

Notes

- ¹ This is a compilation of the *Vocational Education and Training Act 1996* and includes the amendments made by the other written laws referred to in the following table ^{1a}.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Vocational Education and Training Act 1996</i> ^{1a}	42 of 1996	16 Oct 1996	Act other than Pt. 7 and Sch. 2: 1 Jan 1997 (see s. 2 and <i>Gazette</i> 12 Nov 1996 p. 6301); balance to be proclaimed
<i>Acts Amendment (Education Loan Scheme) Act 1998</i> Pt. 3 and 5 ³	27 of 1998	30 Jun 1998	30 Jun 1998 (see s. 2)
<i>School Education Act 1999</i> s. 247	36 of 1999	2 Nov 1999	1 Jan 2001 (see s. 2 and <i>Gazette</i> 29 Dec 2000 p. 7904)
<i>Vocational Education and Training Amendment Regulations (No. 2) 1999</i> r. 3 (see <i>Gazette</i> 5 Nov 1999 p. 5634)			1 Jan 1997 (see r. 2(2) and <i>Gazette</i> 12 Nov 1996 p. 6301)
<i>Statutes (Repeals and Minor Amendments) Act 2000</i> s. 45	24 of 2000	4 Jul 2000	4 Jul 2000 (see s. 2)

Reprint of the *Vocational Education and Training Act 1996* as at 11 Jan 2002 (includes amendments listed above)

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

Provisions that have not come into operation

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

- ² On the date as at which this reprint 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 recognise 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 recognised, 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.

”.

“

Schedule 2

[Section 62]

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*;
”.

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 recognised 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 The Acts Amendment (*Education Loan Scheme*) Act 1998 Pt. 5 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 authorisation 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.

”.

4

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

“

75. Various provisions repealed

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

Table of provisions repealed

Act	Provision
.....
<i>Vocational Education and Training Act 1996</i>	Sch. 4, cl. 7A
.....

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