

VOCATIONAL EDUCATION AND TRAINING (COMMONWEALTH POWERS) BILL 2011

CLAUSE NOTES

Clause 1	Short title Standard clause providing the short title by which the Act may be cited.
Clause 2	Commencement Provides for The Act to commence on a day to be proclaimed.
Clause 3	Interpretation Provides definitions for terms used in the Bill.
Clause 4	Continuing VET matters Subsection 1 lists those matters (continuing VET matters) in respect of which the Commonwealth Parliament may amend the national VET legislation*. Subsection 2 lists matters that are expressly excluded from the amendment powers of the Commonwealth Parliament.
Clause 5	Adoption of national VET legislation Provides for the adoption by Tasmania of the <i>National Vocational Education and Training Regulator Act 2011</i> of the Commonwealth and the <i>National Vocational Education and Training Regulator (Transitional Provisions) Act 2011</i> of the Commonwealth (adoption reference*). This has the effect of referring Tasmania's Constitutional powers concerning regulation of aspects of vocational education and training, as specified in Clause 4, to the Commonwealth. Subsection 2 provides for a commencement date and a termination date for the adoption reference to be determined.
Clause 6	Reference of continuing VET matters Provides for the 'continuing VET matters' listed in Clause 4 to be referred to the Commonwealth Parliament (amendment reference*). Subsection 3 provides for a commencement date and a termination date for the amendment reference* to be determined.
Clause 7	Amendment of Commonwealth law Makes clear the intention of the Tasmanian Parliament to empower the Commonwealth Parliament to amend the national VET legislation by referral of State powers under the provisions of S52(xxxvii) of the Commonwealth Constitution; and to make national VET instruments (regulations etc) that affect the operation of the national VET legislation.

Clause 8	Termination of adoption and amendment reference Sets out the terms under which the adoption reference* and amendment reference* may be terminated.
Clause 9	Effect of termination of amendment reference before termination of adoption Makes clear the intention of the Tasmanian Parliament that if the amendment reference* is terminated before the adoption reference* is terminated, amendments and legislative instruments made before the termination of the amendment reference* remain in effect.
Clause 10	Provision of information and assistance to National VET Regulator Empowers the Tasmanian Qualifications Authority to provide information and assistance to the National VET Regulator*.
Clause 11	Administration of Act Provides for the administration of this Act to be assigned to the Minister for Education and Skills; and for the Department of Education to be the department responsible to the Minister in relation to the administration of this Act.
Clause 12	Consequential amendments Provides for amendments to be made to other Tasmanian legislation as specified in Schedule 1.
Schedule 1	Consequential amendments Provides for consequential amendments to be made as specified in the Schedule. The amendments provide for the <i>Vocational Education and Training Act 1994</i> and the <i>Tasmanian Qualifications Act 2003</i> and other State Acts and Regulations to be amended, for the most part by omitting or amending provisions and references that will be redundant following proclamation of the <i>Vocational Education and Training (Commonwealth Powers) Act 2011</i> . A provision is also included that will empower the Tasmanian Qualifications Authority to continue to require registered training organisations operating in Tasmania to provide details of student attainment so that the Authority can fulfil its function of providing 'consolidated statements of qualifications' to individuals.

***NOTES**

National VET legislation: The *National Vocational Education and Training Regulator Act 2011* of the Commonwealth and the *National Vocational Education and Training Regulator (Transitional Provisions) Act 2011* of the Commonwealth

Adoption reference: The adoption by the Tasmanian Parliament of the national VET legislation

Amendment reference: The referral of specified powers of the Tasmanian Parliament to enable the Commonwealth Parliament to amend the national VET legislation and to make legislative instruments that affect the operation of the national VET legislation (as provided and circumscribed by Clauses 4 and 6)

National VET Regulator: the National VET Regulator as established by the national VET legislation