The Education and Training Legislation Repeal Bill 2017 (the Bill) repeals the following four Commonwealth Acts within the Education and Training portfolio that are either spent or redundant:

- Australian Research Council (Consequential and Transitional Provisions) Act 2001
- Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Act 2005
- Skilling Australia’s Workforce Act 2005
- Skilling Australia’s Workforce (Repeal and Transitional Provisions) Act 2005

The Bill also includes a consequential amendment to the definition of “VET provider” used in the Social Security Act 1991.

The repeal of these Acts ensures regulation is easily accessible, continues to deliver on policy outcomes and only remains in force for as long as necessary. Making regulation easily accessible means that business, individuals and community organisations spend less time trawling through regulations to find relevant and current legislation.
FINANCIAL IMPACT STATEMENT

This Bill has no financial implications.
EDUCATION AND TRAINING LEGISLATION REPEAL BILL 2017

The Education and Training Legislation Repeal Bill 2017 (Bill) is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the Bill

The Bill repeals four spent and redundant Acts in the Education and Training portfolio.

Analysis of human rights implications

Australian Research Council (Consequential and Transitional Provisions) Act 2001 (ARC C&T Act)

Item 1 of Schedule 1 repeals the ARC C&T Act. This does not engage any applicable human rights.

The ARC C&T Act was established to implement a number of government research funding initiatives announced in the 1999 policy statement Knowledge and Innovation: A policy statement on research and research training. The ARC C&T Act also repealed the Employment, Education and Training Act 1988 resulting in the constitution of the Australian Research Council under the Australian Research Council Act 2001. The ARC C&T Act outlined the transitional arrangement arising from repeal of the Employment, Education and Training Act 1988 and the commencement of the Australian Research Council Act.

The ARC C&T Act is no longer relevant to the Australian Research Council because its primary legislative purpose is obsolete and non-operational. It also refers to an outdated list of institutions and bodies as being eligible for assistance, and lists financial amounts which were made available between 2001 and 2002 for funding grants under the Higher Education Funding Act 1988.

Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Act 2005 (ATC Act)

Item 2 of Schedule 1 repeals the ATC Act. This does not engage any applicable human rights.

The ATC Act underpinned the Australian Technical Colleges program (ATC program). The ATC program was established to provide students in Years 11 and 12 with trade training pathways in several traditional trades with skill shortages, while students also completed a secondary certificate of education.
In 2007, the then government announced that ATCs would be integrated into the broader education and training system after the expiry of funding agreements on 31 December 2009. By the end of 2009, all 24 ATCs were transitioned to new arrangements. Two ATCs have subsequently ceased operations.

The ATC Act is no longer relevant as all payments, funded projects and other substantial obligations under the funding agreements entered into under the ATC Act have been completed.

**Skilling Australia’s Workforce Act 2005 (SAW Act)**

Item 3 of Schedule 1 repeals the SAW Act. This does not engage any applicable human rights.

The SAW Act governed financial grants to the states and territories to support the national training system for the years from 2005 to 2008. All payments under the SAW Act have been made, with no further financial actions needing to be undertaken. The SAW Act is now redundant and suitable for repeal.

**Skilling Australia’s Workforce (Repeal and Transitional Provisions) Act 2005 (SAW R&T Act)**

Item 4 of Schedule 1 repeals the SAW R&T Act. This does not engage any applicable human rights.

The SAW R&T Act repealed the *Australian National Training Authority Act 1992* and the *Vocational Education and Training Funding Act 1992*, thereby effecting the abolition of the Australian National Training Authority (ANTA) and the then funding arrangements for Commonwealth grants to the states and territories for vocational education and training. The SAW R&T Act also provided for transitional arrangements to enable the transfer of functions from ANTA to the then Department of Education, Science and Training.

**Social Security Act 1991**

Item 5 of Schedule 1 amends the definition of “VET provider” in the *Social Security Act 1991*. This is machinery in nature due to the repeal of the SAW Act by item 3 of Schedule 1 and does not engage any applicable human rights.

**Conclusion**

The Bill is compatible with human rights.
EDUCATION AND TRAINING LEGISLATION
REPEAL BILL 2017

NOTES ON CLAUSES

Clause 1 - Short title

This clause provides for the Act to be the Education and Training Legislation Repeal Act 2017.

Clause 2 - Commencement

The table in subclause 2(1) sets out when the Act’s provisions will commence. The table provides that the whole of the Act will commence the day after the Act receives the Royal Assent.

Subclause 2(2) provides that information in column 3 of the table at subclause 2(1) is not part of the Act and information may be inserted into column 3 or information in it may be edited in any published version of the Act.

Clause 3 - Schedules

This clause provides that any legislation that is specified in a schedule is amended or repealed as set out in the applicable items in the schedule and that any other item in a schedule has effect according to its terms.

List of abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>ARC C&amp;T Act</td>
<td>Australian Research Council (Consequential and Transitional Provisions) Act 2001</td>
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<td>ATC Act</td>
<td>Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Act 2005</td>
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<td>SAW R&amp;T Act</td>
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<td>SS Act</td>
<td>Social Security Act 1991</td>
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Schedule 1  Repeals of Acts

Summary

This Schedule repeals four redundant Acts administered by the Education and Training portfolio and makes a consequential amendment to the SS Act.

Detailed explanation

Part 1 – Repeals

*Australian Research Council (Consequential and Transitional Provisions) Act 2001*

Item 1 – The whole of the Act

This item repeals the ARC C&T Act.

The ARC C&T Act was established to implement a number of government research funding initiatives announced in the 1999 policy statement *Knowledge and Innovation: A policy statement on research and research training.*

The ARC C&T Act also repealed the *Employment, Education and Training Act 1988*, resulting in the constitution of the Australian Research Council under the *Australian Research Council Act 2001*. The ARC C&T Act outlined the transitional arrangement arising from repeal of the *Employment, Education and Training Act 1988* and the commencement of the Australian Research Council Act.

The ARC C&T Act is no longer relevant to the Australian Research Council because its primary legislative purpose is obsolete and non-operational. It also refers to an outdated list of institutions and bodies as being eligible for assistance, and lists financial amounts which were made available between 2001 and 2002 for funding grants under the *Higher Education Funding Act 1988*.

The ARC C&T Act is now redundant and suitable for repeal.

*Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Act 2005*

Item 2 – The whole of the Act

This item repeals the ATC Act.

The ATC Act underpinned the Australian Technical Colleges program (ATC program). The ATC program was established to provide students in Years 11 and 12 with trade training pathways in several traditional trades with skill shortages, while students also completed a secondary certificate of education.
In 2007, the then government announced that ATCs would be integrated into the broader education and training system after the expiry of funding agreements on 31 December 2009. By the end of 2009, all 24 ATCs were transitioned to new arrangements. Two ATCs have subsequently ceased operations.

The ATC Act is now redundant and suitable for repeal.

**Skilling Australia’s Workforce Act 2005**

**Item 3 – The whole of the Act**

This item repeals the SAW Act.

The SAW Act governed financial grants to the states and territories to support the national training system for the years from 2005 to 2008. All payments under the SAW Act have been made, with no further financial actions needing to be undertaken.

The SAW Act is now redundant and suitable for repeal.

**Skilling Australia’s Workforce (Repeal and Transitional Provisions) Act 2005**

**Item 4 – The whole of the Act**

This item repeals the SAW R&T Act.

The SAW R&T Act repealed the Australian National Training Authority Act 1992 and the Vocational Education and Training Funding Act 1992, thereby effecting the abolition of the Australian National Training Authority (ANTA) and the then funding arrangements for Commonwealth grants to the states and territories for vocational education and training. The SAW R&T Act also provided for transitional arrangements to enable the transfer of functions from ANTA to the then Department of Education, Science and Training, including the transfer of assets, liabilities and records.

The SAW R&T Act is now redundant and suitable for repeal.

**Part 2 – Consequential amendments**

**Social Security Act 1991**

**Item 5 – Subsection 23(1) (definition of VET provider)**

This item amends subsection 23(1) of the SS Act to substitute the reference to the SAW Act in the current definition of VET provider with a reference to the National Vocational Education and Training Regulator Act 2011. This amendment is consequential to the repeal of the SAW Act by item 3 of this Schedule.
Part 3 – Saving and application provisions

Item 6 – Saving provision

This item provides that, notwithstanding the repeal of the ATC Act made by Part 1 of this Schedule:

- any agreements that were still in force under Part 2 of the ATC Act immediately before this item commences (i.e. prior to the day after this Act receives the Royal Assent), continue in force after the commencement date
- the ATC Act, as in force immediately before that commencement, continues to apply on and after that commencement with respect to any such Part 2 agreements.

Item 7 – Transitional rules

Subitem 7(1) provides that the Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Schedule.

Subitem 7(2) provides limits and safeguards on the Minister’s transitional rule-making power. That is, the transitional rules may not create an offence or civil penalty; provide powers of arrest or detention, or of entry, search or seizure; impose a tax; set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act; or directly amend the text of this Schedule.

Subitem 7(3) provides that, apart from the limitations contained in subitem 7(2), this Schedule does not limit the rules that may be made for the purposes of subitem 7(1).

As all the Acts to be repealed by this Bill are considered redundant, it is not currently envisaged that there will be any need for the Minister to subsequently make any rules of a transitional nature. The transitional rule making power is included, however, in the unlikely event an unforeseen matter were to arise in the future requiring a rule to be made to deal with the matter. Any rules made would be subject to Parliamentary oversight through the disallowance process.