



Queensland

Vocational Education, Training and Employment Amendment Act 2005

Act No. 16 of 2005



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Vocational Education, Training and Employment Amendment Act 2005

Act No. 16 of 2005

**An Act to amend the *Vocational Education, Training and
Employment Act 2000*, and for other purposes**

[Assented to 29 April 2005]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Vocational Education, Training and Employment Amendment Act 2005*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

Part 2 Amendment of Vocational Education, Training and Employment Act 2000

3 Act amended in pt 2

This part amends the *Vocational Education, Training and Employment Act 2000*.

4 Amendment of s 28 (Term of registration)

Section 28—

insert—

‘(2) A regulation may provide for an annual registration fee to be paid for each year, or part of a year, of the registration’s term.’.

5 Amendment of s 32 (Amending, suspending or cancelling registration without application on particular grounds)

Section 32(3)—

insert—

‘(c) the training organisation has not paid the annual registration fee under section 28(2).’.

6 Amendment of s 37 (Audit of training organisation registered by the council)

Section 37—

insert—

‘(3) A regulation may require the training organisation to pay the council a fee for the conduct of the compliance audit.’.

7 Amendment of s 38 (Audit of training organisation registered by another registering body)

Section 38—

insert—

‘(4) A regulation may require the training organisation to pay the council a fee for the conduct of the compliance audit.’.

8 Replacement of s 108 (Applying for recognition of vocational placement scheme)

Section 108—

omit, insert—

‘108 Applying for recognition of vocational placement scheme

‘(1) A registered training organisation may apply to the council to recognise a vocational placement scheme.

‘(2) The application must be in the approved form and accompanied by the prescribed fee.’.

9 Amendment of ch 5 hdg (Ombudsman, board and council)

Chapter 5, heading, ‘, board’—

omit.

10 Omission of ch 5, pt 2 (Training and employment board)

Chapter 5, part 2—

omit.

11 Amendment of s 168 (Council's functions)

(1) Section 168(1)(b), 'board'—

omit, insert—

'Minister'.

(2) Section 168(1)(k)—

omit, insert—

'(k) to provide up-to-date and strategic advice to the Minister on—

(i) current vocational education and training issues and strategies; and

(ii) current employment issues and strategies as they relate to vocational education and training;

(l) to recognise industry training advisory bodies and group training organisations;

(m) to perform the functions of an approving authority under the *Industrial Relations Act 1999* and the *Workplace Relations Act 1996* (Cwlth);

(n) to make recommendations to the Minister about guidelines for the council about matters arising from the performance of the council's functions;

(o) to perform other functions requested by the Minister.'

12 Replacement of s 169 (Council subject to Minister and board)

Section 169—

omit, insert—

'169 Council subject to Minister

'(1) The council is subject to the Minister.

- ‘(2) The council must comply with the Minister’s signed directions about exercising its powers or performing its functions.’.

13 Amendment of s 170 (Council membership)

- (1) Section 170—

insert—

- ‘(4A) One member may be a young adult having current or recent experience in vocational education and training.’.

- (2) Section 170(5), after ‘higher education’—

insert—

‘, industry’.

- (3) Section 170(4A) and (5)—

renumber as section 170(5) and (6).

14 Replacement of s 187 (Establishing committees)

Section 187—

omit, insert—

‘187 Establishing committees

- ‘(1) The council may, with the Minister’s signed approval, establish a committee to help it to perform its functions.
- ‘(2) When seeking the Minister’s approval, the council must give the Minister a statement of the proposed committee’s terms of reference or functions.
- ‘(3) Appointments to the committee are to be made by the council by signed notice.
- ‘(4) The council may appoint a person to the committee only if the person has skills or experience appropriate to the committee’s terms of reference or functions.
- ‘(5) A member of the committee is not entitled to any remuneration, other than the reimbursement of reasonable expenses and a travel allowance, unless the remuneration is approved in writing by the Minister.

‘(6) Subsection (1) does not apply to a committee of the council’s own members.’.

15 Amendment of s 188 (Chief executive to help council)

Section 188—

insert—

- ‘(2) Without limiting subsection (1), the chief executive must nominate an appropriately qualified departmental officer to help the council in performing its functions.
- ‘(3) A departmental officer is appropriately qualified if the officer has qualifications, experience or standing appropriate to help the council in performing its functions.’.

16 Replacement of s 189 (Council to comply with approved guidelines)

Section 189—

omit, insert—

‘189 Approved guidelines

- ‘(1) A guideline recommended by the council becomes effective when it is approved in writing by the Minister.
- ‘(2) If a guideline is approved by the Minister, the council must ensure the guideline is published in the gazette.
- ‘(3) In performing its functions, the council must comply with all approved guidelines.’.

17 Insertion of new s 190A

Chapter 5, part 3, after section 190—

insert—

‘190A Report on council’s operations

- ‘(1) The council must prepare and give to the Minister, within 4 months after the end of each financial year, a report on its operations during the financial year.

- ‘(2) If the Minister has given the council a signed direction under section 169(2)¹ in the year, the report must include a copy of the direction.
- ‘(3) The Minister must table a copy of the report in the Legislative Assembly within 14 days after the Minister receives it.’.

18 Amendment of s 194 (TAFE institute council’s functions)

- (1) Section 194(1)(b)(ii)—
omit.
- (2) Section 194(1)(b)(iii)—
renumber as section 194(1)(b)(ii).

19 Amendment of s 196 (Composition of TAFE institute council)

- (1) Section 196(1)(a), ‘20’—
omit, insert—
‘15’.
- (2) Section 196(2)—
omit.
- (3) Section 196(4)—
insert—
‘(f) those young adults who have current or recent student experience in vocational education and training.’.
- (4) Section 196(3) and (4)—
renumber as section 196(2) and (3).

20 Omission of ch 6, pt 3 (College councils)

Chapter 6, part 3—
omit.

¹ Section 169 (Council subject to Minister)

21 Amendment of s 218 (Recognition of industry training advisory bodies)

Section 218, 'board'—
omit, insert—
'council'.

22 Amendment of s 219 (Role of industry training advisory bodies)

Section 219, 'board'—
omit, insert—
'council'.

23 Amendment of s 220 (Withdrawal of recognition)

Section 220, 'board'—
omit, insert—
'council'.

24 Amendment of s 221 (Recognition of group training organisation)

Section 221, 'board'—
omit, insert—
'council'.

25 Amendment of s 223 (Withdrawal of recognition)

Section 223, 'board'—
omit, insert—
'council'.

26 Amendment of s 225 (Starting appeals)

Section 225(1)(b), ‘or board’—
omit.

27 Amendment of s 227 (Hearing procedures)

Section 227(1), ‘or board’—
omit.

28 Amendment of s 228 (Powers of court on appeal)

- (1) Section 228(1)(d), ‘or the board’—
omit.
- (2) Section 228(2), ‘or board’s’—
omit.

29 Amendment of s 277 (False or misleading statements to official)

- (1) Section 277(2), definition *official*, paragraph (a)—
omit.
- (2) Section 277(2), definition *official*, paragraphs (b) to (e)—
renumber as paragraphs (a) to (d).

30 Amendment of s 282 (Disclosure of interests by member of disclosure body)

Section 282(4), definition *disclosure body*—
omit, insert—

‘*disclosure body* means any of the following—

- (a) the council;
(b) a TAFE institute council;

- (c) a committee established by an entity mentioned in paragraph (a) or (b);
- (d) a committee established by the chief executive.’.

31 Amendment of s 289 (Evidentiary provisions)

- (1) Section 289(2)(a)(ii), ‘the board or’—
omit.
- (2) Section 289(3) and (7), ‘board or’—
omit.

32 Amendment of s 290 (Protection from liability)

- (1) Section 290(3), definition *indemnified person*, paragraph (c), ‘board or’—
omit.
- (2) Section 290(3), definition *indemnified person*, paragraph (d), ‘or college council’—
omit.

33 Insertion of new ch 10, pt 4

After section 333—
insert—

‘Part 4 Transitional provisions for Vocational Education, Training and Employment Amendment Act 2005

‘Division 1 Provisions about Training and Employment Board

‘334 Definitions for div 1

‘In this division—

board means the Training and Employment Board established under section 146 as in force immediately before the commencement.

commencement means the commencement of this division.

‘335 Dissolution of Training and Employment Board

- ‘(1) On the commencement—
- (a) the board is dissolved; and
 - (b) the members of the board go out of office.
- ‘(2) No compensation is payable to a member of the board because of subsection (1).

‘336 References to board taken to be references to council

‘A reference in an Act or document to the board may, if the context permits, be taken to be a reference to the council.

‘337 Existing decisions of board

- ‘(1) This section applies to a decision of the board before the commencement, if the decision had not had full effect at the commencement.
- ‘(2) The decision continues in force, subject to this Act, and is taken to be a decision of the council.
- ‘(3) Without limiting subsection (2), if the decision is one in relation to which a person had a right to appeal against the decision that had not ended immediately before the commencement, the person may appeal against the decision as if it were a decision of the council.

‘338 Continuation of recognition of group training organisation and industry training advisory body

‘A recognition by the board of a corporation as a group training organisation or an industry training advisory body that is in force immediately before the commencement is

taken, on the commencement, to be a recognition by the council.

‘339 Applications for recognition of group training organisation or industry training advisory body

- ‘(1) This section applies if an application for recognition as a group training organisation or an industry training advisory group has been made but not decided before the commencement.
- ‘(2) The application is taken to have been made to the council.

‘340 Remission of matters by magistrates court to board

- ‘(1) This section applies if—
- (a) before the commencement, a matter had been remitted under section 228(1)(d) to the board to act according to law; and
 - (b) the board had not finished acting in relation to the matter at the commencement.
- ‘(2) The matter is taken to have been remitted to the council and any action taken by the board in relation to the matter is taken to have been action taken by the council.

‘Division 2 Provision about TAFE institute council

‘341 Appointed members of TAFE institute council continue despite amendment of s 196(1)(a)

- ‘(1) This section applies if, immediately before the commencement of the *Vocational Education, Training and Employment Amendment Act 2005*, section 19, there were more than 15 appointed members on a TAFE institute council.
- ‘(2) Despite the commencement of section 19, each of the appointed members continues as an appointed member until—

- (a) the member's term of appointment ends; or
- (b) the member's office sooner becomes vacant.

'Division 3 Provision about TAFE institute college council

'342 Dissolution of college councils

- '(1) On the commencement of this section—
 - (a) each college council established under chapter 6, part 3 is dissolved; and
 - (b) the members of each of the college councils go out of office.
- '(2) No compensation is payable to a member of a college council because of subsection (1).

'Division 4 Transitional provision for vocational placement scheme

'343 Application for recognition of vocational placement scheme

- '(1) This section applies if an application for recognition of a vocational placement scheme has been made but not decided before the commencement.
- '(2) The prescribed fee mentioned in section 108(2) is not payable in relation to the application.'

34 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *approved guideline* and *board*—
omit.
- (2) Schedule 3—
insert—

40 Amendment of s 31 (Amendment of s 147 (Board's functions))

Section 31(2)—

omit.

41 Amendment of s 37 (Amendment of s 168 (Council's functions))

Section 37(2) and (3)—

omit, insert—

'(2) Section 168(1)(o)—

renumber as section 168(1)(r).

(3) Section 168(1), as amended—

insert—

'(o) to grant employment exemptions;

(p) to recognise non-departmental employment skills development programs for the purposes of the *Youth Participation in Education and Training Act 2003*, section 20(3);²

(q) to maintain a register of recognised non-departmental employment skills development programs;'

42 Omission of s 38 (Amendment of s 169 (Council subject to Minister and board))

Section 38—

omit.

² *Youth Participation in Education and Training Act 2003*, section 20 (Exceptions to obligation)