



Australian National Training Authority Amendment Act 1999

No. 135, 1999

***An Act to amend the *Australian National Training
Authority Act 1992*, and for other purposes***

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No. 135, 1999

An Act to amend the *Australian National Training Authority Act 1992*, and for other purposes

[Assented to 21 October 1999]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Australian National Training Authority Amendment Act 1999*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

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- (2) Item 17 in Schedule 1 is taken to have commenced on 21 December 1992, immediately after the commencement of the *Australian National Training Authority Act 1992*.

3 Schedule(s)

Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Australian National Training Authority Act 1992

1 Section 3

Omit “Statement” (wherever occurring), substitute “Agreement”.

2 Subsection 4(1)

Insert:

Agreement means:

- (a) the Australian National Training Authority Agreement (a copy of which is set out in Schedule 1) that was endorsed by the Ministerial Council on 14 November 1997 and was afterwards approved by the Commonwealth and the States; or
- (b) if that Agreement is amended—that Agreement as so amended.

3 Subsection 4(1)

Insert:

annual VET plan has the same meaning as in the Agreement.

4 Subsection 4(1) (definition of *industry training advisory body*)

Omit “Statement”, substitute “Agreement”.

5 Subsection 4(1) (definition of *Ministerial Council*)

Repeal the definition, substitute:

Ministerial Council means:

- (a) if the expression is used in respect of a time before the commencement of this definition—a Council consisting of the Ministers from each State and the Commonwealth responsible for vocational education and training as that Council operated in accordance with the Statement; or
- (b) if the expression is used in respect of a time after that commencement—a Council consisting of the Ministers from

each State and the Commonwealth responsible for vocational education and training as that Council operates in accordance with the Agreement.

6 Subsection 4(1) (definition of *national strategic plan*)

Repeal the definition.

7 Subsection 4(1)

Insert:

national strategy has the same meaning as in the Agreement.

8 Subsection 4(1) (definition of *Statement*)

Omit “(a copy of which is set out in the Schedule)”.

9 Subsection 4(1) (definition of *State training profile*)

Repeal the definition.

10 Subsection 4(2)

Omit “Statement”, substitute “Agreement”.

11 Paragraph 6(1)(a)

Omit “Statement”, substitute “Agreement”.

12 Paragraph 6(2)(a)

Omit “draft national strategic plans”, substitute “a draft national strategy”.

13 Paragraph 6(2)(e)

Omit “State training profiles for submission by the Authority to the Council in accordance with the Statement”, substitute “State annual VET plans for submission by the Authority to the Council in accordance with the Agreement”.

14 Subsection 6(4)

Omit “Statement”, substitute “Agreement”.

15 Subsection 14(1)

Omit “(5)”, substitute “(3)”.

16 Subsections 14(3), (4) and (5)

Repeal the subsections, substitute:

- (3) No amount is to be paid by the Authority to a State under subsection (1) for expenditure other than expenditure on national programs or national projects unless the State annual VET plan for that year has been approved by the Ministerial Council.

17 At the end of Part 5

Add:

23A Exemption from certain taxes

The Authority is not liable to pay tax under any law of a State.

18 Saving

- (1) Any declaration, determination, requirement, guideline, nomination, recommendation or appointment made, any direction, consent or approval given, or any other thing done, by the Ministerial Council or by the Chairperson of that Council under the *Australian National Training Authority Act 1992* that had effect for the purposes of that Act immediately before the commencement of this section has the corresponding effect for the purposes of that Act as amended by this Act as if it had been made, given or done by the Ministerial Council or the Chairperson of the Ministerial Council under that Act as so amended.
- (2) Any recommendation, advice, report or submission made or given to, or any other thing done in relation to, the Ministerial Council, under the *Australian National Training Authority Act 1992* that had effect for the purposes of that Act immediately before the commencement of this section has the corresponding effect for the purposes of that Act as amended by this Act as if it had been made or given to, or done in relation to, the Ministerial Council under that Act as so amended.

19 Schedule

Repeal the Schedule, substitute:

Schedule 1—Australian National Training Authority Agreement

This Agreement between the Commonwealth, State and Territory Ministers responsible for vocational education and training applies in respect of the years 1998 to 2000 inclusive.

PURPOSE

1. Vocational education and training is integral to the development of an Australian workforce with the range and depth of skills necessary to increase the productivity and competitiveness of Australian industry.
2. The purpose of this Agreement is to create the basis for a joint partnership between governments and with industry through the development and refinement of a national vocational education and training (VET) system which will:
 - i. build a leadership role for industry in national VET decision-making, planning and advisory processes;
 - ii. enhance the national recognition framework through national co-operative action;
 - iii. achieve the development of a skilled Australian community, including by working with the school sector to expand vocational education and training opportunities in schools and working with the higher education sector to improve pathways, and expanding apprenticeship and traineeship opportunities;
 - iv. increase opportunities and employment outcomes for individuals;
 - v. define national priorities and outcomes to guide State and Territory directions in the delivery of VET;
 - vi. encourage the development of an effective and competitive training market including through an appropriate framework for competency standards, recognition and qualifications;

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- vii. encourage a training culture in Australian enterprises and throughout the Australian community; and
 - viii. improve the efficiency of the provision of VET around Australia.
3. The underpinning principles to a national approach to VET are:
- i. a spirit of co-operation and a commitment to partnership at a national level by States, Territory and Commonwealth Governments working closely with industry as a key stakeholder;
 - ii. a key role for industry in providing leadership and advice, particularly in relation to the ongoing development of the National Training Framework;
 - iii. a recognition of the individual needs and characteristics of States and Territories within the context of the need for a national approach to VET;
 - iv. promotion of clear, nationally shared objectives and goals for VET;
 - v. clearly defined and complementary roles and responsibilities for all stakeholders; and
 - vi. transparent and accountable funding arrangements and relationships which reflect the principle of achieving growth through efficiencies.

KEY OBJECTIVES

4. The key objectives of a national system for VET are:
- i. to equip Australians effectively for the world of work;
 - ii. to enhance mobility in the labour market;
 - iii. to overcome the skill development and recognition problems for target groups;
 - iv. to provide maximum value for public expenditure; and
 - v. to increase investment in training by industry.

ROLES AND RESPONSIBILITIES

5. Noting the need to implement arrangements to avoid duplication and overlap, the following roles and responsibilities are agreed.

ANTA Ministerial Council

6. The Australian National Training Authority (ANTA) Ministerial Council (MINCO) will be the peak national decision making body for vocational education and training. MINCO will maintain a full national co-operative agenda and process.

7. The Council will consist of the Ministers from each State and Territory and the Commonwealth responsible for VET and will be chaired by the Commonwealth.

8. Each State and Territory will have one vote and the Commonwealth will have two votes and a casting vote. All matters will be decided by a simple majority.

9. The functions of the Ministerial Council will include overseeing ANTA and decision making on national strategic policy and planning, including funding, and national objectives and priorities. Other functions of MINCO will include:

- a) agreeing on necessary Commonwealth and State/Territory legislation establishing ANTA and defining the relationship between ANTA, the Ministerial Council and State training agencies;
- b) deciding on the appointment of members of the ANTA Board and their removal;
- c) deciding on the appointment of the chairperson and deputy chairperson of the ANTA Board;
- d) endorsing an annual plan for ANTA, which includes planning for efficiencies, work priorities and its proposed expenditure;
- e) determining national objectives and priorities for vocational education and training;
- f) determining the National Strategy based on advice from ANTA, consistent with agreed national objectives and priorities;
- g) determining, in the context of the National Strategy, the principles to be applied for the allocation of funding between States/Territories and for any national programs;

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- h) identifying and planning for future growth requirements, including demographic growth, and requirements arising from major changes in factors affecting demand;
 - i) agreeing planning arrangements for the delivery of vocational education and training nationally;
 - j) ensuring that ANTA operates in an effective and efficient manner;
 - k) resolving any dispute between ANTA and a State/Territory training agency or any other issue raised by a Minister;
 - l) giving references to ANTA on other issues of training policy;
 - m) being accountable to the Commonwealth Parliament for the operation of ANTA and the expenditure of Commonwealth funds; and
 - n) approving the Annual National Report.

Australian National Training Authority (ANTA)

10. The ANTA Board will support MINCO in all of its functions and will have the capacity to give effect to industry-led arrangements with a strategic focus to develop and recommend on national policies and strategies, and will exercise the following core roles:

- a) development of a draft National Strategy for MINCO;
- b) provision of advice to MINCO on annual VET Plans;
- c) provision of advice to MINCO, in the context of the National Strategy, of the principles to be applied in the allocation of funding between States/Territories and the release of Commonwealth funds;
- d) provision of information and advice to MINCO to assist MINCO to identify and plan for future growth requirements, including demographic growth, and requirements arising from major changes in factors affecting demand;
- e) development, management and promotion of the national aspects of the national training framework for training recognition;
- f) policy review, evaluation and research on national priorities agreed by Ministers from time to time (ensuring that descriptions of all research documents are circulated promptly and simultaneously to all MINCO members);
- g) advising MINCO on the development of key performance measures and reporting objectives;
- h) ensuring agreed national data are generated;
- i) co-ordinating major national initiatives agreed by Ministers from time to time;

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- j) with the agreement of the Commonwealth and States/Territories, facilitating co-operation between State/Territory systems and, where appropriate, the Commonwealth on specific matters agreed from time to time; and
 - k) administration of arrangements for payment of Commonwealth funds to the States and Territories.

11. In discharging its core roles ANTA will consult extensively with relevant stakeholders, and work closely with State/Territory training authorities.

12. The Chair of the ANTA Board will be the principal point of contact between the ANTA Board and members of MINCO.

13. The Board will act as an advocate for encouraging industry investment and involvement in training.

14. Appointment of members to the Board will be determined by MINCO. The composition of the Board will include one large State and one small State/Territory training agency industry representative. The structure of the Board will be reviewed by MINCO at the end of 1998.

15. The ANTA Board will be the accountable authority for its staff and resources and be responsible to MINCO.

State/Territory Training Agencies

16. The principal role of State/Territory training agencies will be to address, within the national framework, training needs and priorities of industry and the community within their State/Territory. In addition to their State/Territory based roles and responsibilities, State/Territory training agencies will be committed to and actively involved in the national VET system through:

- a) providing advice to their respective Ministers on significant aspects of the national VET system;
- b) participating in the processes for the formulation of national strategic policy, national planning and national objectives and priorities;
- c) implementing agreed national priorities and initiatives within the context of State/Territory needs and priorities;
- d) administering the national training framework within the State/Territory;

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- e) consulting with and supporting industry networks at the State/Territory level; and
 - f) providing advice to the Minister on resource allocation at the State/Territory level and ensuring the effective operation of the training market within the State/Territory.

Commonwealth Agency Responsible for VET

17. The Commonwealth department responsible for vocational education and training will have the following role in the national VET system:

- a) ensuring that VET is responsive to emerging national economic and social priorities including linkages between skill formation and migration policy and administration;
- b) providing advice to Commonwealth Ministers on all aspects of the national VET system;
- c) participation in the processes for the formulation of national strategic policy, national planning and national objectives and priorities;
- d) administering arrangements for accountability to the Commonwealth Parliament on Commonwealth VET expenditures;
- e) advising the Commonwealth Government on determining the global level of Commonwealth resources for the VET sector;
- f) management of Australia's bilateral relationships with counterpart Governmental agencies, and of Australia's participation in relevant international organisations;
- g) facilitation, with the States/Territories, of co-operation between education and training providers in international marketing;
- h) co-ordinating training aspects of labour market programs within the national VET system planning processes; and
- i) encouraging clear and improved pathways between educational sectors by the provision of advice on linkages between schools, VET and higher education.

PLANNING AND ACCOUNTABILITY ARRANGEMENTS

18. The planning and accountability arrangements for the national VET system will include the following:

National Strategy

19. The National Strategy will be a medium term strategic document which focuses on the operation of the national training framework, national objectives, policies, priorities and initiatives. The Strategy will also identify agreed key performance measures for the system.

20. A draft Strategy will be developed by ANTA in consultation with all stakeholders for consideration and approval by MINCO.

Annual National Priorities

21. A national priorities document will be prepared which provides an annual statement of agreed national priorities based on the National Strategy. This document will identify agreed national priorities for VET together with agreed outputs/outcomes.

22. The priorities document will be developed by ANTA, in consultation with the Commonwealth, States/Territories and key industry parties, for consideration and approval by MINCO.

State/Territory Planning Arrangements, within the National Response to Annual National Priorities and National Strategy

23. Within the national planning arrangements the content of State/Territory VET planning documents will be a matter for each individual State/Territory to determine. There will, however, be a requirement for States/Territories to respond to the agreed Annual National Priorities and to report on progress against the National Strategy.

24. Each State/Territory will provide an Annual VET Plan for MINCO.

25. Each Annual VET Plan will include the State/Territory's response to the Annual National Priorities and a report of progress against the National Strategy. It will also include an activity table which shows the distribution of VET activity to be achieved annually by industry and level of training. The Annual VET Plan will include an agreed use of Australian Vocational Education and Training Management Information and Statistical Standards (AVETMISS).

26. State/Territory Annual VET Plans will be considered and agreed by MINCO, acting with the advice of the ANTA Board.

Annual National Report

27. The Annual National Report will provide the basis for reporting against the National Strategy and national priorities, including against the agreed key performance measures.

28. The report will be the mechanism for reporting to the Commonwealth Parliament on the operation of the national VET system.

FUNDING

29. The Commonwealth and the States/Territories will continue to provide funding stability for the national VET system and growth will be achieved through efficiencies. To this end the Commonwealth will maintain current levels of funding in real terms for the duration of this Agreement and States/Territories agree to maintain outputs or outcomes, to be measured on a basis agreed by the Ministerial Council, over the life of the Agreement.

30. The Commonwealth's commitment to maintain current levels of funding in real terms applies to the funding appropriated under the Vocational Education and Training Funding Act 1992 in respect of 1998, amounting to \$890.585 million.

31. ANTA MINCO will, on the basis of advice from ANTA in consultation with States/Territories and the Commonwealth, identify efficiencies to assist in releasing funds for growth and system enhancements. Each State/Territory will negotiate bilaterally with ANTA on the scope for growth recognising the capacity for efficiencies within individual States/Territories in the short and medium term and relative cost structures. MINCO will agree the process and guidelines for these bilateral discussions and will agree the outcomes of the discussions.

32. Commonwealth funds will be released on the advice of MINCO following MINCO consideration of and agreement to the State/Territory Annual VET Plans.

Schedule 2—Amendment of the Vocational Education and Training Funding Act 1992

1 Section 9 (table)

Omit:

1998	\$869,039,000
1999	\$869,039,000

substitute:

1998	\$904,144,000
1999	\$904,144,000

2 Section 9A (table)

Omit:

1998	\$21,546,000
1999	\$21,546,000

*[Minister's second reading speech made in—
House of Representatives on 12 November 1998
Senate on 10 December 1998]*

(135/98)

