

Further Education and Training Bill 2014

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable John-Paul Langbroek MP

Title of the Bill

Further Education and Training Bill 2014

Objectives of the amendments

The objective of the amendments is to ensure the Bill achieves its policy objectives.

Achievement of the objectives

The amendments achieve the objective by:

- correcting minor technical and typographical errors in the Bill; and
- making consequential amendments to the *Industrial Relations Act 1999* as a result of the repeal of section 140A of that Act.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Estimated cost for government implementation

The amendments will not incur any additional costs.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

The Department of Education, Training and Employment did not conduct any external consultation on the amendments as they are minor and technical in nature.

Notes on provisions

Amendment 1 amends the note to clause 12 of the Bill to refer to section 15 stating who the parties to the training contract are.

Amendment 2 amends clause 12 of the Bill to include a requirement to obtain the consent of the parent of the apprentice or trainee under the age of 18 years for an application to extend the probationary period. A similar requirement applies to other applications in the Bill.

Amendment 3 amends clause 20 of the Bill to refer to the chief executive requesting additional information by written notice when considering an application for amendment of a training contract.

Amendment 4 amends clause 20 to clarify that the chief executive must give each party to the training contract the decision on an amendment.

Amendment 5 replaces clause 23 to ensure that the chief executive can decide an application for extension of the nominal term of a training contract after the nominal term has expired. The chief executive may only grant an extension of the nominal term, where an application is made after the term has expired, if satisfied that it is appropriate to do so in all the circumstances.

Amendment 6 amends clause 41 to ensure that the requirement to produce a training record applies if the chief executive or the supervising registered training organisation (RTO) makes the request.

Amendment 7 amends clause 48 to provide that an application for a completion certificate may also be made where one party to the training contract does not sign the completion agreement.

Amendment 8 amends the heading to clause 49 to refer to registered training contract.

Amendment 9 amends clause 49 to change the timeframe for responding to a notice about proposed completion from 14 to 21 days to ensure consistency with the approach in other jurisdictions.

Amendment 10 amends clause 50 to refer to a timeframe of 21 days as a result of the amendment to clause 49.

Amendment 11 makes a minor amendment to clause 54 to use consistent terminology for training and assessment required under a training plan.

Amendment 12 inserts a note in clause 54 referring to the power to extend the nominal term in section 23.

Amendment 13 amends clause 62 to remove reference to an information notice and replace it with a written notice which includes reasons when an application for revocation of a declaration of prohibited employer is refused.

Amendment 14 amends clause 70 to include a requirement for the employer to notify the chief executive in addition to the outgoing supervising RTO when replacing the supervising RTO for a training contract.

Amendment 15 amends clause 82 to correct a typographical error in the clause.

Amendment 16 amends clause 98 to refer to the organisation's certificate and ensure consistent wording with clause 90 which deals with a similar matter.

Amendment 17 amends clause 132 to correct a typographical error in the clause.

Amendment 18 amends clause 176 to correct a typographical error in the clause.

Amendment 19 amends clause 191 to ensure that the authorisation in subsection (3) permits the disclosure, recording and use of information.

Amendment 20 amends the heading to Schedule 1 (Minor and consequential amendments) to correct a typographical error.

Amendments 21 to 23 amend Schedule 1 to insert consequential amendments to the *Industrial Relations Act 1999* to remove references to section 140A dealing with vocational placements. The Bill does not provide for vocational placements and it is necessary to repeal references to vocational placements in the *Industrial Relations Act 1999*.

Amendment 24 amends the definition of 'information notice' in Schedule 2 (Dictionary) to clarify the timeframes for applying for a review.

Amendment 25 amends the definition of 'traineeship' in Schedule 2 (Dictionary).

Amendment 26 omits the definition of 'unit of competency' as this term is not used in the Bill.