

**VOCATIONAL EDUCATION AND TRAINING ACCREDITATION  
BILL 1990\***

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The objects of this Bill are:

- (a) to establish the Vocational Education and Training Accreditation Board and to define its functions; and
- (b) to provide for the accreditation of vocational courses; and
- (c) to enact other provisions of a minor, consequential or ancillary nature.

References in this Bill to monetary penalties are expressed in penalty units. Under section 56 of the Interpretation Act 1987, 1 penalty unit is currently equivalent to \$100.

---

**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** specifies the objects of the proposed Act as being:

- (a) to provide for the accreditation of courses of vocational education and training conducted within New South Wales; and
- (b) to promote consistency of standards in vocational education and training; and
- (c) to encourage the recognition of courses of vocational education and training that are accredited under the proposed Act.

---

\* Amended in committee - see table at end of volume.

*Vocational Education and Training Accreditation 1990*

---

**Clause 4** defines certain expressions (in particular, "authorised accrediting body", "Board", "education or training provider", "relevant authority", "relevant guidelines" and "vocational course") for the purposes of the proposed Act.

**PART 2 - CONSTITUTION AND FUNCTIONS OF THE BOARD**

**Clause 5** provides for the constitution of a Vocational Education and Training Accreditation Board that is to consist of 10 members, of whom one is to be a full-time General Manager and 9 are to be part-time members. One of the part-time members is to be the Chairperson of the Board.

**Clause 6** sets out the objects and functions of the Board. The principal object of the Board is to be the accreditation of vocational courses conducted by education or training providers. The Board is to have such functions as are necessary or convenient to enable it to achieve its objects and to promote the objects of the proposed Act, is to be subject to the control and direction of the Minister and is, for the purposes of any Act, to be a statutory body representing the Crown.

**Clause 7** provides for the employment, under the Public Sector Management Act 1988, of a General Manager and such other staff as are necessary to enable the Board to exercise its functions.

**Clause 8** provides that the Board may establish advisory committees to assist it in the exercise of its functions. Any or all of the members of an advisory committee may be persons who are not members of the Board.

**Clause 9** enables the Board to delegate its functions to any of its members, advisory committees or staff.

**PART 3 - ACCREDITATION OF VOCATIONAL COURSES**

**Division 1 - Guidelines and authorities**

**Clause 10** enables the Board to issue guidelines to be adopted in relation to the accreditation of vocational courses. Copies of these guidelines will be required to be publicly available.

**Clause 11** enables the Board to authorise other persons and bodies to accredit courses. An authority will be unconditional or conditional and will be revocable by the Board.

**Division 2 - Accreditation by the Board**

**Clause 12** enables the Board, on the application of an education or training provider, to accredit vocational courses conducted by the provider. Accreditation will be unconditional or conditional. The clause specifies that accreditation may not be refused except on certain specified grounds.

**Clause 13** enables the Board to withdraw accreditation from any vocational course and to revoke or vary any condition to which the accreditation of a vocational course is subject. The clause specifies that accreditation may not be withdrawn except on certain specified grounds.

## *Vocational Education and Training Accreditation 1990*

---

**Clause 14** requires the Board to notify the education or training provider concerned and any relevant authority of any decision it proposes to make under Division 2 and to give those bodies a reasonable opportunity to make representations to it in relation to the decision. The clause further requires the Board to have regard to any relevant guidelines and to any representations made to it in relation to the proposed decision. The clause further requires the Board to notify the education or training provider concerned and any relevant authority of any decision made by it under Division 2 and of its reasons for the decision.

### **Division 3 - Accreditation by authorised accrediting bodies**

**Clause 15** enables an authorised accrediting body, on the application of an education or training provider, to accredit vocational courses conducted by the provider. Accreditation will be unconditional or conditional. The clause specifies that accreditation may not be refused except on certain specified grounds.

**Clause 16** enables an authorised accrediting body to withdraw accreditation from any vocational course in respect of which it has granted accreditation and to revoke or vary any condition to which the accreditation of such a vocational course is subject. The clause specifies that accreditation may not be withdrawn except on certain specified grounds.

**Clause 17** requires an authorised accrediting body to notify the education or training provider concerned, the Board and any relevant authority of any decision it proposes to make under Division 3 and to give those bodies a reasonable opportunity to make representations to it in relation to the decision. The clause further requires an authorised accrediting body to have regard to any relevant guidelines and to any representations made to it in relation to the proposed decision. The clause further requires an authorised accrediting body to notify the education or training provider concerned, the Board and any relevant authority of any decision made by it under Division 3 and of its reasons for the decision.

### **Division 4 - General**

**Clause 18** prohibits a person from advertising that a vocational course is accredited, endorsed or approved without stating by whom the accreditation, endorsement or approval has been given and further prohibits a person from falsely advertising that a vocational course conducted by an educational establishment is accredited under the proposed Act. The maximum penalty for an offence under the proposed section will be 10 penalty units.

**Clause 19** requires an education or training provider that conducts an accredited vocational course to notify the Board of any change in the name under which, or in the address of the premises in or from which, it conducts any such course.

**Clause 20** requires the Board to maintain a register in which are to be recorded particulars of each accredited vocational course and of each education or training provider by which each such course is conducted.

**Clause 21** provides for the issue of evidentiary certificates by the General Manager of the Board. Such a certificate will be admissible in any proceedings and will constitute evidence of the fact or facts certified in it.

## *Vocational Education and Training Accreditation 1990*

---

**Clause 22** contains transitional provisions to cover certain situations. It provides that a vocational course to which accreditation is given is to be an accredited course in respect of persons who began the course before the accreditation was given; that a vocational course from which accreditation is withdrawn is to continue to be an accredited course in respect of persons who had substantially completed the course before accreditation was withdrawn; that accreditation of a vocational course is not to be affected by the revocation of an education or training provider's authority to accredit vocational courses; and that the accreditation of a vocational course is not to be affected by any change in the name of the course or in the name of the education or training provider by which it is conducted.

### **PART 4 - ENFORCEMENT**

**Clause 23** enables the Board to appoint any of its officers to be inspectors for the purposes of the proposed Act and requires the Board to issue its inspectors with certificates of identification.

**Clause 24** enables an inspector to enter and inspect the premises of an education or training provider in respect of which a vocational course is accredited for the purpose of ascertaining whether or not the provisions of the proposed Act are being complied with. The power may be exercised only during the ordinary business hours of the education or training provider concerned and in respect of premises other than residential premises. An inspector will be required to produce his or her certificate of identification on demand and to avoid disturbing the conduct of any vocational course.

**Clause 25** prohibits a person from assaulting, delaying, obstructing, hindering or impeding an inspector. The maximum penalty for an offence under the proposed section will be 10 penalty units.

**Clause 26** prohibits a person from making false or misleading statements in or in connection with any application under the proposed Act. The maximum penalty for an offence under the proposed section will be 10 penalty units.

### **PART 5 - MISCELLANEOUS**

**Clause 27** provides for the service of documents on the Board and on other persons.

**Clause 28** exempts members of the Board, officers of the Board and persons acting under the direction of the Board from personal liability for any matter or thing done or omitted by the Board or by them if the matter or thing was done or omitted in good faith and for the purpose of executing the proposed Act.

**Clause 29** requires the Board to prepare an annual report on its work and activities. This report will be required to be tabled in Parliament.

**Clause 30** enables any fee payable to the Board under the proposed Act to be recovered, as a debt, in any court of competent jurisdiction.

**Clause 31** provides that proceedings for an offence against the proposed Act are to be dealt with summarily before a Local Court.

## *Vocational Education and Training Accreditation 1990*

---

**Clause 32** provides for the proposed Act to bind the Crown.

**Clause 33** enables the Governor to make regulations for the purposes of the proposed Act.

**Clause 34** contains a consequential amendment to the Technical and Further Education Act 1974. The amendment repeals Part 4 (Vocational Instruction) of that Act.

**Schedule 1** contains provisions relating to the members and procedure of the Board.

Part 1 (The Members of the Board) contains the following clauses:

- (a) General Manager may appoint deputy (clause 1);
- (b) acting members and acting Chairperson (clause 2);
- (c) terms of office (clause 3);
- (d) remuneration of part-time members (clause 4);
- (e) vacancy in office of part-time member (clause 5);
- (f) filling of vacancy in office of part-time member (clause 6);
- (g) vacancy in office of Chairperson (clause 7);
- (h) disclosure of pecuniary interests (clause 8);
- (i) effect of certain other Acts (clause 9);
- (j) proof of certain matters not required (clause 10).

Part 2 (The Procedure of the Board) contains the following clauses:

- (a) general procedure (clause 11);
  - (b) quorum (clause 12);
  - (c) presiding member (clause 13);
  - (d) voting (clause 14);
  - (e) transaction of business outside meetings or by telephone etc. (clause 15);
  - (f) minutes (clause 16);
  - (g) first meeting of the Board (clause 17).
-