Western Australia

Vocational Education and Training Act 1996

Vocational Education and Training (General) Amendment Regulations (No. 2) 2025

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Vocational Education and Training (General) Amendment Regulations (No. 2) 2025

Contents

1.	Citation	1
2.	Commencement	1
3.	Regulations amended	1
4.	Regulation 3 amended	1
5.	Regulation 7 replaced	4
	7. Terms used 4	
6.	Regulation 8 amended	7
7.	Regulation 11 amended	7
8.	Regulation 12 amended	8
9.	Regulation 13 amended	9
10.	Regulation 16 amended	11
11.	Regulation 17 amended	12
12.	Regulation 18 amended	13
13.	Regulation 19 amended	13
14.	Regulation 24 replaced	14
	24. Term used: official travel costs 14	
15.	Regulation 25 amended	15
16.	Regulation 26A amended	15
17.	Regulation 26B amended	16
18.	Regulation 26 amended	16
19.	Regulation 27 amended	17
20.	Regulation 28A amended	17
21.	Part 6 heading amended	17
22.	Part 6 Division 1 heading inserted	18
	Division 1 — Transitional provisions for *Vocational Education and Training (General) Amendment Regulations 2015*	
23.	Regulation 61 amended	18

Published 17 Sep 2025 on www.legislation.wa.gov.au

24. Part 6 Division 2 inserted 18

Division 2 — Transitional provision for *Vocational Education and Training (General) Amendment Regulations (No. 2) 2025*

64. Pre-commencement regulations apply to particular matters during and after transitional period 18

Vocational Education and Training (General) Amendment Regulations (No. 2) 2025

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (General) Amendment Regulations (No. 2) 2025*.

2. Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;

(b) the rest of the regulations — on 1 October 2025.

3. Regulations amended

These regulations amend the *Vocational Education and Training (General) Regulations 2009*.

4. Regulation 3 amended

(1) In regulation 3 delete the definitions of:

AQF

national register

registering body

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(2) In regulation 3 insert in alphabetical order:

AQF means the framework for recognition and endorsement of qualifications set out in the document titled "Australian Qualifications Framework", Second Edition, January 2013 as amended by —

(a) the document titled "Addendum No. 5 to AQF Second Edition January 2013: Amended Qualification Type: AQF Issuance Policy, Masters Degree (Extended)" dated 19 November 2024; and

(b) the document titled "Addendum No. 6 to AQF Second Edition January 2013: The Undergraduate Certificate qualification" dated 23 January 2025; and

(c) the document titled "Addendum No. 7 (Part A) to AQF Second Edition January 2013: Vocational Degree Qualification" dated 26 February 2025; and

(d) the document titled "Addendum No. 7 (Part B) to AQF Second Edition January 2013: Vocational Degree: Updates to AQF Issuance Policy and Glossary" dated 26 February 2025;

Note for this definition:

The documents referred to in this definition are available on a website maintained by or on behalf of the Council.

compliance standards means the document titled "Compliance Standards and Fit and Proper Person Requirements - Registration Standards 2025" version 1.0 dated 20 August 2025;

Note for this definition:

The document referred to in this definition is available on a website maintained by or on behalf of the Council.

data provision requirements means the document titled "Data Provision Requirements" version 1.0 dated 20 August 2025;

Note for this definition:

The document referred to in this definition is available on a website maintained by or on behalf of the Council.

fit and proper person requirements means Schedule 1 to the compliance standards;

national register means the National Register as defined in the Commonwealth Act section 3;

non-referring State has the meaning given in the Commonwealth Act section 7;

outcome standards means the document titled "Outcome Standards - Registration Standards 2025" version 1.0 dated 20 August 2025;

Note for this definition:

The document referred to in this definition is available on a website maintained by or on behalf of the Council.

registration application means an application to be registered as a training provider under section 58B of the Act;

registration standards 2025 means —

(a) the compliance standards; and

(b) the outcome standards;

training provider application means —

(a) a registration application; or

(b) an application made under regulation 16 for a renewal of a registration; or

(c) an application made under regulation 17 for a variation of a registration;

VET quality framework means —

(a) the registration standards 2025; and

(b) the AQF; and

(c) the data provision requirements; and

(d) the *Financial Viability Assessment Guidelines for the Registration of Training Providers 2017* as issued under section 13 of the Act on 6 September 2017;

Note for this definition:

The document referred to in paragraph (d) of this definition is available on a website maintained by or on behalf of the Council.

WA registered provider means a training provider that is registered by the Council under Part 7A of the Act;

(3) In regulation 3 in the definition of ***personal details*** paragraph (a) delete "his or her name, residential address and date of birth;" and insert:

their name, residential address and date of birth; or

5. Regulation 7 replaced

Delete regulation 7 and insert:

7. Terms used

In this Part —

accreditation application means an application to have a VET course accredited under section 58C of the Act;

accreditation standards means the document titled "AQTF2021 Standards for Accredited Courses" dated 28 July 2021;

Note for this definition:

The document referred to in this definition is available on a website maintained by or on behalf of the Council.

audit means an audit conducted under regulation 25;

compliance audit means a compliance audit conducted under regulation 26A;

condition of registration, for a WA registered provider, means a condition to which the provider's registration is subject under regulation 13(1);

governing person, in relation to a training provider —

(a) means a person responsible for overseeing, directing or exercising a degree of control or influence over the management or operation of the provider; and

(b) includes —

(i) an executive officer (as that term is defined in the Commonwealth Act section 3) in relation to the provider; and

(ii) a high managerial agent (as that term is defined in the Commonwealth Act section 3) of the provider;

investigation means an investigation conducted under regulation 26B;

owner, of a VET course, means the person who owns the copyright in the course;

register means the register created and maintained under regulation 9;

registering body means —

(a) the Council; or

(b) the body responsible for registering training providers under a corresponding law; or

(c) ASQA;

registration document means a document that evidences the registration of a training provider and that complies with the requirements of the Standards for VET Regulators;

scope of registration, of a registered training provider, means —

(a) the approved VET courses for which the provider is authorised to provide training or assessments or both by the provider's registration; and

(b) the approved VET qualifications and prescribed VET qualifications that the provider is authorised to confer by the provider's registration;

Standards for VET Regulators means the *Standards for VET Regulators 2015* (Cth) as in force on 14 April 2017;

Note for this definition:

This document is made under the Commonwealth Act section 189 and is published on the Commonwealth's legislation website.

VET course for a prescribed VET qualification means a VET course that, if successfully completed by a person, will result in the conferral of a prescribed VET qualification on the person if the person has also fulfilled any other requirements to obtain the qualification such as those of an apprentice under a training contract;

WA accredited course means a VET course that is an approved VET course by reason of being accredited by the Council under Part 7A of the Act.

6. Regulation 8 amended

Delete regulation 8(2)(a) and insert:

(a) the VET quality framework; and

Note: The heading to amended regulation 8 is to read:

Council standards and framework

7. Regulation 11 amended

(1) Delete regulation 11(1).

(2) In regulation 11(2) and (3) delete "an application." and insert:

a training provider application.

(3) In regulation 11(4) delete "an application" and insert:

a training provider application

(4) In regulation 11(5) delete "an application," and insert:

a training provider application,

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

Dealing with training provider applications

8. Regulation 12 amended

(1) Delete regulation 12(3) and insert:

(3) The Council must not register a training provider unless it is satisfied that the provider satisfies the criteria for making a registration application under regulation 10(1) and has sufficient resources to be a training provider and that —

(a) the provider complies with the VET quality framework and the conditions of registration for the provider; or

(b) an audit has been conducted on the provider within the previous 3 months and the provider has been found to comply with the VET quality framework and the conditions of registration for the provider; or

(c) the provider is registered under a corresponding law and the registration application does not seek a scope of registration or a condition of registration for the provider that differs from the scope or a condition of registration for the provider under the corresponding law.

(2) Delete regulation 12(6) and insert:

(6) The Council may refuse to register a training provider if it is not satisfied that the provider, or a governing person in relation to the provider, is a fit and proper person.

(6A) In determining whether a provider, or a governing person in relation to the provider, is a fit and proper person, the Council —

(a) must have regard to the fit and proper person requirements; and

(b) may have regard to —

(i) the prior conduct of the provider, the governing person, an associate of the provider or an associate of the governing person (whether in WA or elsewhere); and

(ii) any other matter the Council considers relevant.

(3) In regulation 12(7)(a)(iii) delete "the registration" and insert:

registration for the provider

9. Regulation 13 amended

(1) Delete regulation 13(1)(a) and insert:

(a) the VET quality framework; and

(2) Delete regulation 13(2) and insert:

(2) The mandatory conditions that apply to a WA registered provider's registration are the following —

(a) the provider must comply with the VET quality framework;

(b) the provider must, if an audit or a compliance audit shows the provider does not comply with the VET quality framework, take all steps necessary to comply with the framework;

(c) the provider must have sufficient resources to be a training provider;

(d) the provider must, if an audit or a compliance audit shows the provider is not complying with a condition of registration for the provider, take all steps necessary to comply with it;

(e) if any of the following events has occurred or is going to occur, the provider must give the Council written notice of it within 10 working days —

(i) a significant change to the provider's operations or any other event that would significantly affect the provider's ability to comply with the VET quality framework or a condition of registration for the provider;

(ii) the provider's principal place of business ceases to be in WA;

(iii) all or most of the vocational education and training that the provider provides ceases to be provided in WA;

(f) the provider must cooperate with the Council to the extent necessary for the Council to perform its functions or to facilitate the Council's performance of its functions, including —

(i) in the conduct of audits, compliance audits and investigations; and

(ii) in the monitoring of the provider's operations;

(g) the provider must provide accurate —

(i) responses to information requests from the Council relevant to the provider's registration; and

(ii) information to the Council as required by the data provision requirements.

(3) In regulation 13(3) delete "these" and insert:

the following

(4) Delete regulation 13(4) and insert:

(4) A condition imposed under subregulation (3) must be consistent with the VET quality framework.

10. Regulation 16 amended

In regulation 16(3)(a):

(a) delete subparagraphs (i) and (ii) and insert:

(i) that the provider satisfies the criteria for making a registration application under regulation 10(1); and

(b) in subparagraph (iii) delete "the provider's registration; and" and insert:

registration for the provider; and

11. Regulation 17 amended

(1) In regulation 17(2):

(a) in paragraph (b) delete "any condition" and insert:

a condition of registration for the provider

(b) in paragraph (c) delete "in" and insert:

on

(2) In regulation 17(3):

(a) in paragraph (a) delete "in" and insert:

on

(b) in paragraphs (c) and (d) after "condition" insert:

of registration for the provider

(3) Delete regulation 17(4) and insert:

(4) The Council must not vary a WA registered provider's registration to change the provider's scope of registration unless it is satisfied that —

(a) the provider satisfies the criteria for making a registration application under regulation 10(1); and

(b) in relation to any operations that the change would authorise the provider to conduct and that, without the change, the provider is not authorised to conduct, either —

(i) the provider complies with the VET quality framework; or

(ii) an audit or a compliance audit has been conducted on the provider within the previous 3 months and the provider has been found to comply with the VET quality framework.

12. Regulation 18 amended

In regulation 18(1) delete "an application for registration" and insert:

a registration application

13. Regulation 19 amended

(1) In regulation 19(1):

(a) delete "these matters —" and insert:

the following matters —

(b) delete paragraphs (d), (e) and (f) and insert:

(e) the provider has contravened a condition of registration for the provider;

(f) the provider, or a governing person in relation to the provider, is not a fit and proper person having regard to the matters in regulation 12(6A);

(2) Delete regulation 19(2)(a) and insert:

(a) the provider satisfies the criteria for making a registration application under regulation 10(1); or

14. Regulation 24 replaced

Delete regulation 24 and insert:

24. Term used: official travel costs

In this Division —

official travel costs means —

(a) reasonably incurred airfares; and

(b) such other travel expenses as may be reasonably incurred, including the following expenses —

(i) accommodation;

(ii) car rental;

(iii) a meal.

15. Regulation 25 amended

In regulation 25(1) delete "audit." and insert:

audit to establish whether a training provider is complying with the Act, VET quality framework or conditions of registration for the provider.

16. Regulation 26A amended

(1) In regulation 26A(1) delete "provider." and insert:

provider in the form of a review or examination of the provider's operations or a particular aspect of the operations.

(2) In regulation 26A(2)(b) delete "investigation of a complaint." and insert:

investigation.

(3) In regulation 26A(3):

(a) in paragraph (a) before "audit," insert:

compliance

(b) in paragraph (b) delete "any part of the audit is conducted outside Australia — any" and insert:

part of the compliance audit is conducted outside Australia —

17. Regulation 26B amended

(1) In regulation 26B(1) delete "a complaint made about compliance by a WA registered provider with the registration standards, the AQF, the conditions of registration or the accreditation standards." and insert:

a WA registered provider's compliance with the VET quality framework, the accreditation standards or the conditions of registration for the provider.

(2) In regulation 26B(2) and (3) delete "of a complaint".

(3) In regulation 26B(4)(c) delete "any" (each occurrence).

(4) In regulation 26B(5) delete "a complaint about".

Note: The heading to amended regulation 26B is to read:

Investigations

18. Regulation 26 amended

(1) In regulation 26(3):

(a) delete "this" and insert:

the following

(b) delete paragraph (e)(i) and insert:

(i) referred to in the data provision requirements; or

(2) At the end of regulation 26(4) insert:

Penalty for this subregulation: a fine of $5 000.

(3) At the end of regulation 26 delete the Penalty.

19. Regulation 27 amended

(1) In regulation 27(2):

(a) in paragraph (a) delete "this" and insert:

the following

(b) in paragraph (b) delete "registration standards" and insert:

VET quality framework

(2) At the end of regulation 27(2) insert:

Penalty for this subregulation: a fine of $5 000.

(3) At the end of regulation 27 delete the Penalty.

20. Regulation 28A amended

In regulation 28A(1)(b) delete "registered training provider." and insert:

WA registered provider.

21. Part 6 heading amended

In the heading to Part 6 delete "**for *Vocational Education and Training (General) Amendment Regulations 2015***".

22. Part 6 Division 1 heading inserted

At the beginning of Part 6 insert:

Division 1 — Transitional provisions for *Vocational Education and Training (General) Amendment Regulations 2015*

23. Regulation 61 amended

In regulation 61 delete "Part — " and insert:

Division —

24. Part 6 Division 2 inserted

At the end of Part 6 insert:

Division 2 — Transitional provision for *Vocational Education and Training (General) Amendment Regulations (No. 2) 2025*

64. Pre-commencement regulations apply to particular matters during and after transitional period

(1) In this regulation —

pre-commencement regulations means these regulations as in force immediately before 1 October 2025;

transitional period means the period beginning on 1 October 2025 and ending on 31 December 2025.

(2) Despite the amendments made by the *Vocational Education and Training (General) Amendment Regulations (No. 2) 2025* —

(a) the pre-commencement regulations continue to apply during the transitional period; and

(b) the pre-commencement regulations also continue to apply on and from 1 January 2026 in relation to the following —

(i) a training provider application made, but not decided, before the end of the transitional period;

(ii) an audit as defined in regulation 24 of the pre-commencement regulations commenced before the end of the transitional period;

(iii) a compliance audit as defined in regulation 24 of the pre-commencement regulations commenced before the end of the transitional period;

(iv) an investigation as defined in regulation 24 of the pre-commencement regulations commenced before the end of the transitional period.

K. COLLERAN, Clerk of the Executive Council

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