

## Notes

<sup>1</sup> This is a compilation of the *Vocational Education and Training Act 1996* and includes all amendments effected by the other Acts referred to in the following Table. . For amendments that had not come into operation on the date on which this compilation was prepared see endnote <sup>1a</sup>.

### Compilation Table

#### Table of Acts

Short title	Number and Year	Assent	Commencement	Miscellaneous
<i>Vocational Education and Training Act 1996</i>	42 of 1996	16 October 1996	Act other than Part 7 and Schedule 2: operative 1 January 1997 (see section 2 and <i>Gazette</i> 12 November 1996 p.6301); Part 7 and Schedule 2: to be proclaimed.	
<i>Acts Amendment (Education Loan Scheme) Act 1998</i> , Parts 3 and 5	27 of 1998	30 June 1998	30 June 1998 (see section 2)	Part 5 transitional <sup>3</sup>
<i>School Education Act 1999</i> , section 247	36 of 1999	2 November 1999	Proclaimed 1 January 2001 (see section 2 and <i>Gazette</i> 29 December 2000 p.7904)	
<i>Statutes (Repeals and Minor Amendments) Act 2000</i> , section 45	24 of 2000	4 July 2000	4 July 2000 (see section 2)	

#### Table of Regulations

Citation	Gazettal	Commencement	Miscellaneous
<i>Vocational Education and Training Amendment Regulations (No. 2) 1999</i> , regulation 3	5 November 1999 p.5634	Deemed operative 1 January 1997 (see regulation 2(2) and <i>Gazette</i> 12 November 1996 p.6301)	

- 1a On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and are not included in this compilation. For the text of the provisions see the endnote referred to in the table.

**Provisions that have not come into operation**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Vocational Education and Training Act 1996 Pt. 7 and Sch. 2</i> <sup>2</sup>	42 of 1996	16 Oct 1996	To be proclaimed (see s. 2)
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000 s. 75</i> <sup>4</sup>	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2)

<sup>2</sup> On the date as at which this compilation was prepared, the *Vocational Education and Training Act 1996 Pt. 7 and Sch. 2* had not come into operation. They read:

“

## PART 7 — TRAINING SCHEMES

### 58. Minister may establish training schemes

- (1) The Minister may establish and implement, or may recognize as a training scheme for the purposes of this Act, any scheme which provides vocational education and training that the Minister thinks would give persons who take part in the scheme improved employment opportunities.
- (2) A training scheme —
  - (a) is to provide for such accredited courses and skills training programmes, whether on-the-job or off-the-job or both, as the Minister may determine, in the case of a scheme established, or approve, in the case of a scheme recognized, under this section; and
  - (b) may take the form of, or include, an apprenticeship.
- (3) A training scheme may provide for training relevant to a particular occupation or to several occupations.
- (4) In this section —

**“apprenticeship”** means a training scheme involving a contract between an employer and an employee under which the employer undertakes to train the employee in a particular trade.

### 59. Regulations relating to training schemes

- (1) Regulations may provide for any matters necessary for or incidental to the establishment, implementation or recognition of a training scheme and in particular may —
  - (a) prescribe the vocations in relation to which a training scheme may operate;
  - (b) prescribe requirements to be met by trainees and employers of trainees including requirements that —
    - (i) trainees undertake prescribed courses or skills training programmes; and
    - (ii) employers grant leave of absence from employment without deduction from wages to enable trainees to fulfil prescribed requirements;
  - (c) prescribe the amount of paid employment to be provided to a trainee;
  - (d) provide for the transfer of employment of trainees; and
  - (e) provide for the resolution of disputes arising between an employer and a trainee in relation to any agreement concerning training between that employer and trainee, and in particular, in relation to —
    - (i) the construction or operation of;
    - (ii) the rights, duties and liabilities of the employer or trainee under; or
    - (iii) the termination or threatened termination of,

any such agreement.

(2) In this section —

“**trainee**” means a person receiving vocational education and training under a training scheme.

**60. Inconsistency**

Where a provision of this Part or of a regulation made under section 59 (1) is inconsistent with a provision of the *Industrial Relations Act 1979* or any order, award or industrial agreement in force under that Act, the former provision prevails.

**61. Repeal**

The *Industrial Training Act 1975* is repealed.

**62. Consequential amendments and transitional provisions relating to this Part**

Schedule 2 has effect :

- (a) to amend the *Industrial Relations Act 1979* as a consequence of the repeal of the *Industrial Training Act 1975*; and
- (b) in relation to the transition from the operation of the *Industrial Training Act 1975* to the operation of this Part.

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## AMENDMENTS AND TRANSITIONAL PROVISIONS RELATING TO PART 7

**1. Industrial Relations Act 1979 amended**

The *Industrial Relations Act 1979* is amended in section 7 —

- (a) in the definition of “apprentice” by deleting “an apprentice under the *Industrial Training Act 1975*” and substituting the following —

“

a person who has entered an apprenticeship within the meaning of that term in section 58 of the *Vocational Education and Training Act 1996*

”;

- (b) in paragraph (a) of the definition of “employee” by deleting “industrial”;

- (c) by deleting the definition of “industrial trainee”;

- (d) in paragraph (f) of the definition of “industrial matter” —

- (i) by deleting “industrial”;

- (ii) by deleting “*Industrial Training Act 1975*” and substituting the following —

“

relevant training scheme under the *Vocational Education and Training Act 1996*

”;

and

- (iii) by deleting “any agreement of apprenticeship or industrial training agreement” and substituting the following —

“

an apprenticeship contract or other agreement forming part of a training scheme under that Act

”;

and

- (e) by inserting after the definition of “teacher” the following definition —

“

“**trainee**” means a trainee under a training scheme established under the *Vocational Education and Training Act 1996*;

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**2. Transitional**

- (1) In this clause —

“**repealed Act**” means the *Industrial Training Act 1975* repealed by section 61.

- (2) On the commencement of section 61 any apprenticeship agreement or industrial training agreement entered into and registered under the repealed Act and in force immediately before that commencement is to be taken to be an agreement entered into under a training scheme established or recognized under section 58 but with the same terms, conditions and provisions as were applicable before that commencement.
- (3) Any regulations made under the repealed Act and in operation immediately before the commencement of section 61 which were applicable to, or in respect of, an apprenticeship or industrial training agreement referred to in subclause (2) are to continue to apply to such an agreement, until regulations are made under this Act in respect of the matters covered by those regulations.
- (4) Regulations may be made, with effect from a time which is not earlier than the commencement of section 61, amending or supplementing the transitional provisions set out in subclauses (2) and (3) for the purpose of providing an effective and efficient transition from the provisions of the repealed Act to the provisions of this Act.

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3 Part 5 of the *Acts Amendment (Education Loan Scheme) Act 1998* reads as follows —

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## Part 5 — Transitional

### 9. Existing loans may be varied

Despite the repeal of sections 9A(5)(c) and 27C(3) of the *Education Act 1928*, section 17 of the *Vocational Education and Training Act 1996* and section 25A of the *University of Notre Dame Australia Act 1989*, the terms and conditions of a loan made under any of those provisions before the coming into operation of this Act may be varied in the same manner and to the same extent as if the provision had not been repealed.

### 10. Moneys may be borrowed and paid to Treasurer

- (1) Any moneys advanced to the Education Minister or the Vocational Education and Training Minister under the authorization of the Treasurer's Advance Authorization Act 1997 for the purpose of lending under the *Education Act 1928*, the *Vocational Education and Training Act 1996* or the *University of Notre Dame Australia Act 1989* and not repaid to the Treasurer before the coming into operation of this Act, are to be repaid, together with the interest accrued and due on those moneys, by the relevant Minister to the Treasurer.
- (2) The Education Minister may borrow moneys under section 9D(1) of the *Education Act 1928*, as amended by this Act, or section 25C(1) of the *University of Notre Dame Australia Act 1989*, as amended by this Act, for the purpose of meeting obligations under subsection (1).
- (3) The Vocational Education and Training Minister may borrow moneys under section 17A(1) of the *Vocational Education and Training Act 1996*, as amended by this Act, for the purpose of meeting obligations under subsection (1).
- (4) In this section —  
“**Education Minister**” means the Minister in whom the administration of the *Education Act 1928* is for the time being committed by the Governor;  
“**Vocational Education and Training Minister**” means the Minister in whom the administration of the *Vocational Education and Training Act 1996* is for the time being committed by the Governor.

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- <sup>4</sup> On the date as at which this compilation was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 75 had not come into operation. It reads:

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### 75. Various provisions repealed

The provisions listed in the Table to this section are repealed.

#### Table of provisions repealed

**Act**

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*Vocational Education and Training  
Act 1996*

.....

**Provision**

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Sch. 4, cl. 7A

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