

Vocational Education and Training (Amendment) Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

Clause 1 sets out the purposes of the Act.

Clause 2 provides for the commencement of the Act. Section 24 is to be taken to have commenced on 1 January 1991. The remaining provisions are to commence on days to be proclaimed.

Clause 3 defines the “Principal Act”.

PART 2—DELEGATIONS

Clause 4 amends the Principal Act to extend the categories of persons and bodies who may receive delegations from the State Training Board.

Clause 5 inserts a new section 20A into the Principal Act to permit persons or bodies, other than Industry Training Boards, to delegate again any powers which have been delegated to them by the Minister, State Training Board or the General Manager of the Office of the State Training Board. But this “sub-delegation” must first be authorised by the person or body which holds the power. Other limitations and conditions can also be placed on the power to sub-delegate.

PART 3—CONSULTATION

Clause 6 amends provisions in the Principal Act which require the State Training Board to consult with or to consider advice from Industry Training Boards. The effect of the amendments is that the STB will have to consult or receive advice from those Industry Training Boards which the State Training Board considers are relevant to the issues under consideration.

PART 4—DEFENCE FORCE TRAINING

Clause 7 inserts definitions of “Army College of TAFE” and “Defence Force” into section 3 of the Principal Act.

Clause 8 amends the definition of “Training” in section 46 of the Principal Act to include training in government service.

Clause 9 inserts a new Division 6 into Part 4 of the Principal Act entitled “Defence Force Training Programs”. Under this Division the State Training Board may recognise training programs conducted in the Defence Forces as equivalent to approved training programs under Part 5 of the Act.

Clause 10 amends various sections of the Principal Act to give the Army College of TAFE equivalent status to Victorian TAFE Colleges and to make consequential amendments to the Principal Act.

PART 4—NATIONAL STANDARDS

Clause 11 amends section 51 of the Principal Act to enable the State Training Board to approve training programs by reference to standards fixed in other documents. This will allow programs to be approved by reference to relevant national or inter-State or industry standards.

Clause 12 substitutes a new definition of “Accredited Course” in section 73 of the Principal Act. Accredited courses are those listed on the “State Register of Accredited Courses” maintained under the **Post-Secondary Education Act 1978**.

Clause 13 inserts a new section 73A into the Principal Act to specify the requirements for course accreditation. This is similar to the old definition of accreditation but includes consistency with relevant national standards.

Clause 14 amends section 75 of the Principal to expand the functions of the Vocational Education and Training Accreditation Board to include co-ordination of Victorian accreditation standards and processes with those of the Commonwealth and other States and Territories.

PART 6—SUBSTITUTION OF NEW PART 7—PRACTICAL PLACEMENT

Clause 15 substitutes Part 7 of the Principal Act relating to circumstances in, and conditions on, which TAFE students may be placed with employers for general work experience or to receive on-the-job training in their field of study. The proposed new sections in the new Part 7 are—

Section 86 which provides definitions.

Section 87 which enables TAFE providers to place students with employers for work experience or training. A placement must be made under an agreement between the TAFE provider and the employer which must comply with the requirements of subsection (2).

Section 88 which authorises the STB to make determinations about the placements of post-secondary students. These determinations will specify the circumstances in which placements may be arranged by TAFE providers and the conditions applying to particular kinds of placements.

Section 89 which limits the duration of placements of post-secondary students. No placement can be for more than three months. There is a limit of six months of placements in relation to any given course.

Section 90 which enables the STB to make determinations about the placement of secondary students specifying conditions on which placements may occur.

Section 91 which sets out certain conditions on placements of secondary students. These conditions are similar to the work experience arrangements which apply to secondary schools.

Section 91A enables the STB to suspend conditions of employment in the case of disabled students.

Section 91B requires the State Training Board to consult the Secretaries of the Victorian Trades Hall Council and the Victorian Congress of Employer Associations before placements may be authorised in employment to which Federal awards apply.

Section 91C exempts practical placements from certain laws prohibiting or regulating the employment of young people.

Section 91D allows special rates of payment for secondary students on practical placement to be fixed by the Governor in Council.

Section 91E provides that the duties of a TAFE provider in relation to the care and control of a student do not apply while a student is on a practical placement.

Clause 16 amends the Principal Act by—

inserting a new purpose in section 1 of the Principal Act to describe the purpose of the new practical placement provisions; and

amending section 51 to enable the State Training Board to require practical placements to be undertaken as part of approved training programs.

Clause 17 amends section 108 (2) of the **Industrial Relations Act 1979** to make it consistent with the new practical placement arrangements for TAFE students.

Clause 18 declares that the jurisdiction of the Supreme Court is to be limited by the proposed new section 91E so as to prevent certain kinds of legal action being taken.

PART 7—MISCELLANEOUS PROVISIONS

Clause 19 amends section 28 (1) of the Principal Act to clarify the requirements in relation to the size of TAFE College Councils.

Clause 20 amends section 51 (1) (*h*) of the Principal Act to enable the State Training Board to allow a contract of training to be entered into after commencement of a training program.

Clauses 21 and 22 make minor technical amendments to the Principal Act.

Clause 23 repeals spent provisions of the Principal Act.

Clause 24 requires certain provisions of the Principal Act to be taken to have come into operation on 1 January 1991. This overcomes problems caused by an error in the gazettal of the Proclamation of Commencement for these provisions.

