

1989

THE PARLIAMENT OF THE  
COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

STATES GRANTS  
(TAFE ASSISTANCE) BILL 1989

EXPLANATORY MEMORANDUM

(circulated by authority of the Minister  
for Employment, Education and Training,  
the Hon J S Dawkins, MP)

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**OUTLINE**

The purpose of this Bill is to make provision for grants of financial assistance to the States and Territories for technical and further education for 1990. The Bill gives effect to measures announced in TAFE 1990: Commonwealth Programs and Priorities.

**FINANCIAL IMPACT**

The Government's 1989/90 Budget decisions provided for a total of \$326.28 million to be made available in 1990 under the technical and further education provision program.

This Bill will appropriate some \$328.896 million (Recurrent \$133.700 and Capital \$195.196) for the funding of technical and further education in the States and Territories. These funding levels reflect cost movements in salary and non-salary related items to June 1989 price levels. The level of appropriation will be further supplemented in the Autumn session to reflect further cost movements in accordance with agreed supplementation procedures.

## NOTES ON CLAUSES OF THE BILL

### PART 1 - PRELIMINARY

- Clause 1 : Short title
- Clause 2 : Commencement: The Act comes into operation on Royal Assent.
- Clause 3 : Interpretation: This clause defines expressions used in the Bill. The definition of fees has been amended to exclude fees charged of persons who have earned a living enrolling for other than an initial vocational qualification. This gives affect to the relaxation of the requirement that States/Territories seek permission of the Minister to charge fees for post-initial TAFE courses.
- Clause s 4 and 5: Interpretation: These clauses define expressions in respect of building and capital expenditure in relation to technical and further education.
- Clause 6 : Approvals to be given in writing, etc: This clause requires that any approvals given by the Minister are given in writing.
- Clause 7 : Variation of instruments: This clause enables the Minister to vary any instrument.
- Clause 8 : 'State' still includes Territory despite express reference to Territory: This clause provides for the Australian Capital Territory and the Northern Territory.
- Clause 9 : Arrangements with States: This clause enables the Minister to enter into an arrangement with a State in respect of financial assistance provided by this Bill.

### PART 2 - RECURRENT GRANTS

- Clause 10 to 11 : Grants for recurrent expenditure: The clause provides for the Minister to approve recurrent grants to the States and Territories with which an arrangement under Section 9 is in force and sets out the conditions attached to the grant. These conditions are the same as those in previous legislation.

### PART 3 - BUILDINGS AND EQUIPMENT

- Clauses 12 to 15 : Grants for building or equipment expenditure : This clause provides for the Minister to approve grants for expenditure on buildings or equipment in connection with the provision of technical and further education and sets out the conditions attached to grants. These conditions are the same as those in previous legislation.

### PART 4 - MISCELLANEOUS

- Clause 16 : Benefits of, and opportunities created by, grants to be equally available to male and female students: This clause specifies conditions for equality of opportunity arising from grants under this legislation.
- Clause 17 : Additional conditions: This clause empowers the Minister to take action in the event of a breach of the conditions of grant.
- Clause 18 : Determinations affecting State entitlements to grants: This clause limits the Minister issuing determinations whereby the State may become liable to pay an amount to the Commonwealth.
- Clause 19 : Disallowable instruments: This clause specifies that determinations made by the Minister under section 10 and 13 are disallowable instruments for the purpose of Section 46A of the Acts Interpretation Act 1901.
- Clause 20 : Time and manner of payments: This clause enables the Minister to determine the timing and amounts of payments to the States and Territories.
- Clause 21 : Delegation: This clause enables the Minister to delegate powers under the legislation to officers of the Department of Employment, Education and Training.
- Clauses 22 to 27 : Financial Machinery Provisions: These clauses provide standard mechanisms for the appropriation and payment of moneys under the Act.

### PART - 5 AMENDMENT OF EMPLOYMENT, EDUCATION AND TRAINING ACT 1988

- Clauses 28 and 29 : These clauses amend the functions of the Employment and Skills Formation Council to extend its examination of financial assistance arrangements in respect of TAFE beyond those applying in 1989.