Vocational Education and Training Funding Act 1992

Act No. 152 of 1992 as amended

This compilation was prepared on 17 October 2003
taking into account amendments up to Act No. 100 of 2003

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting,
Attorney-General’s Department, Canberra
Contents

Part 1—Preliminary

1 Short title [see Note 1] ................................................................. 1
2 Commencement [see Note 1] ....................................................... 1

Part 2—Amendments of the States Grants (TAFE Assistance) Act 1989

Part 3—Funding of vocational education and training through Australian National Training Authority

8 Interpretation ................................................................................ 3
9 General funds for allocation by the Authority.............................. 3
9A Additional funds for allocation by the Authority if numbers trained in States under certain schemes increases .......................... 4
9AB Additional funds for allocation by the Authority if State complies with ANTA agreement .................................................. 5
9B Minister may vary determinations ................................................. 6
10 Source of payments to the Authority .......................................... 6
11 Authority to borrow ................................................................... 6
12 Application of amounts borrowed ............................................. 6
13 Reimbursement of Consolidated Revenue Fund ....................... 6
14 Appropriation ............................................................................ 7

Notes ..................................................................................... 9
An Act to amend the *States Grants (TAFE Assistance) Act 1989*, to make provision for the funding of vocational education and training after 1993, and for related purposes

**Part 1—Preliminary**

1 *Short title* [see Note 1]

This Act may be cited as the *Vocational Education and Training Funding Act 1992*.

2 *Commencement* [see Note 1]

(1) This Act, except for Part 3, commences on the day on which it receives the Royal Assent.

(2) Subject to subsection (3), Part 3 commences on a day to be fixed by Proclamation, being a day not earlier than the day on which the *Australian National Training Authority Act 1992* commences and not later than 31 December 1993.

(3) If the commencement of Part 3 is not fixed by a Proclamation published in the *Gazette* before 31 December 1993, Part 3 is repealed on that day.
Part 2—Amendments of the States Grants (TAFE Assistance) Act 1989

Sections 3-7

Note:
The amendments made by this Part are incorporated in the compilation on SCALEplus.
For access to the wording of the amendments made by this Part, see Act No. 152, 1992.
Part 3—Funding of vocational education and training through Australian National Training Authority

8 Interpretation

In this Part:

Authority means the Australian National Training Authority.

State includes the Australian Capital Territory and the Northern Territory.

9 General funds for allocation by the Authority

There is payable to the Authority, for allocation under the Australian National Training Authority Act 1992 in respect of each calendar year specified in the table below, an amount determined by the Minister for that year. This amount must not exceed the limit for that year specified in the table.

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Limit for year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>$673,612,000</td>
</tr>
<tr>
<td>1995</td>
<td>$765,180,000</td>
</tr>
<tr>
<td>1996</td>
<td>$858,057,000</td>
</tr>
<tr>
<td>1997</td>
<td>$887,717,000</td>
</tr>
<tr>
<td>1998</td>
<td>$904,144,000</td>
</tr>
<tr>
<td>1999</td>
<td>$918,352,000</td>
</tr>
<tr>
<td>2000</td>
<td>$931,415,000</td>
</tr>
<tr>
<td>2001</td>
<td>$952,745,000</td>
</tr>
<tr>
<td>2002</td>
<td>$978,781,000</td>
</tr>
<tr>
<td>2003</td>
<td>$1,014,427,000</td>
</tr>
<tr>
<td>2004</td>
<td>$1,032,797,000</td>
</tr>
</tbody>
</table>
Section 9A

9A Additional funds for allocation by the Authority if numbers trained in States under certain schemes increases

(1) If:
   (a) the Minister is satisfied that there has been an increase in the number of people receiving eligible off-the-job training in a State; and
   (b) subject to subsection (3), the Minister determines that, because of that increase, a specified amount is to be paid to the Authority in respect of the State and a calendar year specified in the table at the end of this section;

   the amount determined is payable to the Authority for allocation under the Australian National Training Authority Act 1992 in respect of the calendar year.

(2) For the purposes of subsection (1):

   eligible off-the-job training means off-the-job training under the Australian Traineeship System, under Career Start Traineeships or under National Training Wage Traineeships, that the Minister considers should be taken into account for the purposes of this section.

(3) The total of the amounts that the Minister determines in respect of a calendar year must not exceed the limit for that year specified in the table.

(4) The reference in paragraph 14(4)(b) of the Australian National Training Authority Act 1992 to VET funding paid does not include a reference to amounts paid under this section.

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Limit for year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>$12,758,000</td>
</tr>
<tr>
<td>1996</td>
<td>$22,680,000</td>
</tr>
<tr>
<td>1997</td>
<td>$21,546,000</td>
</tr>
</tbody>
</table>

Vocational Education and Training Funding Act 1992
9AB Additional funds for allocation by the Authority if State complies with ANTA agreement

(1) If:
   (a) the Commonwealth and a State approve the ANTA agreement; and
   (b) the Minister determines that the State complies with the agreement; and
   (c) the Minister determines that, because the State has complied with the agreement, a specified amount is to be paid to the Authority in respect of the State and a calendar year specified in the table at the end of this section;
the amount determined is payable to the Authority, for allocation to the State under the Australian National Training Authority Act 1992 in respect of the calendar year.

(2) In making determinations under subsection (1), the total of the amounts that the Minister determines in respect of a calendar year must not exceed the limit for that year specified in the following table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Calendar Year</th>
<th>Limit for year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2001</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>2</td>
<td>2002</td>
<td>$76,725,000</td>
</tr>
<tr>
<td>3</td>
<td>2003</td>
<td>$104,025,000</td>
</tr>
<tr>
<td>4</td>
<td>2004</td>
<td>$104,025,000</td>
</tr>
</tbody>
</table>

(3) In this section:

ANTA agreement means the agreement, set out in Schedule 1 to the Australian National Training Authority Act 1992 as amended by the Vocational Education and Training Funding Act 2001, as amended from time to time.
Part 3 Funding of vocational education and training through Australian National Training Authority

Section 9B

9B Minister may vary determinations

The power of the Minister to make a determination under section 9, 9A or 9AB includes the power to vary a determination previously made under that section, whether the previous determination was made before, or is made after, the commencement of this section.

10 Source of payments to the Authority

Payments to the Authority under this Act are to be made out of the Consolidated Revenue Fund or the Loan Fund.

11 Authority to borrow

The Treasurer may, under the Commonwealth Inscribed Stock Act 1911 or an Act authorising the issue of Treasury Bills, borrow amounts that, in total, do not exceed the amounts payable to the Authority under this Act.

12 Application of amounts borrowed

Amounts borrowed under section 11 may be issued and applied only for:

(a) the expenses of borrowing; or
(b) making payments to the Authority under this Act; or
(c) making payments to the Consolidated Revenue Fund under section 13.

13 Reimbursement of Consolidated Revenue Fund

(1) If a payment under this Act has been made out of the Consolidated Revenue Fund, the Minister for Finance may authorise the payment to that Fund, out of the Loan Fund, of an amount not exceeding the payment under this Act.

(2) In any statement of the receipts and expenditure, or of the expenditure, of the Consolidated Revenue Fund prepared under section 49 of the Audit Act 1901, amounts paid to the Consolidated Revenue Fund are to be treated as payments made out of Consolidated Revenue Fund.
Section 14

Revenue Fund under subsection (1) of this section must not be shown as receipts of that Fund but must be shown as having reduced the total of the amounts spent from that Fund under this Act.

14 Appropriation

The Consolidated Revenue Fund and the Loan Fund are appropriated as necessary for the purposes of this Act.
Notes to the Vocational Education and Training Funding Act 1992

Note 1

The Vocational Education and Training Funding Act 1992 as shown in this compilation comprises Act No. 152, 1992 amended as indicated in the Tables below.

Table of Acts

<table>
<thead>
<tr>
<th>Act</th>
<th>Number and year</th>
<th>Date of Assent</th>
<th>Date of commencement</th>
<th>Application, saving or transitional provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vocational Education and Training Funding Laws Amendment Act 1993</td>
<td>119, 1993</td>
<td>24 Dec 1993</td>
<td>Ss. 3–5, 11 and Schedule 2: 31 Dec 1993 (see s. 2(2) and Gazette 1993, No. GN50) Remainder: Royal Assent</td>
<td></td>
</tr>
<tr>
<td>Australian National Training Authority Amendment Act 1999</td>
<td>135, 1999</td>
<td>21 Oct 1999</td>
<td>Schedule 2: Royal Assent (a)</td>
<td>—</td>
</tr>
</tbody>
</table>
### Table of Acts

<table>
<thead>
<tr>
<th>Act</th>
<th>Number and year</th>
<th>Date of Assent</th>
<th>Date of commencement</th>
<th>Application, saving or transitional provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vocational Education and Training Funding Amendment Act 2001</td>
<td>88, 2001</td>
<td>18 July 2001</td>
<td>18 July 2001</td>
<td>—</td>
</tr>
<tr>
<td>Vocational Education and Training Funding Amendment Act 2002</td>
<td>102, 2002</td>
<td>10 Nov 2002</td>
<td>10 Nov 2002</td>
<td>—</td>
</tr>
</tbody>
</table>
(a) The Vocational Education and Training Funding Act 1992 was amended by Schedule 2 only of the Australian National Training Authority Amendment Act 1999, subsection 2(1) of which provides as follows:

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

<table>
<thead>
<tr>
<th>Provision affected</th>
<th>How affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>S. 8</td>
<td>am. No. 119, 1993; No. 132, 1994</td>
</tr>
<tr>
<td>S. 9</td>
<td>am. No. 119, 1993; rs. No. 132, 1994; am. No. 129, 1995; No. 73, 1996; No. 156, 1997; Nos 135 and 136, 1999; No. 136, 2000; No. 88, 2001; No. 102, 2002; No. 100, 2003</td>
</tr>
<tr>
<td>S. 9A</td>
<td>ad. No. 132, 1994</td>
</tr>
<tr>
<td>S. 9AB</td>
<td>ad. No. 88, 2001; am. No. 102, 2002; No. 100, 2003</td>
</tr>
<tr>
<td>S. 9B</td>
<td>ad. No. 129, 1995; am. No. 88, 2001</td>
</tr>
<tr>
<td>Ss. 10–13</td>
<td>am. No. 132, 1994</td>
</tr>
</tbody>
</table>
Note 2

Australian National Training Authority Amendment Act 2003 (No. 98, 2003)

The following amendments commence on 1 January 2004:

Schedule 2

4 Subsection 9AB(1)

Before “ANTA agreement”, insert “applicable”.

5 Subsection 9AB(3)

Repeal the subsection, substitute:

(3) In this section:

*applicable ANTA agreement* means:

(a) for 2001, 2002 or 2003:

(i) the agreement that was set out in Schedule 1 to the
Australian National Training Authority Act 1992 (as
amended by the Vocational Education and Training
Funding Amendment Act 2001) as that Schedule was in
force before 1 January 2004; and

(ii) if the agreement was amended—that agreement as
amended from time to time; or

(b) for 2004—the Agreement as defined by subsection 4(1) of
the Australian National Training Authority Act 1992 (as
amended by the Australian National Training Authority
Amendment Act 2003).

As at 17 October 2003 the amendments are not incorporated in this compilation.