

2008

The Legislative Assembly for the Australian Capital Territory

**Training and Tertiary Education Amendment Regulation
2008 (No 1)**

Explanatory Statement

SL2008-26

Circulated by the authority of

Andrew Barr MLA

Minister for Education and Training

Australian Capital Territory

Training and Tertiary Education Amendment Regulation 2008 (No 1)

Subordinate law SL2008–26

made under the

Training and Tertiary Education Act 2003, section 113 (Regulation-making power)

EXPLANATORY STATEMENT

Authority

This Regulation is authorised by section 113 of the *Training and Tertiary Education Act 2003* (the Act).

Background

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In November 2006, the Ministerial Council for Vocational and Technical Education (MCVTE) agreed to delegate the statutory powers and functions necessary to enable the ministerial company, Technical and Vocational Education and Training Australia Limited (TVET Australia), to provide consistent registration, audit and approval services for multi-jurisdictional registered training organisations (RTOs) under both the Australian Quality Training Framework 2007 and the *Education Services for Overseas Students Act 2000*.

The *Training and Tertiary Education (Accreditation and Registration Council) Direction 2008*, made under Section 9 (Ministerial directions to council) of the Act, directed the ACT Accreditation and Registration Council (the council) to delegate registration and audit functions to the National Audit and Registration Agency (NARA) within TVET Australia.

Section 10(d) of the Act provides that the council may delegate the exercise of its functions to a person or committee prescribed under the regulations.

Purpose

This amendment regulation amends Section 4 of the *Training and Tertiary Education Regulation 2004* to insert Section 4A. The new section provides for the council to delegate the exercise of its functions under the Act to TVET Australia, or an officer or employee of TVET Australia.

Details

A detailed explanation of each clause of the amendment regulation follows.

Clause 1 Name of regulation

The first section of the Regulation specifies that the name of the regulation is the *Training and Tertiary Education Amendment Regulation 2008 (No 1)*. The Regulation amends the *Training and Tertiary Education Regulation 2004*, which is the subordinate law to the *Training and Tertiary Education Act 2003*.

Clause 2 Commencement

Under this clause, this Regulation will commence on the day after the date it is notified on the ACT Legislation Register.

Clause 3 Legislation amended

This provision provides that this Regulation amends the *Training and Tertiary Education Regulation 2004*.

Clause 4 New section 4A

This clause inserts a new section into the *Training and Tertiary Education Regulation 2004*. The new section prescribes that the ACT Accreditation and Registration Council may delegate to Technical and Vocational Education and Training Australia Limited (ACN 062 758 632) (TVET Australia), or an officer or employee of TVET Australia, under section 10(d) of the *Training and Tertiary Education Act 2003*.