria.

Secretary means the Secretary of the Department or his or her delegate.

Study Tour in a Victorian School means a short term study program organised by a Tour Group Operator.

Standard Government School means any Government School that is not the DEC, an ELC, the Victorian College of the Arts Secondary School, or the Victorian School of Languages.

Subsequent Order means any Ministerial Order made under the *Education and Training Reform Act 2006 (Vic)* that amends or repeals this Order.

Tour Group Operator means a person, association (incorporated or unincorporated), company or any other organisation which organises study tours for Overseas Students on a commercial basis.

VCASS means the Victorian College of the Arts Secondary School.

VSL means the Victorian School of Languages.

Part 2 – Application

7. (1) This Order applies to all Enrolments for study commencing on or after 1 January 2013 until otherwise provided in a Subsequent Order.
- (2) Ministerial Order No 512 made under the *Education and Training Reform Act 2006 (Vic)* is repealed on the signing of the new Order.

Part 3 – Overseas Students Studying at a Standard Government School on an International Student Visa

8. Scope of Part

Part 3 applies to fees payable by any Overseas Student:

- (a) who is enrolled, or seeking to be enrolled, at a Standard Government School; and

- (b) who holds, or proposes to hold, an International Student Visa while enrolled at that school; and
- (c) to whom Part 7 does not apply.

All references to “Overseas Student” in Part 3 must be read accordingly.

9. Fees to be Paid

(1) Overseas Students other than Dependants

The fees in clauses 9(1)(a) and 9(1)(b) are payable in respect of each Overseas Student (other than a Dependant) who applies for Enrolment at a Standard Government School, or who is enrolled at a Standard Government School and applies to be enrolled at a different Government School (as relevant). The fees in clauses 9(1)(a) and 9(1)(b) are payable in addition to the relevant fee in clause 9(1)(c) or 9(3)(a).

The relevant annual fee in clause 9(1)(c) is payable in respect of each Overseas Student (other than a Dependant) enrolled at a Standard Government School and is payable for each year for which the Overseas Student is enrolled.

(a)	A non-refundable application fee in relation to the first application for Enrolment by an Overseas Student.	\$220
(b)	A non-refundable transfer fee in relation to any Overseas Student who is enrolled at a Standard Government School and who applies to be enrolled at a different Government School.	\$565
(c)	Primary Years preparatory – 6	\$9,210
	Junior Secondary Years 7-10	\$12,210
	Senior Secondary Years 11-12	\$13,640

(2) Dependants

The fees in clauses 9(2)(a) and 9(2)(b) are payable in respect of each Dependant who applies for Enrolment at a Standard Government School, or who is enrolled at a Standard Government School and applies to be enrolled at a different Government School (as relevant). The fees in clause 9(2)(a) and 9(2)(b) are payable in addition to the relevant fee in clause 9(2)(c). The relevant annual fee in clause 9(2)(c) is payable in respect of each Dependant enrolled at a Standard Government School and is payable for each year for which the Dependant is enrolled.

(a)	A non-refundable application fee in relation to the first application for Enrolment by a Dependant.	\$220
(b)	A non-refundable transfer fee in relation to any Dependant who is enrolled at a Standard Government School and who applies to be enrolled at a different Government School.	\$565
(c)	Primary Years preparatory – 6	\$7,370
	Junior Secondary Years 7-10	\$9,770
	Senior Secondary Years 11-12	\$10,910

(3) Second or Subsequent Children

- (a) Where an Overseas Student is the second or subsequent child of a family that already has a child:
- (i) who enrolled at a Standard Government School prior to 31 December 2008; and
 - (ii) in respect of whom the fees specified in this Order are payable;
- and that second or subsequent child enrolled in a Government School prior to 31 December 2008, any fees payable under clause 9(1)(c) in respect of that Overseas Student are to be reduced by 10%.
- (b) Where the fees payable by more than one Overseas Student in a family differ, the discount applies to the Overseas Student(s) in that family whose fees are lowest.
- (c) Clause 9(3) does not apply to an Overseas Student who is a Dependant.

10. Instruction and Educational and Other Related Services

Upon payment of the fee in clause 9(1)(c), 9(2)(c) or 9(3)(a), the Overseas Student is entitled to the same instruction, educational and other related services provided by the school to the same extent as other students of the Standard Government School in the same year level.

11. Date for Payment of Fees

- (1) The application fee in clause 9(1)(a) or 9(2)(a) (as relevant) is payable by an Overseas Student following receipt by the Department of a completed application for enrolment in a Standard Government School. The transfer fee in clause 9(1)(b) or 9(2)(b) (as relevant) is payable by an Overseas Student at the time of making an application for transfer.
- (2) An Overseas Student who accepts an offer of placement at a Standard Government School for a period of 6 months or less must pay the full amount payable under clause 9(1)(c), 9(2)(c) or 9(3)(a) (as relevant) upon the acceptance of the offer of placement and before commencement.
- (3) An Overseas Student who accepts an offer of placement at a Standard Government School for a period of 6-12 months to commence prior to or on 28 June 2013 must pay half the amount payable under clause 9(1)(c), 9(2)(c) or 9(3)(a) (as relevant) upon the acceptance of the offer of placement and before commencement and the balance by 1 July 2013.
- (4) An Overseas Student who accepts an offer of placement at a Standard Government School for a period of 6-12 months to commence after 28 June 2013 but prior to or on 20 December 2013, must pay half the amount payable under clause 9(1)(c), 9(2)(c) or 9(3)(a) (as relevant) upon the acceptance of the offer of placement and before commencement, and the balance by 21 January 2014.
- (5) An Overseas Student who accepts an offer of placement at a Standard Government School for a period of 12-18 months to commence prior to or on 28 June 2013 must pay half the amount payable under clause 9(1)(c), 9(2)(c) or 9(3)(a) (as relevant) upon the acceptance of the offer of placement and before commencement, and the balance by 21 January 2014.

- (6) An Overseas Student who accepts an offer of placement at a Standard Government School for a period of 12-18 months to commence after 28 June 2013, but prior to or on 20 December 2013 must pay half the amount payable under clause 9(1)(c), 9(2)(c) or 9(3)(a) (as relevant) upon the acceptance of the offer of placement and before commencement, and the balance by 1 July 2014.
- (7) An Overseas Student who accepts an offer of placement at a Standard Government School for a period greater than 18 months to commence:
- (a) in Term 1 2013 must pay fees due for Terms 1 and 2 under clause 9(1)(c), 9(2)(c) or 9(3)(a) (as relevant) upon the acceptance of the offer of placement and before commencement, and fees for Terms 3 and 4 by 1 July 2013;
 - (b) in Term 2 2013 must pay fees due for Term 2 2013 under clause 9(1)(c), 9(2)(c) or 9(3)(a) (as relevant) upon the acceptance of the offer of placement and before commencement, and fees for Terms 3 and 4 by 1 July 2013;
 - (c) in Term 3 2013 must pay fees due for Terms 3 and 4 2013 under clause 9(1)(c), 9(2)(c) or 9(3)(a) (as relevant) upon the acceptance of the offer of placement and before commencement;
 - (d) In Term 4 2013, must pay fees due for Term 4 2013 under clause 9(1)(c), 9(2)(c) or 9(3)(a) (as relevant) and Terms 1 and 2 2014 upon the acceptance of the offer of placement and before commencement.
- (8) An Overseas Student who is enrolled and receiving instruction at a Standard Government School and who will continue to be enrolled for the whole of the following year, except an Overseas Student to whom clause 11 (7) (d) applies, must pay half the 2013 fees due by 21 January 2013 and the balance on or before 1 July 2013.
- (9) An Overseas Student to whom clause 11 (7) (c) applies must pay the balance of fees due for the year following enrolment by 1 July of the year following enrolment.

12. Distribution of Fee between the School and the Secretary – Overseas Students other than Dependants

Any fee that has been paid under clause 9(1)(c) must be distributed as follows:

- (1) Where an Overseas Student is enrolled at a Standard Government School only, from the fee paid in respect of each Overseas Student enrolled in the following year levels, the following distributions are to occur:

	Amount paid to schools	Amount retained by the Secretary
Primary Years preparatory – 6	\$7,220	\$1,990
Junior Secondary Years 7-10	\$9,570	\$2,640
Senior Secondary Years 11-12	\$10,690	\$2,950

- (2) Where an Overseas Student is enrolled:
- (a) in any of Years 7-10 at a Standard Government School and attends the DEC or the VSL (for the purpose of undertaking an additional single course), the DEC or the VSL is to receive \$795 and the Standard Government School at which the Overseas Student is enrolled is to receive \$8,775;
 - (b) in any of Years 11-12 at a Standard Government School and attends the DEC or the VSL (for the purpose of undertaking an additional single course), the DEC or the VSL is to receive \$795 and the Standard Government School at which the Overseas Student is enrolled is to receive \$9,895;
 - (c) in any of Years preparatory - 6 at a Standard Government School and attends an ELC (for the purpose of undertaking an English Language Course), the ELC is to receive \$2,960 and the Standard Government School at which the Overseas Student is enrolled is to receive \$4,260;
 - (d) in any of Years 7-10 at a Standard Government School and attends an ELC (for the purpose of undertaking an English Language Course), the ELC is to receive \$3,920 and the Standard Government School at which the Overseas Student is enrolled is to receive \$5,650;
 - (e) in any of Years 11-12 at a Standard Government School and attends an ELC (for the purpose of undertaking an English Language Course), the ELC is to receive \$4,380 and the Standard Government School at which the Overseas Student is enrolled is to receive \$6,310;
 - (f) at a Standard Government School and attends an ELC and the DEC or the VSL, the relevant fee must be apportioned as follows:
 - (i) the relevant fee must firstly be apportioned between the Standard Government School and the ELC according to sub-clauses 12 (2)(c), (d) or (e); and
 - (ii) the DEC or the VSL is to receive the amount set out in sub-clauses (a) or (b) from the amount paid to the Standard Government School in sub-clause 12 (2)(c), (d) or (e).
- (3) Despite anything in clause 12(2), if an Overseas Student is enrolled at a Standard Government School and attends both the DEC and the VSL (for the purpose of undertaking an additional single course at each of the DEC and the VSL):
- (a) the DEC and the VSL are to each receive \$795 and the Standard Government School at which the Overseas Student is enrolled is to receive the balance of the amount paid to schools as specified by clause 12(1); or
 - (b) if the Overseas Student also attends an ELC (for the purpose of undertaking an English Language Course) conducted by a Standard Government School, the relevant fee must be apportioned as follows:
 - (i) the relevant fee must firstly be apportioned between the Standard Government School and the ELC according to clauses 12(2)(c), (d) or (e); and

- (ii) the DEC and the VSL are to each receive \$795 from the amount which would otherwise be paid to the Standard Government School under clause 12 (2)(c), (d) or (e).

- (4) The application fee set out in clause 9(1)(a) is to be retained by the Secretary.
- (5) The transfer fee set out in clause 9(1)(b) must be distributed to the Standard Government School from which the Overseas Student is seeking a transfer.

13. Distribution of Discounted Fee Between the School and the Secretary - Dependants

Any fee that has been paid under clause 9 (2) (c) must be distributed as follows:

- (1) Where a Dependant is enrolled at a Standard Government School only, from the fee paid in respect of each Dependant enrolled in the following year levels, the following distributions are to occur:

	Amount paid to schools	Amount retained by the Secretary
Primary Years preparatory – 1	\$5,915	\$1,455
Primary Years 2-6	\$5,780	\$1,590
Junior Secondary Years 7-10	\$7,660	\$2,110
Senior Secondary Years 11-12	\$8,555	\$2,355

- (2) Where a Dependant is enrolled:
 - (a) in any of Years 7-10 at a Standard Government School and attends the DEC or the VSL (for the purpose of undertaking an additional single course), the DEC or the VSL is to receive \$795 and the Standard Government School at which the Dependant is enrolled is to receive \$6,865;
 - (b) in any of Years 11-12 at a Standard Government School and attends the DEC or the VSL (for the purpose of undertaking an additional single course), the DEC or the VSL is to receive \$795 and the Standard Government School at which the Dependant is enrolled is to receive \$7,760;
 - (c) in any Years preparatory-1 at a Standard Government School and attends an ELC (for the purpose of undertaking an English Language Course), the ELC is to receive \$2,420 and the Standard Government School at which the Dependant is enrolled is to receive \$3,495;
 - (d) in any of Years 2-6 at a Standard Government School and attends an ELC (for the purpose of undertaking an English Language Course), the ELC is to receive \$2,370 and the Standard Government School at which the Dependant is enrolled is to receive \$3,410;
 - (e) in any of Years 7-10 at a Standard Government School and attends an ELC (for the purpose of undertaking an English Language Course), the ELC is to receive \$3,140 and the Standard Government School at which the Dependant is enrolled is to receive \$4,520;
 - (f) in any of Years 11-12 at a Standard Government School and attends an ELC (for the purpose of undertaking an English Language Course), the ELC is to receive \$3,500 and the Standard Government School at which the Dependant is enrolled is to receive \$5,055;

- (g) at a Standard Government School and attends an ELC and the DEC or the VSL the relevant fee must be apportioned as follows:
 - (i) the relevant fee must firstly be apportioned to the ELC according to sub-clauses 13 (2)(c), (d), (e) or (f); and
 - (ii) the DEC or the VSL is to receive the amount set out in sub-clauses (a) or (b) from the amount paid to the ELC in sub-clause 13(2)(c), (d), (e) or (f).
- (3) Despite anything in clause 13(2), if a Dependant is enrolled at a Standard Government School and attends both the DEC and the VSL (for the purpose of undertaking an additional single course at each of the DEC and the VSL):
 - (a) the DEC and the VSL are to each receive \$795 and the Standard Government School at which the Dependant is enrolled is to receive the balance of the amount paid to schools as specified by clause 13(1); or
 - (b) if the Dependant also attends an ELC (for the purpose of undertaking an English Language Course) conducted by another Standard Government School, the relevant fee must be apportioned as follows:
 - (i) the relevant fee must firstly be apportioned between the Standard Government School and the ELC according to clauses 13(2)(d) or (e); and
 - (ii) the DEC and the VSL are to each receive \$795 from the amount which would otherwise be paid to the ELC in clauses 13(2)(d) or (e).
- (4) The application fee set out in clause 9(2)(a) is to be retained by the Secretary.
- (5) The transfer fee set out in clause 9(2)(b) must be distributed to the Standard Government School from which the Dependant is seeking a transfer.

14. Distribution of Discounted Fee Between the School and the Secretary – Second or Subsequent Children

Any fee that has been discounted under clause 9(3) and which has been paid must be distributed as follows:

- (1) Where a second or subsequent Overseas Student is enrolled at a Standard Government School only, from the fee paid in respect of each Overseas Student enrolled in the following year levels, the following distributions are to be made:

	Amount paid to schools	Amount retained by the Secretary
Primary Years preparatory – 6	\$6,500	\$1,790
Junior Secondary Years 7-10	\$8,610	\$2,380
Senior Secondary Years 11-12	\$9,620	\$2,650

- (2) Where a second or subsequent Overseas Student is enrolled:
 - (a) in any of Years 7-10 at a Standard Government School and attends the VSL or the DEC (for the purpose of undertaking an additional single course), the DEC or the VSL is to receive \$795 and the Standard

- Government School at which the Overseas Student is enrolled is to receive \$7,815;
- (b) in any of Years 11-12 at a Standard Government School and attends the DEC or the VSL (for the purpose of undertaking an additional single course), the DEC or VSL is to receive \$795 and the Standard Government School at which the Overseas Student is enrolled is to receive \$8,825;
 - (c) in any of Years preparatory - 6 at a Standard Government School and attends an ELC (for the purpose of undertaking an English Language Course), the ELC is to receive \$2,660 and the Standard Government School at which the Overseas Student is enrolled is to receive \$3,840;
 - (d) in any of Years 7-10 at a Standard Government School and attends an ELC (for the purpose of undertaking an English Language Course), the ELC is to receive \$3,530 and the Standard Government School at which the Overseas Student is enrolled is to receive \$5,080;
 - (e) in any of Years 11-12 at a Standard Government School and attends an ELC (for the purpose of undertaking an English Language Course), the ELC is to receive \$3,940 and the Standard Government School at which the Overseas Student is enrolled is to receive \$5,680;
 - (f) at a Standard Government School and attends an ELC and the VSL or the DEC, the relevant fee must be apportioned as follows:
 - (i) the relevant fee must firstly be apportioned between the Standard Government School and the ELC according to sub-clauses 14(2)(c), (d) or (e) above; and
 - (ii) the VSL or the DEC is to receive \$795 from the balance paid to the Standard Government School in sub-clause 14(2)(c), (d) or (e).
- (3) Despite anything in clause 14(2), if an Overseas Student is enrolled at a Standard Government School and attends both the DEC and the VSL (for the purpose of undertaking an additional single course at each of the DEC and the VSL):
- (a) the DEC and the VSL are to each receive \$795, and the Standard Government School at which the Overseas Student is enrolled is to receive the balance of the amount paid to schools as specified by clause 14(1); or
 - (b) if the second or subsequent Overseas Student also attends an ELC (for the purpose of undertaking an English Language Course) conducted by another Standard Government School, the relevant fee must be apportioned as follows:
 - (i) the relevant fee must firstly be apportioned between the Standard Government School and the ELC according to clauses 14(2)(c)(d) or (e); and
 - (ii) the DEC and the VSL are to each receive \$795 from the amount which would otherwise be paid to the ELC in clause 14(2)(c)(d) or (e).
- (4) (a) The application fee set out in clause 9(1)(a) is to be retained by the Secretary.

- (b) The transfer fee set out in clause 9(1)(b) must be distributed to the Standard Government School from which the Overseas Student is seeking a transfer.

Part 4 - Overseas Students Who Are Not Otherwise Enrolled in a Government School Studying at the DEC or the VSL

15. Fees to be Paid

- (1) A fee of \$1,110 per subject per annum is payable by an Overseas Student enrolled at the DEC or the VSL who is not otherwise enrolled in a Government School.
- (2) If the Overseas Student is enrolled at both the DEC and VSL, fees are payable for both.

16. Instruction and Educational and Other Related Services

Upon payment of the fee in clause 15, the Overseas Student is entitled to the same instruction, educational and other related services provided by the DEC or the VSL to the same extent as other students of the school who are studying the same subjects in the same year level.

17. Date for Payment of Fees

The fee is payable upon acceptance of an offer of placement at the DEC or the VSL.

18. Distribution of Fee Between the DEC or the VSL and the Secretary

The fee paid pursuant to clause 15 in respect of each Overseas Student must be distributed as follows:

- (1) the DEC or the VSL at which the student is enrolled is to receive \$795; and
- (2) the Secretary is to receive \$315.

Part 5 - Overseas Students Enrolled at the VCASS

19. Fees to be Paid

The fees in clauses 19(a) and 19(b) are payable in respect of each Overseas Student who applies for enrolment at the VCASS, or who is enrolled at the VCASS and applies to be enrolled at a different Government School (as relevant). The fees in clauses 19(a) and 19(b) are payable in addition to the relevant fee in clause 19(c).

The relevant fee in clause 19(c) must be paid by each Overseas Student enrolled at the VCASS and is payable for each year for which the Overseas Student is enrolled.

- | | | |
|-----|---|----------|
| (a) | A non-refundable application fee in relation to the first application for Enrolment by an Overseas Student. | \$220 |
| (b) | A non-refundable transfer fee in relation to any Overseas Student who is enrolled at the VCASS and who applies to be enrolled at a different Government School. | \$565 |
| (c) | Junior Secondary Years 7-10 | \$16,520 |
| | Senior Secondary Years 11-12 | \$18,550 |

20. Instruction and Educational and Other Related Services

Upon payment of the fee in clause 19(c) the Overseas Student is entitled to the same instruction, educational and other related services provided by the VCASS to the same extent as other students of the VCASS who are studying the same subjects in the same year level.

21. Date for Payment of Fees

- (1) The application fee in clause 19(a) is payable by an Overseas Student following receipt by the Department of a completed application for enrolment at VCASS. The transfer fee in clause 19(b) is payable by an Overseas Student at the time of making an application for transfer.
- (2) An Overseas Student who accepts an offer of placement at VCASS for a period of 6 months or less must pay the full amount payable under clause 19(a), 19(b) or 19(c) (as relevant) upon the acceptance of the offer of placement and before commencement.
- (3) An Overseas Student who accepts an offer of placement at VCASS for a period of 6 -12 months to commence prior to or on 28 June 2013 must pay half the amount payable under clause 19(a), 19(b) or 19(c) (as relevant) upon the acceptance of the offer of placement and before commencement, and the balance by 1 July 2013.
- (4) An Overseas Student who accepts an offer of placement at VCASS for a period of 6 -12 months to commence after 28 June 2013, but prior to or on 20 December 2013 must pay half the amount payable under clause 19(a), 19(b) or 19(c) (as relevant) upon the acceptance of the offer of placement and before commencement, and the balance by 21 January 2014.
- (5) An Overseas Student who accepts an offer of placement at VCASS for a period of 12-18 months to commence prior to or on 28 June 2013 must pay half the amount payable under clause 19(a), 19(b) or 19(c) (as relevant) upon the acceptance of the offer of placement and before commencement, and the balance by 21 January 2014.
- (6) An Overseas Student who accepts an offer of placement at VCASS for a period of 12-18 months to commence after 28 June or prior to or on 20 December 2013 must pay half the amount payable under clause 19(a), 19(b) or 19(c) (as relevant) upon the acceptance of the offer of placement and before commencement, and the balance by 1 July 2014.
- (7) An Overseas Student who accepts an offer of placement at VCASS for a period greater than 18 months to commence:
 - (a) In Term 1 2013 must pay fees due for Terms 1 and 2 under clause 19(a), 19(b) or 19(c) (as relevant) upon the acceptance of the offer of placement and before commencement, and fees for Terms 3 and 4 by 1 July 2013.
 - (b) In Term 2 2013 must pay fees due for Term 2 2013 under clause 19(a),19(b) or 19(c) (as relevant) upon the acceptance of the offer of placement and before commencement, and fees for Terms 3 and 4 by 1 July 2013.
 - (c) In Term 3 2013 must pay fees due for Terms 3 and 4 2013 under clause 19(a) ,19(b) or 19(c) (as relevant) upon the acceptance of the offer of placement and before commencement.

- (d) In Term 4 2013, must pay fees due for Term 4 2013 under clause 19(a), 19(b) or 19(c) (as relevant) and terms 1 and 2 2014 upon the acceptance of the offer of placement and before commencement.
- (8) An Overseas Student who is enrolled and receiving instruction at VCASS and who will continue to be enrolled for the whole of the following year, except an Overseas Student to whom clause 19 (c) applies, must pay half the 2013 fees due by 21 January 2013 and the balance on or before 1 July 2013.
- (9) An Overseas Student to whom clause 19(c) applies must pay the balance of fees due for the year following enrolment by 1 July of the year following enrolment.

22. Distribution of Fee Between the VCASS and the Secretary

- (1) (a) The application fee set out in clause 19(a) is to be retained by the Secretary.
- (b) The transfer fee set out in clause 19(b) must be distributed to the VCASS.
- (2) Where an Overseas Student is enrolled at the VCASS only, from the fee paid in respect of each Overseas Student enrolled in the following year levels, the following distributions are to occur:

	Amount paid to schools	Amount retained by the Secretary
Junior Secondary Years 7-10	\$12,950	\$3,570
Senior Secondary Years 11-12	\$14,540	\$4,010

- (3) When an Overseas Student is enrolled:
 - (a) in any of Years 7-10 at VCASS and attends the DEC or the VSL (for the purpose of undertaking an additional single course), the DEC or the VSL is to receive \$795 and the VCASS is to receive \$12,155;
 - (b) in any of Years 11-12 at VCASS and attends the DEC or the VSL (for the purpose of undertaking an additional single course), the DEC or the VSL is to receive \$795 and the VCASS is to receive \$13,745;
 - (c) in any of Years 7-10 at VCASS and attends an ELC (for the purpose of undertaking an English Language Course), the ELC is to receive \$5,310 and VCASS is to receive \$7,640;
 - (d) in any of Years 11-12 at VCASS and attends an ELC (for the purpose of undertaking an English Language Course), the ELC is to receive \$5,960 and VCASS is to receive \$8,580;
 - (e) at VCASS and attends an ELC and the DEC or the VSL, the relevant fee must be apportioned as follows:
 - (i) the relevant fee must firstly be apportioned between the VCASS and the ELC according to sub-clauses (c) or (d); and
 - (ii) the DEC or the VSL is to receive the amount set out in sub-clauses (a) or (b) from the amount paid to the VCASS in sub-clause (c) or (d).

- (4) Despite anything in clause 22(3), if an Overseas Student is enrolled at VCASS and attends both the DEC and the VSL (for the purpose of undertaking an additional single course at each of the DEC and the VSL):
 - (a) the DEC and the VSL are to each receive \$795, and VCASS is to receive the balance of the amount paid to schools as specified by clause 22 (2); or
 - (b) if the Overseas Student also attends an ELC (for the purpose of undertaking an English Language Course weeks), the relevant fee must be apportioned as follows:
 - (i) the relevant fee must firstly be apportioned between VCASS and the ELC according to clauses 22(3)(c) or (d); and
 - (ii) the DEC and the VSL are to each receive \$795 from the amount which would otherwise be paid to VCASS under clause 22(3)(c) or (d).
- (5) The fee paid in respect of each Overseas Student pursuant to clause 19(c) must be distributed as follows:
 - (a) from the fee paid in respect of each Overseas Student enrolled in Years 7-10, VCASS is to receive \$12,950 and the Secretary shall receive \$3,570;
 - (b) if the Overseas Student enrolled in Years 7-10 is undertaking a subject at the VSL, \$795 must be deducted from the VCASS allocation and forwarded to the VSL and VCASS is to receive \$12,155 and the Secretary is to receive \$3,570;
 - (c) from the fee paid in respect of each Overseas Student enrolled in Years 11-12, VCASS is to receive \$14,540 and the Secretary is to receive \$4,010;
 - (d) if the Overseas Student enrolled in Years 11-12 is undertaking a subject at the VSL, \$795 must be deducted from VCASS allocation and forwarded to the VSL and VCASS is to receive \$13,745 and the Secretary is to receive \$4,010.

Part 6 - Overseas Students Studying at a Standard Government School or an ELC on a Visa Other than an International Student Visa

23. Scope of Part

Part 6 applies to fees payable by any Overseas Student:

- (a) who is enrolled, or seeking to be enrolled, at a Standard Government School or an ELC; and
- (b) who holds, or proposes to hold, a visa other than an International Student Visa while enrolled at that school; and
- (c) to whom Part 7 does not apply.

All references to "Overseas Student" in Part 6 must be read accordingly.

24. Fees to be Paid

The fees in clauses 24(a) and 24(b) are payable in respect of each Overseas Student who applies for enrolment or is enrolled at a Standard Government School or an ELC. The fees in clauses 24(a) and 24(b) are payable in addition to the relevant fee in clause 24(c).

The relevant fee in clause 24(c) is payable in respect of each Overseas Student enrolled at any Standard Government School and is payable for each year for which the Overseas Student is enrolled.

(a)	A non-refundable application fee in relation to the first application for Enrolment by an Overseas Student in any calendar year.	\$220
(b)	A non-refundable transfer fee in relation to any Overseas Student who is enrolled at a Standard Government School or an ELC and who applies to be enrolled at a different Standard Government School or ELC.	\$565
(c)	Primary Years preparatory – 6	\$9,210
	Junior Secondary Years 7-10	\$12,210
	Senior Secondary Years 11-12	\$13,640
	An ELC only for all year levels	\$13,640

25. Instruction and Educational and Other Related Services

Upon payment of the fee in clause 24(c) the Overseas Student is entitled to the instruction and educational services provided by the Standard Government School or the ELC to students at the same year level.

26. Date for Payment of Fees

- (1) The application fee in clause 24(a) is payable by an Overseas Student at the time of making an application to be enrolled in a Standard Government School or an ELC. The transfer fee in clause 24(b) is payable by an Overseas Student at the time of making the application for transfer.
- (2) The total fee in clause 24(c) or, where applicable, the pro rata fee payable under clause 42(2) is payable in advance. The fee must be paid prior to the Overseas Student commencing at the Standard Government School or an ELC.

27. Distribution of Fee between the School and the Secretary

- (1) Where an Overseas Student is enrolled at a Standard Government School or ELC, from the fee paid in respect of each Overseas Student enrolled in the following year levels, the corresponding distributions must occur:

	Amount paid to schools	Amount retained by the Secretary
Primary Years preparatory – 6	\$7,220	\$1,990
Junior Secondary Years 7-10	\$9,570	\$2,640
Senior Secondary Years 11-12	\$10,690	\$2,950
ELC only for all year levels	\$10,690	\$2,950

- (2) The application fee set out in clause 24(a) is to be retained by the Secretary.

- (3) The transfer fee set out in clause 24(b) must be distributed to the Standard Government School or ELC from which the Overseas Student is seeking a transfer.

Part 7 - Overseas Students enrolled by Tour Group Operators for a Study Tour in a Victorian School

28. Fees to be Paid

The fees in clause 28(1), (2), (3), (4) and (5) are payable by each Overseas Student who applies for Enrolment through a Tour Group Operator to undertake a Study Tour in a Victorian School.

(1)	First study module	\$590
	Each additional study module	\$272
(2)	Additional day in school	\$64
(3)	Additional day on excursion	\$144
(4)	Weekend homestay	\$35
(5)	Single day visit	\$85

The fees in clause 28 (6), (7), (8) and (9) are payable by each adult accompanying a group of Overseas Students undertaking a Study Tour in a Victorian School.

(6)	First study module	\$138
	Each additional Study module	\$104
(7)	Weekend homestay	\$35
(8)	Additional day in school	\$35
(9)	Additional day on excursion	\$35

29. Instruction and Educational and Other Related Services

An Overseas Student will only be entitled to the specific instruction and educational and other related services for which the Tour Group Operator has enrolled the student and which has been paid for by or on behalf of that Overseas Student.

30. Date for Payment of Fees

All fees are payable in advance and must be paid prior to an Overseas Student undertaking a Study Tour in Victorian Schools at the Government School.

31. Distribution of Fee between the School and the Secretary

The Secretary must distribute 90% of the fee to the Government School.

Part 8 - Welfare Services – accommodation placement and arrival support

32. Services to be provided- accommodation placement

- (1) (a) An Overseas Student may request that the Department arrange accommodation placement for the Overseas Student. The arrangement of accommodation for an Overseas Student is to be provided by the Government School at which the Overseas Student is enrolled or to which the Overseas Student has applied to be enrolled.
- (b) The Government School arranging accommodation for an Overseas Student must take steps to satisfy itself that the proposed accommodation is safe and suitable for the Overseas Student, and that other persons

residing in the accommodation are of suitable character. The steps a Government School must take so as to satisfy this requirement are:

- (i) obtaining a list of all persons living at the proposed accommodation;
- (ii) obtaining Working With Children Checks for all persons living aged over 18 residing at the address of the proposed accommodation (and ensuring that the persons living at the proposed accommodation pay all fees associated with the police checks);
- (iii) interviewing person(s) offering the proposed accommodation and living in the proposed accommodation;
- (iv) conducting reference checks of all person(s) living in the proposed accommodation;
- (v) ensuring that the person(s) providing the proposed accommodation is/are over 21 years of age and has/have the right to remain in Australia until the Overseas Student turns 18 years of age;
- (vi) if a company is the provider of the accommodation, ensuring that the company is registered in Australia and that the person/s providing the accommodation on behalf of the company is/are over 21 years of age;
- (vii) providing the Department with a written assurance that it is satisfied that the proposed accommodation is safe and suitable for the Overseas Student, that other persons residing therein are of suitable character, and that all the matters set out in (i)-(vi) have been complied with;
- (viii) where requested by the Department, providing copies of any documents which are evidence of the matters set out in (i) to (vi).

(2) Fees to be Paid

The fee payable to the Secretary for the services set out in clause 32(1)(a) and (b) is \$220.

(3) Date of Payment of Fee

The Overseas Student must pay the fee in clause 32(2) at the time that the Overseas Student accepts an offer of placement from a Government School.

(4) Distribution of Fee Between the School and the Secretary

The Secretary must distribute 100% of the fee set out in clause 32(2) to the Government School arranging the accommodation placement.

33 . Services to be provided - arrival support

- (1) The Government School at which the Overseas Student referred to in 32 (1) (a) is enrolled or to which the Overseas Student has applied to be enrolled will arrange to meet and welcome the Overseas Student on arrival at the airport and ensure that all arrival matters are completed.

(2) Fees to be Paid

The fee payable to the Secretary for the service set out in clause 33(1) is \$125

(3) Date of Payment of Fee

The Overseas Student must pay the fee in clause 33(2) at the time that the Overseas Student accepts an offer of placement from a Government School.

(4) Distribution of Fee Between the School and the Secretary

The Secretary must distribute 100% of the fee set out in clause 33(2) to the Government School arranging the arrival support.

Part 9 - Exemptions and Waivers

34 . Waiver of Certain Fees

- (i) An Overseas Student may have the fees set out in any of clauses 9(1)(a), 9(1)(b), 9(2)(a), 9(2)(b), 9(3)(a), 19(a), 19(b), 24(a), 24(b), 32(2) and 33(2) waived if the person holding or acting in the position of Executive Director, International Education Division considers, in his or her discretion, having regard to the prevailing policy of the Department, that such fees or component thereof should be waived.
- (ii) An Overseas Student and an Accompanying Adult may have the fees set out in clause 28 waived if the person holding or acting in the position of Executive Director, International Education Division considers, in his or her discretion, having regard to the prevailing policy of the Department, that such fees or component thereof should be waived.

35. Exemption from Payment of Tuition Fees

- (1) Overseas Students who are approved in writing by the Secretary as meeting any of the following descriptions are exempt from paying the fees in clauses 9, 15, 19 and 24:
 - (a) Dependants of overseas persons who are:
 - (i) conducting substantial business or investment activities;
 - (ii) overseas partners of an Australian citizen, permanent resident or eligible New Zealand citizen;
 - (iii) seeking protection on humanitarian grounds;
 - (iv) entering or have entered Australia as skilled employees;
 - (v) entering or have entered Australia as overseas specialist entrants;
 - (vi) holders of Bridging Visas where the immediate previously held Visa enabled exemption from paying fee;
 - (b) Dependants of non-student temporary residents eligible for Australian Government General Recurrent Grant (GRG) funding;
 - (c) Dependants of Overseas Students, where those Overseas Students are:
 - (i) receiving a fully-funded award or scholarship from the Australian Government or from an Australian Higher Education Institution which meets the full cost of the education component of the award;
or
 - (ii) receiving any scholarship to which, in the opinion of the Secretary, an exemption should be granted;

- (d) exchange students enrolled in an exchange program provided by an Overseas Secondary Student Exchange Organisation approved by the Victorian Registration and Qualifications Authority;
 - (e) Dependants of post-graduate research students enrolled at Victorian tertiary institutions in Doctoral or Masters by research degree courses.
- (2) The Secretary may exempt an Overseas Student from paying the fees described in clauses 9, 15, 19 and 24 if:
- (a) in the opinion of the Secretary the relevant Overseas Student is facing extreme financial hardship; and
 - (b) the Secretary has considered the prevailing policy of the Department regarding the exemption of such payments and written notification is provided.

Part 10 - General

36. Subsequent Order Fees

In the event that the fees paid by an Overseas Student or a Tour Group Operator in accordance with this Order differ from those fees specified in any Subsequent Order, the Overseas Student or Tour Group Operator must, within 30 days of receiving an invoice, pay the difference between those fees.

37. Periodic Payments

The person holding or acting in the position of Executive Director, International Education Division, may permit an Overseas Student to make periodic payments towards the fees described in clauses 9, 15, 19 and 24 if:

- (a) in the opinion of the Executive Director the relevant Overseas Student is facing financial hardship; and
- (b) the Executive Director has considered the prevailing policy of the Department in permitting such payments.

38. Collection of unpaid fees

- (1) If an Overseas Student who is required to pay fees in clause 9, 15, 19 or 24 does not pay the fees on or before the due date, the Executive Director, International Education Division, may refer the unpaid fees to a debt collection agency.
- (2) If an Overseas Student is referred to a debt collection agency, in addition to the unpaid fees, the Overseas Student is required to pay a collection fee of 15% of the unpaid fees.

39. Refunds

The person holding or acting in the position of Executive Director, International Education Division, may elect to refund the fees, or a portion of those fees, paid by an Overseas Student or a Tour Group Operator if:

- (a) the Overseas Student or Tour Group Operator submits a refund request form to the Department; and

- (b) the Executive Director has considered the prevailing policy of the Department regarding the refund of such fees.

40. Receipt of Fees by the Secretary

All fees received by or distributed to the Secretary pursuant to this Order will be deemed to have been received by the Secretary on behalf of the Department.

41. Persons to Whom Fees are to be Paid

All fees must be paid in Australian currency to the Secretary and forwarded to the International Education Division, Department of Education and Early Childhood Development, GPO Box 4367, Melbourne 3001.

42. Pro Rata Fee Payment

- (1) An Overseas Student who undertakes study for a period of shorter duration than that described in a clause in this Order is required to pay a pro rata amount of the fee which would otherwise be payable in accordance with this Order.
- (2) The pro rata amount payable under clause 42(1) is calculated by dividing the fee in the relevant clause by the number of weeks in the full period of study to which that clause applies and multiplying that result by the number of weeks in the period during which the Overseas Student will be enrolled.
- (3) Except as otherwise provided for by this Order, payment of any fee to which clause 42 applies must be made before the Overseas Student commences study at the relevant school.
- (4) In calculating the distribution of any fees to which this clause applies, each amount is to be reduced by applying the method set out in clause 42(2).

43. Distribution of fees

The Secretary must ensure that the amount to be paid to the Standard Government School, ELC, the DEC, the VSL, or the VCASS is distributed on a quarterly basis.

44. Application of clauses 11, 24

- (1) In applying clauses 11, 24
 - (a) where prior to the making of this Order, an Overseas Student has:
 - (i) applied to be enrolled in a Standard Government School or the VCASS for 2013; or
 - (ii) accepted an offer of placement in a Standard Government School or the VCASS for 2013; and
 - (b) the date or time specified under clause 11, 24 for making a payment occurs prior to the making of this Order, the payment must be made by 21 January 2013 for Terms 1 and 2 2013 and by 1 July 2013 for Terms 3 and 4 2013.
- (2) Any payment due under clause 44(1) must be reduced by an amount equal to any payment made in respect of the same period by the overseas student under Ministerial Order No. 512 made under the *Education and Training Reform Act 2006* (Vic).

45. Ministerial Order exclusive of GST

All fees and disbursement of fees stated in this Ministerial Order are GST exclusive.

Dated this 11th day of December 2012



.....
Martin Dixon MP
Minister for Education