EDUCATION AND TRAINING REFORM ACT 2006

MINISTERIAL ORDER NO. 400

The Minister for Education makes the following Order:

Part 1 – Preliminary

1. Title

This Order may be cited as Ministerial Order No. 400

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.

3. Purpose

This Order specifies the fees to be paid by or on behalf of Overseas Students 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 or legal guardian.

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 and includes any Department which may succeed to the functions of that Department.

Dependant means an Overseas Student named as a dependant on a visa issued to a post-secondary overseas student studying 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.

End of Term means the school day before the first day of the next school term designated by the Department.

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 fee 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.

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.

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.

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 Enrolments for study to be undertaken commencing on 1 January 2011 and subsequent years.

(2) Ministerial Order No 359 made under the Education Act 1958 (Vic) is repealed with effect from 31 December 2010.

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;

(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 clause 9(1)(a) 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 clause 9(1)(a) are payable in addition to the relevant fee in clause 9(1)(b) or 9(3)(a).

The relevant fee in clause 9(1)(b) 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) (i) A non-refundable application fee in relation to the first application for Enrolment by an Overseas Student. $220

(ii) 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

(b) 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 clause 9(2)(a) 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 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,

(iii) and that second or subsequent child enrolled in a Victorian Government School paid to 31 December 2008 fees payable under clause 9(1)(b) in respect of that Overseas Student will be reduced by 10%.

(b) Where the fees payable by more than one Overseas Student in a family differ, the discount will apply 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)(b), 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)(i) or 9(2)(a) (as relevant) is payable by an Overseas Student at the time of making an application to be enrolled in a Standard Government School. The transfer fee in clause 9(1)(a)(ii) 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 which enables the Overseas Student to commence at the Standard Government School:

(a) in Term 1 of any year and who will be enrolled for the whole of the school year - must pay half of the fee payable under clause 9(1)(b), 9(2)(c) or 9(3)(a)) (as relevant) upon acceptance of the offer of placement and must pay the balance on or before the end of Term 1;

(b) in Term 2 or 3 of any year (or Term 1 or 4 of any year and who will not be enrolled for the whole of the following year) - must pay the entire pro rata amount based on clause 9(1)(b), 9(2)(c) or 9(3)(a) (as relevant) and calculated under clause (2)38 upon acceptance of an offer of placement;

(c) in Term 4 of any year and who will be enrolled for the whole of the following year - must pay the entire pro rata amount based on clause 9(1)(b), 9(2)(c) or 9(3)(a) (as relevant) and calculated under clause (2)38, plus half the following year’s total fee, upon acceptance of an offer of placement.
(3) 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(2)(c) applies, must pay half the following year's total and the balance on or before 30 April of the following year.

(4) An Overseas Student to whom clause 11(2)(c) applies must pay half the following year's total fee upon acceptance of an offer of placement (in accordance with clause 11(2)(c), and the balance on or before 30 April of the following year.

(5) Notwithstanding any other provision in clause 11, the total annual fee in clause 9(1)(b), 9(2)(c) or 9(3)(a) (or in the case of an Overseas Student to whom clause (2)38 applies) the total annual fee payable under clause (2)38 may be paid upon acceptance of an offer of placement.

12. Distribution of Fee between the School and the Secretary

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

(1) When 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 shall occur:

<table>
<thead>
<tr>
<th>Level</th>
<th>Amount paid to schools</th>
<th>Amount retained by the Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Years preparatory - 6</td>
<td>$7,220</td>
<td>$1,990</td>
</tr>
<tr>
<td>Junior Secondary Years 7-10</td>
<td>$9,570</td>
<td>$2,640</td>
</tr>
<tr>
<td>Senior Secondary Years 11-12</td>
<td>$10,690</td>
<td>$2,950</td>
</tr>
</tbody>
</table>

(2) When 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 shall receive $795 and the Standard Government School at which the Overseas Student is enrolled shall 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 shall receive $795 and the Standard Government School at which the Overseas Student is enrolled shall 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 intensive English language course for 21 weeks), the ELC shall receive $2960 and the Standard Government School at which the Overseas Student is enrolled shall receive $4260;

(d) in any of Years 7-10 at a Standard Government School and attends an ELC (for the purpose of undertaking an intensive English language course for 21 weeks), the ELC shall receive $3,920 and the Standard Government School at which the Overseas Student is enrolled shall 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 intensive English language
course for 21 weeks), the ELC shall receive $4,380 and the Standard Government School at which the Overseas Student is enrolled shall receive $6,310;

(f) at a Standard Government School and attends an ELC and the DEC or the VSL, the relevant fee shall be apportioned as follows:

(i) the relevant fee shall 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 shall 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 shall each receive $795 and the Standard Government School at which the Overseas Student is enrolled shall 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 intensive English language course for 21 weeks), the relevant fee shall be apportioned as follows:

(i) the relevant fee shall 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 shall each receive $795 from the amount which would otherwise be paid to the Standard Government School under clause 12 (c)(2)(d) or (e).

(4) (a) The application fee set out in clause 9(1)(a)(i) will be retained by the Secretary.

(b) The transfer fee set out in clause 9(1)(a)(ii) will 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) will be distributed as follows:

(1) When 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 shall occur:

<table>
<thead>
<tr>
<th>Year Level</th>
<th>Amount paid to schools</th>
<th>Amount retained by the Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Years preparatory - 1</td>
<td>$5,915</td>
<td>$1,455</td>
</tr>
<tr>
<td>Primary Years 2-6</td>
<td>$5,780</td>
<td>$1,590</td>
</tr>
<tr>
<td>Junior Secondary Years 7-10</td>
<td>$7,660</td>
<td>$2,110</td>
</tr>
<tr>
<td>Senior Secondary Years 11-12</td>
<td>$8,555</td>
<td>$2,355</td>
</tr>
</tbody>
</table>
(2) When 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 shall receive $795 and the Standard Government School at which the Overseas Student is enrolled shall 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 shall receive $795 and the Standard Government School at which the Overseas Student is enrolled shall receive $7,760.

(c) in any Years preparatory – 1 at a Standard Government School and attends an ELC (for the purpose of undertaking an intensive English language course for 21 weeks), the ELC shall receive $2,420;

(d) in any of Years 2-6 at a Standard Government School and attends an ELC (for the purpose of undertaking an intensive English language course for 21 weeks), the ELC shall receive $2,370;

(e) in any of Years 7-10 at a Standard Government School and attends an ELC (for the purpose of undertaking an intensive English language course for 21 weeks), the ELC shall receive $3,140;

(f) in any of Years 11-12 at a Standard Government School and attends an ELC (for the purpose of undertaking an intensive English language course for 21 weeks), the ELC shall receive $3,500; and

(g) at a Standard Government School and attends an ELC and the DEC or the VSL the relevant fee shall be apportioned as follows:

(i) the relevant fee shall firstly be apportioned to the ELC according to sub-clauses 13 (2) (c), (d) (e) or (f); and

(ii) the DEC or the VSL shall 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 shall each receive $795 and the Standard Government School at which the Dependant is enrolled shall 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 intensive English language course for 21 weeks) conducted by another Standard Government School, the relevant fee shall be apportioned as follows:

(i) the relevant fee shall 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 shall each receive $795 from the amount which would otherwise be paid to the ELC in clause 13(2)(d) or (e).

(4)  
(a) The application fee set out in clause 9(2)(a) will be retained by the Secretary.

(b) The transfer fee set out in clause 9(2)(b) will 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 will be distributed as follows:

(1) When 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 will be made:

<table>
<thead>
<tr>
<th>Amount paid to schools</th>
<th>Amount retained by the Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Years preparatory - 6</td>
<td>$6,500</td>
</tr>
<tr>
<td>Junior Secondary Years 7-10</td>
<td>$8,610</td>
</tr>
<tr>
<td>Senior Secondary Years 11-12</td>
<td>$9,620</td>
</tr>
</tbody>
</table>

(2) When 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 shall receive $795 and the Standard Government School at which the Overseas Student is enrolled shall 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 will receive $795 and the Standard Government School at which the Overseas Student is enrolled shall 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 intensive English language course for 21 weeks), the ELC shall receive $2,660 and the Standard Government School at which the Overseas Student is enrolled shall 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 intensive English language course for 21 weeks), the ELC shall $3,530 and the Standard Government School at which the Overseas Student is enrolled shall 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 intensive English language course for 21 weeks), the ELC shall receive $3,940 and the Standard
Government School at which the Overseas Student is enrolled shall receive $5,680; and

(f) at a Standard Government School and attends an ELC, and the VSL or the DEC, the relevant fee shall be apportioned as follows:

(i) the relevant fee shall 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 shall 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 shall each receive $795, and the Standard Government School at which the Overseas Student is enrolled shall receive the balance of the amount paid to schools as specified by clause 14(1); or

(b) if the Second or Subsequent Child also attends an ELC (for the purpose of undertaking an intensive English language course for 21 weeks) conducted by another Standard Government School, the relevant fee shall be apportioned as follows:

(i) the relevant fee shall 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 shall 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)(i) will be retained by the Secretary.

(b) The transfer fee set out in clause 9(1)(a)(ii) will 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

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.

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 shall be distributed as follows:

(1) the DEC or the VSL at which the student is enrolled shall receive $795

and

(2) the Secretary shall receive $315

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**Part 5 - Overseas Students Enrolled at the V Cass**

19. **Fees to be Paid**

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

The relevant fee in clause 19(b) must be paid by each Overseas Student enrolled at the V Cass and is payable for each year for which the Overseas Student is enrolled:

(a) (i) A non-refundable application fee in relation to the first application for Enrolment by an Overseas Student. $220

(ii) A non-refundable transfer fee in relation to any Overseas Student who is enrolled at the V Cass and who applies to be enrolled at a different Government School. $565

(b) Junior Secondary Years 7-10 $16,520

Senior Secondary Years 11-12 $18,550

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20. **Instruction and Educational and Other Related Services**

Upon payment of the fee in clause 19(b), the Overseas Student is entitled to the same instruction, educational and other related services provided by the V Cass to the same extent as other students of the V Cass 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)(i) is payable by an Overseas Student at the time of making an application to be enrolled in the V Cass. The transfer fee in clause 19(a)(ii) is payable by an Overseas Student at the time of making the application for transfer.

(2) An Overseas Student who accepts an offer of placement with the V Cass which enables the Overseas Student to commence at the V Cass:

(a) in Term 1 of any year and who will be enrolled for the whole of the school year - must pay half of the fee payable under clause 19(b) upon acceptance of the offer of placement and must pay the balance on or before the End of Term 1;
(b) in Term 2 or 3 of any year (or Term 1 or 4 of any year and who will not be enrolled for the whole of the following year) - must pay the entire pro rata amount based on clause 19(b) and calculated under clause (2)(3)8 upon acceptance of an offer of placement;

(c) in Term 4 of any year and who will be enrolled for the whole of the following year - must pay the entire pro rata amount based on clause 19(b) and calculated under clause (2)(3)8, plus half the following year’s total fee, upon acceptance of an offer of placement.

(3) An Overseas Student who is enrolled and receiving instruction at the VCAS and who will continue to be enrolled for the whole of the following year, except an Overseas Student to whom clause 21(2)(c) applies, must pay half the following year’s total fee prior to the end of the school year, and the balance on or before 30 April of the following year.

(4) An Overseas Student to whom clause 20(2)(c) applies must pay half the following year’s total fee upon acceptance of an offer of placement (in accordance with clause 20(2)(c)), and the balance on or before 30 April of the following year.

(5) Notwithstanding any other provision in clause 20, the total annual fee in clause 18(b) (or in the case of an Overseas Student to whom clause (2)(3)8 applies, the total annual fee payable under clause (2)(3)8(2) may be paid upon acceptance of an offer of placement.

22. **Distribution of Fee Between the VCAS and the Secretary**

(1) (a) The application fee set out in clause 19(a)(i) will be retained by the Secretary.

(b) The transfer fee set out in clause 19(a)(ii) will be distributed to the VCAS.

(2) When an Overseas Student is enrolled at the VCAS only, from the fee paid in respect of each Overseas Student enrolled in the following year levels, the following distributions shall occur:

<table>
<thead>
<tr>
<th></th>
<th>Amount paid to schools</th>
<th>Amount retained by the Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junior Secondary Years 7-10</td>
<td>$12,950</td>
<td>$3,570</td>
</tr>
<tr>
<td>Senior Secondary Years 11-12</td>
<td>$14,540</td>
<td>$4,010</td>
</tr>
</tbody>
</table>

(3) When an Overseas Student is enrolled:

(a) in any of Years 7-10 at the VCAS and attends the DEC or the VSL (for the purpose of undertaking an additional single course), the DEC or the VSL shall receive $795 and the VCAS shall receive $12,155

(b) in any of Years 11-12 at the VCAS and attends the DEC or the VSL (for the purpose of undertaking an additional single course), the DEC or the VSL shall receive $795 and the VCAS shall receive $13,745

(c) in any of Years 7-10 at the VCAS and attends an ELC (for the purpose of undertaking an intensive English language course for 21 weeks), the ELC shall receive the $5,310 and the VCAS shall receive $7,640;

(d) in any of Years 11-12 at the VCAS and attends an ELC (for the purpose of undertaking an intensive English language course for 21 weeks), the ELC shall receive $5,960 and the VCAS shall receive $8,580; and
(e) at the VCASS and attends an ELC and the DEC or the VSL, the relevant fee shall be apportioned as follows:

(i) the relevant fee shall firstly be apportioned between the VCASS and the ELC according to sub-clauses (c) or (d); and

(ii) the DEC or the VSL shall 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 the 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 shall each receive $795, and the VCASS shall 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 intensive English language course for 21 weeks), the relevant fee shall be apportioned as follows:

(i) the relevant fee shall firstly be apportioned between the VCASS and the ELC according to clauses 22 (3)(c) or (d); and

(ii) the DEC and the VSL shall each receive $795 from the amount which would otherwise be paid to the Standard Government School under clause 22 (3)(c) or (d).

(5) The fee paid in respect of each Overseas Student pursuant to clause 19(b) shall be distributed as follows:

(a) From the fee paid in respect of each Overseas Student enrolled in Years 7-10, the VCASS shall 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 will be deducted from the VCASS allocation and forwarded to the VSL. The VCASS shall receive $12,155 and the Secretary shall receive $3,570.

(c) From the fee paid in respect of each Overseas Student enrolled in Years 11-12, the VCASS shall receive $13,745 and the Secretary shall receive $4,010.

(d) If the Overseas Student enrolled in Years 11-12 is undertaking a subject at the VSL, $795 will be deducted from the VCASS allocation and forwarded to the VSL.

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;

(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.
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 shall be distributed as follows:

1. the DEC or the VSL at which the student is enrolled shall receive $795

2. the Secretary shall receive $315

**Part 5 - Overseas Students Enrolled at the VCASS**

19. **Fees to be Paid**

The fees in clause 19(a) 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 clause 19(a) are payable in addition to the relevant fee in clause 19(b).

The relevant fee in clause 19(b) 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) (i) A non-refundable application fee in relation to the first application for Enrolment by an Overseas Student. $220

(ii) 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

(b) 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(b), 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)(ii) is payable by an Overseas Student at the time of making an application to be enrolled in the VCASS. The transfer fee in clause 19(a)(ii) is payable by an Overseas Student at the time of making the application for transfer.

2. An Overseas Student who accepts an offer of placement with the VCASS which enables the Overseas Student to commence at the VCASS:

   (a) in Term 1 of any year and who will be enrolled for the whole of the school year - must pay half of the fee payable under clause 19(b) upon acceptance of the offer of placement and must pay the balance on or before the End of Term 1;
(b) in Term 2 or 3 of any year (or Term 1 or 4 of any year and who will not be enrolled for the whole of the following year) - must pay the entire pro rata amount based on clause 19(b) and calculated under clause (2)38 upon acceptance of an offer of placement;

(c) in Term 4 of any year and who will be enrolled for the whole of the following year - must pay the entire pro rata amount based on clause 19(b) and calculated under clause (2)38, plus half the following year’s total fee, upon acceptance of an offer of placement.

(3) An Overseas Student who is enrolled and receiving instruction at the VCASS and who will continue to be enrolled for the whole of the following year, except an Overseas Student to whom clause 21(2)(c) applies, must pay half the following year’s total fee prior to the end of the school year, and the balance on or before 30 April of the following year.

(4) An Overseas Student to whom clause 20(2)(c) applies must pay half the following year’s total fee upon acceptance of an offer of placement (in accordance with clause 20(2)(c)), and the balance on or before 30 April of the following year.

(5) Notwithstanding any other provision in clause 20, the total annual fee in clause 18(b) (or in the case of an Overseas Student to whom clause (2)38 applies, the total annual fee payable under clause (2)38(2) may be paid upon acceptance of an offer of placement.

22. Distribution of Fee Between the VCASS and the Secretary

(1) (a) The application fee set out in clause 19(a)(i) will be retained by the Secretary.

(b) The transfer fee set out in clause 19(a)(ii) will be distributed to the VCASS.

(2) When 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 shall occur:

<table>
<thead>
<tr>
<th></th>
<th>Amount paid to schools</th>
<th>Amount retained by the Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junior Secondary Years 7-10</td>
<td>$12,950</td>
<td>$3,570</td>
</tr>
<tr>
<td>Senior Secondary Years 11-12</td>
<td>$14,540</td>
<td>$4,010</td>
</tr>
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</table>

(3) When an Overseas Student is enrolled:

(a) in any of Years 7-10 at the VCASS and attends the DEC or the VSL (for the purpose of undertaking an additional single course), the DEC or the VSL shall receive $795 and the VCASS shall receive $12,155

(b) in any of Years 11-12 at the VCASS and attends the DEC or the VSL (for the purpose of undertaking an additional single course), the DEC or the VSL shall receive $795 and the VCASS shall receive $13,745

(c) in any of Years 7-10 at the VCASS and attends an ELC (for the purpose of undertaking an intensive English language course for 21 weeks), the ELC shall receive the $5,310 and the VCASS shall receive $7,640;

(d) in any of Years 11-12 at the VCASS and attends an ELC (for the purpose of undertaking an intensive English language course for 21 weeks), the ELC shall receive $5,960 and the VCASS shall receive $8,580; and
(e) at the VCASS and attends an ELC and the DEC or the VSL, the relevant fee shall be apportioned as follows:

(i) the relevant fee shall firstly be apportioned between the VCASS and the ELC according to sub-clauses (c) or (d); and

(ii) the DEC or the VSL shall 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 the 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 shall each receive $795, and the VCASS shall 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 intensive English language course for 21 weeks), the relevant fee shall be apportioned as follows:

(i) the relevant fee shall firstly be apportioned between the VCASS and the ELC according to clauses 22 (3)(c) or (d); and

(ii) the DEC and the VSL shall each receive $795 from the amount which would otherwise be paid to the Standard Government School under clause 22 (3)(c) or (d).

(5) The fee paid in respect of each Overseas Student pursuant to clause 19(b) shall be distributed as follows:

(a) From the fee paid in respect of each Overseas Student enrolled in Years 7-10, the VCASS shall 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 will be deducted from the VCASS allocation and forwarded to the VSL. The VCASS shall receive $12,155 and the Secretary shall receive $3,570.

(c) From the fee paid in respect of each Overseas Student enrolled in Years 11-12, the VCASS shall receive $13,745 and the Secretary shall receive $4,010.

(d) If the Overseas Student enrolled in Years 11-12 is undertaking a subject at the VSL, $795 will be deducted from the VCASS allocation and forwarded to the VSL.

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;

(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 clause 24(a) 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 clause 24(a) are payable in addition to the relevant fee in clause 24(b).

The relevant fee in clause 24(b) 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) (i) A non-refundable application fee in relation to the first application for Enrolment by an Overseas Student in any calendar year. $220

(ii) 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

(b) 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(b) 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)(i) 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(a)(ii) is payable by an Overseas Student at the time of making the application for transfer.

(2) The total fee in clause 24(b) or, where applicable, the pro rata fee payable under clause (2)38 (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) When 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 shall occur:

<table>
<thead>
<tr>
<th></th>
<th>Amount paid to schools</th>
<th>Amount retained by the Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Years preparatory - 6</td>
<td>$7,220</td>
<td>$1,990</td>
</tr>
<tr>
<td>Junior Secondary Years 7-10</td>
<td>$9,570</td>
<td>$2,640</td>
</tr>
<tr>
<td>Senior Secondary Years 11-12</td>
<td>$10,690</td>
<td>$2,950</td>
</tr>
<tr>
<td>ELC only for all year levels</td>
<td>$10,690</td>
<td>$2,950</td>
</tr>
</tbody>
</table>
(2) The application fee set out in clause 24(a)(i) will be retained by the Secretary.

(3) The transfer fee set out in clause 24(a)(ii) will 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 Short Term Study Programs

28. Fees to be Paid

The fees in clause 28(1) are payable in respect of each Overseas Student who applies for Enrolment by a Tour Group Operator to undertake a Short Term Study Program

(1) One Unit program $590
    Two Unit program $863
    Three Unit program $1,135
    Four Unit program $1,407

The fees in clause 28(2) are payable in respect of each adult accompanying a group of overseas students undertaking a Short Term Study Program

(2) One Unit program $138
    Two Unit program $276
    Three Unit program $414
    Four Unit program $552

The fees in clauses 28(3) and 28(4) are payable when appropriate and in addition to the relevant fees in clauses 28(1) and 28(2)

(3) Weekend Homestay cost per Overseas Student/ accompanying adult per night $35

(4) Additional days each Overseas Student and accompanying adult - post unit completion and prior to departure $168

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 short term study program at the Government School.

31. Distribution of Fee between the School and the Secretary

The Secretary will distribute a proportion 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 will 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 of all persons living 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 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; and

(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 serviced 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 will 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 arrivals matters are completed.

(2) **Fees to be Paid**

The fee payable to the Secretary for the service set out in clause 33(1) (a) 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 will 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**

An Overseas Student will have the fees set out in any of clauses 9(1)(a), 9(2)(a), 9(2)(b), 9(3)(a), 19(a), 24, 28(1), 32(2) and 33(2) waived where the person holding or acting in the position of General Manager, 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 by the Secretary as meeting any of the following descriptions are exempt from paying the fees in clauses 9, 15, 19 and 24:

(a) Dependents 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) overseas persons seeking protection on humanitarian grounds;

   (iv) overseas persons who have entered Australia as skilled employees;

   (v) on a Government Agreement (if bilateral agreement warrants such exemption);

   (vi) teachers on Exchange;

   (vii) from a Foreign Government Agency;

   (viii) Medical Practitioners working in regional Victoria and sponsored Overseas Workers;

   (ix) holders of Bridging Visas where the immediate previously held Visa enabled exemption from paying fee;

(b) Dependents 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 who are enrolled in an Overseas Student exchange program registered by the Minister for Education; or

(e) Dependants of post-graduate research students enrolled at Victorian tertiary institutions in Doctoral or Masters by research degree courses.

(2) The Secretary may grant an exemption from payment of the fees described in clauses 9, 15, 19 and 24 where in the opinion of the Secretary the relevant Overseas Student is facing extreme financial hardship and having regard to the prevailing policy of the Department, exemptions should be granted in respect of the payment of such fees.

Part 10 - General

36. 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.

37. 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.

38. The Period to Which the Fee Relates

(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 38(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) (a) Despite any other clause in this Order, but subject to clause 38(3)(b), payment of any fee to which clause 38 applies shall be made before the Overseas Student commences study at the relevant school.

(b) Clause 38(3)(a) does not apply to fees payable on dates prescribed by the following clauses:

(i) clause 11(3);

(ii) clause 11(4);

(iii) clause 21(3);

(iv) clause 21(4);
(4) In calculating the distribution of any fees to which this clause applies, each amount shall be reduced by applying the method set out in clause 38(2).

39. 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 V Cass is distributed on a quarterly basis.

40. Application of clauses 11, 21

(1) In applying clauses 11, 21

   (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 V Cass for 2010; or

      (ii) accepted an offer of placement in a Standard Government School or the V Cass for 2010; and

   (b) the date or time specified under clause 11, 21 for making a payment occurs prior to the making of this Order,

       the payment must be made prior to the 21 January 2011.

(2) Any payment due under clause 40 (1) will be reduced by an amount equal to any payment made in respect of the same period by the overseas student under Ministerial Order No. 359 made under the Education Act 1958 (Vic).

41. Ministerial Order exclusive of GST

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

42. Ministerial Order and Refunds

The prevailing policy of the Department will continue to apply to refunds of fees.

Dated this .................. day of .................... 2010

[Signature]

Bronwyn Pike MP
Minister for Education
### 2011 Disbursement Table

<table>
<thead>
<tr>
<th>Category</th>
<th>2011 Annual Tuition Fees</th>
<th>Amount Paid to Schools</th>
<th>Amount Paid to VSL/DEC/ELC</th>
<th>Amount retained by the Secretary</th>
</tr>
</thead>
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### ELC

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<th>Category</th>
<th>2011 Annual Tuition Fees</th>
<th>Amount Paid to Schools</th>
<th>Amount Paid to VSL/DEC/ELC</th>
<th>Amount retained by the Secretary</th>
</tr>
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<tbody>
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