

Act 1994 No. 33

**BOARD OF VOCATIONAL EDUCATION AND TRAINING
BILL 1994**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are:

- (a) to constitute the New South Wales Board of Vocational Education and Training as the body to be nominated by the Minister as the State Training Agency for the purposes of the Australian National Training Authority Act 1992 of the Commonwealth; and
- (b) to define the objects and functions of the proposed Board; and
- (c) to dissolve the Industrial and Commercial Training Council; and
- (d) to make further provision with respect to the accreditation of vocational courses by the Vocational Education and Training Accreditation Board; and
- (e) to enact other provisions of a minor, consequential and ancillary nature.

The Bill contains the following provisions:

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain expressions (“appointed member”, “Board”, “Commonwealth Act”, “function”, “National Statement”, “National Strategic Plan”, “State Training Agency” and “State Training Profile”) for the purposes of the proposed Act.

Clause 4 specifies that the object of the proposed Act is to establish the proposed Board as the body to be nominated by the Minister as the State Training Agency for the purposes of the Commonwealth Act.

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PART 2—THE BOARD OF VOCATIONAL EDUCATION AND TRAINING

Clause 5 constitutes the proposed Board under the corporate name of the “New South Wales Board of Vocational Education and Training.’. The proposed Board is to consist of 9 part-time members, of whom 3 (the Director-General of the Department of Industrial Relations, Employment, Training and Further Education, the Managing Director of the TAFE Commission and the Executive Director of the Ministry of Education and Youth Affairs) are to be ex-officio members and 6 are to be Ministerial appointees. For the purposes of any Act, the proposed Board is to be a statutory body representing the Crown.

Clause 6 specifies the objects of the proposed Board. The objects are, generally speaking, to promote and develop, in collaboration with other agencies, the system of vocational education and training in New South Wales.

Clause 7 confers on the proposed Board certain functions for the purpose of enabling it to achieve its objects. In the exercise of its functions, the proposed Board is to be subject to the direction and control of the Minister.

Clause 8 enables the Minister to nominate the proposed Board as the State Training Agency for New South Wales for the purposes of the Commonwealth Act.

Clause 9 enables the proposed Board to appoint advisory committees to assist it in the exercise of its functions.

Clause 10 enables the proposed Board to delegate its functions to other persons and bodies.

PART 3—MISCELLANEOUS

Clause 11 excludes members of the proposed Board and other persons acting under the direction of the proposed Board from personal liability for acts and omissions by them in the exercise of their functions.

Clause 12 is a formal provision that gives effect to the Schedule of amendments to other Acts.

Clause 13 provides for the review of the Act at the end of 5 years after its date of assent.

SCHEDULES

Schedule 1 contains provisions with respect to the members and procedure of the proposed Board.

Schedule 2:

- (a) amends the Industrial and Commercial Training Act 1989 so as
- to dissolve the Industrial and Commercial Training Council; and
 - to confer on the Director-General of the Department of Industrial Relations, Employment, Training and Further Education some of the functions previously exercised by the Council; and
 - to make other provisions consequent on the dissolution of the Council; and

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- (b) amends the Public Finance and Audit Act 1983 so as to subject the proposed Board to the requirements of that Act in relation to financial auditing; and
- (c) amends the Vocational Education and Training Accreditation Act 1990 so as
- to enable the Vocational Education and Training Accreditation Board to specify, as a condition of accreditation, the resources that are necessary for the conduct of an accredited vocational course (Items (3) (c) and (6) (c)); and
 - to enable that Board to have regard to such matters as the copyright in a vocational course in deciding whether or not to register an education or training provider in relation to that course (Items (14) and (15) (a)); and
 - to prevent universities from being registered under the Act, but to declare that they are taken to be registered providers in relation to the vocational courses conducted by them in relation to declared trades and declared callings (within the meaning of the Industrial and Commercial Training Act 1989) (Items (13) (b), (15) (b) and (16)); and
 - to enable that Board to accredit vocational courses that relate to declared trades and declared callings without having to have regard to the persons or bodies by whom the courses are to be conducted (the remaining Items).
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