

# Further Education and Training Regulation 2014

Explanatory notes for SL 2014 No.103

made under the

*Acts Interpretation Act 1954*

*Agricultural Chemicals Distribution Control Act 1966*

*Animal Care and Protection Act 2001*

*Animal Management (Cats and Dogs) Act 2008*

*Building Act 1975*

*Chemical Usage (Agricultural and Veterinary) Control Act 1988*

*Education and Care Services Act 2013*

*Education (Overseas Students) Act 1996*

*Education (Queensland College of Teachers) Act 2005*

*Electrical Safety Act 2002*

*Explosives Act 1999*

*Fire and Emergency Services Act 1990*

*Further Education and Training Act 2014*

*Health Act 1937*

*Nature Conservation Act 1992*

*Petroleum and Gas (Production and Safety) Act 2004*

*Plumbing and Drainage Act 2002*

*Private Employment Agents Act 2005*

*Property Agents and Motor Dealers Act 2000*

*Prostitution Act 1999*

*Queensland Building and Construction Commission Act 1991*

*Queensland Civil and Administrative Tribunal Act 2009*

*Transport Operations (Road Use Management) Act 1995*

*Transport (Rail Safety) Act 2010*

*Weapons Act 1990*

*Workers' Compensation and Rehabilitation Act 2003*

*Work Health and Safety Act 2011*

# General Outline

## Short title

*Further Education and Training Regulation 2014*

## Authorising law

Section 17 of the *Acts Interpretation Act 1954*  
Section 48 of the *Agricultural Chemicals Distribution Control Act 1966*  
Section 217 of the *Animal Care and Protection Act 2001*  
Section 210 of the *Animal Management (Cats and Dogs) Act 2008*  
Section 261 of the *Building Act 1975*  
Section 38 of the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*  
Section 244 of the *Education and Care Services Act 2013*  
Section 34 of the *Education (Overseas Students) Act 1996*  
Section 298 of the *Education (Queensland College of Teachers) Act 2005*  
Section 210 of the *Electrical Safety Act 2002*  
Section 135 of the *Explosives Act 1999*  
Section 154E of the *Fire and Emergency Services Act 1990*  
Sections 2 and 197 of the *Further Education and Training Act 2014*  
Section 180 of the *Health Act 1937*  
Section 175 of the *Nature Conservation Act 1992*  
Section 859 of the *Petroleum and Gas (Production and Safety) Act 2004*  
Section 145 of the *Plumbing and Drainage Act 2002*  
Section 50 of the *Private Employment Agents Act 2005*  
Section 600 of the *Property Agents and Motor Dealers Act 2000*  
Section 140 of the *Prostitution Act 1999*  
Section 116 of the *Queensland Building and Construction Commission Act 1991*  
Section 242 of the *Queensland Civil and Administrative Tribunal Act 2009*  
Section 171 of the *Transport Operations (Road Use Management) Act 1995*  
Section 284 of the *Transport (Rail Safety) Act 2010*  
Section 172 of the *Weapons Act 1990*  
Section 584 of the *Workers' Compensation and Rehabilitation Act 2003*  
Section 276 of the *Work Health and Safety Act 2011*

## Policy objectives and the reasons for them

On 21 May 2014, the *Further Education and Training Act 2014* (the Act) received Royal Assent. Section 2 of the Act provides for commencement on a day to be fixed by proclamation. The proposed Proclamation will commence the Act on 1 July 2014.

The Act establishes a new regulatory framework for matters currently regulated under the *Vocational Education, Training and Employment Act 2000*, being apprenticeships and

traineeships, group training organisations, principal employer organisations and other training related matters.

The *Further Education and Training Regulation 2014* (the Regulation) will prescribe necessary matters for the purpose of the Act. The Act provides for limited matters to be prescribed in the Regulation, in particular:

- additional matters which can be included in a declaration of an apprenticeship and traineeship;
- training records required to be kept, updated or produced by apprentices and trainees; and
- fees payable by persons requesting an extract from the training register and copies of certain documents relating to an apprenticeship or traineeship.

#### Declaration of an apprenticeship or traineeship

The chief executive declares apprenticeships and traineeships under the Act. The declaration of an apprenticeship or traineeship may include the matters stated in section 8 of the Act including minimum hours of paid employment and whether the apprenticeship or traineeship may be completed by a school student. Section 8 of the Act permits other prescribed matters to also be included in the declaration and it is necessary to prescribe other matters such as the arrangements for supervision of an apprentice or trainee and the qualifications required to be held by a supervisor.

#### Training records required to be kept for an apprenticeship or traineeship

A failure to keep training records in the way prescribed under a regulation can constitute misconduct under section 41 of the Act. It is necessary for a regulation to prescribe who is responsible for providing, maintaining and updating the training record, the frequency for updating the record and the format of the training record.

#### Fees for obtaining copies of records

The chief executive keeps training records for individuals under the Act and provides these records to individuals on request. It is necessary to charge a fee for providing these records and the Act includes a regulation making power to prescribe the fees payable to apply for a copy of these records. The records relate to former apprenticeships and traineeships and will include documents such as completion certificates, training contracts, extracts from the register of training contracts and other records, which establish that a person has completed an apprenticeship or traineeship in the past.

#### Consequential amendments to other legislation

The Act repeals the *Vocational Education, Training and Employment Act 2000* and the *Higher Education (General Provisions) Act 2008*. It is therefore necessary to make minor consequential amendments to subordinate legislation which refers to these repealed Acts to replace references or delete obsolete provisions.

## **Achievement of policy objectives**

### Declaration of an apprenticeship or traineeship

The Regulation provides for prescribed matters that may be included in a declaration of an apprenticeship or traineeship. The Regulation will permit the chief executive to include the following matters in a declaration: the supervision requirements for the apprenticeship or traineeship; the qualifications a person supervising the apprentice or trainee must hold; and whether it is necessary to consult with an industry or employer group before approving a person's participation in an apprenticeship or traineeship.

### Training records required to be kept for an apprenticeship or traineeship

The Regulation adopts a similar approach to section 20 of the *Vocational Education, Training and Employment Regulation 2000* to prescribe how training records must be kept. The supervising registered training organisation (RTO) will decide the format of the training record. The apprentice must then keep the record and make it available to the employer or supervising RTO to be updated at intervals of no more than three months.

### Fees for obtaining copies of records

The Regulation prescribes the fees payable by persons requesting an extract from the training register or copies of certain documents relating to an apprenticeship or traineeship. The fees are the same as the fees currently charged under the *Vocational Education, Training and Employment Regulation 2000*.

### Consequential amendments to other legislation

The Regulation makes minor consequential amendments to other regulations to remove obsolete references and update terminology as a result of the commencement of the Act.

## **Consistency with policy objectives of authorising law**

The Regulation is consistent with the main objectives of the Act.

## **Inconsistency with policy objectives of other legislation**

The Regulation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The Regulation will not result in any additional costs to Government.

## **Consistency with fundamental legislative principles**

The Regulation is consistent with fundamental legislative principles.

## **Consultation**

In January 2014, the Department of Education, Training and Employment held stakeholder information sessions on the proposed reforms to be implemented in the Act. Stakeholders who attended the sessions included employer groups, peak industry groups, training providers and unions. There has been no specific consultation on the Regulation.

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