

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**

## **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 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 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.

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