

# **NORTHERN TERRITORY OF AUSTRALIA**

## **NORTHERN TERRITORY EMPLOYMENT AND TRAINING ACT**

As in force at 27 October 2004

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Act as in force at 27 October 2004. Any amendments that commence after that date are not included.

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## NORTHERN TERRITORY EMPLOYMENT AND TRAINING ACT

**An Act to establish the Ministerial Advisory Board for Employment and Training and the Northern Territory Employment and Training Authority, to provide for employment and vocational education and training and for related purposes**

### **Part 1                      Preliminary**

#### **1                      Short title**

This Act may be cited as the *Northern Territory Employment and Training Act*.

#### **2                      Objectives**

The objectives of this Act are to enable:

- (a) the provision of vocational education and training that meets the present and future needs in the Territory of government, industry and the community and that is nationally recognised in accordance with the AQF; and
- (b) the development of employment initiatives.

#### **3                      Interpretation**

- (1) In this Act, unless the contrary intention appears:

***accreditation*** includes renewed accreditation.

***accredited***, for a course, means registered under Part 4.

***affected person*** has the meaning in section 41.

***amended*** includes replaced.

***another jurisdiction*** means a jurisdiction other than this jurisdiction.

**ANTA** means the Australian National Training Authority established under the Commonwealth Act.

**ANTA agreement** means the **Agreement** within the meaning of section 4(1) of the Commonwealth Act.

**ANTA service** means the National Training Information Service maintained by ANTA.

**apprentice** means a person employed or to be employed as an apprentice.

**approved** means approved by the Authority.

**approved apprenticeship** means a type of apprenticeship approved under section 45.

**AQF** means the policy framework entitled "Australian Qualifications Framework" that defines all qualifications recognised nationally in education and training within Australia, endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs so as to commence on 1 January 1995 and that policy framework as amended from time to time.

**AQTF** means the policy framework entitled "Australian Quality Training Framework" that defines the criteria and standards for the registration of training organisations and the accreditation of courses in the vocational education and training sector as endorsed or amended from time to time by the Ministerial Council.

**authorised officer** means a person holding office as an authorised officer under an appointment under section 43.

**Authority** means the Northern Territory Employment and Training Authority established by section 18.

**Board** means the Ministerial Advisory Board for Employment and Training established by section 4.

**certifiable component** means a competency, module, standard or other component of:

- (a) a qualification specified in a Training Package; or
- (b) an accredited course,

that is a competency, module, standard or component in relation to which a statement of attainment may be awarded.



**Chairperson** means the Chairperson of the Board appointed under section 8(1) and includes the Deputy Chairperson appointed under section 8(3), or a person elected to act as Chairperson under section 8(4), when acting as the Chairperson.

**Chief Executive Officer** means the Chief Executive Officer of the Agency administering this Act.

**Commonwealth Act** means the *Australian National Training Authority Act 1992* of the Commonwealth.

**compliance audit** means an audit establishing whether the subject of the audit complies with the RTO Standards, other than the legislative compliance standard.

**condition**, for Part 4, means any of the following:

- (a) a condition on all or some of the operations of an RTO;
- (b) a restriction.

**corresponding law**, for Part 4 or a provision of Part 4, means:

- (a) if a law of another jurisdiction is prescribed under the Regulations as the corresponding law for this definition – the law prescribed under the Regulations; or
- (b) otherwise – a law of another jurisdiction that corresponds to Part 4 or the provision of Part 4.

**course accrediting body** means the Authority or an equivalent body in another jurisdiction responsible for the administration of the accreditation of courses under that jurisdiction's legislation relating to vocational education and training.

**determined fee**, in relation to an application under this Act, means a fee determined under section 100 to be payable for that application.

**employer** means a person who employs or intends to employ an apprentice.

**information notice**, for a decision of the Authority under Part 4, means a written notice stating the following:

- (a) the decision;
- (b) the reasons for the decision;
- (c) the day the decision has effect;

- (d) the right of the person to whom the notice is given to seek a review of, or request an inquiry by the Tribunal into, the decision.

***jurisdiction*** means the Territory or, if a State or the Australian Capital Territory has enacted a corresponding law for Part 4, that State or Territory.

***legislative compliance standard*** means the standard included in the RTO Standards requiring that an RTO ensures that compliance with Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations is integrated into its policies and procedures and that compliance is maintained.

***Ministerial Council*** means the Council consisting of the Ministers from the Commonwealth and each State and Territory responsible for vocational education and training operating in accordance with the ANTA Agreement.

***nationally endorsed***, for a Training Package, means endorsed by a committee established by ANTA's members.

***nationally recognised qualification*** means a qualification specified in an accredited course or Training Package.

***National Register*** has the meaning in section 29(1).

***prohibition*** means a prohibition on all or some of an RTO's operations.

***qualification*** means formal certification in the vocational education and training sector by an RTO and under the AQF that a person has achieved all the units of competencies or modules comprising learning outcomes stated for the qualification in:

- (a) a nationally endorsed Training Package for which details of the qualification have been registered by ANTA; or
- (b) an accredited course that provides training for the qualification.

***registered***, for Part 4, means registered as prescribed under section 29(2).

***registered training agreement*** means a training agreement that is registered under section 52.

***registered training organisation*** means a person whose details as a training organisation are registered under Part 4.

**registering body** means the Authority or an equivalent body in another jurisdiction responsible for the registration of training organisations under that jurisdiction's legislation relating to vocational education and training.

**registration**, for Part 4, includes renewed registration under the Part.

**restriction** means a restriction on all or some of the operations of an RTO or a prohibition.

**reviewable decision** has the meaning in section 41.

**RTO** means a registered training organisation.

**RTO Standards** means the standards for registered training organisations.

**scope of registration** has the meaning in section 31(2).

**standards for accreditation of courses** means the standards for accreditation of courses adopted on 8 June 2001 by the Ministerial Council under the AQTF, as in force from time to time.

**standards for registered training organisations** means the standards for registered training organisations adopted on 8 June 2001 by the Ministerial Council under the AQTF, as in force from time to time.

**standards for State and Territory registering and course accrediting bodies** means the standards for State and Territory registering course accrediting bodies adopted on 8 June 2001 by the Ministerial Council under the AQTF, as in force from time to time.

**statement of attainment** means formal certification in the vocational education and training sector by an RTO under the AQF that a person has achieved:

- (a) part of a qualification;
- (b) one or more units of competency from a nationally endorsed Training Package; or
- (c) all the units of competency or modules comprising learning outcomes for an accredited course that does not meet the requirements for a qualification;

**this jurisdiction** means the Territory.

**Training Package** means an integrated set of competency standards and assessment guidelines leading to a qualification for a particular industry, industry sector or enterprise.

**Tribunal** means the Appeals and Review Tribunal established by section 77.

**unit of competency** means a specification of knowledge and skill and their application to a specified standard of performance.

**vocational education and training** means the education and training and qualifications and statements of attainment under the vocational education and training provisions of the AQF.

(2) This Act does not apply to or in relation to a course provided by:

- (a) the Charles Darwin University continued in existence by the *Charles Darwin University Act*; or
- (b) the Batchelor Institute of Indigenous Tertiary Education established by section 4(1) of the *Batchelor Institute of Indigenous Tertiary Education Act 1999*,

that is specified by the University or Institute, as the case may be, to be a higher education course of instruction or training, or both, unless the course is approved by the Minister.

## **Part 2                      Ministerial Advisory Board for Employment and Training**

### **Division 1              Establishment and membership of Board**

#### **4                      Establishment of Board**

The Ministerial Advisory Board for Employment and Training is established.

#### **5                      Functions of Board**

Subject to this Act, the Board has the following functions:

- (a) to advise the Minister and the Authority on policies and programs designed to enhance employment and training skills across the whole of the Territory;

- (b) to recommend to the Minister and the Authority a draft Territory training profile that is based on annual employment projections and priorities and that sets out the vocational and adult community education and training needs for the whole of the Territory, together with proposals to meet those needs;
- (c) to monitor vocational and adult community education and training across the whole of the Territory and to advise the Minister and the Authority of the extent of compliance with national and Territory strategic plans relating to vocational and adult community education and training and with the Territory training profile;
- (d) to recommend to the Minister and the Authority ways of promoting and encouraging the development of, and participation in, vocational and adult community education and training;
- (e) to report at least once annually to the Minister on vocational and adult community education and training across the whole of the Territory and on expenditure by the Authority for the purposes of the Territory training profile;
- (f) to report to the Minister on the matters that the Minister refers in writing to the Board.

## **6 Powers of Board**

Subject to this Act, the Board has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions.

## **7 Composition of Board**

- (1) The Board may have as many as 13 members consisting of the following:
  - (a) a Chairperson appointed under section 8(1);
  - (b) the Chief Executive Officer;
  - (c) the chief executive officer of the Agency allotted responsibility under an Administrative Arrangements Order for industrial development;
  - (d) one person with expertise as a vocational education practitioner;

- (e) one person who is responsible for administering and managing vocational education and training programs in the Territory and is nominated by the Minister of State for the Commonwealth responsible for vocational education and training;
  - (f) 3 persons, each of whom is resident in a regional centre or community outside the major centres of Darwin and Palmerston;
  - (g) 2 persons, each of whom chairs a training advisory council;
  - (h) one person who is nominated by the Aboriginal and Torres Strait Islander Commission established by the *Aboriginal and Torres Strait Islander Commission Act 1989* of the Commonwealth and whose nomination is accepted by the Minister;
  - (i) one person who is nominated by the Northern Territory Trades and Labor Council and whose nomination is accepted by the Minister;
  - (j) one person who is nominated by the Northern Territory Chamber of Commerce and Industry Inc. and whose nomination is accepted by the Minister.
- (2) The Minister may in writing appoint a person to be a member of the Board referred to in subsection (1)(d), (e), (f), (g), (h), (i) or (j).
- (3) Subject to sections 10 and 11, a member of the Board appointed under subsection (2) holds office on the terms and conditions the Minister thinks fit.

## **8 Chairperson**

- (1) The Minister may appoint a person who is not the Chief Executive Officer to be the Chairperson of the Board.
- (2) The Chairperson is to preside at all meetings of the Board at which he or she is present.
- (3) The Minister may appoint a person who is a member of the Board referred to in section 7(1)(c), (d), (e), (f), (g), (h), (i) or (j) to be the Deputy Chairperson of the Board.
- (4) If the Chairperson or Deputy Chairperson is not present at a meeting of the Board, the members of the Board at the meeting must elect one of the members present to act as Chairperson for the purposes of that meeting.

## **9 Temporary vacancies**

The Minister may authorise a person to act in the office of a member of the Board appointed under section 7(2) if:

- (a) there is, or is expected to be, a temporary vacancy in the office of the member; and
- (b) the Board has requested the Minister to appoint a person to act in that office.

## **10 Period of appointment**

The Chairperson and a member of the Board appointed under section 7(2) hold office for the period of not more than 3 years that is specified in the instrument of appointment and is eligible for reappointment.

## **11 Termination of office**

- (1) The Minister may, in writing, terminate the appointment of:
  - (a) the Chairperson; or
  - (b) a member of the Board appointed under section 7(2).
- (2) If the Chairperson or a member of the Board appointed under section 7(2):
  - (a) is absent, except on leave granted by the Board, from 3 Consecutive meetings of the Board; or
  - (b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit,

the Minister must terminate the appointment of the Chairperson or member, as the case may be.

- (3) The Chairperson or a member of the Board appointed under section 7(2) may resign his or her office in writing delivered to the Minister.

## **Division 2 Meetings of Board**

### **12 Calling of meetings of Board**

- (1) Subject to this section, the Chairperson:
  - (a) must call such meetings of the Board as are necessary for the performance of its functions; and
  - (b) must ensure that the Board meets not less than 6 times in each calendar year.
- (2) The Chairperson must call a meeting of the Board not later than 28 days after receiving a written notice signed by not less than 5 members of the Board requesting that the meeting be held.
- (3) The Minister may direct the Chairperson to call a meeting of the Board and the Chairperson must call a meeting accordingly.
- (4) A meeting of the Board is to be held at a time and place determined by the Chairperson and notified to the members of the Board.

### **13 Procedure at meetings**

- (1) At a meeting of the Board, one half of the number of the members then holding office plus one member of the Board constitute a quorum.
- (2) At a meeting of the Board, questions arising are to be determined by a majority of the members of the Board present and voting but, in the event of an equality of votes, the Chairperson may exercise a casting vote.
- (3) Subject to this Act, the Board is to determine the procedures to be followed at or in connection with its meetings.

### **14 Chief Executive Officer to advise Board at meetings**

The Chief Executive Officer or his or her nominee must attend all meetings of the Board and must provide to the Board advice and information relating to the administration of this Act that the Board requires.

## **Division 3 Performance of functions by Board**

### **15 Board to consult industry**

The Board is to consult with and have regard to the advice of industry in exercising its powers or performing its functions under this Act.



**16 Direction by Minister**

- (1) The Minister may, either generally or in relation to a particular matter, give directions to the Board with respect to the exercise of its powers or the performance of its functions under this Act.
- (2) A direction under subsection (1) is to be given by notice in writing addressed to the Chairperson.
- (3) The Board must give effect to a direction given under subsection (1).
- (4) The Minister may direct the Board to:
  - (a) provide information in the possession of the Board to the Minister; or
  - (b) give the Minister access to information in the possession of the Board.
- (5) The Board must comply with a direction given under subsection (4).

**17 Committees**

- (1) The Board may establish committees as it thinks fit to advise and make recommendations to the Board on those matters within the Board's powers and functions under this Act that are referred to the committee by the Board.
- (2) The Board is to determine the constitution of a committee established under subsection (1) and the way in which it is to carry out its functions.
- (3) A committee under subsection (1) may be constituted by members of the Board or other persons or both.
- (4) A person who is a member of the Tribunal may not be appointed to be a member of a committee established under subsection (1).

**Part 3 Northern Territory Employment and Training Authority****18 Establishment of Authority**

The Northern Territory Employment and Training Authority is established.

**19 Composition of Authority**

The Authority consists of the Chief Executive Officer.

**20 Functions of Authority**

The functions of the Authority are:

- (a) to provide employment and vocational education and training advice to the Territory;
- (b) to fund the provision of training, and assessment of training, authorised under this Act;
- (c) to provide registration and associated services;
- (d) to represent the Territory at a national level in relation to vocational education and training;
- (e) to provide support to the Board in the exercise of its powers and the performance of its functions; and
- (f) any other functions conferred on it by this or any other Act.

**21 Powers of Authority**

Subject to this Act, the Authority has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions.

**22 Funding of training**

- (1) The Authority may engage persons to provide training, and assessment of training, authorised under this Act.
- (2) The funding by the Authority of training, or assessment, authorised under this Act is subject to the terms and conditions the Chief Executive Officer thinks fit.

**23 Chief Executive Officer**

The Chief Executive Officer is responsible for the management of the day to day functions of the Authority.

**25 Minister may direct Authority**

The Authority is subject to the direction of the Minister, other than a direction that is not permitted to be made to a Chief Executive Officer, within the meaning of the *Public Sector Employment and Management Act*, under another Act.

**26            Delegation to Chief Executive Officer**

The Minister may, in writing, delegate to the Chief Executive Officer any of the Minister's powers and functions under this Act, other than this power of delegation.

**27            Delegation by Authority**

- (1) The Authority may, in writing, delegate to an employee within the meaning of the *Public Sector Employment and Management Act* any of the powers and functions of the Authority under this Act (other than under section 41A or 70(4)) or under any other Act.
- (2) The Authority may, in writing, delegate to an RTO the powers and functions of the Authority under sections 35 (other than subsection (3)) and 36.
- (3) The Authority may, in writing, delegate to an RTO or other organisation the powers and functions of the Authority under Parts 6 and 7.
- (4) An RTO, or an organisation, that has been delegated a power or function of the Authority under this Act may delegate that power to a person.

**Part 4            National training**

**Division 1       Preliminary**

**28            Application of Part**

This Part applies only to the provision of training and assessments for qualifications and statements of attainment in relation to vocational education and training.

**Division 2       National registration**

**29            National Register and national effect of registration**

- (1) The "National Register" is the ANTA Service to the extent it consists of registered matters.
- (2) For subsection (1), a matter is registered to the extent details of the matter are recorded:
  - (a) for this Part – by the Authority;
  - (b) for a corresponding law – by another registering body or course accrediting body; or

- (c) for this Part, a corresponding law or regulations made under this Part or the law – by ANTA or another entity.

## **Division 3            Registered training organisations**

### **Subdivision 1       Requirement for registration**

#### **30                    Offence to falsely claim to be an RTO**

- (1) A person who is not an RTO must not claim to be an RTO.

Penalty:            If the offender is a natural person – 200 penalty units.  
  
                          If the offender is a body corporate – 1 000 penalty units.

- (2) A person who is not, or not acting for, an RTO operating within the scope of registration of the RTO must not:

- (a) issue, or claim to be able to issue, a qualification or statement of attainment; or  
  
(b) claim to be able to provide training or assessments resulting in the issue of a qualification or statement of attainment.

Penalty:            If the offender is a natural person – 200 penalty units.  
  
                          If the offender is a body corporate – 1 000 penalty units.

- (3) A person must not claim to be able to provide training resulting in the issue of a qualification or statement of attainment by another person knowing that the other person is not lawfully able to issue the qualification or statement of attainment.

Penalty:            If the offender is a natural person – 200 penalty units.  
  
                          If the offender is a body corporate – 1 000 penalty units.

- (4) For subsections (1), (2) and (3), a person claims to be an RTO or claims to be able to do a particular thing if the person:

- (a) makes that claim;  
  
(b) purports to be an RTO or to be able to do the particular thing;  
or  
  
(c) does any act likely to induce someone else to believe the person is an RTO or is able to do the particular thing.

- (5) This section does not apply to a registering body.

## **Subdivision 2   Registration activities in this jurisdiction**

### **31            Registration and scope of registration**

- (1) A person may be registered under this Part as a training organisation that provides, within its scope of registration:
- (a) training and assessments resulting in the issue of qualifications or statements of attainment by the organisation; or
  - (b) assessments resulting in the issue of qualifications or statements of attainment by the organisation.
- (2) A training organisation's scope of registration consists of:
- (a) the training or assessments the training organisation is registered to provide; and
  - (b) the qualifications, statements of attainment or units of competency for which the training organisation is registered to provide training or assessments.

### **31A          Applying in this jurisdiction for registration**

- (1) A person may apply to the Authority for registration as a training organisation.
- (2) The application must be in the approved form and accompanied by the determined fee.
- (3) The applicant must give the Authority any information required by it to decide the application.

### **31B          Decision about registration**

- (1) On an application for registration, the Authority must register or refuse to register the applicant as a training organisation.
- (2) In deciding the application, the Authority must apply the RTO Standards.
- (3) The Authority must not grant the application unless:
- (a) on registration under the application, the applicant will not otherwise be registered as a training organisation by any registering body;

- (b) the Authority considers that the applicant's principal place of business is, or all or most of its operations will be conducted, in this jurisdiction; and
  - (c) a compliance audit has been conducted of the applicant that shows the applicant complies with the RTO standards (other than the legislative compliance standard).
- (4) Subsection (3)(c) does not apply to an application if:
  - (a) the application is made by an RTO registered by another registering body;
  - (b) the RTO has received a notice from the other registering body under a corresponding law for section 31H; and
  - (c) the application does not ask for an amendment of the existing scope of registration or registered conditions of the RTO.
- (5) Subsections (2) and (3) do not limit the grounds on which the Authority may decide not to grant the application.
- (6) The Authority may impose reasonable conditions on the registration of the training organisation to take effect for the period of registration.
- (7) A condition imposed under subsection (6):
  - (a) must apply for all jurisdictions, that is, it may not be limited in effect to a particular place or jurisdiction;
  - (b) is not limited to matters mentioned in this Part; and
  - (c) must be consistent with this Part and the RTO Standards.
- (8) If the Authority decides to grant the application, it must:
  - (a) register the applicant as a training organisation and the applicant's scope of registration;
  - (b) if the Authority imposes a condition under subsection (6):
    - (i) give the applicant an information notice for the decision; and
    - (ii) register the condition for the applicant; and
  - (c) give the applicant a certificate of registration.

- (9) The Authority must comply with subsection (8):
  - (a) immediately after granting the application; or
  - (b) if the application is a transfer application mentioned in section 31H – immediately after the existing registration of the training organisation is cancelled under section 31K.
- (10) If the Authority decides not to grant the application, the Authority must immediately give the applicant an information notice for the decision.

### **31C       Registration conditions**

- (1) Registration of an RTO under section 31B is subject to:
  - (a) conditions imposed under subsection (2); and
  - (b) registered conditions imposed:
    - (i) under section 31B(6) or 31G(2); or
    - (ii) by another registering body under a corresponding law for section 31G(2)(a).
- (2) For an RTO registered under section 31B, the following conditions are imposed for the RTO's period of registration:
  - (a) the RTO must comply with requirements stated to apply to an RTO under the RTO Standards;
  - (b) the RTO must give notice to the Authority of the following matters immediately after they happen:
    - (i) any substantial change to the RTO's control, management or operations;
    - (ii) any matter the RTO Standards states the RTO must give notice of to the Authority;
  - (c) the RTO:
    - (i) must submit to any compliance audit conducted by the Authority under section 32; and
    - (ii) if a particular compliance audit shows the RTO does not comply with the RTO Standards (other than the legislative compliance standard) must take all necessary steps to comply;

- (d) the RTO must submit to any compliance audit conducted by another registering body under a corresponding law for section 32A;
  - (e) the RTO must not contravene a provision of this Part or a corresponding law;
  - (f) the RTO must give to the Authority any information about any of its operations reasonably required by the Authority;
  - (g) the RTO must give to the Authority any information reasonably required by it relating to a registered condition imposed by the Authority under section 31G;
  - (h) the RTO must give to another registering body any information reasonably required by the other registering body relating to a registered condition imposed by the registering body under a corresponding law for section 31G(2)(a).
- (3) Conditions mentioned in subsections (1) and (2) to which an RTO is subject apply in relation to the operations of the RTO in every jurisdiction, unless the contrary intention appears.
- (4) An RTO must not contravene a condition of its registration.
- (5) It is declared that a condition to which an RTO registered by another registering body is expressed to be subject in this jurisdiction under a corresponding law for subsection (3) has effect for this jurisdiction.

### **31D        Term of registration**

Registration may be for a term up to 5 years and may be renewed if application for renewal is made at least 6 months before the registration expires.

### **31E        Amending registration on application by RTO**

- (1) The Authority may, on application by an RTO that was registered by it, amend the RTO's registered details.
- (2) If the application is to amend the RTO's scope of registration or registered conditions:
- (a) the application must be in the approved form and accompanied by the determined fee; and
  - (b) the RTO must give the Authority any information reasonably required by it to decide the application.



- (3) For an application mentioned in subsection (2), section 31B applies as if it were an application under the section, subject to the following:

- (a) section 31B(3)(a) is not relevant;
- (b) section 31B(3)(b) applies in relation to the scope of registration or registered conditions as amended in accordance with the application;
- (c) section 31B(3)(c) only requires a compliance audit to the extent an audit is relevant to the amendment.

**31F       Removal of registered details on registration expiry or on application**

The Authority must remove from the National Register the details of an RTO registered by it if:

- (a) the RTO's registration expires; or
- (b) the RTO applies to the Authority to have its registration cancelled and the Authority grants the application.

**31G       Amending, suspending or cancelling registration without application on particular grounds**

- (1) An object of this section is to ensure that, of all registering bodies, the registering body that registers an RTO has the primary responsibility to take action against the RTO if a ground mentioned in subsection (3) arises.
- (2) On one or more of the grounds mentioned in subsection (3), the Authority may on its own initiative:
  - (a) amend the scope of registration or registered conditions of an RTO that was registered by another registering body, but only to impose a restriction applying in this jurisdiction;
  - (b) amend the scope of registration or registered conditions of an RTO that was registered by it, including by imposing a restriction applying in this or another jurisdiction;
  - (c) suspend the registration, or part of the scope of registration, of an RTO that was registered by it, by imposing a prohibition applying in this or another jurisdiction while the suspension is in force; or
  - (d) cancel the registration of an RTO that was registered by it.

- (3) The grounds are as follows:
- (a) the registration, or the part of the scope of registration, was obtained because of incorrect or misleading information;
  - (b) the RTO has contravened a condition of its registration.
- (4) If the Authority decides to amend, suspend or cancel an RTO's registration under subsection (2), the Authority must give the RTO an information notice for the decision.
- (5) The Authority may not impose a restriction under subsection (2)(a) unless the registering body that registered the RTO:
- (a) fails to take any step to deal with the matter to which the grounds relate within 30 days after the matter comes to its attention; or
  - (b) fails, after taking any step to deal with the matter to which the grounds relate, to take another step within 30 days.
- (6) Subsection (5) does not apply if the Authority is relying on a ground established by a compliance audit under section 32A.
- (7) Also, subsection (5) does not prevent the Authority, before the end of a 30-day period mentioned in that subsection, taking all steps necessary to impose a restriction immediately after, or at any time after, the period has ended.
- (8) Subject to subsection (2)(a), a restriction imposed under subsection (2)(a), (b) or (c) may, but need not, relate to a particular place or jurisdiction, but if it does so, it may only be imposed because of a particular fact situation that has arisen in the place or jurisdiction.
- (9) Also, a restriction imposed under subsection (2)(a), (b) or (c) must be consistent with this Part and the RTO Standards.
- (10) For subsection (2)(c), in exceptional circumstances, the registering body may direct the RTO to immediately cease conducting operations continued under section 31J(3).
- (11) Before cancelling the registration of an RTO under subsection (2)(d), the Authority must consult the registering bodies of each of the other jurisdictions where the RTO is operating.
- (12) Failure to comply with subsection (11) does not affect a cancellation of the registration of an RTO.

### **31H            Cancelling registration on change of business operations**

- (1) This section applies to an RTO registered by the Authority.
- (2) On the grounds that the RTO neither has its principal place of business, nor conducts all or most of its operations, in this jurisdiction, the Authority may cancel the RTO's registration:
  - (a) on application by the RTO; or
  - (b) on its own initiative.
- (3) The Authority must give written notice to the RTO at least 28 days before cancelling the registration.
- (4) If, before the end of the period mentioned in subsection (3), the RTO makes an application to another registering body for registration as a training organisation (the **transfer application**), the Authority must not cancel the registration of the RTO until the transfer application is decided.

### **31J            Effect of suspension of RTO's registration**

- (1) This section applies if a prohibition is imposed on an RTO under section 31G(2)(c).
- (2) A person must not, for training or an assessment provided or to be provided in operations the subject of the prohibition, do anything for any of the following purposes:
  - (a) recruiting or enrolling anyone;
  - (b) soliciting or accepting any consideration from anyone for anyone's recruitment or enrolment;
  - (c) starting anyone's training or assessment;
  - (d) if the operations have been directed to immediately cease under section 31G(10) – training or assessing anyone.

Penalty:        If the offender is a natural person – 200 penalty units.

                    If the offender is a body corporate – 1 000 penalty units.

- (3) If the RTO, before the prohibition took effect, entered into an agreement to provide training or an assessment to a person, subsection (2)(a), (b) or (c) does not prohibit anyone from relying on the agreement:
  - (a) to provide the training or assessment; or

- (b) to solicit or accept consideration for the provision of the training or assessment.

**31K       Authority to register amendment, suspension or cancellation**

If, in relation to an RTO, the Authority decides to do anything under section 31G(2) or 31H(2), it must, on the National Register:

- (a) for an amendment of the scope of registration or registered conditions – amend the scope of registration or registered conditions in accordance with its decision;
- (b) for a suspension of the registration or part of the scope of registration – register the suspension; or
- (c) for a cancellation of the registration – remove the registered details of the RTO.

**31L       Authority may issue guidelines about registration**

- (1) For assisting the preparation of an application for registration as a training organisation, the Authority may make guidelines about the minimum requirements for registration.
- (2) The Authority must make the guidelines available for inspection or purchase by members of the public at the Authority's offices.

**Subdivision 3    Audit powers**

**32        Audit of RTO registered by Authority**

- (1) This section applies in relation to:
  - (a) an RTO registered by the Authority; and
  - (b) any of the RTO's operations.
- (2) The Authority may at any time conduct a compliance audit of the RTO.

**32A      Audit of RTO registered by another registering body**

- (1) This section applies in relation to:
  - (a) an RTO registered by a registering body other than the Authority (the ***other registering body***); and
  - (b) any of the RTO's operations in this jurisdiction.

(2) Subsection (3) applies if:

- (a) the Authority:
  - (i) suspects on reasonable grounds that the RTO may have contravened the RTO Standards; and
  - (ii) has advised the other registering body of the suspected contravention; and
- (b) the other registering body:
  - (i) within 30 days after receiving the advice, fails to take steps to deal with the suspected contravention to the satisfaction of the Authority; or
  - (ii) at any time advises the Authority that it does not propose to take any step or further step to deal with the suspected contravention.

(3) The Authority may conduct a compliance audit of the RTO.

### **32B        Conduct of audit**

- (1) A compliance audit mentioned in section 31B(3)(c), 31C(2)(c), 31C(2)(d), 32 or 32A must have regard to the standards for State and Territory registering and course accrediting bodies.
- (2) A failure to comply with subsection (1) is of no effect if the failure:
  - (a) does not substantially affect the outcome of the audit; or
  - (b) arises out of inconsistency between the standards mentioned in that subsection and the legislation of the particular jurisdiction in relation to which the failure arises.

### **32C        Powers not limited by compliance audit provisions**

A provision of this Part that makes provision for a compliance audit does not limit the power of any registering body to inquire into the activities of an RTO or other training organisation.

## **Subdivision 4    Other powers**

### **33        Function or power may be used to support national scheme**

- (1) This section applies to a person who, apart from this section, may exercise a power or perform a function under this Part in relation to an RTO or an applicant for registration under section 31B.

- (2) The person may also perform the same kind of function or exercise the same kind of power in this jurisdiction:
- (a) at the request of the Authority – for inquiries into whether an RTO registered by another registering body is complying with this Part or a corresponding law; or
  - (b) at the request of another registering body – for a compliance audit that is being conducted under a corresponding law for this Part in relation to:
    - (i) an RTO registered by the other registering body; or
    - (ii) an applicant for registration by the other registering body under a corresponding law for section 31B.
- (3) Subsection (2) does not limit the person's functions or powers.

**33A       Information may be made available to other registering bodies**

- (1) The Authority may disclose to another registering body information it has about, or arising from, the following:
- (a) an application by anyone for registration as a training organisation;
  - (b) an RTO's registration;
  - (c) a compliance audit conducted for this Part;
  - (d) action taken by the Authority in relation to an RTO;
  - (e) the performance of a function, or the exercise of a power, by a person at the request of another registering body.
- (2) A person disclosing information under subsection (1) or under a corresponding law for subsection (1) does not contravene an obligation not to disclose the information, whether imposed by an Act or by another rule of law.

## **Division 4            Accredited courses**

### **Subdivision 1    Requirement for accreditation**

#### **34            Offence of falsely claiming to provide an accredited course**

- (1) A person must not claim to provide an accredited course unless the course is an accredited course.

Penalty:        If the offender is a natural person – 100 penalty units.

                      If the offender is a body corporate – 500 penalty units.

- (2) For subsection (1), a person claims to provide an accredited course if the person:

- (a) makes that claim;
- (b) claims to provide a course that purports to be an accredited course; or
- (c) does any act likely to induce someone else to believe a course the person is providing is accredited.

### **Subdivision 2    Course accreditation activities in this jurisdiction**

#### **35            Applying in this jurisdiction for accreditation**

- (1) A person may apply to the Authority to have a course accredited only if:

- (a) the holder of the copyright in the course:
  - (i) is resident in this jurisdiction; or
  - (ii) has its principal place of business or conducts all or most of its operations in this jurisdiction; and
- (b) the skills and knowledge that may be attained under the course are not recognised under the vocational education and training provisions of the AQF.

- (2) The application must be in the approved form and accompanied by the determined fee.
- (3) The Authority may require the applicant to pay all or a part of the reasonable costs of and incidental to deciding the application.
- (4) The applicant must give the Authority any information required by it to decide the application.

### **36                Decision about accreditation**

- (1) On an application to have a course accredited, the Authority must grant or refuse to grant the accreditation.
- (2) In deciding the application, the Authority must apply the standards for accreditation of courses.
- (3) The Authority may grant the application only if there is no appropriate qualification in a Training Package the training for which would provide the competency or skills that are relevant for the purpose for which the course is established.
- (4) Subsection (2) does not limit the grounds on which the Authority may decide not to grant the application.
- (5) If the Authority decides to grant the application, it may impose reasonable conditions on the accreditation.
- (6) If the Authority decides to grant the application, it must:
  - (a) immediately register the course as an accredited course;
  - (b) if it imposes conditions under subsection (5) – give the applicant an information notice for the decision; and
  - (c) give the applicant a certificate of accreditation for the course.
- (7) If the Authority decides not to grant the application, it must immediately give the applicant an information notice for the decision.

### **37                Term of accreditation**

Accreditation may be for a term up to 5 years and may be renewed if application for renewal is made at least 6 months before the accreditation expires.

### **38                Cancellation of accreditation**

- (1) The Authority may cancel an accreditation granted by it at the written request of the holder of the certificate of accreditation.
- (2) The Authority may cancel an accreditation granted by it on its own initiative on the grounds and in the circumstances prescribed by the Regulations.
- (3) The Authority must:
  - (a) immediately give written notice of its decision to the holder of the certificate of accreditation; and



(b) remove the registered details of the accredited course from the National Register.

(4) If the Authority cancels the accreditation under subsection (2), the notice under subsection (3)(a) must be an information notice.

### **39            Expiry of accreditation**

(1) This section applies to a course that has been accredited on an application to the Authority.

(2) If the accreditation of the course expires, the Authority must remove the registered details of the accredited course from the National Register.

### **40            Authority may issue guidelines about accreditation**

(1) For assisting the preparation of an application to have a course accredited, the Authority may make guidelines about the minimum requirements for accreditation.

(2) The Authority must make the guidelines available for inspection or purchase by members of the public at the Authority's offices.

## **Division 5            Requests for reviews and inquiries into Authority's decisions**

### **41            Reviewable decisions and affected persons**

Each of the Authority's decisions in the Schedule is a reviewable decision and the person stated opposite the decision is an affected person for the decision.

### **41A          Request for review**

(1) An affected person for a reviewable decision made by a delegate of the Authority may request the Authority to review the decision.

(2) On receipt of the request, the Authority must review the decision.

(3) On reviewing the decision, the Authority must:

(a) confirm the decision; or

(b) set aside the delegate's decision and substitute its own decision.

**42            Request for inquiry**

- (1) An affected person for a reviewable decision made by the Authority itself may request the Tribunal to carry out an inquiry in relation to the decision.
- (2) Also, an affected person for a reviewable decision for which a decision is made by the Authority under section 41A(3) (the **review decision**) may request the Tribunal to carry out an inquiry in relation to the review decision.

**Division 6            Enforcement**

**43            Appointment of authorised officers**

- (1) The Chief Executive Officer may, in writing, appoint a person to be an authorised officer.
- (2) If a person appointed under subsection (1) is an employee within the meaning of the *Public Sector Employment and Management Act*, the appointment ceases when the person ceases to be such an employee.
- (3) The Chief Executive Officer must issue an identity card to each authorised officer.

**43A          Powers of entry**

- (1) For the administration or enforcement of this Part, an authorised officer may enter:
  - (a) a place the officer reasonably believes is a place where an RTO carries on business at any reasonable time; or
  - (b) any place at any time with the consent of the occupier of the place.
- (2) An authorised officer who enters a place under subsection (1) must not remain on the place if, asked by the occupier of the place, the officer does not produce the officer's identity card for inspection by the occupier.

**43B          Powers of authorised officer**

An authorised officer who enters a place under section 43A may do any of the following:

- (a) inspect the place for ensuring this Part and the Regulations made for it are being complied with;

- (b) direct the occupier of the place to answer any questions or produce any documents relating to an RTO;
- (c) inspect, take extracts from or make copies of documents produced under paragraph (b).

**43C            Obstructing etc. authorised officer**

A person must not:

- (a) without reasonable excuse, obstruct, hinder or resist an authorised officer exercising a power under this Part;
- (b) without reasonable excuse, fail to comply with a direction made to that person by an authorised officer; or
- (c) knowingly give an authorised officer false or misleading information (whether orally or in writing).

Penalty:            100 penalty units.

**43D            Return of identity card**

A person who ceases to be an authorised officer must return the person's identity card to the Chief Executive Officer within 21 days after ceasing to be an authorised officer unless the person has a reasonable excuse.

Penalty:            10 penalty units.

**Part 6                      Apprenticeships**

**Division 1                Approval of types of apprenticeships**

**44                Authority to consider industry needs**

The Authority must have regard to the requirements of industry in the Territory in determining whether to approve a type of apprenticeship under section 45(1).

**45                Approval of types of apprenticeships**

- (1) The Authority may approve a type of apprenticeship for the purposes of this Act.
- (2) An approval under subsection (1) is to:
  - (a) specify the name of the type of apprenticeship;

- (b) specify the nationally recognised qualification that may be obtained by completing the type of apprenticeship; and
  - (c) specify the Training Package or accredited course to which the approval relates.
- (3) The Authority may only approve a type of apprenticeship under subsection (1):
  - (a) if the nationally recognised qualification specified in the approval is specified in a Training Package; or
  - (b) if there is no nationally recognised qualification specified in a Training Package that, if awarded, would recognise the acquisition by an apprentice of the competencies or other skills that appear to be required for the purposes of the relevant industry – if the nationally recognised qualification is specified in an accredited course.

## **Division 2      Employers must be approved to take on apprentices**

### **46      Employer must be approved before taking on apprentice**

An employer must not employ an apprentice except if the employer is approved under section 47.

Penalty:      100 penalty units.

### **47      Approval of employer**

- (1) An employer may apply to the Authority for approval to employ an apprentice in an approved apprenticeship.
- (2) An application under subsection (1) is to be in the approved form.
- (3) The Authority may, on receipt of an application under subsection (1), by notice in writing to the applicant, grant or refuse to grant approval to the person to employ an apprentice in an approved apprenticeship.
- (4) The Authority may only grant approval to a person to employ an apprentice in an approved apprenticeship if it is satisfied that the premises, equipment, method of training and supervision to which the approval relates are suitable for training an apprentice in respect of an approved apprenticeship.

- (5) An approval under subsection (3):
- (a) is to specify the name of the employer who or that is to employ the apprentice;
  - (b) is to specify the approved apprenticeship that may be offered by the employer;
  - (c) is to specify the ratio of trainers to apprentices in accordance with subsection (6);
  - (d) is to specify the maximum number of apprentices that may be employed at any one time by the employer in respect of the approved apprenticeship specified under paragraph (b); and
  - (e) may be subject to the conditions, if any, the Authority thinks fit and specifies in the approval.
- (6) The ratio of trainers to apprentices specified in an approval is to be:
- (a) one trainer in relation to each apprentice; or
  - (b) if the Authority is satisfied that it will not adversely affect the training of an apprentice – the ratio, of not more than 4 apprentices in relation to each trainer, that the Authority thinks fit and specifies in the approval.
- (7) An approval under subsection (3) that is subject to conditions that are to be complied with before a training agreement may be entered into by an employer is of no force or effect until those conditions are complied with by the employer.
- (8) If the Authority decides to refuse an application under section (3), it must notify the applicant of the refusal and specify the grounds for the refusal.

#### **48                      Variation or revocation of approval of employer**

- (1) Subject to this section, the Authority may:
- (a) on the Authority's own motion; or
  - (b) on the application in the approved form of the employer,
- vary or revoke an approval given under section 47.
- (2) The Authority must not vary an approval under subsection (1) on the application of an employer unless satisfied that the variation will not adversely affect the training being or to be undertaken by the apprentice.

- (3) The Authority may only vary an approval under subsection (1) on the Authority's motion if the Authority is satisfied that the variation is necessary to ensure that the training of an apprentice is satisfactory.
- (4) The Authority may only revoke an approval under subsection (1) on the Authority's motion if the Authority is satisfied that:
  - (a) the employer has failed to comply with a condition of the approval; or
  - (b) the premises, equipment, method of training or supervision to which the approval related are no longer suitable for training an apprentice in respect of an approved apprenticeship.
- (5) The Authority must not vary or revoke an approval under subsection (1) on the Authority's motion unless:
  - (a) the Authority allows the employer 14 days within which to make representations to the Authority; and
  - (b) the Authority takes into account those representations, if any, before exercising the power.
- (6) The Authority must, not later than 14 days after exercising the power under subsection (1), notify the employer of the decision.
- (7) A decision of the Authority under this section takes effect on the date notification is given under subsection (6) or another date the Authority determines and specifies in the notification.

## **Division 3 Training agreements**

### **Subdivision 1 Registration of training agreements**

#### **49 Apprenticeships must be performed under registered training agreement**

A person (***the employer***) must not employ another person as an apprentice (***the apprentice***) in an approved apprenticeship unless:

- (a) the employer and the apprentice have entered into a registered training agreement; or

- (b) the employer has, within 14 days after the training agreement in relation to the apprentice comes into operation, submitted the agreement to the Authority under section 50 and the Authority has not given him or her notice under section 52 that the Authority refuses to register the agreement.

Penalty: 100 penalty units.

## **50 Applications for registration of training agreements**

- (1) An employer may submit to the Authority for registration under section 52 a training agreement entered into by the employer and the proposed apprentice.
- (2) A training agreement is to be in the approved form.

## **51 Contents of training agreement**

A training agreement may specify that training is to be provided to an apprentice:

- (a) on a part-time or a full-time basis; or
- (b) in conjunction with education or training provided at a school or other place.

## **52 Registration of training agreements**

- (1) The Authority may register or refuse to register a training agreement submitted for registration under section 50.
- (2) If a training agreement is registered under subsection (1), the Authority must provide to the employer who submitted the agreement for registration a certificate as to the registration.
- (3) If the Authority refuses to register a training agreement, the Authority must, in writing, notify the employer who submitted the agreement for registration of the refusal.

## **53 Approval of multiple agreements**

- (1) The Authority may only register a training agreement under section 52 in relation to an apprentice that is to be in operation for a period that is or will be concurrent, in whole or in part, with another training agreement or proposed training agreement in relation to the apprentice if:
  - (a) it is satisfied that:
    - (i) the apprentice;

- (ii) if the apprentice has not attained the age of 18 years – a parent or guardian of the apprentice; and
- (iii) each employer of the apprentice under a training agreement or a proposed training agreement,

consents to the apprentice entering into a training agreement that is to be in operation for a period that is or will be concurrent, in whole or in part, with another training agreement in relation to the apprentice; and

- (b) if it is satisfied that:
  - (i) the training agreements do not both relate to the same qualification;
  - (ii) a qualification that may be awarded upon the successful completion of one training agreement is not part of a qualification to be obtained through the other training agreement, irrespective of whether the qualifications are at the same level;
  - (iii) training under one of the training agreements that is training to be provided other than by the employer will not be scheduled to be delivered at the same time as such training to be provided in relation to the other training agreement; and
  - (iv) the apprentice intends to apply an equal effort under both training agreements.

#### **54 Registration terminated if training schedule not registered within probationary period**

If a training schedule in relation to a training agreement has not been provided to the Authority before the end of the probationary period specified in section 57(2) in relation to the agreement, the registration of the training agreement is terminated by virtue of this section.

#### **55 Training schedules**

- (1) A training schedule is a schedule of the certifiable components to be undertaken by an apprentice for the purpose of attaining the qualification to which his or her apprenticeship relates.
- (2) A training schedule is to be determined and agreed upon by the employer of an apprentice, an RTO and the apprentice.



- (3) An RTO must not require in a training schedule in relation to an apprentice who:

- (a) is undertaking or about to undertake an approved apprenticeship; and
- (b) has been issued with a qualification, or a statement of attainment in relation to a certifiable component, by an RTO,

that the apprentice also attain that qualification or a statement of attainment in relation to that certifiable component, from the first-mentioned RTO.

Penalty: 100 penalty units.

- (4) A training schedule is to be attached to an application under section 50 or submitted to the Authority before the end of the probationary period specified in section 57 in relation to the agreement.

## **56 Parties to training agreements are bound by them**

- (1) Subject to this Act, an apprentice is bound by a training agreement he or she has entered into if:

- (a) it has been registered under section 52; or
- (b) it has been submitted under section 50 to the Authority for registration and the Authority has not given notice under section 52 that the Authority refuses to register the agreement,

even though the apprentice had not, at the time of entering into the agreement, attained the age of 18 years.

- (2) The parent or guardian of an apprentice who has entered into a training agreement:

- (a) that has been registered under section 52; or
- (b) that has been submitted under section 50 to the Authority for registration and in relation to which the Authority has not given notice under section 52 that the Authority refuses to register the agreement,

is bound by the agreement until:

- (c) the apprentice attains the age of 18 years; or

- (d) the training agreement is terminated, cancelled or completed under this Act,

whichever occurs first.

- (3) An employer who enters into a training agreement:

- (a) that has been registered under section 52; or
- (b) that has been submitted under section 50 to the Authority for registration and in relation to which the Authority has not given notice under section 52 that the Authority refuses to register the agreement,

is bound by the agreement until it is terminated, cancelled or completed under this Act, whichever occurs first.

## **Subdivision 2 Cancellation, termination, suspension and completion of training agreements**

### **57 Termination during probationary period**

- (1) A training agreement may be terminated, by the employer or the apprentice who entered into it, within the relevant probationary period specified under subsection (2) or extended in accordance with subsection (5).
- (2) The relevant probationary period for a training agreement in respect of a qualification that is classified under the AQF as:
  - (a) a qualification level 1 or 2 – is one month from the date on which the agreement comes into operation; and
  - (b) a qualification level 3, 4, 5 or 6 – is 3 months from the date on which the agreement comes into operation.
- (3) The parties to a registered training agreement must, not later than 14 days after the termination of the agreement under subsection (1), give to the Authority notice in writing of the termination.

Penalty: 10 penalty units.

- (4) It is a defence to a prosecution for an offence against subsection (3) that another person required by that subsection to give notice to the Authority gave that notice.

- (5) An employer who has entered into a training agreement may, by notice in writing to the Authority before the end of the relevant probationary period in relation to the training agreement, extend the probationary period in relation to the training agreement.
- (6) An extension under subsection (5) of a probationary period in respect of a qualification that is classified under the Australian Qualification Framework as:
  - (a) a qualification level 1 or 2 – may be for not less than one month and not more than 2 months, beginning at the end of the probationary period; and
  - (b) a qualification level 3 to 6 (inclusive) – may be for not less than 3 months and not more than 6 months, beginning at the end of the probationary period.
- (7) A probationary period in relation to a training agreement may not be extended more than once under subsection (6).

**58                      Cancellation of training agreement by mutual consent of parties**

- (1) Subject to this section, a registered training agreement may, in writing signed by the parties to the agreement, be cancelled by mutual consent of the parties.
- (2) The parties to a registered training agreement must, not later than 14 days after the cancellation of the agreement under subsection (1), give to the Authority notice in writing of the cancellation.

Penalty:            10 penalty units.

- (3) It is a defence to a prosecution for an offence against subsection (2) that another person required by that subsection to give notice to the Authority gave that notice.

**59                      Authority may cancel agreement**

- (1) Despite any other provision of this Act or the conditions of a registered training agreement, the Authority may, if it thinks fit, by notice in writing served on the parties to the agreement, cancel the agreement.
- (2) The notice under subsection (1) is to specify the grounds for the cancellation.

**60 Authority may suspend agreement**

- (1) The Authority may, by notice in writing to the employer and the apprentice specified in a registered training agreement:
  - (a) suspend the operation of the registered training agreement for a period of not more than 6 months if the Authority is satisfied that the employer or apprentice are unable to comply with the agreement; or
  - (b) suspend the registered training agreement if the Authority is satisfied that the employer or apprentice has contravened or failed to comply with this Act, the Regulations or the training agreement.
- (2) If the Authority suspends a registered training agreement under subsection (1), the Authority must notify the employer and the apprentice of the grounds for the suspension.
- (3) If the Authority suspends a training agreement under subsection (1), the suspension:
  - (a) takes effect on notice being given to the employer and the apprentice; and
  - (b) remains in force:
    - (i) until the expiration of the period, if any, specified in the notice under subsection (1)(a); or
    - (ii) if no period is specified in the notice under subsection (1)(a) – until the Authority determines otherwise.

**61 Assignment of training agreement**

- (1) The parties to a registered training agreement may jointly apply to the Authority in the approved form for approval to assign the training agreement, either temporarily or permanently, to another employer.
- (2) The Authority must, as soon as practicable after receiving an application under subsection (1), by notice in writing to the parties, approve, either conditionally or unconditionally, or refuse to approve, the assignment of the training agreement.
- (3) A purported assignment of a training agreement without the approval of the Authority is of no effect.

- (4) If the Authority approves under this section the assignment of a training agreement of an apprentice from one employer to another, an assignment of the agreement, in the approved form, is to be executed within 14 days after the approval by:
- (a) both employers;
  - (b) the apprentice; and
  - (c) if the apprentice has not attained the age of 18 years – a parent or guardian of the apprentice.
- (5) If:
- (a) an apprentice continues to be employed by an employer to whom the assignment of his or her registered training agreement has been approved under this section for more than 14 days; and
  - (b) an assignment of the agreement has not been executed within that period of 14 days,
- an assignment of the agreement in accordance with subsection (4) is to be taken to have been executed.
- (6) If an assignment of a training agreement is or is to be taken to be executed in accordance with this Act, the assignment is to be taken to come into effect on the day on which the apprentice commenced employment with the employer to whom the training agreement is or is to be taken to be assigned.
- (7) The Authority may give the directions it thinks fit in relation to the execution of an assignment of a training agreement.
- (8) A person to whom a direction under subsection (7) is given must comply with the direction.

Penalty:            100 penalty units.

- (9) The Authority may require an employer to whom a training agreement is assigned to fill out a new training agreement that, when accepted by the Authority, is to be the training agreement in place of the assigned training agreement.

## **62 Termination of assigned agreements**

- (1) Subject to subsection (3), despite the terms of a registered training agreement assigned to an employer, the training agreement may be terminated by:
- (a) if the apprentice has attained the age of 18 years – the apprentice;
  - (b) if the apprentice has not attained the age of 18 years – the apprentice with the consent of a parent or guardian of the apprentice; or
  - (c) the employer,
- at any time before the expiration of the relevant probationary period specified under subsection (2).
- (2) The relevant probationary period for an assigned registered training agreement in respect of a qualification that is classified under the Australian Qualification Framework as:
- (a) a qualification level 1 or 2 – is one month from the date on which the assignment of the training agreement is executed or taken to be executed; or
  - (b) a qualification level 3, 4, 5 or 6 – is 3 months from the date on which the training agreement is executed or taken to be executed.
- (3) If a registered training agreement is assigned by an employer to another employer but the Authority is satisfied that the employer to whom the agreement is assigned is substantially the same as the former employer, the Authority may, by notice in writing to the employer to whom the agreement is assigned, declare that there is no relevant probationary period for the purposes of this section in relation to the agreement.
- (4) The parties to a registered training agreement must, not later than 14 days after the termination of the agreement under subsection (1), give to the Authority notice in writing of the termination.

Penalty: 10 penalty units.

- (5) It is a defence to a prosecution for an offence against subsection (4) that another person required by the subsection to give notice to the Authority gave that notice.

**63 Completion of training agreement through attainment of competency**

- (1) If an RTO has assessed an apprentice as having attained the level of competency or skill specified in a certifiable component of a qualification, being a qualification specified in a training agreement, and the apprentice does not intend to complete the qualification, the RTO may award a statement of attainment to the apprentice in respect of that component.
- (2) An RTO must advise the Authority if:
  - (a) an apprentice is eligible for the award of a statement of attainment in respect of a certifiable component of a qualification; and
  - (b) the apprentice does not intend to complete the qualification to which the certifiable component relates.

Penalty: 10 penalty units.

- (3) If an apprentice is assessed as being eligible to be awarded a qualification for attaining the level of competency or skill specified in each of the certifiable components of a qualification that is specified in the registered training agreement in relation to the apprentice, the RTO that assessed the apprentice:
  - (a) must award the qualification as soon as reasonably practicable; and
  - (b) must, within 14 days after the assessment, advise the Authority that the apprentice is eligible for the award of the qualification.

Penalty: 100 penalty units.

- (4) If the Authority receives advice under subsection (3) in relation to an apprentice, the Authority must issue to the apprentice a document indicating that the apprentice has completed the training specified under the training agreement.
- (5) A registered training agreement is, on and from the date on which the Authority issues a document under subsection (4) in relation to the agreement, to be taken to have been completed and, as between the parties, to be of no further force or effect.

## **Division 4                      Employer's obligations**

### **64                      Employer not to prevent apprentice from complying with RTO requirement**

An employer must not hinder or obstruct an apprentice from complying with a requirement of an RTO that relates to the training or assessment of the apprentice.

Penalty:            100 penalty units.

### **65                      Records**

- (1) An employer who is a party to a registered training agreement in relation to an apprentice must, while the agreement remains in force, maintain:

- (a) records adequate to enable the Authority or a relevant RTO to ascertain the progress of the apprentice towards the achievement of competency in respect of a certifiable component of the qualification, which qualification is specified in the training agreement; and
- (b) other records, if any, in the manner and form determined by the Authority.

Penalty:            100 penalty units.

- (2) An employer who is a party to a training agreement in relation to an apprentice must, while the agreement remains in force, forward to the Authority, within 7 days after the request or a longer period specified by the Authority, copies of all records the Authority requests the employer to provide.

Penalty:            10 penalty units.

### **66                      Rate of wages of apprentices**

- (1) This section applies subject to the terms of any award under the *Workplace Relations Act 1996* of the Commonwealth.
- (2) Subject to section 68(2), the rate of wages payable to apprentices are to be determined by the Authority based on levels of competence of apprentices.



**67                      Apprentices to be paid rate of wages**

- (1) A person must not employ, attempt to employ or authorise or permit the employment of an apprentice at a lower rate of wages than the rate of wages to which the apprentice is entitled under this Act.

Penalty:            100 penalty units.

- (2) In an action for the recovery of wages or other remuneration, it is not a defence to the action that a person was employed in contravention of this Act.

**68                      Slackness of trade**

- (1) The Authority may, on being satisfied that the employer of an apprentice is or is likely to be temporarily unable to provide sufficient work to keep the apprentice fully employed during an ordinary working week or month, approve of the employer's employing the apprentice for a shorter period of time in the week or month approved by the Authority.
- (2) If the Authority approves under subsection (1) the employment of an apprentice for a shorter period of time in a week or month, the Authority may, by notice served on the employer of the apprentice, fix the rate of wages payable to the apprentice for that week or month.

**69                      Stand down of apprentices etc.**

- (1) In this section, ***industrial occurrence*** means a breakdown in machinery or a stoppage of work by any cause for which an employer could not reasonably be held responsible.
- (2) Subject to subsection (3) and to the prior approval of the Authority, if an employer of an apprentice is unable, by reason of an industrial occurrence, to keep the apprentice fully employed during the normal working hours of a day, the employer may deduct from the wages due to that apprentice an amount equal to the wages for that part of the day in excess of 20 minutes during which the apprentice cannot be fully employed.
- (3) An apprentice:
- (a) who is required to attend for work on a day but by reason of an industrial occurrence cannot be fully employed, is entitled to receive payment equal to the apprentice's wages in respect of 2 hours work; or

- (b) who begins work on a day but by reason of an industrial occurrence cannot be fully employed, is entitled to receive payment equal to the apprentice's wages in respect of:
  - (i) 4 hours work; or
  - (ii) the number of hours actually worked,whichever is the greater.

## **Division 5            Miscellaneous**

### **70            Review of decision and resolution of disputes**

- (1) A person or organisation aggrieved by a decision made under this Part in relation to the person or organisation by a delegate of the Authority may apply to the Authority for the Authority to review the decision and to make a decision in relation to the matter in substitution for the decision of the delegate.
- (2) A party to a registered training agreement may apply to the Authority for the Authority to resolve a dispute between the parties relating to the agreement or an obligation under the agreement.
- (3) An application under subsection (1) or (2) is to be in writing.
- (4) If an application is made to the Authority under subsection (1), the Authority must consider the decision to which the application relates and uphold the decision or make a decision in relation to the matter in substitution for the decision of the delegate.
- (5) If an application is made to the Authority under subsection (2), the Authority is to attempt to resolve the dispute to which the application relates.
- (6) If an application is made under subsection (2), the Authority must, if it is of the opinion that the dispute to which the application relates is not resolved or is not likely to be resolved, forward the application to the Tribunal with a request that it carry out an inquiry under section 85 into the dispute.
- (7) A person or organisation aggrieved by a decision (including a decision under subsection (4)) of the Authority under this Part made by the Authority and not by a delegate of the Authority may request the Tribunal to conduct an inquiry in relation to the decision.

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**71 Travelling expenses and allowances**

The Authority may approve the payment of travelling expenses and allowances of an apprentice who is required to travel away from his or her usual residential locality to undertake a course of training as part of an approved apprenticeship.

**72 Apprenticeship register**

The Authority must establish and maintain an apprenticeship register containing:

- (a) the names of all apprentices in each type of apprenticeship;
- (b) particulars of all registered training agreements;
- (c) the names and addresses of all employers approved under section 47;
- (d) a record of all assignments, suspensions or cancellations of registered training agreements; and
- (e) for each type of apprenticeship, the names and particulars of all persons who have successfully completed a training agreement in respect of that type of apprenticeship.

**Part 7 Ensuring quality of training****73 Persons may be appointed**

- (1) The Authority may appoint a person for the purposes of this Part.
- (2) The Authority must issue an identity card to each person appointed under subsection (1).
- (3) A person appointed under subsection (1) must, on the termination of his or her appointment, return to the Authority the identity card issued to the person under subsection (2).

Penalty: 10 penalty units.

**74 Powers of entry**

- (1) Subject to this section, a person appointed under section 73 may enter a place where, or where the person reasonably believes, an apprentice is employed.
- (2) Despite subsection (1), a person appointed under section 73 may not enter residential premises except with the consent of the occupier of the residence.

- (3) A person appointed under section 73 who enters a place under this section must, at the request of the occupier of the place, produce to the occupier and permit the occupier to examine the identity card issued to the person under section 73.
- (4) If a person appointed under section 73 who enters a place under this section does not, at the request of the occupier of the place, produce to the occupier and permit the occupier to examine the identity card issued to the person under section 73, the person must leave the place immediately.

## **75 Powers of appointed persons**

A person appointed under section 73 who enters a place under section 74 may:

- (a) inspect the place for the purpose of ensuring that this Act, the Regulations or a training agreement is or are being complied with;
- (b) inspect and test any equipment at the place that the person reasonably believes is used in the training of apprentices;
- (c) inspect any facilities required to be at the place in pursuance of this Act;
- (d) inspect any work in progress at the place that the person reasonably believes relates to the training of apprentices;
- (e) direct the occupier of the place to answer any questions relating to the training of apprentices at the place;
- (f) direct the occupier of the place to produce any documents containing information relating to the training of apprentices at the place; or
- (g) inspect, take extracts from, or make copies of, documents produced under paragraph (f).

## **76 Offences in respect of persons appointed under section 73**

A person must not:

- (a) obstruct or hinder a person appointed under section 73 who is exercising his or her powers under this Act;
- (b) without reasonable excuse, fail to comply with a direction made to that person by a person appointed under section 73; or

- (c) knowingly give a person appointed under section 73 false or misleading information (whether orally or in writing).

Penalty:        100 penalty units.

## **Part 8            Appeals and Review Tribunal**

### **Division 1        Membership of Tribunal**

#### **77            Appeals and Review Tribunal**

The Appeals and Review Tribunal is established.

#### **78            Composition of Tribunal**

- (1) Subject to this section, the Tribunal consists of 3 members appointed by the Minister.
- (2) Of the persons appointed under subsection (1):
  - (a) one is to be appointed as representing employer interests; and
  - (b) one is to be appointed as representing employee interests.
- (3) The Minister must appoint one member of the Tribunal to be the President of the Tribunal.
- (4) A member of the Board must not be appointed as a member of the Tribunal.

#### **79            Temporary vacancies**

- (1) If:
  - (a) there is, or is expected to be, a vacancy in the office of a member of the Tribunal; or
  - (b) a member of the Tribunal is, or is expected to be, absent or unable to act,the Minister may authorise a person to act in the office of that member.
- (2) The power of the Minister under subsection (1) includes the power to authorise a person to act from time to time in the office of a member during the absence or inability of the member to act.

**80                      Period of appointment**

A member of the Tribunal holds office for the period of not more than 3 years specified in his or her instrument of appointment and is eligible for reappointment.

**81                      Termination of office**

- (1) The Minister may, by notice in writing, terminate the appointment of a member of the Tribunal.
- (2) The Minister must terminate the appointment of a member of the Tribunal if the member:
  - (a) is absent, except on leave granted by the Tribunal, from 3 consecutive meetings of the Tribunal; or
  - (b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit.
- (3) A member of the Tribunal may resign his or her office by notice in writing delivered to the Minister.

**Division 2                      Inquiries**

**82                      Application to Tribunal**

- (1) A person who is permitted under section 42 of this Act to request the Tribunal to carry out an inquiry in relation to a decision may, within 28 days of being notified of the decision to which the application relates, apply to the Tribunal for the Tribunal to carry out an inquiry under this Division.
- (2) For the purposes of subsection (1), a decision includes a failure to make a decision within a reasonable time.

**83                      Inquiry initiated by Authority**

The Authority may request the Tribunal to carry out an inquiry under this Division if the Authority reasonably believes that:

- (a) an employer, apprentice or RTO has contravened or failed to comply with this Act, the Regulations or the training agreement; or
- (b) an employer is not a fit and proper person to train an apprentice.

## **84 Parties to inquiry, commencement of inquiry and notice**

- (1) In this Part a reference, in relation to an inquiry, to a party, means:
  - (a) in relation to a request under section 42 – the Authority and the affected person for the decision;
  - (b) in relation to an application forwarded to the Tribunal under section 70(6) – the apprentice, the employer of the apprentice and, if the apprentice has not attained the age of 18 years, the parent or guardian who executed the training agreement;
  - (c) in relation to a request under section 83 for a reason specified in section 83(a) – the Authority and the employer, apprentice or RTO who or that it is alleged has contravened or failed to comply with the Act, Regulations or the training agreement;
  - (d) in relation to a request under section 83 for a reason specified in section 83(b) – the Authority and the employer who it is alleged is not a fit and proper person.
- (2) The Tribunal must, within 14 days of receiving an application under section 82, a request under section 83 or a request forwarded under section 70(6), begin an inquiry under this Division.
- (3) The Tribunal must, not less than 7 days before the date for the holding of an inquiry under this Division, give written notice of the inquiry to the parties to the inquiry.
- (4) A notice under subsection (3) is to give details of:
  - (a) the time, date and place of the inquiry;
  - (b) the nature of the inquiry; and
  - (c) the date by which any written submissions are to be lodged with the President of the Tribunal.

## **85 Conduct of inquiry**

- (1) An inquiry of the Tribunal under this Division is to be by way of a rehearing.
- (2) The Tribunal, in carrying out its functions under this Division, is not bound:
  - (a) by the rules of evidence and may inform itself on any matter and in the manner it thinks fit; or

- (b) to act in a formal manner and may act without regard to legal forms and technicalities.
- (3) Subject to this Division, the procedures at an inquiry under this Division are as determined by the Tribunal.
- (4) An inquiry of the Tribunal under this Division is to be held in private unless the parties to the inquiry consents to it being held in public.
- (5) The Tribunal may determine who may be present at an inquiry held under this Division.
- (6) The Tribunal may examine documents produced at an inquiry under this Division and may copy those documents or retain those documents for as long as is necessary for the purposes of the inquiry.
- (7) The Tribunal must ensure that each party to an inquiry under this Division has a reasonable opportunity to present his or her case, to inspect all relevant documents and to make submissions to the Tribunal.
- (8) A party to an inquiry under this Division may appear in person or be represented by another person.
- (9) A person who represents a party at an inquiry under this Division has the same protection and immunity as a legal practitioner has in appearing for a party in proceedings before the Supreme Court.
- (10) A witness at an inquiry under this Division has the same protection and immunity as a witness has in proceedings before the Supreme Court.
- (11) The Tribunal may, for the purpose of carrying out an inquiry under this Division:
  - (a) take evidence on oath or affirmation;
  - (b) proceed in the absence of a party; and
  - (c) adjourn the inquiry from time to time.

## **86 Summons**

- (1) The President of the Tribunal may, for the purpose of carrying out an inquiry under this Division:
  - (a) issue and serve on a person a summons to appear before the Tribunal to give evidence or to produce the documents specified in the summons;



- (b) require a person to give evidence on oath or affirmation; and
  - (c) administer an oath or affirmation.
- (2) A summons under subsection (1) may be served on a person:
  - (a) by delivering it to the person;
  - (b) by posting it to the person at the person's place of residence or business; or
  - (c) by leaving it at the person's place of residence or business with a person who is apparently over the age of 16 years and living or working there.
- (3) A person summoned to appear before the Tribunal is to receive fees and travelling expenses determined by the President of the Tribunal.
- (4) If a party to an inquiry under this Division requests the President of the Tribunal to summons a person to appear before the Tribunal, that party is to pay the fees and expenses referred to in subsection (3).

## **87 Powers of Tribunal**

- (1) The Tribunal may, after carrying out an inquiry under this Division in respect of an application made under section 82, confirm, modify or reverse the decision the subject of the application or any part of that decision, or substitute its own decision for that decision.
- (2) The Tribunal may, after carrying out an inquiry under this Division in respect of a request forwarded under section 70(6) or made under section 83, do one or more of the following:
  - (a) attempt to resolve the dispute between the parties by counselling or conciliation;
  - (b) make a finding of fact in relation to any matter concerning a registered training agreement;
  - (c) reprimand a party to a registered training agreement;
  - (d) order a party to a registered training agreement to comply with a condition of the training agreement;
  - (e) order a party to a registered training agreement not to enforce a condition of the training agreement;

- (f) revoke or amend an order by the Authority suspending or cancelling a registered training agreement;
- (g) suspend a registered training agreement for the period it thinks fit;
- (h) cancel a registered training agreement;
- (j) give a direction to a party to a registered training agreement, including a direction to an employer relating to the payment of a sum due to an apprentice under the agreement or this Act;
- (k) impose on a party a penalty of not more than 500 penalty units.

**88 Notice of decision to be given**

- (1) If the Tribunal exercises any of its powers under section 87, it must, not later than 7 days after exercising the power, notify the person in respect of whom the power is exercised.
- (2) The exercise of a power of the Tribunal under section 87 takes effect in relation to the person in respect of whom it is exercised on and from the date on which the person is notified of the exercise of the power under subsection (1).

**Division 3 Miscellaneous**

**89 Recovery of penalties**

- (1) A penalty imposed under section 87(2)(k) is a debt due and payable to the Territory.
- (2) The President of the Tribunal may, by notice in writing served on the employer of an apprentice, require the employer to:
  - (a) deduct the amount of any unpaid penalty imposed under section 87(2)(k) on the apprentice from the wages of the apprentice; and
  - (b) pay that amount to the Territory.
- (3) An employer on whom a notice under subsection (2) is served must comply with the notice.

Penalty: 10 penalty units.

**90      Effect of direction not to enforce condition of training agreement**

If the Tribunal, under section 87(2)(k), orders a party to a registered training agreement not to enforce a condition of the training agreement, the party cannot enforce the condition while the order remains in force.

**91      Failure to comply with order of Tribunal**

A person must not contravene or fail to comply with a finding, order or direction of the Tribunal made or given under section 87.

Penalty:      1000 penalty units.

**92      Protection of parties**

A statement or disclosure made by a person before the Tribunal is inadmissible in any court proceedings, other than proceedings for giving false evidence.

**93      Offences relating to inquiries**

- (1) A person summoned to appear before the Tribunal must not fail to comply with the summons.

Penalty:      100 penalty units.

- (2) The employer of a person summoned to appear before the Tribunal must not:

- (a) refuse to allow the person to attend the inquiry as and when required by the summons;
- (b) attempt to persuade or direct the person as to the nature of the person's evidence at the inquiry; or
- (c) threaten or otherwise victimise the person because of evidence given, or to be given, by the person to the Tribunal.

Penalty:      100 penalty units.

- (3) A person appearing before the Tribunal to give evidence at an inquiry under this Division must not, without reasonable excuse, refuse to:

- (a) take an oath or affirmation; or

(b) answer a question put to the person,

at the inquiry when directed to do so by the President of the Tribunal.

Penalty: 100 penalty units.

## **94 Appeal to Supreme Court**

- (1) A person may appeal against a decision of the Tribunal to the Supreme Court only on a question of law.
- (2) In its determination of an appeal under this section the Supreme Court may confirm, modify or reverse the decision appealed against or any part of that decision and may, instead of determining the appeal, direct the Tribunal to reconsider, either generally or in respect of specified matters, the decision to which the appeal relates.
- (3) In giving a direction under subsection (2), the Supreme Court must:
  - (a) advise the Tribunal of its reasons for doing so; and
  - (b) give the Tribunal directions it thinks fit as to the Tribunal's reconsideration of the matter,

and the Tribunal must have regard to those reasons and the directions.

## **Part 9 Miscellaneous**

### **Division 1 General requirements relating to members of Board, Authority, Tribunal or committee**

#### **95 Definitions**

In this Division:

**body** means, as the case requires, the Board, the Authority, a committee of the Board or the Tribunal.

**member** means a member of a body.

**96 Indemnity**

An action or proceeding, criminal or civil, cannot be commenced and does not lie against a member or a delegate of a body for or in respect of an act or thing done or omitted to be done in good faith by the member or delegate in that capacity.

**97 Confidentiality**

A member or a delegate of a body must not disclose information obtained in the course of his or her duties as a member or a delegate unless the disclosure is:

- (a) made in the course of his or her duties as a member or delegate; and
- (b) authorised by the body.

Penalty: 100 penalty units.

**98 Disclosure of interests**

- (1) If a member has a direct or indirect interest, whether pecuniary or otherwise, in:

- (a) a matter being considered or about to be considered at a meeting of a body; or
- (b) a thing being done or about to be done by the body,

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest to the body.

Penalty: 100 penalty units.

- (2) If a member has made a disclosure under subsection (1) in respect of a matter or thing, the member must not:

- (a) be present during any deliberation of the body, or take part in a decision of the body, in relation to that matter or thing; or
- (b) exercise a function under this Act in relation to that matter or thing,

unless the body (in the absence of the member) otherwise determines.

Penalty: 100 penalty units.

**Division 2          Other****99          Notice to be given**

If notice is required to be given by the Authority to a person under this Act, the notice is to be given:

- (a) by delivering it to the person;
- (b) by posting it to the person at the person's place of residence or of business; or
- (c) by leaving it at the person's place of residence or business with a person who is apparently over the age of 16 years and living or working there.

**100          Fees**

The Authority may, by notice in the *Gazette*, determine the fee payable for an application under this Act.

**101          Regulations**

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters:
  - (a) required or permitted by this Act to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The Regulations may provide for the registration of details not otherwise expressly provided for under Part 4.

**Part 10          Savings and transitional****103          Savings and transitional**

- (1) In this section:

***commencement date*** means the date on which this Act comes into operation.

***repealed Act*** means the *Northern Territory Employment and Training Authority Act* as in force immediately before the commencement date.

- (2) Contracts of training entered into under the repealed Act and in force immediately before the commencement date are to be taken to be registered training agreements under this Act.

- (3) A schedule of training that was part of a contract of training under the repealed Act that is in force is to be taken to be a training schedule under this Act.
- (4) A declared vocation within the meaning of the repealed Act is to be taken to be an approved apprenticeship under this Act and a declaration that, immediately before the commencement date, was in force under section 26 of the repealed Act is to be taken to be an approval under section 45 of this Act.
- (5) A course that, immediately before the commencement date, was an accredited course under section 55 of the repealed Act or was an approved training program under that Act is to be taken to be a course accredited under section 33 of this Act.
- (6) A person who, immediately before the commencement date, was a registered employer of a trainee or probationer under the repealed Act is to be taken to be approved as an employer of an apprentice under section 47 of this Act.
- (7) A person or body who or that, immediately before the commencement date, was a registered provider under the repealed Act is to be taken to be a registered training organisation under this Act.
- (8) A person who, immediately before the commencement date, was a probationer or trainee within the meaning of the repealed Act is to be taken to be an apprentice for the purposes of this Act.
- (9) A person who, immediately before the commencement date, was a training adviser within the meaning of the repealed Act is to be taken to be a person appointed under section 73 of this Act.
- (10) The traineeship register established and maintained under the repealed Act is to be taken to be the register required to be established and maintained under section 72.
- (11) An application for registration of a contract of training under the repealed Act that, immediately before the commencement date, had not been determined under that Act is to be taken to be an application for registration of a training agreement under this Act.
- (12) If an application under section 32 or 52 of the repealed Act is not determined under that Act before the commencement date, the section continues to apply in relation to the application as if the section had not been repealed and any action taken under the section after the commencement date is to be taken to have occurred immediately before the commencement date.

- (13) Despite the repeal of section 34 of the repealed Act, the Authority may issue certificates recognising successful completion of an approved training program before the commencement date.



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**Schedule      Reviewable decisions and affected persons**

Section 41

A decision under section 31B(1) to refuse to register a person as an RTO	The applicant
A decision under section 31B(6) to impose conditions on the registration of an RTO	The RTO
A decision under section 31G(2) to amend, suspend or cancel the registration of an RTO	The RTO
A decision under section 36(1) to refuse to accredit a course	The applicant
A decision under section 36(5) to impose conditions on the accreditation of a course	The applicant
A decision under section 38(2) to cancel the accreditation of a course	The holder of the certificate of accreditation for the course

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

***Northern Territory Employment And Training Authority Act 1999 (Act No. 51, 1999)***

Assent date	30 November 1999
Commenced	30 November 1999

***Statute Law Revision Act 2001 (Act No. 3, 2001)***

Assent date	22 March 2001
Commenced	22 March 2001

***Northern Territory Employment and Training Authority Amendment Act 2002 (Act No. 46, 2002)***

Assent date	13 September 2002
Commenced	6 November 2002 ( <i>Gaz</i> G44, 6 November 2002, p 2)

***Northern Territory Employment and Training Amendment Act 2004 (Act No. 42, 2004)***

Assent date	14 July 2004
Commenced	29 September 2004 ( <i>Gaz</i> G39, 29 September 2004, p 2)

***Statute Law Revision Act (No. 2) 2004 (Act No. 54, 2004)***

Assent date	15 September 2004
Commenced	27 October 2004 ( <i>Gaz</i> G43, 27 October 2004, p 3)

### 3 SAVINGS AND TRANSITIONAL PROVISIONS

- s 19 *Northern Territory Employment and Training Authority Amendment Act 2002 (Act No. 46, 2002)*
- s 10 *Northern Territory Employment and Training Amendment Act 2004 (Act No. 42, 2004)*

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## 4 LIST OF AMENDMENTS

lt	amd No. 46, 2002, s 4; No. 42, 2004, s 9
s 1	amd No. 46, 2002, s 5
s 2	amd No. 42, 2004, s 9
s 3	amd No. 46, 2002, s 6; No. 42, 2004, s 4; No. 54, 2004, s 7
pt 2 hdg	sub No. 46, 2002, s 7
ss 4 – 5	sub No. 46, 2002, s 8
s 7	sub No. 46, 2002, s 9
s 8	amd No. 46, 2002, s 10
s 20	sub No. 46, 2002, s 11
	amd No. 42, 2004, s 9
s 22	amd No. 46, 2002, s 12
s 24	rep No. 46, 2002, s 13
s 25	amd No. 46, 2002, s 14
s 27	amd No. 42, 2004, s 9
pt 4 hdg	sub No. 42, 2004, s 5
pt 4	
div 1 hdg	sub No. 42, 2004, s 5
s 28	sub No. 42, 2004, s 5
pt 4	
div 2 hdg	sub No. 42, 2004, s 5
s 29	sub No. 42, 2004, s 5
pt 4	
div 3 hdg	ins No. 42, 2004, s 5
pt 4 div 3	
sdiv 1 hdg	ins No. 42, 2004, s 5
s 30	sub No. 42, 2004, s 5
pt 4 div 3	
sdiv 2 hdg	ins No. 42, 2004, s 5
s 31	sub No. 42, 2004, s 5
ss 31A – 31L	ins No. 42, 2004, s 5
pt 4 div 3	
sdiv 3 hdg	ins No. 42, 2004, s 5
s 32	sub No. 42, 2004, s 5
ss 32A – 32C	ins No. 42, 2004, s 5
pt 4 div 3	
sdiv 4 hdg	ins No. 42, 2004, s 5
s 33	sub No. 42, 2004, s 5
s 33A	ins No. 42, 2004, s 5
pt 4	
div 4 hdg	ins No. 42, 2004, s 5
pt 4 div 4	
sdiv 1 hdg	ins No. 42, 2004, s 5
s 34	sub No. 42, 2004, s 5
pt 4 div 4	
sdiv 2 hdg	ins No. 42, 2004, s 5
ss 35 – 37	sub No. 42, 2004, s 5
s 38	amd No. 46, 2002, s 15
	sub No. 42, 2004, s 5
ss 39 – 40	sub No. 42, 2004, s 5
pt 4	
div 5 hdg	ins No. 42, 2004, s 5
s 41	sub No. 42, 2004, s 5
s 41A	ins No. 42, 2004, s 5
s 42	sub No. 42, 2004, s 5

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pt 4	
div 6 hdg	ins No. 42, 2004, s 5
s 43	sub No. 42, 2004, s 5
ss 43A – 43D	ins No. 42, 2004, s 5
pt 5 hdg	rep No. 42, 2004, s 5
s 44	sub No. 46, 2002, s 16
s 52	amd No. 3, 2001, s 3
s 55	amd No. 42, 2004, s 9
s 57	amd No. 42, 2004, s 9
ss 63 – 65	amd No. 42, 2004, s 9
ss 83 – 84	amd No. 42, 2004, s 9
s 99	amd No. 46, 2002, s 17
s 100	amd No. 46, 2002, s 18
s 101	amd No. 42, 2004, s 6
s 102	rep No. 42, 2004, s 7
sch	sub No. 42, 2004, s 8