

# Vocational Education and Training (Amendment) Act 1994

No. 62 of 1994

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**Victoria**

**No. 62 of 1994**

# **Vocational Education and Training (Amendment) Act 1994**

[Assented to 15 June 1994]

**The Parliament of Victoria enacts as follows:**

## **PART 1—PRELIMINARY**

### **1. *Purpose***

The main purpose of this Act is to—

- (a) reform organisational and accountability arrangements in the State training system; and
- (b) implement the agreement to establish a national vocational education and training system; and
- (c) make miscellaneous amendments to the **Vocational Education and Training Act 1990**; and
- (d) make related amendments to other Acts.

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**2. Commencement**

- (1) Part 1 comes into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in sub-section (2) does not come into operation within the period of 6 months beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period.

**3. Principal Act**

In this Act, the Vocational Education and Training Act 1990 is called the Principal Act.

No. 45/1990  
as amended  
by Nos  
21/1990,  
91/1991,  
44/1992,  
45/1992,  
52/1992 and  
83/1992.

**PART 2—CO-ORDINATION OF STATE TRAINING SYSTEM**

**4. Heading to Part 2**

In the heading to Part 2 preceding section 5 of the Principal Act for “State Training” substitute “State Training System”.

**5. Guidelines**

For section 5 (2) of the Principal Act substitute—

- “(2) A guideline may be issued so as to require a matter affected by the guideline to be approved by or to the satisfaction of a specified person or body or a specified class of persons or bodies.
- (3) A guideline takes effect—
  - (a) on and from the day specified in it; or
  - (b) if no day is specified, on and from the day on which the guideline is issued.”

**6. Ministerial directions**

- (1) In section 6 of the Principal Act—
  - (a) after “6.” insert “(1)”;
  - (b) for “the council of a TAFE college or an industry training board” substitute—
    - “(aa) the council of a TAFE college; or
    - (ab) the council of a university with a TAFE division; or
    - (ac) an industry training board—”;
  - (c) for paragraph (c) substitute—
    - “(c) the fees and charges which may or must be imposed and any concessions or exemptions which may or must apply to them;”;
  - (d) in paragraph (g) for “councils” substitute “a council of a TAFE college.”.
- (2) After section 6 of the Principal Act insert—
  - “(2) The Minister’s power to give directions to the council of a university with a TAFE division is limited to those matters referred to in subsection (1) to the extent that they relate to the TAFE division of that university.
  - (3) A direction may be given so as to require a matter affected by the direction to be approved by or to the satisfaction of a specified person or body or a specified class of persons or bodies.
  - (4) A direction takes effect—
    - (a) on and from the day specified in it; or
    - (b) if no day is specified, on and from the day on which it is given.”.
- (3) In section 7 of the Principal Act after “college” insert “or a university with a TAFE division”.

**7. Functions of the Board**

For section 9 (1) of the Principal Act substitute—

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“(1) The functions of the Board are—

- (a) to advise the Minister about the development of frameworks for vocational education and training in Victoria which will ensure high quality services are provided for the public and private sectors;
- (b) to advise the Minister about vocational education and training strategies to complement State and national economic and social development;
- (c) to identify major vocational education and training issues and make recommendations to the Minister about those issues;
- (d) to ensure consistency in the nomenclature of vocational education and training qualifications;
- (e) to promote research in relation to vocational education and training;
- (f) to advise the Minister about curriculum in vocational education and training;
- (g) to advise the Minister about the effective spending of money made available for vocational education and training;
- (h) to advise the Minister about the provision of adult, community and further education in TAFE colleges;
- (i) to advise the Minister on any other matter that the Minister refers to the Board;
- (j) to carry out any other function that is conferred on the Board by this or any other Act.”.

**PART 3—ANTA AGREEMENT**

**8. *New section 9A inserted***

After section 9 of the Principal Act insert—



***“9A. Functions of the Board in relation to ANTA***

- (1) The Board is the State training agency for Victoria under the National Statement.**
- (2) The functions of the Board as the State training agency are—**
  - (a) to provide data and advice to ANTA about the vocational education and training needs and priorities in Victoria and the funding implications of those needs and priorities;**
  - (b) to advise ANTA about—**
    - (i) the development of vocational education and training policy; and**
    - (ii) the development of a National Strategic Plan for vocational education and training; and**
  - (c) to develop for ANTA a State Training Profile having regard to—**
    - (i) the planning parameters set by the Ministerial Council referred to in the National Statement; and**
    - (ii) the National Strategic Plan referred to in that Statement;**
  - (d) to ensure that vocational education and training in Victoria is managed and delivered having regard to the National Strategic Plan;**
  - (e) to provide annual vocational education and training performance reports to ANTA;**
  - (f) to perform any other function given to the Victorian State training agency under the National Statement.**

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- (3) In this section “**vocational education and training**” includes adult, community and further education.”.

**9. *New heading inserted***

In Part 2 of the Principal Act immediately before section 5 insert—

**“Division 1—State Co-ordination”**

**10. *New Division 2 inserted***

After section 22 of the Principal Act insert—

**“Division 2—National System**

**22A. *Conferral of functions on ANTA in relation to Victoria***

ANTA has the functions, in relation to Victoria, that are expressed to be conferred on it by the Australian National Training Authority Act 1992 of the Commonwealth.

**22B. *Powers of ANTA in Victoria***

- (1) In Victoria, ANTA has power to do all things necessary or convenient to be done in the performance of the functions, and may exercise the powers, expressed to be conferred on it by—
- (a) this Act; or
  - (b) the Australian National Training Authority Act 1992 of the Commonwealth; or
  - (c) the law of another State or Territory corresponding to this Act.

- (2) This section is in addition to, and does not limit another law of the Commonwealth, a State or a Territory that confers power on ANTA.

**22C. Representations to funding bodies**

- (1) The council of a TAFE college or of a university with a TAFE division must give the State Training Board at least 4 weeks notice before it makes any representations in writing to ANTA or any other body established under the law of the Commonwealth or of the law of the State of Victoria which is charged with the duty of allocating funds for vocational education and training or advising or making recommendations about the allocation of those funds to the Commonwealth Parliament or the Commonwealth Government or the Parliament or the Government of the State of Victoria.
- (2) If the Board receives notice under subsection (1) it may, within 4 weeks of receiving that notice, inform the council that the Board wishes its views to be attached to those representations.
- (3) If a council receives information from the Board that the Board wishes its views to be attached to the council's representations, the council must ensure that those views are attached unless—
  - (a) the Board advises the council that it no longer wishes its views to be attached; or
  - (b) the Board does not, within 4 weeks of informing the council under subsection (2), supply the council with a written copy of its views.”.

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**11. Consequential amendments**

In section 3 of the Principal Act insert the following definitions—

“**ANTA**” means the Australian National Training Authority established under the Australian National Training Authority Act 1992 of the Commonwealth;

“**National Statement**” means the statement set out in the Schedule to Australian National Training Authority Act 1992 of the Commonwealth;’.

**PART 4—STATE TRAINING BOARD**

**12. Accountability**

(1) In section 12 (1) (a) of the Principal Act after “objectives” insert “and public sector management policy”.

(2) After section 12 (1) (b) of the Principal Act insert—

“; and

(c) in the case of the Board’s functions and powers under sections 9A and 10, the specific direction and control of the Minister—

and in accordance with the objectives of the National Statement.”.

(3) Section 12 (3) of the Principal Act is repealed.

**13. Members of the Board and savings**

(1) For section 13 of the Principal Act substitute—

“(1) The Board consists of not more than 6 members appointed by the Governor in Council of whom one shall be appointed Chairperson.

(2) The Public Sector Management Act 1992 (except Part 9) does not apply to a member in respect of the office of member.”.

- (2) On the commencement of this section the members of the State Training Board go out of office.
- (3) Despite the commencement of this section, the State Training Board as it is constituted after the commencement of sub-section (1) is deemed to be the same body as the State Training Board as it was constituted immediately before that commencement.

**14. Consequential amendments**

- (1) In section 4 (c) of the Principal Act for “employers and unions can jointly” substitute “industry can”.
- (2) Section 17 of the Principal Act is repealed.
- (3) For section 18 (2) of the Principal Act substitute—  
“(2) If the Chairperson is absent, a member elected by the members present at a Board meeting must preside.”.

**PART 5—STAFF AND DELEGATIONS**

**15. New section 19 substituted and transitional**

- (1) For section 19 of the Principal Act substitute—

**“19. Public service staff**

- (1) There may be appointed or employed under the **Public Sector Management Act 1992** a Director and any other officers and employees that are necessary for the purposes of this Act.
  - (2) The Director is responsible for implementing any policy or decision of the Minister or the Board made in accordance with this Act.”.
- (2) On and from the commencement of this section, in—
    - (a) an Act; or

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- (b) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or
- (c) any document whatever—

a reference to the General Manager of the Board (whether reconstrued by Order under the **Administrative Arrangements Act 1983** to be a reference to the Secretary to the Department of Education or not) is, in relation to any period occurring on or after that date of commencement, and unless inconsistent with the context or subject matter, to be taken to be a reference to the Director of the Board.

**16. Consequential amendment**

In sections 92 (1) and 93 (1) and (2) of the Principal Act for “General Manager” substitute “Director”.

**17. New section 20 substituted and 20A inserted**

For section 20 of the Principal Act substitute—

**“20. Delegations**

- (1) The Board may, by instrument under its common seal, delegate to—
  - (a) a member of the Board; or
  - (b) the council of a TAFE college or a university with a TAFE division; or
  - (c) an industry training board; or
  - (d) the Vocational Education and Training Accreditation Board established under section 75; or
  - (e) an industry training accreditation board established under section 76; or
  - (f) the Director or an officer or employee appointed or employed under section 19; or

(g) the Adult Community and Further Education Board, the General Manager of that Board, or an officer or employee appointed under section 25 of the **Adult, Community and Further Education Act 1991**—

any power or function of the Board.

(2) The Board may, by instrument under its common seal, delegate to a further education accreditation board established under section 13B of the **Adult, Community and Further Education Act 1991** any power or function of the Board under section 74.

(3) The Minister may, by instrument in writing, delegate to—

(a) the Board or any member of the Board; or

(b) the Director or an officer or employee appointed under section 19; or

(c) the council of a TAFE college or a university with a TAFE division; or

(d) the Adult, Community and Further Education Board, the General Manager of that Board or an officer or employee of the public service appointed under section 25 of the **Adult, Community and Further Education Act 1991**—

any of the Minister's powers or functions under this Act except this power of delegation and any powers or functions under sections 5, 6, 12 (1) (b) or (c), 13 and 28.

(4) The Director may, by instrument in writing, delegate to—

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- (a) an officer or employee appointed under section 19; or
- (b) the council of a TAFE college or a university with a TAFE division; or
- (c) the Adult, Community and Further Education Board, the General Manager of that Board or an officer or employee of the public service appointed under section 25 of the **Adult, Community and Further Education Act 1991**—

any of the Director's powers or functions under this Act.

- (5) Without limiting the generality of subsection (1), the Board may, by instrument under its common seal, delegate to a body established under section 4 of the **Tertiary Education Act 1993** or section 31 of the **Adult, Community and Further Education Act 1991** any of its powers and functions under section 74, 78 or 85 in relation to a specified type of post-secondary education course or a specified type of post-secondary education.
- (6) A delegation to an industry training board must not be made without the Minister's consent and must be published in the *Government Gazette*.
- (7) The Board, the Minister or the Director may delegate a power or function even though the Board, Minister or Director may only exercise the power or perform the function after receiving the report, recommendation, opinion or advice or after consulting the person to whom the power or function is delegated.



**20A. Power of further delegation**

- (1) If a power or function has been delegated to the council of a TAFE college or a university with a TAFE division under section 20, that council may delegate the power or function to—
  - (a) any other person or body to whom that power or function may be delegated directly; and
  - (b) in the case of the council of a TAFE college, any person employed by the council under section 34A; and
  - (c) in the case of a university with a TAFE division, any person employed on the staff of the university—

if the original instrument of delegation of that power or function authorised the making of a further delegation.

- (2) An original instrument of delegation may specify any terms, conditions, limitations or restrictions on the making of a further delegation.
- (3) Sections 42 and 42A of the Interpretation of Legislation Act 1984 apply to a sub-delegation authorised by this section in the same way as they apply to a delegation.”.

**PART 6—TAFE COLLEGES AND TAFE DIVISIONS**

**18. TAFE Colleges**

In sections 23 and 24 of the Principal Act—

- (a) in sub-section (1) for “Board” substitute “Minister”;
- (b) in sub-section (2) for “Board” (where first occurring) substitute “Minister”;
- (c) in sub-section (2) for paragraph (b) substitute—

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“(b) the Minister has consulted the Board about the proposed order.”.

**19. *New section 28 substituted and transitional***

(1) For section 28 of the Principal Act substitute—

**“28. *Council membership***

(1) An Order in Council under section 24 must provide for a council consisting of not less than 9 and not more than 15 persons of whom—

(a) not less than one half must be appointed by the Minister;

(b) one must be a staff member of the college elected by staff of the college;

(c) one must be a student of the college elected by students of the college;

(d) one must be the director of the college;

(e) the remaining members must be persons with knowledge of or experience in the community or any industry served by the college or in adult, community and further education or with special skills or knowledge relevant to the council appointed by the council by co-option.

(2) At least half the members referred to in sub-section (1) (a) must be persons with knowledge of or experience in any industry in which training is provided in the college, appointed by the Minister after considering the advice of the members of the council who have been appointed.”.

- (2) Despite the commencement of this section—
- (a) an Order in Council made under section 24 of the Principal Act which was in force immediately before that commencement continues in operation until it is remade in accordance with sub-section (3); and
  - (b) a person who was a member of the council of a TAFE college immediately before that commencement continues to be a member of that council subject to the Principal Act and the Order in Council continued under paragraph (a) until the Order in Council is remade in accordance with sub-section (3);
  - (c) a council incorporated by an Order referred to in paragraph (a) is deemed to be the same body after that commencement as it was immediately before that commencement.
- (3) The Minister must ensure that within 12 months after the commencement of this section or within any further period fixed by the Minister in respect of a particular council, every Order in Council continued in operation by sub-section (1) is reviewed and remade.

## **20. Terms and conditions of office**

In section 29 of the Principal Act—

- (a) in sub-section (3)—
  - (i) for “nominated” substitute “appointed”;
  - (ii) for “section 28 (1) (a) (i)” substitute “section 28 (1) (a)”;
- (b) in sub-section (4) for “section 28 (1) (a) (ii) (iii) or (iv)” substitute “section 28 (1) (b), (c) or (e)”.

## **21. Definition**

In section 3 (1) of the Principal Act insert the following definition—

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**“university with a TAFE division”** means the Royal Melbourne Institute of Technology, Swinburne University of Technology and Victoria University of Technology;’.

**22. Universities with TAFE divisions**

In section 23 (1) of the Principal Act for paragraph (ca) substitute—

“(ca) if the council of a university with a TAFE division approves, merge a TAFE college with the university; or”.

**23. Consequential amendments**

- (1) In section 3 of the Principal Act, in the definition of “executive officer” for “university referred to in section 6A (1) (b)” substitute “university with a TAFE division”.
- (2) In section 6A of the Principal Act—
  - (a) in sub-section (1) for paragraph (b) substitute—
 

“(b) the council of a university with a TAFE division—”;
  - (b) in sub-section (2) (a) and (c) for “university referred to in sub-section (1) (b)” substitute “university with a TAFE division”;
  - (c) in sub-section (2) (c) for “universities referred to in sub-section (1) (b)” substitute “universities with TAFE divisions”;
- (3) In section 6B of the Principal Act for “university referred to in section 6A (1) (b)” substitute “university with a TAFE division”.
- (4) In section 34C of the Principal Act for “university referred to in section 6A (1) (b)” substitute “university with a TAFE division”.
- (5) In Schedule 2 to the Principal Act, in clauses 1, 2 (1) and (2) and 3 (a) (i) for “university referred to in

section 6A (1) (b)” substitute “university with a TAFE division”.

**24. *Royal Melbourne Institute of Technology Act***

In section 33 (1) of the **Royal Melbourne Institute of Technology Act 1992**, after paragraph (m) insert—

“(ma) the merger with the University of any TAFE college and the making of any savings and transitional provisions consequent on the merger;”.

**25. *Swinburne University of Technology Act***

In section 37 of the **Swinburne University of Technology Act 1992**, after paragraph (m) insert—

“(ma) the merger with the University of any TAFE college and the making of any savings and transitional provisions consequent on the merger;”.

**26. *Victoria University of Technology Act***

In section 35 (1) of the **Victoria University of Technology Act 1990** after paragraph (m) insert—

“(ma) the merger with the University of any TAFE college and the making of any savings and transitional provisions consequent on the merger;”.

**PART 7—INDUSTRY TRAINING BOARDS**

**27. *Industry training boards***

(1) In section 38 of the Principal Act—

(a) in sub-section (1), for “of the Board” substitute “of the Minister”;

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- (b) in sub-section (2), for “the Board must” **substitute** “the Minister must consult with the Board and”;
- (c) in sub-section (2), for paragraph (b) **substitute—**
  - “(b) whether the membership of the governing body of the association or company includes persons with experience in the various aspects of the industry specified in the order including backgrounds as employers and as employees”.
- (2) In sections 40 (1) and 41 (3) of the Principal Act, **omit** “On the recommendation of the Board,”.
- (3) In section 43 (2) of the Principal Act for “the Board” **substitute** “the Minister”.
- (4) For section 43 (3) of the Principal Act **substitute—**
  - “(3) The Minister must, in recommending members for appointment to a board established under section 38 (1) (a), endeavour to ensure that the board has a membership of persons with experience in the various aspects of the industry specified in the order including backgrounds as employers and employees.”.
- (5) In section 44 (4) of the Principal Act **omit** “on the recommendation of the Board”.

**28. Functions of industry training boards**

For section 41 (1) of the Principal Act **substitute—**

- “(1) The functions of an industry training board established under section 38 (1) (a) are—
  - (a) within the national and state strategic framework, to prepare quality training plans detailing industry skill requirements, the quantity and types of training needed by industry and training arrangements;
  - (b) to promote training within the industry;

- (c) to liaise with or participate on national industry training advisory bodies;
- (d) to participate in accreditation and recognition processes.”.

**29. Consultation**

- (1) Sections 49 (3) and 76 (4) of the Principal Act are repealed.
- (2) In section 53 (4) and (5) of the Principal Act omit “, after consulting with or receiving advice from any relevant industry training board,”.
- (3) In section 56 (1) of the Principal Act, omit “, after considering any advice of the relevant industry training board,”.

**PART 8—VOCATIONAL TRAINING**

**30. New section 51 substituted and transitional**

- (1) For section 51 of the Principal Act substitute—

**“51. Training schemes**

- (1) The Board may determine that a specified training scheme is an approved training scheme for a vocation.
- (2) A determination may specify—
  - (a) the duration of an approved training scheme by reference to a fixed period or a maximum or minimum period; and
  - (b) the nature and syllabus of an approved training scheme and any course of study, instruction, practical or workplace training comprising the content of that scheme; and
  - (c) a requirement that any person undertaking the scheme must also

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- undertake a placement under an agreement under Part 7, or a number of such placements; and
- (d) the requirements as to age, education, experience or any other matter to be satisfied by a person wishing to undertake the scheme; and
  - (e) the standards of skill and knowledge required to adequately perform the activities or tasks of the vocation which are to be attained by a person undertaking the scheme; and
  - (f) the methods of assessing whether the required standards of skill and knowledge have been obtained in the scheme; and
  - (g) the credit to be given in the scheme for any qualifications, training or experience that a person undertaking the scheme has prior to entry to the scheme; and
  - (h) any requirement for a specified person or class of persons to enter into a training agreement before undertaking the scheme and the form and content of that agreement and any requirement to lodge an agreement with the Board; and
  - (i) any requirement for a specified person or class of persons to enter into a contract of training as part of undertaking the scheme.
- (3) A determination may be made so as to apply, adopt or incorporate any matter contained in any document issued or published by any person or body.
- (4) The Board must cause a notice to be published in the Government Gazette of



the making of a determination and setting out where details of the approved training scheme can be obtained.”.

- (2) On the commencement of this section—
- (a) a training program approved by the Board immediately before that commencement is deemed to be a training scheme approved by the Board under section 51; and
  - (b) any training agreement which was registered under section 69 immediately before that commencement continues to be registered as if it were a training agreement made pursuant to a training scheme approved under section 51.

**31. Consequential amendments**

- (1) In section 1 (d) of the Principal Act omit “programs”.
- (2) Section 46 of the Principal Act is repealed.
- (3) In Part 5 of the Principal Act, for the heading to Division 3 preceding section 51 substitute—

**“Division 3—Training Schemes”.**

- (4) In sections 52, 53 (1) and (2) and 54 (2) (c) of the Principal Act, for “training program” (wherever appearing) substitute “training scheme”.
- (5) In sections 57 (1) (a) and (b) and 58 of the Principal Act for “program” (wherever appearing) substitute “scheme”.
- (6) After section 59 (2) of the Principal Act insert—  
“(2A) If a trainee has no parent or guardian or no parent or guardian resident in Victoria and capable of acting, the Board may approve any person to act instead of the parent or guardian.”.
- (7) In sections 69, 70 (1) and 93 (1) (a) of the Principal Act for “training program” substitute “training scheme”.

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- (8) In section 70 (2) (b) of the Principal Act for “program” (where twice appearing) substitute “scheme”.

**32. Attendance at trade courses**

For section 57 (2) and (3) of the Principal Act substitute—

- “(2) If a trainee under a contract of training attends a vocational education and training course under an approved training scheme during normal working hours, that attendance shall be deemed to be attendance at work for the purposes of the **Employee Relations Act 1992** or an award, employment agreement or contract of employment referred to in that Act.”.

**33. Board consent to stand-down not required if Employee Relations Act applies**

After section 63 (3) of the Principal Act insert—

- “(4) This section does not apply to require the consent of the Board to the standing down of a trainee under a provision described in section 14 (4) (b) or 25 (1) (b) of the **Employee Relations Act 1992** or the deduction of payment in accordance with item 1 of Schedule 5 to that Act.”.

**34. Unfair dismissal**

(1) In section 64 (1) of the Principal Act—

- (a) in paragraph (a) after “training” insert “or training agreement”;
- (b) in paragraphs (a), (b) and (c) after “contract” insert “or agreement”;
- (c) after paragraph (c) insert—  
“; or
- (d) the dismissal or threatened dismissal of a trainee, if the trainee believes that the

dismissal or threatened dismissal is harsh, unjust or unreasonable—”.

(2) In section 64 (3) of the Principal Act—

(a) in paragraphs (a), (b) and (c) after “contract of training” (wherever appearing) insert “or training agreement”;

(b) in paragraphs (b) and (c) after “contract” (wherever appearing) insert “or agreement”;

(c) after paragraph (c) insert—

“(ca) if it is satisfied that the dismissal, or threatened dismissal, of the trainee is harsh, unjust or unreasonable, order the employer—

(i) to re-employ the trainee in his or her former position on terms that are not less favourable to the trainee than if the trainee had not been dismissed; or

(ii) not to dismiss the trainee; and”.

## **PART 9—MEMBERSHIP AND MEETING PROCEDURES**

### **35. *New section 29A inserted***

After section 29 of the Principal Act insert—

#### **“29A. *Membership of council not an office of profit***

A member of a council of a college shall not be taken to hold an office or place of profit under the Crown which would—

(a) prevent the member sitting or voting as a member of the Legislative Council or Legislative Assembly; or

(b) make void the member’s election to the Legislative Council or Legislative Assembly; or

(c) prevent the member continuing to be a member of the Legislative Council or Legislative Assembly; or

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- (d) subject the member to liability to pay a penalty under the **Constitution Act 1975.**”.

**36. Meetings of the Board**

After section 18 (5) of the Principal Act insert—

- “(5A) The Board may permit members to participate in a particular meeting, or all meetings, by telephone, closed circuit television or other means of communication.”.

**37. Proceedings of bodies established under section 21**

After section 21 (3) of the Principal Act insert—

- “(4) A body established under sub-section (1) may permit members to participate in a particular meeting, or all meetings, by telephone, closed circuit television or other means of communication.”.

**38. Meetings of TAFE college councils**

In section 30 of the Principal Act—

- (a) after “30” insert “(1)”;
- (b) at the end of the section insert—

“(2) The council of a college may permit members to participate in a particular meeting, or all meetings, by telephone, closed circuit television or other means of communication.”.

**39. New section 44A inserted**

After section 44 of the Principal Act insert—

**“44A. Proceedings of boards**

- (1) Subject to this Act and any Order in Council made under section 38 (1) (a), a

board established under section 38 (1) (a) may regulate its own proceedings.

- (2) A board may permit members to participate in a particular meeting or all meetings, by telephone, closed circuit television or other means of communication.”.

**40. *Proceedings of Vocational Education and Training Accreditation Board***

For section 75 (7) of the Principal Act substitute—

- “(7) The Board may permit members to participate in a particular meeting, or all meetings, by telephone, closed circuit television or other means of communication.”.

**41. *Proceedings of industry training accreditation boards***

For section 76 (7) of the Principal Act substitute—

- “(7) A board may permit members to participate in a particular meeting, or all meetings, by telephone, closed circuit television or other means of communication.”.

**PART 10—DEFENCE FORCE TRAINING**

**42. *Definitions***

In section 3 of the Principal Act insert—

- “Defence Force” means the Defence Force of the Commonwealth.”.

**43. *Insertion of new Division 5***

After Division 4 of Part 6 of the Principal Act insert—

**“Division 5—Defence Force training**

**85A. *Defence Force training***

- (1) The Board may determine that any course including an apprenticeship course or other training scheme conducted in the Defence Force is such that a person—
- (a) who satisfactorily completes the course; and
  - (b) who complies with any further conditions as to experience or otherwise determined by the Board—

is to be taken to have completed a course, part of a course, an approved training scheme or a part of an approved training scheme, as specified in the determination.

- (2) The Board may confer with members or representatives of the Defence Force on any matter concerning a course, including an apprenticeship or other training scheme conducted in the Defence Force so as to ensure that, the course can be accorded recognition under sub-section (1).
- (3) The Board must send a copy of any determination under this section, under the seal of the Board, to the relevant Defence Force authority.

**85B. *Recognition of Defence Force institutions***

- (1) The Board may recognise any Defence Force training institution as being equivalent to a TAFE college for the purposes of this Act.
- (2) A Defence Force training institution recognised by the Board under sub-section (1) is deemed to be a TAFE

college for the purposes of sections 77, 78, 80 and 82 and a TAFE provider for the purposes of Part 7.”.

## **PART 11—ACCREDITATION**

### **44. *National standards for training courses***

In section 4 (e) of the Principal Act, after “those courses” insert “and to ensure that those courses are consistent with national standards for accreditation”.

### **45. *Definitions***

(1) In section 3 of the Principal Act insert the following definitions—

“**accredited course**” means a course which is registered on the State Register of Accredited Courses;

“**apprentice**” means a person whom an employer has undertaken to train under a contract of training in a trade;

“**approved training scheme**” means a training scheme approved under section 51;

“**declared vocation**” means a vocation that is declared to be a vocation under section 49;

“**National standards**” means standards agreed to from time to time by the governments of the Commonwealth, States and Territories;

“**State Register of Accredited Courses**” means the State Register of Accredited Courses maintained by the Board under section 78A;

“**trade**” means any declared vocation specified to be a trade under section 49;

“**trainee**” means—

(a) an apprentice or other person whom an employer has undertaken to train under a

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contract of training in a declared vocation;  
or

- (b) a person whom an employer has undertaken to train under a training scheme approved by the Board under section 51 and registered with the Board under section 69;

**“training”** means training whether by way of course, instruction or practical training in the knowledge and skills required for a vocation;

**“vocational education and training course”** means a sequence of vocational education and training;’.

(2) In section 73 of the Principal Act—

- (a) omit the definitions of “Accreditation” and “State Register of Accredited Courses”;
- (b) in the definition of “Course of study” for “study program in vocational education and training” substitute “vocational education and training course or an accredited further education course”;
- (c) in the definition of “Statewide course” for “study program in vocational education and training” substitute “vocational education and training course or an accredited further education course”.

**46. Insertion of new section 73A**

After the heading to Division 2 of Part 6 of the Principal Act insert—

**“73A. Accreditation of courses**

A vocational education and training course may be accredited or noted as being a training program which is equivalent to the whole or part of an accredited course under this Part if—



- (a) the contents and standards of the course are appropriate to the qualification (if any) to which it leads; and
- (b) the course and the methods adopted in delivering it are likely to achieve the purposes of the course; and
- (c) the contents and standards of the course and the methods adopted in delivering it are consistent with relevant national standards about the principles, processes or other matters to be applied in accrediting or noting the course.”.

**47. *Training programs and transitional***

- (1) In section 74 (1) (b), (2) (b) and (3) (b) of the Principal Act for “as being equivalent to the whole or a part of an accredited course” substitute—

“as a training program—

- (i) that is part of an accredited course or is recognised as equivalent to the whole or part of an accredited course; and
  - (ii) in respect of which there is no provision for a person who completes the program to receive a qualification.”.
- (2) On the commencement of this section, a vocational education and training course which was, immediately before the commencement of this section, noted on the State Register of Accredited Courses as being equivalent to the whole or part of an accredited course is deemed to be noted as a training program which is equivalent to the whole or part of that accredited course.

**48. *VETAB***

- (1) In section 75 (1) and (3) of the Principal Act for “the Board” substitute “the Minister”.

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(2) In section 75 (2) (b) of the Principal Act, after paragraph (vi) insert—

“(vii) the co-ordination of Victorian accreditation standards and processes with the accreditation standards and processes of the Commonwealth or any other State or Territory of the Commonwealth; and”.

(3) For section 75 (5) of the Principal Act substitute—

“(5) When recommending members of the Accreditation Board, the Minister must endeavour to ensure that the membership of the Board has appropriate expertise in vocational education and training and further education and reflects the range of interests in vocational education and training and further education.”.

**49. Industry training accreditation boards**

In section 76 of the Principal Act—

- (a) in sub-section (1) for “the Board” substitute “the Minister”;
- (b) in sub-section (3) for “the Board” (where twice appearing) substitute “the Minister”;
- (c) in sub-section (3) (b) omit “a balance of”.

**50. State Register**

(1) In section 78A (2) (c) of the Principal Act after “accredited” insert “or noted on the State Register of Accredited Courses as being equivalent to the whole or part of an accredited course”.

(2) In section 78A (3) of the Principal Act after paragraph (c) insert—

“; or

- (d) the Board or a delegate of the Board determines that a course should not be noted as a training program which is equivalent to the whole or part of an accredited course—”.

**PART 12—APPROVAL TO DELIVER COURSES**

**Division 1—Extension of Board's powers**

**51. Offences**

- (1) In section 80 (1) of the Principal Act—
  - (a) after “section 81” (where first appearing) insert “or section 13D of the **Adult, Community and Further Education Act 1991**”;
  - (b) after paragraph (a) insert—

“(ab) is registered under section 13D of the **Adult, Community and Further Education Act 1991**; or”.
- (2) In section 80 (2) of the Principal Act—
  - (a) after “81” (where first appearing) insert “or section 13D of the **Adult, Community and Further Education Act 1991**”;
  - (b) after paragraph (a) insert—

“(ab) is registered under section 13D of the **Adult, Community and Further Education Act 1991** to provide courses in those circumstances; or”.

**52. Registration**

In section 81 of the Principal Act—

- (a) in sub-section (1) after “course” insert—

“or any person or body that is not a community based provider that provides or proposes to provide an accredited further education course”;
- (b) in sub-section (3) after “training board” insert “, any national standard relating to the recognition of providers”;
- (c) in sub-section (3), paragraphs (p) and (q) are repealed.

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**53. Offences**

In section 82 of the Principal Act, after paragraph (e) insert—

“; or

(f) the person or body has approval to provide the course under section 13E of the **Adult, Community and Further Education Act 1991**.”

**54. Approval to deliver**

In section 83 of the Principal Act, after “course” insert “or further education course”.

**55. Register**

In section 84 of the Principal Act, after “training” insert “or further education”.

**Division 2—Amendments to Adult, Community and Further Education Act 1991**

No. 91/1991.

**56. Accreditation**

In section 13B (2) (b) (ii) of the **Adult Community and Further Education Act 1991** for “section 20 (1A)” substitute “section 20 (1) (g)”.

**57. New section 13C inserted**

After section 13B of the **Adult, Community and Further Education Act 1991** insert—

**“13C. Accreditation of courses**

A further education course may be accredited or noted as being equivalent to the whole or part of an accredited course under this Division if—

- (a) the contents and standards of the course are appropriate to the qualification (if any) to which it leads; and
- (b) the course and the methods adopted in delivering it are likely to achieve the purposes of the course; and
- (c) the contents and standards of the course and the methods adopted in delivering it are consistent with relevant national standards about principles, processes or other matters to be applied in accrediting or noting the course.”.

**58. *New Division 2B inserted***

After Division 2A of Part 2 of the **Adult, Community and Further Education Act 1991** insert—

**“Division 2B—Approval to deliver courses**

**13D. *Registration of community providers of further education***

- (1) Any person or body which is community based and which is not a TAFE college, commercial provider or industry provider that provides or proposes to provide a further education course registered as accredited under section 78A of the **Vocational Education and Training Act 1990** may apply to the Board for registration.
- (2) A registration may be limited or restricted by reference to the course or class of courses determined by the Board or any other circumstances determined by the Board.

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- (3) In determining whether to register a person or body the Board may have regard to government policies and priorities, any national standard relating to the recognition of providers and to all or any of the following matters in relation to the person, body or course:
- (a) Financial resources and planning;
  - (b) Marketing and promotion materials;
  - (c) The use of agents;
  - (d) Student selection procedures;
  - (e) The number of students;
  - (f) Class sizes;
  - (g) Student contact hours;
  - (h) Curriculum;
  - (i) Premises, equipment, materials and resources;
  - (j) Course nomenclature;
  - (k) Qualifications and experience of staff;
  - (l) Contracts with respect to students;
  - (m) Student grievance procedures;
  - (n) Arrival and attendance monitoring of students;
  - (o) Previous experience in providing courses;
  - (p) The demand for skills provided by the course;
  - (q) The cost of the course;
  - (r) The ability of the person or body to comply with and the person's or body's record of compliance with any guidelines issued by the Board about any of the matters mentioned in this section.

- (4) The Board may from time to time issue guidelines about the matters referred to in sub-section (3).
- (5) A registration remains in force for a period specified by the Board not exceeding 3 years unless sooner suspended or cancelled.
- (6) The Board may suspend or cancel a registration.
- (7) In determining whether to suspend or cancel a registration the Board may have regard to all or any of the matters mentioned in sub-section (3).
- (8) A person may apply to the Administrative Appeals Tribunal for a review of a decision of the Board not to register a person or body or to suspend or cancel a registration under this section.
- (9) The Board may charge a reasonable fee for an application under sub-section (1).

**13E. *Approval to deliver accredited courses***

The Board may approve any person or body that is registered under section 13D to provide a further education course that is registered as accredited under section 78A of the Vocational Education and Training Act 1990.

**13F. *Register of providers***

The Board must establish and maintain a register of providers of further education registered under section 13D specifying—

- (a) the name of the registered person or body; and
- (b) any limitations or restrictions on the registration.”.

**PART 13—PRACTICAL PLACEMENT**

**59. *New Part 7 substituted***

For Part 7 of the Principal Act substitute—

**‘PART 7—PRACTICAL PLACEMENT**

**86. *Definitions***

In this Part—

“**disabled student**” means a student who is suffering from—

- (a) total or partial loss of bodily function; or
- (b) total or partial loss of a part of the body; or
- (c) a mental or psychological disease or disorder; or
- (d) a condition or malfunction as a result of which a person learns more slowly than persons who do not have that condition or malfunction;

“**employer**” includes a department of the Commonwealth Government or a body established under a Commonwealth Act;

“**law**” includes an award, employment agreement and any provision which restricts the employment of persons who are not trainees in declared vocations;

“**post-secondary student**” means a student who is enrolled in a post-secondary education course of a TAFE provider;



**“TAFE provider”** means a TAFE institution, or any person or body who has approval to provide a vocational education and training course under section 83. or an accredited further education course under section 13E of the **Adult, Community and Further Education Act 1991.**

**87. *Practical placement agreements***

- (1) A post-secondary student of a TAFE provider may be placed with an employer for work experience or training if the governing body of the TAFE provider has entered into an agreement with the employer about the placement of that student.
- (2) An agreement—
  - (a) must be in writing; and
  - (b) may be varied or amended by another agreement; and
  - (c) must be consistent with any determination of the Board about placements of that kind; and
  - (d) may be cancelled at any time by notice in writing—
    - (i) given by the employer to the governing body; or
    - (ii) given by the governing body to the employer.

**88. *Determination about the placement of post-secondary students***

- (1) The Board may make a determination about the placement of post-secondary students or any class of post-secondary

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students with employers for work experience or training.

(2) The determination may—

- (a) subject to section 89, fix the period of the placements to which the determination relates; and
- (b) specify the number of students any employer or class of employers may take; and
- (c) specify that the Board retain the power to cancel or vary any placement; and
- (d) specify any other conditions which are to apply to those placements.

**89. *Conditions on the placement of post-secondary students***

If a post-secondary student is placed with an employer under an agreement, the period of the placement must not be more than 3 months and taken together with any other placement that student has had must not be more than 6 months under the relevant determination.

**90. *Suspension of conditions for disabled students***

- (1) The Board may suspend the operation of all or any of the conditions of employment fixed by or under this Part for any disabled student or class of disabled students.
- (2) A suspension under sub-section (1) may operate for a specified time or indefinitely.

**91. *Exemption of practical placement from laws prohibiting or regulating employment of young persons***

- (1) Any Act or law relating to the prohibition of or regulation of the employment of persons of or over the age of 15 years and under the age of 21 years does not apply to the employment of such a person who is—
  - (a) a student of a TAFE provider; and
  - (b) employed under an agreement.
- (2) If any Act or law prohibits the employment or regulates the working conditions in any specified trade of persons of less than or not more than a specified age expressed as a number of years then sub-section (1) is not to be taken to permit the employment of any person contrary to that Act or law.

**91A. *Duty of care***

- (1) A duty which any person has relating to the care or control of a student of a TAFE provider as a student of that provider is to be taken not to apply while that student is employed under an agreement and an action does not lie against that person because of a breach of that duty.
- (2) Sub-section (1) does not extend to a duty which a person has as occupier of the premises of the TAFE provider.’.

**60. *Practical placements—miscellaneous amendments***

In section 1 of the Principal Act, at the end of paragraph (e) insert—

“; and

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- (f) to provide for and regulate the practical placements of students of TAFE providers so as to enable those students to obtain general work experience or to receive workplace training.”.

**61. *New section 93A inserted***

After section 93 of the Principal Act insert—

**“93A. *Supreme Court—limitation of jurisdiction***

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the bringing before the Supreme Court of an action of a kind referred to in section 91A.”.

No. 6240.

**62. *Education Act***

After section 64L of the **Education Act 1958** insert—

**‘64LA. *Application***

- (1) This Part applies to a student at a TAFE college or a university with a TAFE division who is in a course of study which is or is equivalent to the eleventh or twelfth year of secondary education as if the student were a pupil at a school.
- (2) In this section “TAFE college” and “university with a TAFE division” have the same meaning as in the **Vocational Education and Training Act 1990**.’

No. 83/1992.

**63. *Student pay rates***

In section 16 (2) of the **Employee Relations Act 1992** for paragraph (a) substitute—

“(a) is undertaking a post-secondary education course; and”.

**64. *New section 16A inserted in Employee Relations Act***

After section 16 of the **Employee Relations Act 1992** insert—

**“16A. *Exemptions from minimum pay rates***

- (1) An employer need not pay a student the relevant minimum rate of pay applicable under clause (1) (c) of Schedule 1 if an exemption order under this section applies to the student.
- (2) The Chief Commission Administration Officer may make an exemption order in relation to any class of students if he or she is satisfied that the students—
  - (a) are undertaking a post-secondary education course; and
  - (b) are required to work to satisfy the practical training and experience requirements of the course.
- (3) The exemption order may—
  - (a) in the case of any students, provide that the students are not required to be paid for the work; and
  - (b) in the case of students required to work more than 240 hours as part of a course requirement, specify the appropriate rate of pay which may be less than the minimum rate of pay applicable under clause (1) (c) of Schedule 1.”.

**65. *Student pay rates***

In section 34 (2) of the **Employee Relations Act 1992**, for paragraph (a) substitute—

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“(a) is undertaking a post-secondary education course; and”.

**66. *New section 34A inserted in Employee Relations Act***

After section 34 of the **Employee Relations Act 1992** insert—

**“34A. *Exemptions from awards for certain students***

- (1) An employer need not pay a student the rate of pay fixed by a relevant award if an exemption order under this section applies to that student.
- (2) The Chief Commission Administration Officer may make an exemption order in relation to any class of students if he or she is satisfied that the students—
  - (a) are undertaking a post-secondary education course; and
  - (b) are required to work to satisfy the practical training and experience requirements of the course.
- (3) The exemption order may—
  - (a) in the case of any students, provide that the students are not required to be paid for the work; and
  - (b) in the case of students required to work more than 240 hours as part of a course requirement, specify the appropriate rate of pay which may be less than the minimum rate of pay fixed by the relevant award.”.

**67. *Amendment to Employment and Training Act***

In section 17A of the **Employment and Training Act 1981**, in paragraph (b) of the definition of “trainee” for “program” (where twice appearing) substitute “scheme”.

**68. Amendment to Accident Compensation Act**

No. 10191.

In section 5 (1) of the **Accident Compensation Act 1985** in paragraph (i) of the definition of "remuneration" and in paragraph (e) of the definition of "worker"—

- (a) for "at a technical and further education college specified in the Schedule to" substitute "of a TAFE provider within the meaning of section 86 of";
- (b) for "arrangement within the meaning of" substitute "agreement referred to in".

**PART 14—ENFORCEMENT**

**69. Penalties**

In section 50 of the Principal Act for paragraphs (c) and (d) substitute—

- “(a) in the case of a natural person—40 penalty units;
- (b) in the case of a body corporate—200 penalty units.”.

**70. Penalties**

In sections 80 (2) and 82 of the Principal Act for paragraphs (a) and (b) following "Penalty:" substitute—

- “(a) in the case of a natural person—40 penalty units;
- (b) in the case of a body corporate—200 penalty units.”.

**71. New sections 91B, 91C and 91D inserted and consequential amendment**

- (1) After the Heading to Part 8 of the Principal Act insert—

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**“91B. *Authorised officers***

The Director may appoint a person employed under Part 2 as an authorised officer for the purposes of this Act.

**91C. *Identification***

The Director must furnish an authorised officer with an identification card bearing a recent photograph of the officer.

**91D. *Powers of authorised officers***

(1) An authorised officer—

(a) with any necessary help, may enter, at any time during ordinary working hours on any day, any premises—

(i) where a trainee is employed or where the officer has reasonable cause to believe that a trainee is employed; and

(ii) where a person or body registered under section 81 is providing a vocational education and training course or where the officer has reasonable cause to believe that a person or body registered under section 81 is providing a vocational education and training course; and

(iii) where an education institution is offering a course endorsed under section 85 or where the officer has reasonable cause to believe that an education institution is offering a course endorsed under section 85; and



- (b) in the case of a place referred to in paragraph (a) (i)—
    - (i) may require the production of any documents relating to the employment of any trainee required to be kept under this or any other Act, and inspect and examine them and take copies or extracts from them; and
    - (ii) may make any inquiries that appear to be necessary to ascertain whether the provisions of this Act are being or have been complied with;
  - (c) in the case of a place referred to in paragraph (a) (ii), may make any inquiries or inspect and examine any documents relating to the matters referred to in section 81 (3) and take copies or extracts from those documents; and
  - (d) in the case of a place referred to in paragraph (a) (iii), may make any inquiries or inspect and examine any documents relating to the matters referred to in section 85 (3) and take copies or extracts from those documents.
- (2) An authorised officer may not exercise any power under sub-section (1)—
- (a) in relation to premises if the occupier of the premises has required the officer to produce his or her identification card for inspection by the occupier and the officer fails to comply with the requirement; or
  - (b) in relation to premises used as or mainly as residential premises,

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except with the consent of the occupier.

- (3) A person must not obstruct delay or intimidate an authorised officer when the officer is exercising or attempting to exercise his or her functions as an authorised officer.

Penalty: 50 penalty units.”.

- (2) Section 71 of the Principal Act is repealed.

**72. New section 92A inserted**

After section 92 of the Principal Act insert—

**“92A. Offences by corporations etc.**

- (1) If a corporation contravenes any provision of this Act, the person who is the principal executive officer (however described) of the corporation is deemed to have contravened the same provision if that person knowingly authorised or permitted the contravention.
- (2) A person may be proceeded against and convicted under a provision pursuant to sub-section (1) whether or not the corporation has been proceeded against or convicted under that provision.
- (3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act.
- (4) If a provision of this Act is contravened in respect of an unincorporated body of persons—
  - (a) the person who is the principal executive officer (however described) of the body at the time of

the contravention is deemed to have contravened the same provision at that time; and

- (b) if there was a governing body of the unincorporated body at the time of the contravention, each person who is a member of the governing body of that unincorporated body at that time is also deemed to have contravened the provision at that time.”.

**73. *New section 94A inserted and consequential amendments***

- (1) After section 94 of the Principal Act insert—

**“94A. *Fees for certificates***

The Board may charge a fee determined by the Minister for the issue of any certificate or duplicate certificate for the purposes of Part 5 or 6.”.

- (2) Section 53 (3) of the Principal Act is repealed.

**PART 15—GORDON TECHNICAL COLLEGE**

**74. *Gordon Technical College***

- (1) The Gordon Technical College Act 1976 is repealed.
- (2) On the commencement of sub-section (1)—
- (a) Gordon Technical College continues to be a TAFE college as if it had been created under section 23 of the Principal Act;
- (b) the Order in Council made under section 4 of the Gordon Technical College Act 1976 on 25 January 1984 and published in the Government Gazette on 11 February 1984 continues in operation as if it had been made under section 24 of the Principal Act; and

No. 8889  
amended by  
No. 8883.

- (c) the Council of the Gordon Technical College incorporated under section 4 of the **Gordon Technical College Act 1976** is deemed to be a council incorporated under section 24 of the Principal Act.
- (3) Despite the repeal of section 6 (3) of the **Gordon Technical College Act 1976**, the lands the subject of Crown Grant volume 4976 folium 995194 permanently reserved as a site for the Gordon Technical College by section 6 (3) continue to be permanently reserved as if they were so reserved under section 4 of the **Crown Lands (Reserves) Act 1978**.
- (4) The Minister must, within 12 months or any further period fixed by the Minister, ensure that the Order in Council referred to in sub-section (2) (b) is reviewed and remade.

**75. Consequential amendment**

Section 37 (2) of the Principal Act is repealed.

**PART 16—MISCELLANEOUS PROVISIONS**

**76. Coming into operation of Principal Act**

The following provisions of the Principal Act as enacted as at 19 June 1990 are deemed to have come into operation on 31 January 1991—

- (a) Part 3;
- (b) Part 6, other than sections 80 to 84;
- (c) Part 7;
- (d) section 95 (4) and (6) and section 96;
- (e) Division 2 of Part 9, other than section 98 (3)
- (f) (ii);
- (f) sections 118 and 119;
- (g) the Schedule.

**77. Financial management**

- (1) In section 10 (4) of the Principal Act omit “, in accordance with any appropriation made by Parliament”.
- (2) In section 70 (1) of the Principal Act omit “(out of money made available by Parliament for the purpose)”.

**78. References to TAFE teaching service**

In the Principal Act—

- (a) in section 3, in paragraph (a) of the definition of “Government office” omit “or the TAFE teaching service”;
- (b) in section 14 (6) omit “, TAFE teaching service”;
- (c) in section 15 (2) (b) omit “, the TAFE teaching service”.

**79. Regulations**

In section 72 (1) of the Principal Act omit “on the recommendation of the Board”.

**80. Overseas students**

- (1) In section 85 (3) of the Principal Act after paragraph (p) insert—  
“(pa) the ability of the institution to comply with and the institution’s record of compliance with any Act of the Commonwealth or a State or Territory of the Commonwealth relating to education services for overseas students;”.
- (2) For section 85 (8) of the Principal Act substitute—  
“(8) The Board must notify the Secretary referred to in the Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991 of the Commonwealth as soon as practicable of an endorsement under sub-section (1) or a cancellation or suspension

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*Act No. 62/1994*

under sub-section (6) or a decision of the Administrative Appeals Tribunal pursuant to an application under sub-section (7).”.

**81. *Repeal***

Section 96 of the Principal Act is **repealed**.

**82. *Statute law revision***

In the Principal Act—

- (a) in section 24 (1) after paragraph (f) insert “or”;
- (b) in section 38 (1) (b) for “Companies (Victoria) Code” substitute “Corporations Law”;
- (c) in section 70 (2) (a) after “(a)” insert “a”;
- (d) Divisions 3 and 4 of Part 9 are **repealed**.

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NOTES

1. *Minister’s second reading speech—*

*Legislative Assembly: 28 April 1994*

*Legislative Council: 27 May 1994*

2. The long title for the Bill for this Act was “A Bill to amend the **Vocational Education and Training Act 1990**, the **Adult, Community and Further Education Act 1991** and the **Employee Relations Act 1992** and to make consequential amendments to other Acts and for other purposes.”.

3. **Constitution Act 1975:**

*Section 85 (5) statement:*

*Legislative Assembly: 28 April 1994*

*Legislative Council: 27 May 1994*

*Absolute majorities:*

*Legislative Assembly: 25 May 1994*

*Legislative Council: 27 May 1994*

4. Section headings appear in bold italics and are not part of the Act. (See Interpretation of Legislation Act 1984.)