



Victoria Government Gazette

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Education and Training Reform Act 2006

MINISTERIAL ORDER NO. 970

Order Amending Ministerial Order No. 819 – Fees for Overseas Students in Government Schools

The Minister for Education makes the following Order –

1. Title

This Order may be cited as Ministerial Order No. 970 – Order Amending Ministerial Order No. 819 – Fees for Overseas Students in Government Schools.

2. Purpose

This Order amends Ministerial Order No. 819 – Fees for Overseas Students in Government Schools to:

- a) provide for the waiver of fees where the Department or Government School has made an administrative error;
- b) provide for a waiver of any difference in fees between when an overseas student pays for and then subsequently commences their course;
- c) insert a formal internal review process;
- d) confer a number of decision making powers on the Secretary; and
- e) update the reference to the visa exemption table, and permit the Secretary to approve further changes as required.

3. Authorising Provisions

This Order is made under sections 2.2.9 and 5.10.4 of the **Education and Training Reform Act 2006**.

4. Commencement

This Order commences on the day that it is published in the Government Gazette.

5. Amendment to Ministerial Order No. 819

- (1) In clause 6(1), **omit** paragraph (c).
- (2) In clause 31, **insert** the following heading into subclause (1) ‘**Accommodation Placement**’.
- (3) For clause 33, **substitute** –

‘33. Waiver of certain fees

- (1) An Overseas Student may have the fees set out in any of items 1, 2, 3, 7, 8, 9, 11, 12, 13, 17 or 18 of the fee schedule waived if the Secretary considers, in his or her discretion, having regard to the prevailing policy of the Department, that such fees should be waived in full or in part.
- (2) An Overseas Student and an accompanying adult may have the fees set out in items 15 and 16 of the fee schedule waived if the Secretary considers, in his or her discretion, having regard to the prevailing policy of the Department, that such fees should be waived in full or in part.
- (3) The Secretary may waive in full or in part any fees that are payable by an Overseas Student in accordance with this Order if the Secretary is satisfied that:
 - (a) an administrative error by the Department or Government School has occurred in relation to the Overseas Student’s enrolment or fees; and
 - (b) as a result of that administrative error, it would be unreasonable to require the Overseas Student to pay the relevant fees.

SPECIAL

- (4) The Secretary may waive any difference in fees that an Overseas Student becomes liable to pay under clause 35(2).
 - (5) Any fees waived in accordance with Ministerial Order No. 614 or Ministerial Order No. 704 that cover a period of time also covered by this Order are considered to have been waived under this Order.’
- (4) For clause 34(1), **substitute** –
 ‘Overseas Students who are approved in writing by the Secretary as meeting the descriptors of Dependents of overseas persons who are holders of a visa prescribed as fee exempt in the Department’s *International Students – Visa Fee Table*, as made by the Secretary from time-to-time, are exempt from the annual tuition fees in items 4, 5, 6, 10 and 14 of the fee schedule.’

- (5) After clause 34, **insert** –

‘PART 8A – INTERNAL REVIEW

34A. Secretary may review decisions

The Secretary may review a decision that is a reviewable decision under this Part.

34B. Reviewable decisions

A reviewable decision is a decision:

- (a) regarding a waiver of fees under clause 33(3); or
- (b) regarding an exemption from payment of annual fees under clause 34(2); or
- (c) regarding a refund of fees under clause 37.

34C. Right to apply for review of decisions

- (1) A person affected by a reviewable decision may apply to the Secretary for a review of the decision.
- (2) An application for review of a decision under this Part must:
 - (a) be made to the Secretary within 28 days of the date of the decision;
 - (b) be in writing; and
 - (c) set out the grounds on which the applicant relies.
- (3) The Secretary may accept a late application for review if he or she is satisfied that exceptional circumstances prevented the applicant from making the application in accordance with clause 34C(2)(a).

34D. Decisions in relation to review

- (1) The Secretary may confirm, reject or vary a reviewable decision.
- (2) The Secretary must give written notice of the Secretary’s decision.
- (3) If the application is rejected or varied, the notice must:
 - (a) state the reasons for the decision; and
 - (b) set out the applicant’s rights in relation to an external review under clause 34E and the procedures for applying for an external review.

34E. External review of Secretary’s decision

An applicant who is dissatisfied with the Secretary’s decision in relation to a review may apply to the Secretary to have the decision reviewed in accordance with the prevailing policy of the Department.’’.

- (6) In clause 36, for ‘Executive Director, International Education Division’ (whenever occurring) **substitute** the ‘Secretary’.
- (7) In clause 37, for ‘person holding or acting in the position Executive Director, International Education Division’ **substitute** ‘Secretary’.
- (8) In clause 37(b), for ‘Executive Director’ **substitute** ‘Secretary’.

Signed this 3 July 2017

THE HON. JAMES MERLINO MP
Minister for Education

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