SCHEDULE 1

AT THE END OF ITEM 30 – TRANSITIONAL REGULATIONS

In response to the concerns raised by the Senate Standing Committee for the Scrutiny of Bills as expressed in its Alert Digest No. 1 of 2011 add the following:

‘Subitems 30(2) and 30(4) are very similar to those in section 6 of the recent National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009.

The NVR legislation will enable the Commonwealth to undertake functions which have previously been performed by the states and territories. While the Commonwealth has worked closely with the states and territories to identify all transitional issues, it is possible that given the number of jurisdictions concerned an unforeseen issue may arise.

There is therefore a need to ensure that the regulations can provide for things which were not foreseen at the time the legislation was drafted, to avoid the need to pass further legislation to address things which were not foreseen. It may be that those things will need to be addressed on an urgent basis, and these provisions provide the necessary flexibility to do so.

Item 30 therefore provides greater certainty for training organisations and consumers of their services.’

(Circulated by authority of the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator the Honourable Chris Evans)