



New South Wales

Vocational Education and Training Bill 2005

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to establish a registration and accreditation framework for vocational education and training, in particular by applying nationally agreed standards,
- (b) to ensure the quality and integrity of vocational education and training in this State,
- (c) to provide for the approval by the Vocational Education and Training Accreditation Board (*the Board*) of persons to provide courses for overseas students (such approval forming the basis for registration under the *Education Services for Overseas Students Act 2000* of the Commonwealth),
- (d) to promote consistency of standards in vocational education and training,
- (e) to encourage the recognition of vocational courses that are accredited under the proposed Act.

The Bill repeals the *Vocational Education and Training Accreditation Act 1990*, but provides for the continuation of the Board (which is currently constituted under that Act) as the agency responsible for registering training providers, and for accrediting vocational courses, in this State.

At the heart of the new framework is the National Register, which is defined to mean the National Training Information Service managed by the Commonwealth Department of Education, Science and Training. For the purposes of the proposed Act, training providers are *registered*, and vocational courses are *accredited*, when the details of the training provider or course are recorded by the Board on the National Register. The new framework also provides for the recognition in this State of training providers who have been registered by interstate registering bodies and for the recognition of vocational courses that have been accredited by interstate course accrediting bodies.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 sets out the objects of the proposed Act (as referred to in the above overview).

Clause 4 defines certain words and expressions used in the proposed Act.

Part 2 Constitution and functions of Board

Clause 5 constitutes the Board as a statutory corporation representing the Crown. It comprises the Director of the Board and 10 part-time members appointed by the Minister.

Clause 6 specifies the objects and functions of the Board.

Clause 7 provides for the staff of the Board, which includes the Director and other public service staff employed under the *Public Sector Employment and Management Act 2002* as well as staff employed by the Board from outside the public sector.

Clause 8 enables the Board to establish advisory committees to assist it in the exercise of its functions.

Clause 9 enables the Board to delegate its functions.

Part 3 Registration of training organisations and accreditation of courses

Division 1 Registration of training organisations

Clause 10 makes it an offence for a person who is not a registered training organisation (*RTO*) to claim to be an RTO or to operate outside the person's scope of registration.

Clause 11 provides for the making of applications to the Board for registration as a training organisation.

Clause 12 provides for the determination by the Board of applications for registration as a training organisation.

Clause 13 provides for the registration of a training organisation to be subject to certain conditions.

Clause 14 provides for the term of registration and its renewal.

Clause 15 specifies the requirements that must be followed by the Board when making a decision in relation to the registration of a training organisation.

Clause 16 enables the Board to amend the registration details of a training organisation.

Clause 17 provides for the removal of the registration details of a training organisation in certain circumstances.

Clause 18 enables the Board to cancel, suspend or amend the registration of a training organisation.

Clause 19 provides for the registration of a training organisation to be cancelled if the organisation changes its business operations.

Clause 20 enables the Board to approve of a training organisation to continue to provide courses after its registration has been cancelled or suspended.

Clause 21 requires the Board to record its registration decisions on the National Register.

Clause 22 enables the Board to conduct compliance audits of training organisations.

Clause 23 authorises the Board to share information about registered training organisations and other related matters.

Division 2 Accreditation of courses

Clause 24 makes it an offence for a person to falsely claim that a course provided by the person is an accredited course.

Clause 25 provides for the making of applications to the Board for the accreditation of vocational courses.

Clause 26 provides for the determination by the Board of applications for accreditation of vocational courses.

Clause 27 provides for the accreditation of a vocational course to be subject to certain conditions.

Clause 28 provides for the term of accreditation and its renewal.

Clause 29 enables the Board to cancel the accreditation of a vocational course.

Clause 30 specifies the requirements that must be followed by the Board when making a decision in relation to the accreditation of a vocational course.

Clause 31 enables the Board to approve of a vocational course being continued to be provided after the accreditation of the course has been cancelled.

Division 3 General provisions

Clause 32 enables the Board to issue guidelines in relation to the registration of training organisations and the accreditation of vocational courses.

Clause 33 makes universities RTOs for the purposes of certain vocational courses that they provide.

Part 4 Overseas students

Clause 34 provides for the approval by the Board of persons to provide courses for overseas students. The Board's approval forms the basis of the registration of the provider under the *Education Services for Overseas Students Act 2000* of the Commonwealth.

Clause 35 provides for the amendment, suspension or cancellation of the Board's approval of a provider of courses for overseas students.

Clause 36 specifies the requirements that must be followed by the Board when making a decision in relation to the approval of a provider.

Clause 37 creates offences in relation to advertising the provision of courses for overseas students.

Clause 38 requires course providers to notify the Board of changes to their name or address.

Clause 39 provides for the admissibility of certain matters as evidence in legal proceedings.

Clause 40 enables the Board to issue guidelines in relation to the approval of persons to provide courses for overseas students.

Clause 41 authorises the Board to share information about approved providers and other related matters.

Part 5 Enforcement and procedural provisions

Clause 42 provides for the appointment of inspectors by the Board.

Clause 43 specifies the powers of inspectors.

Clause 44 provides for proceedings for offences under the proposed Act to be dealt with before a Local Court.

Clause 45 enables offences under the proposed Act to be dealt with by way of penalty notice.

Clause 46 enables the Board to recover unpaid fees as a debt.

Part 6 Miscellaneous

Clause 47 provides for the review by the Administrative Decisions Tribunal of decisions made under the proposed Act in relation to the registration of training organisations, the accreditation of vocational courses and the approval of persons to provide courses for overseas students.

Clause 48 provides for the service of documents on the Board.

Clause 49 protects the members and staff of the Board from personal liability in relation to anything done in good faith for the purposes of executing the proposed Act.

Clause 50 provides that the proposed Act binds the Crown.

Clause 51 gives the Governor the power to make regulations under the proposed Act.

Clause 52 is a formal provision that gives effect to Schedule 2 (Savings, transitional and other provisions).

Clause 53 repeals the *Vocational Education and Training Accreditation Act 1990*.

Clause 54 is a formal provision that gives effect to the amendment of legislation set out in Schedule 3.

Schedule 1 Provisions relating to members and procedure of Board

Schedule 1 contains standard provisions relating to the members of the Board and its procedure.

Schedule 2 Savings, transitional and other provisions

Schedule 2 provides for the making of savings and transitional regulations as a consequence of the enactment of the proposed Act, provides for the continuation of the former Board and continues the operation of existing registrations, accreditations and approvals under the 1990 Act.

Schedule 3 Consequential amendment of other legislation

Schedule 3 contains a number of amendments that are consequential on the enactment of the proposed Act.