



**THIRTY-NINTH PARLIAMENT**

**REPORT 39**  
**STANDING COMMITTEE ON ENVIRONMENT**  
**AND PUBLIC AFFAIRS**  
**PETITION NUMBER 17—**  
**OPPOSING FEE FOR 457 VISA HOLDERS**

Presented by Hon Simon O'Brien MLC (Chairman)

December 2014

## STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

**Date first appointed:** 17 August 2005

### **Terms of Reference:**

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

- “2. *Environment and Public Affairs Committee*
- 2.1 *An Environment and Public Affairs Committee is established.*
- 2.2 *The Committee consists of 5 Members.*
- 2.3 *The functions of the Committee are to inquire into and report on –*
- (a) *any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;*
  - (b) *any bill referred by the Council; and*
  - (c) *petitions.*
- 2.4 *The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.*
- 2.5 *The Committee may refer a petition to another Committee where the subject matter of the petition is within the competence of that Committee.*
- 2.6 *In this order “environment” has the meaning assigned to it under section 3(1), (2) of the Environmental Protection Act 1986.”*

### **Members as at the time of this inquiry:**

Hon Simon O'Brien MLC (Chairman)

Hon Stephen Dawson MLC (Deputy Chair)

Hon Brian Ellis MLC

Hon Paul Brown MLC

Hon Samantha Rowe MLC

### **Staff as at the time of this inquiry:**

Irina Lobeto-Ortega (Advisory Officer Legal)

Amanda Gillingham (Research Officer)

Margaret Liveris (Committee Clerk)

### **Address:**

Parliament House, Perth WA 6000, Telephone (08) 9222 7222

lcco@parliament.wa.gov.au

Website: <http://www.parliament.wa.gov.au>

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**EXECUTIVE SUMMARY AND RECOMMENDATION FOR THE**  
**REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS**  
**IN RELATION TO PETITION NUMBER 17—OPPOSING FEE FOR 457 VISA HOLDERS**

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**EXECUTIVE SUMMARY**

- 1 On 15 October 2013, a petition was tabled in the Legislative Council opposing a \$4 000 tuition fee for the children of 457 visa holders who attend public schools.
- 2 Since its introduction in the 2013-2014 Western Australian State Budget, the Government made a number of modifications to the policy. In November 2014 it was announced that the tuition fee of \$4 000 would only apply to the first child of families earning more than \$75 000 and exceptional circumstances would be considered under financial hardship provisions.
- 3 The Government's policy and the subsequent petition generated considerable community comment. This report outlines the inquiries and the public hearing conducted by the Standing Committee on Environment and Public Affairs in relation to the petition, and in particular, the Committee's efforts to clarify the details of hardship provisions associated with the tuition fee.

**RECOMMENDATIONS**

- 4 The Committee makes the following recommendation:

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**Recommendation 1: The Committee recommends that the Legislative Council note the report.**



REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

IN RELATION TO PETITION NUMBER 17—OPPOSING FEE FOR 457 VISA HOLDERS

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**1 REFERENCE AND PROCEDURE**

- 1.1 On 15 October 2013, a petition that opposed the Government's plan to introduce a \$4 000 school fee for the children of 457 visa holders who attend public schools was tabled in the Legislative Council. The terms of the petition state (in part)—

*We the undersigned residents of Western Australia respectfully oppose the plans to introduce a \$4,000 fee for dependent children of 457 visa holders to attend public schools. These fees clearly contravene the spirit of Australia's obligation under the UN Convention. Families on 457 visas pay the same tax as Australian citizens in WA. The holders of 457 visas were aware prior to arrival they have no social welfare entitlements despite paying same taxes as citizens. Current emigrants residing in Western Australia on 457 visa arrived here in good faith in relation to public education requiring a nominal fee that existed for all school going children.<sup>1</sup>*

- 1.2 The petition was referred to the Standing Committee on Environment and Public Affairs (**the Committee**) pursuant to the Legislative Council's Standing Order 102(6).
- 1.3 The principal petitioner and tabling Member were invited to provide submissions, following which, responses to the petition and submissions were obtained from the Treasurer and the Minister for Education. Subsequent inquiries with the Government by the Committee sought (unsuccessfully) to clarify the details of the proposed hardship provisions associated with the fee.

**2 CONTEXT**

- 2.1 A fee of \$4 000 per student for dependents of 457 Visa holders was introduced in the 2013-2014 Western Australian State Budget with an estimated annual revenue of \$34 396 000 being paid into the Consolidated Account.<sup>2</sup>
- 2.2 In September 2013, the Premier announced changes to the policy which saw the fee reduced to \$4 000 per annum for the first child and \$2 000 for each subsequent child.

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<sup>1</sup> Tabled Paper 843, Legislative Council, 15 October 2013.

<sup>2</sup> Western Australian State Budget 2013–14, Budget Paper No. 2, p287.

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Implementation of the fee would be delayed until 2015 and hardship provisions would be developed to take into account exceptional circumstances.<sup>3</sup>

2.3 In the following year's Budget, the fees were listed as an administered transaction for the Department of Training and Workforce Development with an estimated annual revenue of \$13 400 000.<sup>4</sup>

2.4 In his Budget Speech, the Treasurer announced further changes to the policy:

*While the fee was set at around one quarter of the average annual cost of educating a student in Western Australia, the government acknowledges the potential impact of these fees on visa holder families with two or more children. I am therefore pleased to announce that we have moved to mitigate this impact by capping the fee at \$4 000 each year for the first child only, beginning in 2015, irrespective of the number of children enrolled in the public school system.<sup>5</sup>*

### **3 THE COMMITTEE'S INQUIRIES**

3.1 A submission to the Committee from the principal petitioner argued that the families of 457 visa holders had relocated to Western Australia with an understanding that education fees were nominal and it was "*unfair to punish these families with this stealth tax after negotiating packages/salaries with employers prior to their departure.*"<sup>6</sup>

3.2 The petitioner pointed out that:

*These families are paying 8% more tax than Australian citizens but have no social welfare entitlements. I have strength tested the ability to pay this fee with families on salaries from \$80k to \$120k and this fee is a bridge too far. It is a myth that these workers are on huge salaries. The average 457 salary in mining is \$138k. The average 457 salary is \$93k. The Premier's office has confirmed that they have done no testing in terms of ability to pay and are struggling to issue what they deem to be a "hardship figure".<sup>7</sup>*

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<sup>3</sup> Hon Colin Barnett MLA, Premier, Media Statement, 17 September 2013.

<sup>4</sup> Western Australian State Budget 2014–15, Budget Paper No. 2, p166.

<sup>5</sup> Western Australian State Budget 2014–15, Budget Paper No 1, Treasurer's Budget Speech, p8.

<sup>6</sup> Submission from Mr Dean Keating, 30 October 2013, p2.

<sup>7</sup> Ibid.



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**Government response to the petition**

3.3 According to the then Treasurer, Hon Troy Buswell MLA, the average cost of educating each student is approximately \$15 000 per annum. Although taxes from 457 visa holders are predominately paid to the Commonwealth, the State is responsible for funding education services. Consequently, to maintain the current level of services in the face of increasing student numbers, the Government needed to find new sources of revenue.<sup>8</sup>

3.4 The Treasurer explained that temporary residents do not have the same entitlements as citizens or permanent residents and they are required to contribute on a user-pays basis for other government services.<sup>9</sup> According to the Treasurer:

*The State Government has the right to determine the enrolment status of every student within the public school system and the fees payable for tuition. Dependent children of 457 visa holders are just one category of student in attendance at State public schools.*

*Division 6, Part 3 of the School Education Act 1999 (the Act) already legislates that students categorised as overseas students are to pay a fee for instruction.*

*It is within the Government's right to introduce amendments to the Act, to implement its policy decisions, and will do so to enable implementation of fee specifically payable by 457 visa holders, from 2015 onwards.<sup>10</sup>*

3.5 The Minister for Education explained that:

*This decision reflects the pressure on the State's budget and the reality that WA taxpayers contribute to the cost of services, such as education, over a lifetime of paying taxes.<sup>11</sup>*

**Request for information on hardship provisions**

3.6 On 24 February 2014, the Committee wrote to the then Treasurer and the Minister for Education seeking further details regarding the proposed hardship provisions.

3.7 The Minister for Education advised the Committee that changes to the *School Education Regulations 2000* would enable the Government to charge a tuition fee for

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<sup>8</sup> Letter from Hon Troy Buswell MLA, Treasurer, 2 January 2014, p1.

<sup>9</sup> Ibid, p2.

<sup>10</sup> Ibid.

<sup>11</sup> Letter from Hon Peter Collier MLC, Minister for Education, 20 December 2013, p1.

dependants of 457 visa holders and to make provision for families experiencing financial hardship.<sup>12</sup>

- 3.8 A response from the Office of the Treasurer advised that the issue of hardship provisions “falls more appropriately within the responsibility of Mr David Smith, Deputy Director for the Department of the Premier and Cabinet” and the Committee’s correspondence had been forwarded to Mr Smith for his consideration.<sup>13</sup>
- 3.9 Failure to receive a response from the Department of Premier and Cabinet (DPC) by 7 May 2014 prompted the Committee to request that Mr David Smith (or another senior officer) from the DPC appear before the Committee on 14 May 2014 to answer questions regarding the hardship provisions.
- 3.10 On 12 May 2014 the Committee received advice from Mr Peter Conran, Director General of the DPC, that Mr Smith was on annual leave and unable to appear before the Committee and “[n]o other suitable senior officer is able to attend the hearing at such short notice.”<sup>14</sup>
- 3.11 On 14 May 2014 the Committee wrote to the Premier, Hon Colin Barnett MLA, outlining the difficulties it had experienced in obtaining information regarding the proposed hardship provisions.
- 3.12 On 6 June 2014, the DPC replied to the Committee and advised that:

*While the original fee was set at around one quarter of the average annual cost of educating a student in Western Australia, the potential impact of this fee on families with two or more children was acknowledged. In the recent Budget the Government has moved to mitigate this impact by capping the fee at \$4000 per annum for the first child only, irrespective of the number of children enrolled in the public school system. While there continues to be an expectation that visa holders will make a contribution to the cost of education provided to their children, the revised single fee is intended to alleviate hardship for large families.*

*Beyond this any families still experiencing financial hardship due to exceptional circumstances will have the further opportunity to apply for special consideration, especially for fee deferment. The arrangements for this, expected to be applied on a case by case basis, are still being developed between the Department of Education and*

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<sup>12</sup> Letter from Hon Peter Collier MLC, Minister for Education, 13 March 2014.

<sup>13</sup> Letter from Ms Robyn Riordan, Executive Officer, Office of Dr Mike Nahan MLA, Treasurer, undated (received 28 March 2014).

<sup>14</sup> Letter from Mr Peter Conran, Director General, Department of Premier and Cabinet, 12 May 2014.

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*the Department of Training and Workforce Development (who administers visa fee arrangements). This information will be made publicly available in the near future.*<sup>15</sup>

- 3.13 In light of the continuing lack of information regarding the hardship provisions, the Committee held a hearing with the Minister for Education and officials from the Departments of Training and Workforce Development, Education, and Premier and Cabinet on 20 August 2014.

#### **Evidence provided to the Committee**

- 3.14 In his evidence to the Committee, the Minister for Education explained that there had been a significant increase in the number of dependants of 457 visa holders in the public education system—from approximately 290 children in 2005 to an estimated 5 380 in 2014. The Government calculated that about 3 300 (of the 5 300 children in total) would pay the education fee.<sup>16</sup>
- 3.15 The Committee heard evidence that the State Government had contributed to this growth by actively encouraging overseas workers to come to Western Australia. However, the Minister denied that free education at public schools had been offered as an inducement:

*The CHAIRMAN: I am sure you can realise the point that I am pursuing; that is, did we encourage people to come here, who subsequently did come here as 457 visa holders bringing their dependants with the expectation that they would be able to send their children to government schools here and that was one of the attractions in coming here?*

*Hon PETER COLLIER: Sure, that was certainly not in isolation at all. And there was never any mention—I can assure you, I went to every forum—we never ever talked about the education system as a motivating factor to come to Australia. The key point was that we were suffering, and we have a potential for, a shortage of skilled workers in the next couple of years; we were facing a very, very real possibility of having projects like Gorgon, Wheatstone, Pluto et cetera that were going to be short of skilled workers, and that was universally acknowledged in Western Australia. The point of the exercise was to go and to get skilled workers whether or not they had families or they had children or whatever. We did not go over there to promote our education system or our health system; we went over there to get skilled workers. So if a worker was going to come to*

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<sup>15</sup> Letter from Mr Peter Conran, Director General, Department of Premier and Cabinet, 6 June 2014, p1.

<sup>16</sup> Hon Peter Collier MLC, Minister for Education, *Transcript of Evidence*, 20 August 2014, p1.

*Western Australia, he or she would have come to Western Australia for a job.*

**The CHAIRMAN:** *Obviously, at that stage, because the policy did not exist, the prospective workers would not have been told to expect an education charge.*

**Hon PETER COLLIER:** *No, not unless they were going to a private school.*

**The CHAIRMAN:** *Indeed. But I am just wondering: was there any advice given that they would have access to our public education system for their children —*

**Hon PETER COLLIER:** *No.*<sup>17</sup>

- 3.16 The Minister pointed out that the policy had undergone refinement since it was first announced in the 2013-14 Budget.<sup>18</sup> It had been decided that a flat fee of \$4 000 for the first child would be applied regardless of the child's year level. Consequently, a child in kindergarten will pay almost the full cost of his or her education whereas a student in upper secondary school would pay only a small proportion of the cost of their schooling:<sup>19</sup>

*We wanted the simplest system that we could have, because you will always have little idiosyncrasies in whichever system you create. We felt that the fairest system across the board was that each child would pay that \$4 000. That was the same for every child, but only one child. In addition to that, as I said, the hardship allowance would make an allowance for the fact that there may be specific circumstances in a particular family.*<sup>20</sup>

- 3.17 Families would be invoiced the fee prior to enrolment for the new school year. Collection methods for unpaid fees would be the same as for any other debt and children would *not* be barred from attending school.<sup>21</sup>

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<sup>17</sup> Hon Simon O'Brien MLC, Chairman and Hon Peter Collier MLC, Minister for Education, *Transcript of Evidence*, 20 August 2014, p5.

<sup>18</sup> Ibid, p2.

<sup>19</sup> Ibid, p14.

<sup>20</sup> Ibid, pp14-15.

<sup>21</sup> Mr Lindsay Hale, Executive Director, Department of Education, *Transcript of Evidence*, 20 August 2014, p9.

## Hardship provisions

- 3.18 The Minister told the Committee that hardship provisions were still being developed by the DPC and the Department of Education.<sup>22</sup> It was anticipated the provisions would take into account the income and social circumstances of the family and include:

*exceptional circumstances like illness, unemployment, family breakdown, physical incapacity. They will all be considered with regard to the hardship of a particular family and whether or not that family has the capacity to pay the fee.*<sup>23</sup>

- 3.19 The *School Education Amendment Regulations 2014* were subsequently published in the *Government Gazette* on 11 November 2014 and are attached at **Appendix 1**.

- 3.20 On 13 November 2014, a media statement by the Minister announced that families earning \$75 000 or less per annum would not pay the education fee and exceptional circumstances would be considered under financial hardship provisions:

*Full or partial fee waivers will be considered, based on evidence of unforeseen changes in a family's circumstances such as illness, unemployment, family breakdown and death.*<sup>24</sup>

- 3.21 'Exceptional circumstances' are further explained in a State Government 'Information for Families' package (**Appendix 2**):

*The second financial hardship provision is a full or partial fee waiver where you can provide evidence of unforeseen changes in your financial circumstances including illness, unemployment, family breakdown and death. Applications will be considered on a case by case basis and any waiver only applies for the period where you do not have the capacity to pay the tuition fee; it is not ongoing.*<sup>25</sup>

- 3.22 Applicable families will be invoiced the \$4000 tuition fee at the beginning of the school year and payment may be paid upfront or through instalments.<sup>26</sup>

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<sup>22</sup> Hon Peter Collier MLC, Minister for Education, *Transcript of Evidence*, 20 August 2014, p15.

<sup>23</sup> Ibid, p2.

<sup>24</sup> Hon Peter Collier MLC, Minister for Education, Media Statement, 13 November 2014.

<sup>25</sup> Information for Families: Tuition fee for 457 Visas holders whose children attend public schools in Western Australia at <http://www.eti.wa.edu.au/Documents/457-visa-holders-family.pdf> (viewed 26 November 2014).

<sup>26</sup> Ibid.

### **Provision of Information to prospective 457 visa holders**

- 3.23 Uncertainty regarding the details of the proposed hardship provisions was identified by the Committee as a matter of particular concern to the community and the Minister and departmental officials were questioned about the information now being provided to prospective 457 visa holders regarding tuition fees.
- 3.24 The Committee was informed that, in addition to the information provided on the Education and Training International website, overseas offices of the Western Australian Government and the Commonwealth Department of Immigration and Border Protection (which provides information packs to prospective 457 visa holders) had been informed of the policy change.<sup>27</sup> The Minister assured the Committee that online information sources would be updated to include information about the fees.<sup>28</sup>
- 3.25 This information is provided to the House to assist Members in their consideration of this matter.

**Recommendation 1: The Committee recommends that the Legislative Council note the report.**



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**Hon Simon O'Brien MLC**  
**Chairman**

**2 December 2014**

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<sup>27</sup> Mr David Smith, Deputy Director General, Department of Premier and Cabinet, *Transcript of Evidence*, 20 August 2014, p13.

<sup>28</sup> Hon Peter Collier MLC, Minister for Education, *Transcript of Evidence*, 20 August 2014, p13.

# APPENDIX 1

## SCHOOL EDUCATION AMENDMENT REGULATIONS 2014

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School Education Act 1999

### School Education Amendment Regulations 2014

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *School Education Amendment Regulations 2014*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *School Education Regulations 2000*.

**4. Regulation 3 amended**

- (1) In regulation 3(1) insert in alphabetical order:

*Schedule 3A visa holder* means a child who —

- (a) holds a visa of a kind set out in Schedule 3A; or
- (b) is a dependent child of a person who holds a visa of a kind set out in Schedule 3A;

- (2) In regulation 3(1) in the definition of *kindergarten programme* delete “the first year of”.

- (3) In regulation 3(1) in the definition of *pre-primary programme* delete “second year of their pre-compulsory” and insert:

first year of their compulsory

- (4) In regulation 3(1) in the definition of *primary programme* delete “first 7” and insert:

second to seventh

- (5) In regulation 3(1) in the definition of *secondary programme* delete “tenth” and insert:

thirteenth

**5. Regulation 9 amended**

- (1) In regulation 9(1):

- (a) in paragraph (a) delete “preserved as State archives under the *Library Board of Western Australia Act 1951*; or” and insert:

retained permanently as State archives under the *State Records Act 2000*; or

- (b) in paragraph (b) delete “be preserved” and insert:

be retained permanently

- (c) in paragraph (b) delete “preserved indefinitely,” and insert:

retained permanently,

- (2) In regulation 9(2) delete “preserve indefinitely” and insert:

retain permanently

Note: The heading to amended regulation 9 is to read:

**Permanent retention of government school enrolment particulars**

**6. Regulation 10 amended**

- (1) In regulation 10(1) delete “preserved indefinitely,” and insert:

retained permanently,



- (2) In regulation 10(2) delete “preserve indefinitely” and insert:

retain permanently

Note: The heading to amended regulation 10 is to read:

**Permanent retention of non-government school enrolment particulars**

**7. Part 2 Division 1A heading replaced**

Delete the heading to Part 2 Division 1A and insert:

**Division 1A — Options under Part 2 Division 1  
Subdivision 1A of the Act in final years of  
compulsory education**

**8. Regulation 17 deleted**

Delete regulation 17.

**9. Regulation 18 amended**

In regulation 18 delete “sections 79(1)(b) and 80(1)(b)” and insert:

section 79(1)(b)

Note: The heading to amended regulation 18 is to read:

**Criteria prescribed for School of Isolated and Distance Education  
(Act s. 79(1)(b))**

**10. Regulation 20 amended**

In regulation 20 delete “A person is not to be enrolled at a government school as an overseas student unless —” and insert:

A person may be enrolled at a government school, even though the person is not entitled under section 76 to be enrolled at a government school, if —

Note: The heading to amended regulation 20 is to read:

**Enrolment at government school of persons who do not have an entitlement to enrol under s. 76**

**11. Regulation 55 amended**

In regulation 55(2)(b) delete “Standards Australia AS 4269-1995 and any amendments to that standard; and” and insert:

the document entitled AS ISO 10002-2006 *Customer satisfaction — Guidelines for complaints handling in organizations*, published by Standards Australia as amended from time to time; and

**12. Regulation 62 amended**

In regulation 62 delete “person does not satisfy the criteria set out in regulation 12(a) and (b), 13(a) and (b), 14(a) and (b) or 14A(a) and (b).” and insert:

person —

- (a) is a Schedule 3A visa holder; or
- (b) is not entitled under section 76 to be enrolled at a government school.

**13. Regulation 63 amended**

Delete regulation 63(3) and insert:

- (3) A fee for instruction may be determined by reference to such matters as the chief executive officer thinks fit, including all, or any, of the following —
  - (a) a particular period of instruction;
  - (b) a particular subject of instruction;
  - (c) a particular level of educational programme;
  - (d) a particular class or group of students.
- (4) Without limiting the general discretion of the chief executive officer under subregulation (3)(d), a class or group of students may be described by reference to all, or any, of the following —
  - (a) the size of students’ families;
  - (b) the income and circumstances of students’ families;
  - (c) the kind, or kinds, of visas —
    - (i) held by students; or
    - (ii) held by persons in respect of whom students are dependent children.

**14. Regulation 65 amended**

- (1) In regulation 65 delete “The” and insert:
  - (1) The
- (2) At the end of regulation 65 insert:
  - (2) The chief executive officer may waive the whole or part of any fee for instruction that would otherwise be payable by an overseas student at a government school if —
    - (a) the student is a Schedule 3A visa holder; and
    - (b) in the opinion of the chief executive officer, there are special reasons to do so.
  - (3) In subregulation (2) —  
*special reasons* includes that payment of the fee would cause financial hardship.

**15. Regulation 105 amended**

In regulation 105(1) delete “in the eighth, ninth or tenth years of their compulsory education period or in their post-compulsory education period” and insert:

enrolled in secondary programmes

**16. Regulation 139 amended**

- (1) In regulation 139(1) delete “preserved indefinitely,” and insert:

retained permanently,

- (2) In regulation 139(2) delete “preserve indefinitely” and insert:

retain permanently

Note: The heading to amended regulation 139 is to read:

**Permanent retention of kindergarten enrolment particulars**

**17. Schedule 2 replaced**

Delete Schedule 2 and insert:

**Schedule 2 — Entitlement to enrolment at government school**

[r. 14A(b)]

| <b>Item</b> | <b>Visa Subclass number</b> | <b>Visa Subclass name</b>                            |
|-------------|-----------------------------|--|
| 1.          | 188                         | Business Innovation and Investment (Provisional)     |
| 2.          | 300                         | Prospective Marriage                                 |
| 3.          | 302                         | Emergency (Permanent Visa Applicant)                 |
| 4.          | 303                         | Emergency (Temporary Visa Applicant)                 |
| 5.          | 309                         | Partner (Provisional)                                |
| 6.          | 401                         | Temporary Work (Long Stay Activity)                  |
| 7.          | 402                         | Training and Research                                |
| 8.          | 403                         | Temporary Work (International Relations)             |
| 9.          | 411                         | Exchange   |
| 10.         | 415                         | Foreign Government Agency                            |
| 11.         | 418                         | Educational  |
| 12.         | 419                         | Visiting Academic                                    |
| 13.         | 422                         | Medical Practitioner                                 |
| 14.         | 426                         | Domestic Worker (Temporary) – Diplomatic or Consular |
| 15.         | 427                         | Domestic Worker (Temporary) – Executive              |
| 16.         | 428                         | Religious Worker                                     |
| 17.         | 442                         | Occupational Trainee                                 |
| 18.         | 444                         | Special Category                                     |
| 19.         | 445                         | Dependent Child                                      |
| 20.         | 448                         | Kosovar Safe Haven (Temporary)                       |
| 21.         | 449                         | Humanitarian Stay (Temporary)                        |
| 22.         | 450                         | Resolution of Status — Family Member (Temporary)     |
| 23.         | 457                         | Temporary Work (Skilled)                             |
| 24.         | 461                         | New Zealand Citizen Family Relationship (Temporary)  |
| 25.         | 476                         | Skilled – Recognised Graduate (Temporary)            |
| 26.         | 485                         | Skilled – Temporary Graduate                         |
| 27.         | 489                         | Skilled – Regional (Provisional)                     |

| <b>Item</b> | <b>Visa Subclass number</b> | <b>Visa Subclass name</b>         |
|-------------|-----------------------------|-----------------------------------|
| 28.         | 576                         | Foreign Affairs or Defence Sector |
| 29.         | 785                         | Temporary Protection              |
| 30.         | 786                         | Temporary (Humanitarian Concern)  |
| 31.         | 820                         | Partner                           |
| 32.         | 850                         | Resolution of Status (Temporary)  |
| 33.         | 851                         | Resolution of Status              |
| 34.         | 995                         | Diplomatic (Temporary)            |

**Schedule 3A — Overseas students with entitlement to enrolment at government school**

[r. 3(1)]

| <b>Item</b> | <b>Visa Subclass number</b> | <b>Visa Subclass name</b> |
|-------------|-----------------------------|---------------------------|
| 1.          | 457                         | Temporary work (Skilled)  |

**18. Schedule 3 amended**

(1) Delete Schedule 3 item 1(b)(i)(III) and insert:

(III) in their early education period,

(2) In Schedule 3 item 3 delete “post-compulsory” and insert:

early

Note: The heading to regulation 19 is to read:

**Enrolment of person after compulsory education period (Act s. 81(2))**

Note:

Delete the examples at the end of regulation 19(3).

R. KENNEDY, Clerk of the Executive Council.



## APPENDIX 2

### STATE GOVERNMENT INFORMATION FOR FAMILIES PACKAGE

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#### INFORMATION FOR FAMILIES

##### Tuition fee for 457 Visas holders whose children attend public schools in Western Australia

In 2015 the Western Australian Government is introducing a tuition fee for families on 457 Visas (temporary skilled workers) whose children attend public schools in this State.

##### Tuition fee as a contribution to the cost of education

The Western Australian Government has, to date, provided free public education to dependants of 457 Visa holders. The Government has now determined that all 457 Visa holders will contribute to the cost of educating their children in public schools through a tuition fee. The average estimated cost of educating a child in 2014-15 is \$14 833 in a public primary school and \$19 363 in a public secondary school.

The tuition fee is \$4000 for each family each year regardless of the number of children you have enrolled in public schools. The tuition fee comes into effect for current and new enrolments in public schools from January 2015.

Your children have the same entitlements as other local children, including enrolment in your local schools.

##### Paying the tuition fee

You will receive an invoice for \$4000 from the Department of Training and Workforce Development's Education and Training International at the beginning of the school year. You can select to pay the tuition fee upfront or in instalments (weekly, fortnightly or monthly) via direct debit.

There is no restriction on who pays the tuition fee – for example your employer can pay the fee.

If your children leave public schools or your visa status changes so you are no longer eligible to pay the tuition fee, you will need to apply for a refund for any payments you have made in advance.

For example, if you have applied for permanent residency you will need to pay the tuition fee until permanent residency is attained. If you were on a 457 Visa but are now on a Bridging Visa you will need to continue to pay the tuition fee as people on Bridging Visas revert to the conditions and entitlements of their previous substantive visa.



Department of  
Education



### **Financial hardship provisions**

Once you receive your invoice, you can apply to have the tuition fee reduced or waived under two financial hardship provisions.

The first provision is based on combined family income. If your combined family income is \$75 000 or less (gross) a year then you are not required to pay the tuition fee. If your combined family income is \$75 001 or more (gross) a year you are required to pay the tuition fee of \$4000 a year regardless of the number of children attending public schools.

To have the tuition fee waived if your combined family income is \$75 000 or less (gross) a year, you need to provide evidence of this income each year. Income for your first year in Australia will be based on the remuneration stated on your 457 Visa grant notice; thereafter your gross annual combined family income reported in group certificates and/or estimated from three pay slips will be used. You will need to apply each year to have the tuition fee waived based on your income.

The second financial hardship provision is a full or partial fee waiver where you can provide evidence of unforeseen changes in your financial circumstances including illness, unemployment, family breakdown and death. Applications will be considered on a case by case basis and any waiver only applies for the period where you do not have the capacity to pay the tuition fee; it is not ongoing.

You will be notified of the outcome of your application between four and six weeks after all required documentation has been provided to Education and Training International.

### **Updating your visa status**

It is important to ensure you update your school with any changes to your visa status. This will ensure the tuition fee is ceased if you are no longer required to pay and you can apply to be refunded for any payments you have made in advance.

### **Further information**

W: [www.eti.wa.edu.au](http://www.eti.wa.edu.au)

P: 9218 2162



## QUESTIONS AND ANSWERS

### INTRODUCTION OF TUITION FEES FOR DEPENDANTS OF 457 VISA HOLDERS

#### **Is this a new tuition fee?**

Yes, the tuition fee will be introduced in 2015. To date, the Government has provided free public education to dependants of 457 Visa holders although the conditions of this visa give no such entitlement. From 2015, all 457 Visa holders will contribute to the cost of educating their children in public schools. The average estimated cost of educating a child in 2014-15 is \$14 833 in a public primary school and \$19 363 in a public secondary school.

#### **Is the tuition fee for each child or a family?**

The tuition fee is \$4000 for a family each year, regardless of the number of children in each family who are enrolled in public schools.

#### **Who will collect the tuition fee?**

The fee will be collected by Education and Training International (ETI), the State Government agency responsible for overseas fee-paying students attending Western Australian public schools.

#### **Will anything change about the enrolment of children?**

No. Children will continue to be allowed to enrol in their local schools.

#### **When do I have to start paying?**

The tuition fee will come into effect for current and new enrolments from January 2015. ETI will send you an invoice at the beginning of the school year.

#### **Can I pay in instalments?**

Yes, you can select to pay the tuition fee upfront or in instalments (weekly, fortnightly or monthly) via direct debit.

#### **Can my employer pay the fee?**

there are no restrictions on who pays the fee.

#### **Are there any hardship provisions?**

Yes, there are two financial hardship provisions. The first provision is based on combined family income. If your combined family income is \$75,000 or less (gross) a year then you are not required to pay the tuition fee. If your combined family income is \$75,001 or more (gross) a year you are required to pay the tuition fee of \$4,000 a year regardless of the number of children attending public schools. The second hardship provision is for exceptional circumstances that impact on your financial circumstances including illness, unemployment, family breakdown and death.

**What evidence do I need to provide in my application under the financial hardship provisions?**

For an application based on family income you need to provide evidence of your combined gross annual family income. Income for your first year in Australia will be based on the remuneration stated on your 457 Visa grant notice; thereafter your gross annual combined family income reported in group certificates and/or estimated from three pay slips will be used. You will need to apply each year to have the tuition fee waived based on your income.

The second financial hardship provision is a full or partial fee waiver where you can provide evidence of unforeseen changes in your financial circumstances including illness, unemployment, family breakdown and death. Applications will be considered on a case by case basis and any waiver only applies for the period where you do not have the capacity to pay the tuition fee; it is not ongoing.

**When can I apply under the financial hardship provisions?**

You can apply once you receive the invoice for the tuition fee from Education and Training International.

**When will I be notified of the outcome of my application under the financial hardship provisions?**

You will be notified of the outcome of your application between four and six weeks after all required documentation has been provided to Education and Training International.

**I used to be on a 457 Visa but I am now a permanent resident. Do I have to pay the tuition fee?**

No, but you do need to provide appropriate documentary evidence to your school so the school can update its records.

**I used to be on a 457 Visa but I am now on a Bridging Visa. Do I have to pay the tuition fee?**

Yes, as you revert to the conditions and entitlements of your previous substantive visa. If your previous substantive visa was a 457, then you will need to continue to pay the tuition fee.

**If I am no longer eligible to pay the fee but have already done so, do I get a refund?**

Yes. You can apply for a refund through Education and Training International.

**Can I speak with someone about my situation?**

Yes, please contact Education and Training International. Details are available at [www.eti.wa.gov.au](http://www.eti.wa.gov.au)