



Queensland

Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 103

made under the

Agricultural Chemicals Distribution Control Act 1966

Building Act 1975

Chemical Usage (Agricultural and Veterinary) Control Act 1988

Child Care Act 2002

Education (Queensland Studies Authority) Act 2002

Explosives Act 1999

Health Act 1937

Industrial Relations Act 1999

Plumbing and Drainage Act 2002

Queensland Building Services Authority Act 1991

Transport Operations (Road Use Management) Act 1995

Travel Agents Act 1988

Vocational Education, Training and Employment Act 2000

Workers' Compensation and Rehabilitation Act 2003

General outline

Short title

Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 1) 2012.

Authorising law

Section 217 *Animal Care and Protection Act 2001*

Section 261 *Building Act 1975*

Section 38 *Chemical Usage (Agricultural and Veterinary) Control Act 1988*

Section 175 *Child Care Act 2002*

Section 79 *Education (Queensland Studies Authority) Act 2002*

Section 135 *Explosives Act 1999*

Section 180 *Health Act 1937*

Section 338 *Industrial Relations Act 1999*

Section 145 *Plumbing and Drainage Act 2002*

Section 116 *Queensland Building Services Authority Act 1991*

Section 171 *Transport Operations (Road Use Management) Act 1995*

Section 57 *Travel Agents Act 1988*

Section 291 *Vocational Education, Training and Employment Act 2000*

Section 584 *Workers' Compensation and Rehabilitation Act 2003*

Policy objectives and the reasons for them

In December 2009, the Council of Australian Governments reached agreement on national reform of the vocational education and training sector which included the establishment of a national regulator. Participating states agreed to refer their legislative power to regulate vocational education and training courses and registered training organisations to the Commonwealth. The Commonwealth Government established a national regulator for vocational education and training, the Australian Skills Quality Authority (ASQA), on 1 July 2011 under the *National Vocational Education and Training Regulator Act 2011* (Cwlth) and *National Vocational Education and Training Regulator (Transitional Provisions) Act 2011* (Cwlth) (national VET legislation).

On 29 June 2012 the *Vocational Education and Training (Commonwealth Powers) Act 2012* (the Act) commenced. The Act referred the Queensland Parliament's power to regulate vocational education and training (VET)

courses and registered training organisations (RTOs) to the Commonwealth Parliament. The Act amended definitions of key terms in the *Vocational Education, Training and Employment Act 2000* and other Queensland legislation to align with Queensland and national VET legislation.

The Act also abolished the Training and Employment Recognition Council (TERC) and transferred its remaining functions, mainly related to apprenticeships and traineeships, to Skills Queensland. The Act also made amendments to the pool safety inspector licensing requirements in Chapter 8 Part 8 *Building Act 1975* by removing the concepts of eligible course provider and certificate of competency and instead requiring inspectors to complete a training course approved by the Pool Safety Council.

The objective of the Regulation is to ensure that Queensland's subordinate legislation is consistent with Queensland and national VET legislation following the referral of power.

The Regulation will also index the fee for recognition of a vocational placement scheme under the *Vocational Education, Training and Employment Regulation 2000* in accordance with the Queensland Government's policy on indexation of fees and charges.

Achievement of policy objectives

The Regulation achieves the policy objectives by:

- repealing part 2 of the *Vocational Education, Training and Employment Regulation 2000*, which deals with the regulation of VET courses and RTOs, and the associated fees in the schedule;
- amending subordinate legislation to ensure the definitions of key VET terms such as registered training organisation, qualification and statement of attainment are consistent with the *Vocational Education, Training and Employment Act 2000* and new National VET legislation;
- replacing references to TERC with Skills Queensland;
- removing the fees payable by eligible course providers to the Pool Safety Council under the *Building Regulation 2006* as the concept of eligible course provider has been removed from the *Building Act 1975*; and
- increasing the fee for recognition of a vocational placement scheme by 3.5% in accordance with Queensland Government policy.

Consistency with policy objectives of authorising law

The Regulation is consistent with the objects of each authorising law.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Regulation will ensure that Queensland subordinate legislation is consistent with Queensland and National VET legislation following the referral of power.

There are minimal costs incurred in implementing the changes in terminology in this amendment regulation. These costs will be met within existing departmental budgets.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

The President of the Industrial Relations Tribunal consented to the amendment of the *Industrial Relations (Tribunals) Rules 2011*.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Education, Training and Employment.