



# **Australian National Training Authority Amendment Act (No. 2) 1993**

**No. 111 of 1993**

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## **An Act to amend the *Australian National Training Authority Act 1992***

*[Assented to 24 December 1993]*

The Parliament of Australia enacts:

### **Short title etc.**

**1.(1)** This Act may be cited as the *Australian National Training Authority Amendment Act (No. 2) 1993*.

**(2)** In this Act, “**Principal Act**” means the *Australian National Training Authority Act 1992*<sup>1</sup>.

### **Commencement**

**2.** This Act commences on the day on which it receives the Royal Assent.

*Australian National Training Authority  
Amendment (No. 2) No. 111, 1993*

**Interpretation**

3. Section 4 of the Principal Act is amended by omitting from the definition of “year” in subsection (1) “means” and substituting “, except in section 27, means”.

4. The following section is inserted in Part 8 of the Principal Act immediately before section 48:

**Transfer of administration of certain national programs to the Authority**

“47A.(1) In this section:

**‘agreement’** includes contract;

**‘transfer day’**, in relation to a particular transferred agreement, means the day on which a declaration under subsection (2) relating to that agreement takes effect;

**‘transferred agreement’** means an agreement specified in a declaration under subsection (2).

“(2) The Minister may declare in writing:

- (a) that a specified agreement entered into by the Commonwealth was made for the purposes of a specified national program; and
- (b) that this section is to apply to the agreement.

“(3) The day on which a declaration under subsection (2) takes effect is ascertained in the following way:

- (a) if the declaration relating to the agreement is expressed to take effect on a specified day, the transfer day is:
  - (i) that day; or
  - (ii) the day on which a copy of the declaration is given by the Commonwealth to the other party to the agreement;

whichever is the later;

- (b) if the declaration is not so expressed, the transfer day is the day on which a copy of the declaration is given by the Commonwealth to the other party to the agreement.

“(4) A copy of a declaration may be given to a person by post.

“(5) On and after the transfer day, a transferred agreement has effect as if:

- (a) the Authority were a party to the agreement instead of the Commonwealth; and
- (b) any reference in the agreement to the Commonwealth in its capacity as a party to the agreement were a reference to the Authority; and

*Australian National Training Authority  
Amendment (No. 2) No. 111, 1993*

- (c) any reference in the agreement to the Department of Employment, Education and Training (however expressed) were a reference to the Authority; and
  - (d) any reference in the agreement to an officer of that Department were a reference to the Chief Executive Officer of the Authority; and
  - (e) anything done by or for the Commonwealth, before the transfer day, in connection with the agreement had been done by the Authority; and
  - (f) any payment made to the Commonwealth, before the transfer day, in connection with the agreement had been made to the Authority.
- “(6) The Minister may delegate the power conferred by subsection (2) to the Secretary to the Department.”
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**NOTE**

1. No. 203, 1992, as amended by No. 4, 1993.

*[Minister's second reading speech made in—  
House of Representatives on 7 September 1993  
Senate on 21 October 1993]*