

Act 1993 No. 86

VOCATIONAL EDUCATION AND TRAINING ACCREDITATION (AMENDMENT) BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Vocational Education and Training Accreditation Act 1990 so as to provide for:

- (a) the registration of vocational course providers; and
- (b) the approval of providers of courses to overseas students; and
- (c) guidelines (including guidelines as to financial matters) to be issued by the Vocational Education and Training Accreditation Board ("VETAB") as criteria for registration and approval; and
- (d) one more part-time member of VETAB, that member having expertise in the accreditation of courses provided to overseas students.

The amendments make provision complementary to:

- (a) the *Agreement for a National Framework for the Recognition of Training* between the States, the Territories and the Commonwealth which requires all the parties to register vocational course providers; and
- (b) the *Commonwealth Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991* which provides for a scheme that is based on a system of State approvals of providers of courses to overseas students.

The registration and approval scheme for providers will parallel the existing scheme in the Vocational Education and Training Accreditation Act 1990 which covers the accreditation of vocational courses. Accordingly, registration or approval may be granted either by VETAB or by any body authorised by VETAB.

Registration or approval of a provider:

- (a) will be granted after an examination of the resources and other aspects of the provider and checking them against guidelines issued by the Board; and
- (b) may be subject to conditions; and
- (c) will be subject to variation, suspension or withdrawal; and
- (d) will relate to the courses to be provided.

Vocational Education and Training Accreditation (Amendment) 1993 [Act 1993 No. 86]

Advertisements referring to the registration or approval of a provider must be truthful and give details of the source of the registration or approval. Advertisements must not claim that a provider will or may be registered or approved.

The Bill also amends the Higher Education Act 1988 to provide for the approval of universities to provide courses to overseas students. This approval is granted by the Executive Director of the Ministry of Education and Youth Affairs. Again, this approval is one which forms the basis for registration under the Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991 of the Commonwealth.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be appointed by proclamation.

Clause 3 gives effect to the Schedule of amendments to the Vocational Education and Training Accreditation Act 1990.

Clause 4 gives effect to the Schedule of amendments to the Higher Education Act 1988.

Schedule 1 (1), (2) and (6) amend the long title, section 3 (Objects) and section 6 (Objects and functions of the Board) of the Principal Act to accommodate the scheme of registering and approving course providers.

Schedule 1(3) amends section 4 (Definitions) to insert some definitions and to revise others to complement the new scheme.

Schedule 1(4) inserts section 4A (References to courses) which makes it clear that registration or approval in relation to courses can apply to courses in general, or specific courses or classes of courses.

Schedule 1(5) amends section 5 (Constitution of the Board) to add one more part-time member to the Board. This member is to have expertise in the accreditation of courses provided to overseas students.

Schedule 1(7) inserts a new Part 3A (Registration and Approval of Education or Training Providers).

Schedule 1(8) makes a consequential amendment to section 24 (Powers of inspectors) and Schedule 1 (9) to section 33 (Regulations).

Schedule 1 (10) and (11) provide for savings and transitional provisions to be inserted as Schedule 2 to the Principal Act. Under this Schedule, providers of courses to overseas students which are already registered under the Commonwealth legislation (referred to above) are to be regarded as approved under the proposed Part 3A. The Schedule includes a standard power to make savings and transitional regulations.

Schedule 2 amends the Higher Education Act 1988 to provide:

- (a) that universities are to obtain approval from the Executive Director of the Ministry of Education and Youth Affairs to provide courses to overseas students; and
 - (b) that universities that are already registered under the Commonwealth legislation (referred to above) are to be regarded as approved.
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