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 enrols 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.
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.

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:

<table>
<thead>
<tr>
<th></th>
<th>Category 5 course —</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>for a student who is not a concessional student</td>
</tr>
<tr>
<td>(b)</td>
<td>for a concessional student</td>
</tr>
</tbody>
</table>

M. INGLIS, Clerk of the Executive Council.