EXPLANATORY STATEMENT

Proclamation

Issued by the Authority of the Minister for Tertiary Education, Skills, Jobs and Workplace Relations

National Vocational Education and Training Regulator Act 2011

Subsection 2(1) of the National Vocational Education and Training Regulator Act 2011 (the Act) provides, in part, that sections 3 to 15 of the Act shall commence on a day to be fixed by Proclamation or if any of the provision(s) do not commence within the period of six (6) months beginning on the day the Act receives the Royal Assent, they commence on the day after the end of that period.

The purpose of the Proclamation is to fix 1 July 2011 as the day on which sections 3 to 15 of the Act commence.

The Act provides for the establishment of a national regulator for the vocational education and training sector.

Sections 1 and 2 of the Act, providing for the short title and the commencement provisions of the Act, commenced on Royal Assent which was 12 April 2011. Sections 3 to 15 of the Act comprise the majority of Part 1 of the Act. The balance of the Act, Parts 2 to 12, shall commence at the same time as sections 3 to 15.

Part 1 of the Act covers how the Act is to be cited and when its provisions shall commence. Part 1 also defines various terms used in the Act, sets out the Constitutional basis of the Act and deals with immunity from State and Territory vocational education and training laws and the general application of the Act.

Parts 2 to 12 of the Act provide for the establishment of a national regulator for the vocational education and training sector. They also set out the regulatory framework within which the National Vocational Education and Training Regulator (NVR) will operate. The Act establishes that the NVR will derive its power from a referral of powers in referring states and from the Constitution in non-referring states and territories and that the NVR will take over the regulatory functions of state regulators in referring states and territories. In non-referring states, the NVR will have responsibility for registered training organisations which offer training to international students or which also operate in a referring state or territory.

The Proclamation is a legislative instrument for the purposes of the Legislative Instruments Act 2003.