Vocational Education and Training (Commonwealth Powers)
Act 2010 No 131

Schedule 3

Savings, transitional and other provisions

Part 1 General

1 Definitions

In this Schedule:

**national VET legislation** means:

(a) the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth, and

(b) the *National Vocational Education and Training Regulator (Transitional Provisions) Act 2011* of the Commonwealth.

**National VET Regulator** means the National Vocational Education and Training Regulator established under the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

**NSW Vocational Education and Training Accreditation Board** means the Vocational Education and Training Accreditation Board established under the *Vocational Education and Training Act 2005* of New South Wales immediately before the repeal of that Act by this Act.

2 Regulations

(1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on:

(a) the enactment of this Act, or

(b) the transition from the application of the provisions of the *Vocational Education and Training Act 2005* of New South Wales to the application of the provisions of the National VET legislation.

(2) If such a regulation so provides, it has effect despite any other provision of this Schedule.

(3) A provision of a regulation made under this clause may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.

(4) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or

(b) to impose liabilities on any person (other than the State or an authority of the State) in
respect of anything done or omitted to be done before the date of its publication.

**Part 2 Provisions consequent on enactment of this Act**

3 **Dissolution of NSW VET Accreditation Board**

(1) The NSW Vocational Education and Training Accreditation Board is dissolved.

(2) A person who held office as a member of the Board immediately before its dissolution ceases to hold office as a member of the Board and is not entitled to any remuneration or compensation for loss of that office.

(3) Any assets, rights or liabilities of the Board immediately before its dissolution become (subject to the National VET legislation) the assets or liabilities of the Crown.

4 **Construction of references to former NSW VET legislation and Board**

(1) In any document:

   (a) a reference to the *Vocational Education and Training Act 2005* of New South Wales extends to the national VET legislation, and

   (b) a reference to a provision of that Act extends to the corresponding provision (if any) of the national VET legislation, and

   (c) a reference to the NSW Vocational Education and Training Accreditation Board extends to the National VET Regulator,

   except to the extent that the context or subject-matter otherwise indicates or requires.

(2) In this clause, *document* means any Act (other than this Act) or statutory instrument, or any other instrument, or any contract or agreement.

5 **Provision of information and assistance to National VET Regulator**

(1) The Secretary of the Department of Industry, or a person authorised in writing by the Secretary, may, on the Secretary’s or authorised person’s own initiative or at the request of the National VET Regulator or an agency of the Commonwealth:

   (a) provide the National VET Regulator or agency of the Commonwealth with such documents and other information in the possession or control of the Secretary that is reasonably required by the Regulator or agency in connection with the performance or exercise of its functions under the National VET legislation, and

   (b) provide the National VET Regulator or agency of the Commonwealth with such other assistance as is reasonably required by the Regulator or agency to perform or exercise a function or power under the National VET legislation.

(2) A reference in this clause to any documents and other information in the possession or control of the Secretary includes a reference to any document or other information in the possession or control of the NSW Vocational Education and Training Accreditation Board immediately before its dissolution.
(3) This clause has effect despite any other Act or law.

6 Pending proceedings before ADT or State court

(1) Any proceedings relating to any matter arising under the provisions of the Vocational Education and Training Act 2005 of New South Wales that were commenced in the Administrative Decisions Tribunal or any court before the repeal of that Act, but were not finally determined on that repeal, may continue to be dealt with or otherwise determined (including for the purposes of any appeal or rehearing in relation to those proceedings) as if those provisions had not been repealed by this Act.

(2) This clause is subject to any provision of the National VET legislation that requires the National VET Regulator to be substituted as a party to any such proceedings in place of the NSW Vocational Education and Training Accreditation Board.