

TA301

Vocational Education and Training Act 1996

Vocational Education and Training (General) Amendment Regulations 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (General) Amendment Regulations 2017*.

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 42nd day after that day.

3. Regulations amended

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

4. Regulation 3 amended

In regulation 3 insert in alphabetical order —

complying training plan has the meaning given in regulation 43(1);

school-based apprenticeship has the meaning given in regulation 43(1);

5. Regulation 43 amended

(1) In regulation 43(1) insert in alphabetical order:

school-based apprenticeship means an apprenticeship that is undertaken —

- (a) by an apprentice while they are enrolled full-time at a school; and
- (b) with the intention that the apprenticeship be recognised on the apprentice's certificate of student achievement upon graduation from the school.

(2) In regulation 43(1) in the definition of *complying training plan*:

(a) in paragraph (e) delete “apprentice.” and insert:

apprentice; and

(b) after paragraph (e) insert:

- (f) if the training contract relates to a school-based apprenticeship, has been endorsed by the school at which the apprentice is enrolled;

(3) Delete regulation 43(2) and insert:

(1A) Subregulation (2) applies to the employer and apprentice under a training contract, and the nominated training provider for that contract.

(2) Each person to whom this subregulation applies must sign a complying training plan for the training contract within 6 weeks after the date on which the parties to the contract are given notice of the contract's registration under regulation 42(3)(b).

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

- (3) Subregulation (4) applies if a training contract is varied, under section 60E(4)(a) of the Act, to change the nominated training provider.
- (4) If this subregulation applies, the employer, apprentice and the nominated training provider under the varied training contract must each sign a new complying training plan for the training contract within 6 weeks after the date on which the parties to the contract are given written notice of the chief executive's approval of the variation under regulation 46(5)(b).
Penalty for this subregulation: a fine of \$5 000.
- (5) Subregulation (6) applies if a training contract is assigned, under section 60E(4)(c) of the Act, to another employer who employs the apprentice.
- (6) If this subregulation applies, the employer, apprentice and the nominated training provider under the assigned training contract must each sign a new complying training plan for the training contract within 6 weeks after the date on which the parties to the contract are given written notice of the chief executive's approval of the assignment under regulation 47(2)(b).
Penalty for this subregulation: a fine of \$5 000.
- (7) Within 30 days after the date on which a complying training plan is signed under this regulation by the employer, apprentice and the nominated training provider, the training provider must give written notice to the chief executive officer of the date on which the training plan was signed by the last party to sign it.
Penalty for this subregulation: a fine of \$5 000.

6. Regulation 44 amended

Delete regulation 44(a) and insert:

- (a) the chief executive is satisfied that a complying training plan for the training contract has not been signed in accordance with regulation 43(2);
- (aa) the chief executive is satisfied that a new complying training plan for the training contract has not been signed in accordance with regulation 43(4) or (6) (as the case may be);
- (ab) the chief executive is satisfied that the training plan for the training contract is not, or has ceased to be, a complying training plan;

7. Various penalties amended

In the provisions listed in the Table in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

Table

r. 45(3)	r. 47(2)
r. 48(3)	r. 49(5), (7) and (10)
r. 52(1) and (2)	

R. KENNEDY, Clerk of the Executive Council.