

# **Vocational Education, Training and Employment and Other Acts Amendment Bill 2006**

## **Explanatory Notes**

### **General Outline**

#### **Short Title**

The short title of the Bill is the *Vocational Education, Training and Employment and Other Acts Amendment Act 2006*.

#### **Policy Objectives of the Legislation**

The objective of the Bill is to enable the implementation of actions outlined in the *Queensland Skills Plan* White Paper and to address minor technical issues to ensure the legislation remains current and accurate.

#### **Reasons for the Bill**

The *Queensland Skills Plan* White Paper outlined major reforms to Queensland's vocational education and training system. The principal reason for the legislation is to amend the *Vocational Education, Training and Employment Act 2000* to support the implementation of specific actions outlined in the *Queensland Skills Plan* White Paper.

#### **Achieving the Objectives**

The Amendment Bill will enable implementation of actions outlined in the *Queensland Skills Plan* White Paper by:

- Removing the legislated role of Industry Training Advisory Bodies ("ITABs") to enable a range of new arrangements for industry engagement that aim to improve the alignment between industry's skills needs and training delivery.

- Streamlining the completion process to support early completion by apprentices and trainees to better meet industry needs and to address significant trade skills shortages.

The Amendment Bill will also address minor technical issues, for example:

- Removal of references to Australian National Training Authority (“ANTA”) to reflect the new Commonwealth legislation and arrangements.

### **Administrative costs**

There are no specific financial considerations associated with the proposed legislative amendments. Funding for the *Queensland Skills Plan* was considered and approved by Government.

Any financial implications will be met from within resources recently approved by Government for implementation of the *Queensland Skills Plan*.

As part of the *Queensland Skills Plan*, Government will introduce several new types of industry engagement models to better partner with industry. As part of this transition process, ITABs will be funded until 31 December 2006, after which all Government investment in these bodies will be re-directed towards new industry engagement strategies.

### **Fundamental Legislative Principles**

The provisions of the Bill are consistent with the fundamental legislative principles provided for under the *Legislative Standards Act 1992*.

### **Consultation**

In June 2005, the Premier and the (then) Minister for Employment, Training and Industrial Relations launched a discussion paper *Queensland’s proposed responses to the challenges of skills for jobs and growth: a Green Paper* for community consultation.

The Green Paper canvassed 24 proposals for reforming skills development in Queensland. More than 1,500 people attended consultation forums throughout the State between June and August 2005, and approximately 200 people and organisations submitted written comments on the Green Paper proposals. Additionally, specific meetings were held with lead industry, union, and training and education representatives.

There was significant support for specific proposals outlined in the Green Paper, including new industry engagement arrangements and fully implementing competency based training.

The *Queensland Skills Plan* White Paper was announced in March 2006. Action 8 of the White Paper commits Government to introducing a range of new engagement strategies to better partner with industries on their skilling needs. Action 15 outlines Government's commitment to support early completion and fully implement competency based training arrangements.

## Notes on Provisions

### Short title

Clause 1 provides the short title of the Act which may be cited as the *Vocational Education, Training and Employment and Other Acts Amendment Act 2006*.

### Commencement

Clause 2 provides that the Act will commence on a day to be fixed by proclamation.

### Act amended

Clause 3 provides that this part of the Bill amends the *Vocational Education, Training and Employment Act 2000*.

### Amendment of section 19 (Definitions for chapter 2)

Clause 4 amends the definitions in section 19 of the Act. The definitions for *ANTA*, *ANTA agreement* are omitted. The definition of *Commonwealth Act* is amended to refer to the *Skilling Australia's Workforce Act 2005* and the definition of the *ministerial council* is amended to correspond with the definition in the *Commonwealth Act*.

This clause introduces the definition of *National Quality Council* into section 19 of the Act. The definition of *National Quality Council* corresponds with the definition in the *Commonwealth Act*.

The clause also amends the definitions for *AQTF, standards for accreditation of courses, standards for registered training organisations* and *standards for State and Territory registering and course accrediting bodies* so that they incorporate the amended definition of “*ministerial council*”.

In addition, the definition of *qualification* is amended so that the references to ANTA are omitted and replaced with ‘the Commonwealth Minister administering the *Commonwealth Act*’.

### **Amendment of section 20 (National register and national effect of registration)**

Clause 5 amends section 20 by omitting the reference to ‘ANTA’ and replacing it with ‘the Commonwealth Minister administering the *Commonwealth Act*’.

### **New section 73A (Authorising issue of qualification or statement of attainment)**

Clause 6 introduces a process for the Training Employment Recognition Council (“Council”) to authorise a Supervising Registered Training Organisation (“organisation”) for an apprentice or trainee to issue the qualification or statement of attainment to the apprentice or trainee.

The Council may authorise the organisation to issue the qualification or statement of attainment for the apprentice or trainee if the organisation:

- does not receive a notice under section 72(3) that the employer, or apprentice or trainee have signed the completion agreement, and the employer, or apprentice or trainee refuse to sign the completion agreement; and
- is reasonably satisfied that the apprentice or trainee has completed all the training required for the apprenticeship or traineeship and is entitled to be issued the qualification or the statement of attainment for the apprenticeship or traineeship; and
- notifies the Council:
  - that the organisation did not receive the notice under section 72(3);

- that the organisation is reasonably satisfied the apprentice or trainee has completed all the training required for the apprenticeship or traineeship;
- that the organisation is reasonably satisfied the apprentice or trainee is entitled to be issued a qualification or statement of attainment for the apprenticeship or traineeship;
- that the employer, or apprentice or trainee has refused to sign a completion agreement; and
- of the facts and circumstances leading to the organisation being reasonably satisfied that the apprentice or trainee has completed all the training required for the apprenticeship or traineeship and is entitled to be issued a qualification or statement of attainment for the apprenticeship or traineeship.

Once the Council is in receipt of the notification it may, despite a completion agreement not being signed under section 72(3), by fair procedures prescribed under a regulation, authorise the organisation to issue the qualification or statement of attainment to the apprentice or trainee.

However, the Council may only authorise the organisation to issue the qualification or statement of attainment to the apprentice or trainee if the Council is reasonably satisfied that the apprentice or trainee has completed all the training required for the apprenticeship or traineeship and is entitled to be issued a qualification or statement of attainment for the apprenticeship or traineeship.

After the Council makes its decision, it must as soon as possible give the organisation, the employer, and apprentice or trainee an information notice about the decision.

If the Council authorises the organisation to issue the qualification or statement of attainment to the apprentice or trainee, sections 73(3) to (6), 74, 75 and 76(7) apply as if the organisation, employer and apprentice or trainee had signed the completion agreement on the day the information notice about the decision is given to the Supervising Registered Training Organisation, the employer, and apprentice or trainee.

### **Amendment of section 168 (1)(l) (Council's functions)**

Clause 7 amends the Council's functions outlined in s168(1)(l) by omitting the reference to Industry Training Advisory Bodies.

### **Omission of chapter 7, heading and chapter 7, part 1**

Clause 8 amends Chapter 7 by omitting reference to part 1.

### **Replacement of chapter 7, part 2, heading (Group training organisations)**

Clause 9 amends the heading to Chapter 7 so that it refers to Group training organisations.

### **Amendment of section 224 (Appeal to Magistrates Court)**

Clause 10 amends section 224 by omitting section 224(c), as well as by renumbering the remaining sub-provisions.

### **Amendment of section 230 (Appeal to industrial commission against council or other decisions)**

Clause 11 amends section 230 by including an appeal to the Queensland Industrial Relations Commission against a Council order under section 65(4) or section 65(5). The clause also provides an appeal to the Queensland Industrial Relations Commission against a Council authorisation made under section 73A. The section is also amended to correct the numbering.

### **Amendment of section 279 (Offences about false or misleading statements or documents)**

Clause 12 amends the definition of *prescribed provision* by inserting after 73(6), as applied by section 73A(5).

### **Amendment of section 280 (Executive officers must ensure corporation complies with prescribed provision)**

Clause 13 amends section 280(5) to correct the references in the definition of *prescribed provisions*.

### **Amendment of s295, heading (Definitions for part 3)**

Clause 14 amends the heading for section 296 so that it correctly refers to part 2 rather than part 3.

### **Amendment of section 324 (Details on register on commencement)**

Clause 15 amends section 324 so that it includes a reference to ANTA which has the meaning given to it at the commencement of section 19.

### **Amendment of Schedule 3 (Dictionary)**

Clause 16 amends Schedule 3 of the Act so that the terms that are defined in section 19 of the Act are correctly cross-referenced in the Dictionary at Schedule 3.

## **Part 3                      Amendment of Agricultural College Act 2005**

### **Act amended in part 3**

Clause 17 amends the *Agricultural College Act 2005*.

### **Amendment of section 10 (Corporation's functions generally)**

Clause 18 amends section 10 so that after '4' in 10(j) is replaced with '4;'.

## **Part 4                      Amendment of Education (Queensland Studies Authority Act 2002)**

### **Act amended in part 4**

Clause 19 amends the *Education (Queensland Studies Authority) Act 2002*.

### **Amendment of section 15 (Tertiary entrance functions)**

Clause 20 amends section 15(f)(viii) so that it omits the reference to industry training advisory bodies.

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