
TRAINING

TA301

Vocational Education and Training Act 1996

Vocational Education and Training (Colleges) Amendment Regulations 2019

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (Colleges) Amendment Regulations 2019*.

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

4. Regulation 3 amended

In regulation 3(1) in the definition of *concession-eligible course*:

- (a) in paragraph (c) delete “course;” and insert:

course; or

- (b) after paragraph (c) insert:

(d) a category 5 course;

5. Regulation 4 amended

In regulation 4(2):

- (a) in paragraph (b)(ii) delete “traineeships;” and insert:

traineeships, but are not courses to which targeted fee relief should apply;

- (b) in paragraph (c)(ii) delete “training;” and insert:

training, but are not courses to which targeted fee relief should apply;

- (c) in paragraph (d)(ii) delete “employment.” and insert:

employment;

- (d) after paragraph (d) insert:

(e) category 5 is to consist of courses that —

- (i) are approved VET courses or result in the conferral of a prescribed VET qualification of one of the following types — Certificate I, II, III or IV; and
- (ii) the chief executive determines are courses to which targeted fee relief should apply.

6. Regulation 5 amended

In regulation 5 in the definition of *course* delete “2 or 3” and insert:

2, 3 or 5

7. Regulation 11 amended

In regulation 11(1):

- (a) delete “2018 or 2019,” and insert:

2019 or 2020,

- (b) delete paragraph (a) and insert:

- (a) if only one unit is to be commenced — the relevant fee determined in accordance with Schedule 1 item 2, 2A, 3, 4, 5 or 6 (the *unit fee*);

Note: The heading to amended regulation 11 is to read:

Course fees for 2019 and 2020: Schedule 1

8. Regulation 12 replaced

Delete regulation 12 and insert:

12. Annual course fee caps

- (1) In this regulation —

concessional or youth student means a person who —

- (a) is, under regulation 20(2) or 21, entitled to the concessional rate of course fee; or
(b) has reached 15 years of age but has not reached the end of the calendar year in which they reached 25 years of age;

specified course means a course that, if successfully completed, would result in the conferral of a prescribed VET qualification of a Diploma or Advanced Diploma;

unenrolled secondary school aged person means a secondary school aged person who is not enrolled at school.

- (2) In this regulation, a student is *enrolled* in a course if the student enrolls in one, or more than one, unit of that course.
- (3) The fee caps set out in this regulation apply despite the operation of regulation 11(1).
- (4) For a student who is not a secondary school aged person, the maximum amount of course fee payable for a year referred to in regulation 11(1) for each specified course in which the student is enrolled is \$7 860.
- (5) For a student who is not a concessional or youth student, the maximum amount of course fee payable for 2020 for each category 5 course in which the student is enrolled is \$1 200.

- (6) Subject to subregulation (7) in the case of an unenrolled secondary school aged person, for a student who is a concessional or youth student, the maximum amount of course fee payable for 2020 for each category 5 course in which the student is enrolled is \$400.
- (7) For a student who is an unenrolled secondary school aged person, the maximum amount of course fee payable for a year referred to in regulation 11(1) is \$420 in total across all courses in which the student is enrolled in that calendar year.

9. Regulation 13 amended

In regulation 13(2) delete “2 or 3” and insert:

2, 3 or 5

10. Regulation 15A amended

- (1) Delete regulation 15A(4) and insert:

- (4) In this regulation —

Australian resident means a person who —

- (a) is an Australian citizen within the meaning of the *Australian Citizenship Act 2007* (Commonwealth); or
- (b) holds —
 - (i) a permanent visa within the meaning of the *Migration Act 1958* (Commonwealth); or
 - (ii) a visa of subclass 309, 444, 785, 790, 820 or 826; or
 - (iii) a visa of subclass 050 or 051 and has received a letter from the Department of State of the Commonwealth assisting in the administration of the *Migration Act 1958* (Commonwealth) acknowledging that the person has made a valid application for a visa of subclass 785 or 790; or
 - (iv) a visa of subclass 457, other than a person who satisfied the primary criteria for that subclass of visa;

visa has the meaning given in the *Migration Act 1958* (Commonwealth) section 5(1).

(2) After regulation 15A(4) insert:

- (5) Despite the amendments made by the *Vocational Education and Training (Colleges) Amendment Regulations 2019* regulation 10(1) (the **amending regulation**), this regulation, as in force immediately before the amending regulation came into operation, continues to apply in relation to the course fee payable for any student for 2019.

11. Schedule 1 amended

In Schedule 1 after item 5 insert:

6.	Category 5 course —	
	(a) for a student who is not a concessional student	1.62
	(b) for a concessional student	0.48

M. INGLIS, Clerk of the Executive Council.