

Vocational Education and Training Act 1996

Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2020

SL 2020/109

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2020*.

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. Part 2 heading amended

In the heading to Part 2 after “**Classification**” insert:

and reclassification

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5. Regulation 4 amended

- (1) Delete regulation 4(2) and insert:
 - (2) In the instrument referred to in subregulation (1) the courses provided by colleges are to be classified as follows —
 - (a) category 1 is to consist of courses that the chief executive determines are —
 - (i) priorities for industry training, apprenticeships or traineeships or are for general industry training; and
 - (ii) courses to which a higher fee should apply;
 - (b) category 2 is to consist of courses that the chief executive determines are —
 - (i) priorities for industry training, apprenticeships or traineeships; but
 - (ii) not courses to which a higher fee, targeted fee relief or no fee should apply;
 - (c) category 3 is to consist of courses that the chief executive determines are —
 - (i) for general industry training; but
 - (ii) not courses to which a higher fee, targeted fee relief or no fee should apply;
 - (d) category 4 is to consist of courses that the chief executive determines are —
 - (i) foundation skills training; or
 - (ii) intended to promote equality of opportunity in gaining access to

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vocational education and training or
employment;

- (e) category 5 is to consist of courses that the chief executive determines are courses to which targeted fee relief should apply;
- (f) category 6 is to consist of courses that the chief executive determines are courses to which no fee should apply.

(2) Delete regulation 4(3A).

6. Regulation 4A inserted

At the end of Part 2 insert:

4A. Reclassification of courses

- (1) Without limiting regulation 4(3), the chief executive may by instrument issued to all colleges amend an instrument issued under regulation 4(1) to reclassify courses provided by colleges into a different category.
- (2) Subregulations (3) to (7) apply if the chief executive amends an instrument under subregulation (1).
- (3) Subject to subregulation (5), the reclassification of a course does not affect the course fees payable for units of the course commenced before the day on which the amendment takes effect (***amendment day***).
- (4) If a course is reclassified as a category 5 course, the course fee caps in regulation 12(5) and (6) apply only in relation to the course fees payable for units of the course commenced on or after amendment day.
- (5) If a category 5 course is reclassified, the course fee caps in regulation 12(5) and (6) apply only in relation

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to the course fees payable for units of the course commenced before amendment day.

- (6) If, before amendment day, a person paid an amount of course fees that includes an amount for units commenced on or after amendment day and that, because of the reclassification of a course, exceeds the amount of course fees payable by the person, the person is entitled to a refund of the difference between the amount paid and the amount payable.
- (7) If, before amendment day, a person paid an amount of course fees that includes an amount for units commenced on or after amendment day and that, because of the reclassification of a course, is less than the amount of course fees payable by the person, the person must pay the difference between the amount paid and the amount payable.

7. Regulation 17 amended

In regulation 17(2)(b)(i) delete “Division 2” and insert:

Division 2, including any amount payable under regulation 4A(7),

R. NEILSON, Clerk of the Executive Council.
