

1993

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**AUSTRALIAN NATIONAL TRAINING AUTHORITY (TERRITORY
FUNCTIONS) BILL 1993**

EXPLANATORY MEMORANDUM

**Circulated by Authority of the Minister for Education and
Training**

Bill Wood MLA

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Introduction

This Bill is for an Act to make provision for the performance of functions, within the Australian Capital Territory (ACT), by the Australian National Training Authority (ANTA), and to enable the relevant Minister to nominate a body to be the State training agency of the ACT.

The Bill provides for an Act which is complementary to the Commonwealth's Australian National Training Authority Act 1992. That Act contains a schedule, being the National Vocational Education and Training System agreement signed by Heads of Government in July 1992, which requires the States and Territories to identify a State training agency for the purposes of establishing formal State/Territory relationships with ANTA.

The Commonwealth Act also specifies the functions of ANTA, many of which impact on States and Territories, and which therefore requires complementarity. Complementarity provides for efficiency of operation and protects the Constitutional basis for the relationship which the Commonwealth Act establishes with the States and Territories, particularly in relationship to the arrangements for the funding of vocational education and training.

The Bill does not contain any direct financial provisions. However the general scheme of the Bill, which confirms the relationship between the ACT and ANTA, does by necessity bear on the financial position of the ACT. The very existence of ANTA and the ACT's conformity with its functions has established new funding arrangements

for vocational education and training which will impact the ACT with respect to allocative and management arrangements for Commonwealth expenditure on vocational education and training.

The main purposes of the Bill are therefore:

- (a) to confer certain functions and powers on ANTA to ensure the constitutional basis for this body to operate in the ACT; and
- (b) to enable the relevant ACT Minister to nominate a body as the ACT State training agency.

Explanation of the Bill's Clauses

Clause 1 provides for the short title of the Act.

Clause 2 actually provides for automatic commencement upon notification that the Bill has been passed (this will occur very shortly after the Bill is passed).

Clause 3 provides for the interpretation of the Act. The Authority referred to in the Act is the Australian National Training Authority, a body established by clause 5 of the Australian National Training Authority Act 1992, a Commonwealth Act which came into force on 21 December 1992.

Clause 4 provides for the conferral of functions on ANTA. This clause confirms that the functions conferred on ANTA as expressed in the Commonwealth Act have application and legitimacy in the ACT thus underpinning the constitutional basis of ANTA. In other words, the ACT accepts that ANTA can perform its functions within the jurisdiction of the ACT. The expectation is that when the ACT establishes a permanent State training agency, its

functions will be in accordance with the National Vocational Education and Training System Agreement.

Clause 5 provides the power for ANTA to perform its functions in relation to the ACT.

Clause 6 provides for the Minister to be able to nominate a person (for example, a Minister), an organisation (such as the Vocational Training Authority) or a body (such as the Education and Training Coordination Committee) as the State training agency for the purposes of the Commonwealth Act. The Act and the National Vocational Education and Training Agreement require each State and Territory to nominate a single agency to be the point of liaison with ANTA.