

Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2022

SL 2022/203

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2022*.

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 12 amended

- (1) In regulation 12(1) insert in alphabetical order:

final year secondary school student means a person enrolled at a school to whom regulation 13(4) applies;

- (2) In regulation 12(6) delete “person,” and insert:

person or a final year secondary school student,

- (3) In regulation 12(7) delete “person,” and insert:

person or a final year secondary school student,

5. Regulation 13 amended

In regulation 13(3) delete “school, as defined in the *School Education Act 1999* section 4.” and insert:

school.

6. Regulation 15A amended

(1) Before regulation 15A(1) insert:

- (1A) A student commencing a course is an ***Australian resident*** for the purposes of subregulation (1) if the student satisfies one of the following conditions —
- (a) the student is an Australian citizen (as defined in the *Australian Citizenship Act 2007* (Commonwealth) section 4(1));
 - (b) the student holds a permanent visa or a visa of Subclass 309, 444, 785, 790, 820 or 826;
 - (c) the student holds a visa of subclass 457 granted on the basis that the student satisfied the secondary criteria for that subclass;
 - (d) the student —
 - (i) holds a visa of subclass 050 or 051; and
 - (ii) 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 student has made a valid application for a visa of subclass 785 or 790;
 - (e) the student commences the course in 2023 or 2024 and —
 - (i) the student is a citizen of Afghanistan and holds a visa of subclass 449; or
 - (ii) the student is a citizen of Ukraine and holds a visa of subclass 449 or 786; or
 - (iii) the student —
 - (I) holds a bridging visa that is not subject to condition 8101 set out in the *Migration Regulations 1994* (Commonwealth) Schedule 8; and
 - (II) 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 student

has made a valid application
for a visa of subclass 866;

- (f) the student commences the course in 2023 and holds a visa of subclass 482 granted on the basis that the student satisfied the secondary criteria for that subclass.

- (1B) In subregulation (1A) a reference to a visa, or to a visa of a particular kind or subclass, is a reference to a visa, or to a visa of that kind or subclass, granted under the *Migration Act 1958* (Commonwealth).

- (2) Delete regulation 15A(4) and (5).

V. MOLAN, Clerk of the Executive Council.
