

Vocational Education and Training (General) Amendment Regulations 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (General) Amendment Regulations 2016*.

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 (General) Regulations 2009*.

4. Regulation 42 amended

- (1) In regulation 42(2)(ca) delete “vocational outcome” and insert:

qualification

- (2) Delete regulation 42(3A).

5. Regulation 44 amended

After regulation 44(c) insert:

- (ca) the chief executive is satisfied that the qualification set out in the contract is not appropriate for the intended occupation during the contract;
- (cb) the chief executive is satisfied that the continued registration of the contract would result in an effect or outcome that is contrary to the objects of the Act;
- (cc) the apprentice is not an Australian citizen, or does not hold an Australian visa that will support the employment and study arrangements specified in the contract;

- (cd) the chief executive is satisfied that one or both of the parties to the contract has not complied with the terms of that contract;

6. Regulation 52A inserted

At the end of Part 4 Division 3 insert:

52A. Resolution of disputes by chief executive

- (1) The chief executive may, on an application by a party to a training contract, or on the chief executive's own initiative, determine a dispute between the parties relating to any of the following —
 - (a) the terms of the contract, including any variations or suspensions;
 - (b) the conduct of the parties in complying with the terms of the contract;
 - (c) the termination of the contract.
- (2) The chief executive may determine the dispute unless the chief executive feels that it should be dealt with by another body, tribunal or court vested with jurisdiction to determine it.

7. Regulation 53 amended

- (1) In regulation 53(1) delete "48." and insert:

48, or any determination made under regulation 52A.

- (2) In regulation 53(2):

- (a) delete "On the application" and insert:

In relation to an application or determination,

- (b) delete paragraph (b) and insert:

- (b) must give a reasonable opportunity to provide evidence and make submissions relevant to the application or determination to —

- (i) each party to any training contract to which the application or determination relates; and

- (ii) any other person who may or will be affected by the outcome of the application or determination or who, in the chief executive’s opinion, has a sufficient interest in the application or determination;

and

(3) Delete regulation 53(3) and insert:

- (3) As soon as practicable after deciding the application or determination, the chief executive must give the parties to the application or determination written notice of the decision and the reasons for it.

8. Regulation 54 amended

In regulation 54(1) delete “47 or 48” and insert:

47, 48 or 52A

9. Schedule 1 amended

In Schedule 1 in the Table under the heading “**Apprenticeship/Traineeship details**” delete item 3 and insert:

3	Intended occupation during training contract
	Commencement date of employment for Apprenticeship/Traineeship Day /Month /Year

N. HAGLEY, Clerk of the Executive Council.
