Explanatory Statement

Determination made under subsection 7(2) the National Vocational Education and Training Regulator Act 2011

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

Subject: National Vocational Education and Training Regulator Act 2011

National Vocational Education and Training Regulator Act (Classification of States) Determination 2011

Authority

Subsection 7(2) of the National Vocational Education and Training Regulator Act 2011 (the Act) provides that the Minister may determine that, for the period of time mentioned in subsection 7(4), a State is taken not to be a non-referring State.

This instrument is known as the National Vocational Education and Training Regulator Act (Classification of States) Determination 2011 and is a legislative instrument for the purposes of the Legislative Instruments Act 2003 (LI Act). In accordance with section 44 of the LI Act, the Determination is not subject to disallowance.

Purpose and Operation

The purpose of this determination is to determine when the application of the Act takes effect in certain States. Section 8 of the Act outlines when the Act will operate in referring States and how it will operate in non-referring States. In order to allow for States that intend to refer powers, but have not done so, the Act allows for a third category (of States that intend to refer within a 12 month period from commencement).

The relevant Education Ministers for States who wish to be in this category must provide written agreement to the Minister in accordance with subsection 7(3) of the Act.

Consultation

Before the Minister made the determination, the following consultation was undertaken:

> Following the Council of Australian Governments decisions of December 2009, States who wished to refer powers indicated this.

> States (referring, non-referring and intending to refer) and the Territories were consulted on the operation of the Act.

> The relevant Education Ministers for the States to which this determination applies have given written agreement to the Minister for the purpose of subsection 7(3) of the Act.
Description of the provisions of the Instrument

Part 1—Determination

Division 1—Arrangements on commencement

1: Name of legislative instrument
Section 1 names the instrument National Vocational Education and Training Regulator Act (Classification of States) Determination 2011.

2: Commencement
Section 2 establishes that the instrument will commence on 1 July 2011 or the day after registration of the instrument on the Federal Register of Legislative Instruments, whichever is later.

3: Definitions
Section 3 defines terms that are used in the instrument.

4: Determination
Section 4 identifies the States which are covered by subsection 7(2) of the Act, and for the time period in subsection 7(4) of the Act, these States will be taken not to be non-referring States.