



Vocational Education and Training Funding Laws Amendment Act 1993

No. 119 of 1993

**An Act to amend certain laws relating to vocational
education and training**

[Assented to 24 December 1993]

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Vocational Education and Training Funding Laws Amendment Act 1993*.

Commencement

2.(1) This Act, except for Division 1 of Part 2, section 11 and Schedule 2, commences on the day on which it receives the Royal Assent.

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(2) Subject to subsection (3), Division 1 of Part 2, section 11 and Schedule 2 commence on the day on which Part 3 of the *Vocational Education and Training Funding Act 1992* commences or on the day on which this Act receives the Royal Assent, whichever is the later.

(3) If the commencement referred to in subsection (2) is not before 1 January 1994, Division 1 of Part 2, section 11 and Schedule 2 are repealed on that day.

**PART 2—AMENDMENTS ALLOWING MINISTER TO
WITHHOLD CERTAIN VOCATIONAL EDUCATION AND
TRAINING FUNDING**

*Division 1—Amendment of the Vocational Education and Training
Funding Act 1992*

Principal Act

3. In this Division, “**Principal Act**” means the *Vocational Education and Training Funding Act 1992*¹.

Interpretation

4. Section 8 of the Principal Act is amended by omitting the definition of “State”.

Funds for allocation by the Authority

5. Section 9 of the Principal Act is amended by omitting subsection (2).

*Division 2—Amendment of the Australian National Training
Authority Act 1992*

Principal Act

6. In this Division, “**Principal Act**” means the *Australian National Training Authority Act 1992*².

Allocation of funds by the Authority

7. Section 13 of the Principal Act is amended by omitting from subsection (9) “section 14” and substituting “sections 14 and 14A”.

Payment of funds by the Authority

8. Section 14 of the Principal Act is amended by adding at the end the following subsection:

“(7) This section has effect subject to section 14A.”.

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9. After section 14 of the Principal Act the following section is inserted:

Commonwealth Minister may restrict amount payable to a State

“14A.(1) This section applies in respect of the year 1994 and the year 1995.

“(2) Subject to subsections (3) and (4), the Minister may, by written notice given to the Authority before the start of a year, direct that the Authority must not allocate or pay any, or more than a specified amount, of the VET funding (including funds for expenditure on national projects or for expenditure of a capital nature) available for allocation by the Authority in respect of the year to a particular State.

“(3) The Minister may give a notice under subsection (2) only if, in the Minister’s opinion, the State has failed to comply with the Statement.

“(4) Before forming an opinion under subsection (3) the Minister must seek, and have regard to, any advice provided by the Authority.

“(5) The Minister must not amend or vary a notice given under subsection (2) so as to reduce an amount specified in the notice.

“(6) The Authority must comply with a direction in a notice given under subsection (2).”.

**PART 3—AMENDMENTS RELATING TO CHANGES IN
FUNDING LEVELS**

Amendment of the *States Grants (TAFE Assistance) Act 1989*

10. The *States Grants (TAFE Assistance) Act 1989* is amended as set out in Schedule 1.

Amendment of the *Vocational Education and Training Funding Act 1992*

11. The *Vocational Education and Training Funding Act 1992* is amended as set out in Schedule 2.

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SCHEDULE 1

Section 10

**AMENDMENT OF THE STATES GRANTS (TAFE ASSISTANCE)
ACT 1989**

Paragraph 10(3)(e):

Omit "\$423,289,000", substitute "\$420,582,000".

Paragraph 10(3)(f):

Omit "\$502,319,000", substitute "\$501,363,000".

Paragraph 13(3)(d):

Omit "\$207,506,000", substitute "\$218,378,000".

Paragraph 13(3)(e):

Omit "\$207,506,000", substitute "\$218,378,000".

Paragraph 13(3)(f):

Omit "\$207,506,000", substitute "\$218,378,000".

SCHEDULE 2

Section 11

**AMENDMENT OF THE VOCATIONAL EDUCATION AND
TRAINING FUNDING ACT 1992**

Paragraph 9(1)(a):

Omit "\$630,795,000", substitute "\$638,960,000".

Paragraph 9(1)(b):

Omit "\$709,825,000", substitute "\$719,741,000".

NOTES

1. No. 152 of 1992, as amended.
2. No. 203 of 1992, as amended. For previous amendments see No. 4, 1993.

[Minister's second reading speech made in—

House of Representatives on 29 September 1993

Senate on 26 October 1993]