



AUSTRALIAN CAPITAL TERRITORY

# Vocational Education and Training (Consequential Provisions) Act 1995

No. 38 of 1995

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**An Act to repeal certain Acts, to amend another Act, and to make certain transitional arrangements, consequent upon the enactment of the *Vocational Education and Training Act 1995***

*[Notified in ACT Gazette S266: 31 October 1995]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

## PART I—PRELIMINARY

### Short title

1. This Act may be cited as the *Vocational Education and Training (Consequential Provisions) Act 1995*.

### Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on the day on which section 3 of the *Vocational Education and Training Act 1995* commences.

### Interpretation

3. In this Act, unless the contrary intention appears—

“commencement day” means the day on which section 3 of the *Vocational Education and Training Act 1995* commences;

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“the 1989 Act” means the *Vocational Training Act 1989* as in force immediately before the commencement day;

“the 1989 regulations” means the Vocational Training Regulations as in force immediately before the commencement day;

“the 1995 Act” means the *Vocational Education and Training Act 1995*.

## **PART II—REPEAL AND AMENDMENT OF ACTS**

### **Repeal**

4. The following Acts are repealed:

- (a) the *Australian National Training Authority (Territory Functions) Act 1993*;
- (b) the *Vocational Training Act 1989*.

### **Amendment of *Canberra Institute of Technology Act 1987***

5. Section 30 of the *Canberra Institute of Technology Act 1987* is amended by omitting paragraph (2) (d) and substituting the following paragraph:

“(d) 1 shall be the Chairperson of the Vocational Education and Training Authority;”.

## **PART III—TRAINEES UNDER VOCATIONAL TRAINING ACT 1989**

### **Annual report**

6. The report required to be furnished under section 8 of the 1995 Act in relation to the calendar year in which that section commences shall—

- (a) include details of the activities of the Vocational Training Authority under the 1989 Act during the financial year in which section 8 commences; and
- (b) set out any directions given to the Vocational Training Authority under subsection 10 (1) of the 1989 Act in that financial year.

### **Training programs and training schemes**

7. (1) A determination under subsection 40 (1) of the 1989 Act in relation to a specified training program that was in force immediately before the commencement day shall, on and after that day, be taken to be a determination under section 25 of the 1995 Act in relation to a sequence of vocational education and training.

(2) A declaration under subsection 90 (1) of the 1989 Act in relation to a specified scheme of training that was in force immediately before the commencement day shall, on and after that day, be taken to be a

determination under section 25 of the 1995 Act in relation to a sequence of vocational education and training.

### **Trades and declared vocations**

**8.** Subject to any determination under section 26 of the 1995 Act—

- (a) the vocations specified in Schedule 1 to the 1989 regulations; and
- (b) the vocations specified in Schedule 2 to the 1989 regulations;

shall be taken to be the prescribed vocations for the purposes of the 1995 Act.

### **Travelling expenses**

**9. (1)** Until an amount is determined under section 32 of the 1995 Act, the amount that immediately before the commencement day was approved for the purposes of paragraph 59 (1) (a) of the 1989 Act shall be taken to be the determined amount for the purposes of paragraph 32 (1) (a) of the 1995 Act.

**(2)** Until a rate is determined under section 32 of the 1995 Act, the rate prescribed by regulation 6 of the 1989 regulations shall be taken to be the determined rate for the purposes of paragraph 32 (1) (b) of the 1995 Act.

### **Qualifying early**

**10.** Despite the repeal effected by paragraph 4 (b), where immediately before the commencement day—

- (a) the Vocational Training Authority has terminated a contract of training under subsection 50 (1) of the 1989 Act; and
- (b) the chief executive officer has given each party to the contract a notice under subsection 50 (2) of that Act specifying the date of effect of the termination as the commencement day or a later date;

the termination takes effect on the date specified in the notice.

### **Contracts of training**

**11. (1)** Where, immediately before the commencement day, an approval under subsection 41 (1) of the 1989 Act in relation to a contract of training was in force, on and after that day, that contract shall be taken to be an approved training agreement under the 1995 Act.

**(2)** An application for approval under section 41 of the 1989 Act to undertake an approved training program under a contract of training that was pending immediately before the commencement day shall, on and after that day, be taken to be an application for approval under subsection 30 (1) of the 1995 Act of a training agreement.

**(3)** A determination under subsection 46 (1) of the 1989 Act in relation to the terms of contracts of training that was in force immediately before the commencement day shall, on and after that day, be taken to be a

determination under section 33 of the 1995 Act in relation to the terms of training agreements.

(4) An approval under subsection 48 (1) of the 1989 Act for a variation of a contract of training that was in force immediately before the commencement day shall, on and after that day, be taken to be an approval under section 36 of the 1995 Act for a variation of an approved training agreement.

(5) An application for approval under section 48 of the 1989 Act for a variation of a contract of training that was pending immediately before the commencement day shall, on and after that day, be taken to be an application for approval under subsection 36 (1) of the 1995 Act for a variation of an approved training agreement.

(6) An application under subsection 50 (1) of the 1989 Act for the termination of a contract of training that was pending immediately before the commencement day shall, on and after that day, be taken to be an application for approval under subsection 36 (1) of the 1995 Act for a variation of an approved training agreement.

*[Presentation speech made in Assembly on 21 September 1995]*