

## Legislation

A number of Commonwealth and State Government Acts of Parliament relate to the administration of apprenticeships and traineeships and the training of apprentices and trainees.

### **Apprenticeship and Traineeship Act 2001**

(administered by the NSW Department of Education and Training)

This Act relates directly to the administration of apprenticeships and traineeships in NSW and sets out the roles and responsibilities of the Commissioner for Vocational Training, employers, apprentices and trainees, as well as other bodies involved in the apprenticeship and traineeship system in NSW such as the Vocational Training Tribunal and group training organisations.

### **Vocational Education and Training Accreditation Act 1990**

(administered by the NSW Department of Education and Training)

This Act sets out the constitution, roles and functions of the NSW Vocational Education and Training Accreditation Board (VETAB), including those relating to the registration of training organisations and accreditation of courses.

### **Board of Vocational Education and Training Act 1994**

(administered by the NSW Department of Education and Training)

This Act sets out the constitution, roles and functions of the NSW Board of Vocational Education and Training (BVET), including those relating to the appointment of advisory committees and delegation of authority to other parties.

### **Industrial Relations Act 1996**

(administered by the Office of Industrial Relations, NSW Department of Commerce ph 13 16 28)

This Act regulates industrial relations in New South Wales. It provides for a centralised, award-based arbitration system with provision for enterprise bargaining. The Act provides for the regulation of industrial matters, including the provision that employers maintain records of time worked by apprentices and/or trainees and the wages they are paid.

### **Occupational Health and Safety Act 2000**

(administered by the NSW WorkCover Authority)

The Occupational Health and Safety (OH&S) Act outlines the general health and safety requirements of workplaces in NSW. Under the provisions of the Act, an employer must ensure the health, safety and welfare of employees by:

- providing and maintaining safe systems of work
- providing and maintaining safe equipment
- ensuring the safe use, handling, storage and transport of equipment and substances

- providing any information, instruction, training and supervision that is needed to ensure the health and safety of employees
- maintaining workplaces in a safe condition
- providing and maintaining safe entrances and exits
- making adequate information available to employees about research and relevant tests of substances used in the workplace.

### **Child Protection (Prohibited Employment) Act 1998**

(administered by the NSW Commission for Children and Young People:  
[www.kids.nsw.gov.au](http://www.kids.nsw.gov.au) )

This Act prohibits convicted sex offenders from working with children and young people under 18 years of age and provides for pre-employment checks for those who want to work with children and young people.

### **The Industrial Relations (Child Employment) Act 2006**

(administered by the NSW Office of Industrial Relations)

Employers operating under the federal Work Choices industrial relations system must comply with the No Net Detriment Principles of the Act, as set down by the NSW Industrial Relations Commission (IRC).

### **Anti-Discrimination Legislation**

The following Acts make it illegal to discriminate against people in the area of employment on the basis of gender, gender preference, race, skin colour, disabilities and religious beliefs:

- Anti-Discrimination Act 1997 (New South Wales) (administered by the NSW Anti-Discrimination Board)
- Racial Discrimination Act 1975 (Commonwealth) (administered by the Australian Human Rights and Equal Opportunity Commission)
- Sex Discrimination Act 1984 (Commonwealth). (administered by the Australian Human Rights and Equal Opportunity Commission)

More information about legislation listed above can be obtained from the department or authority administering the legislation.

### **Privacy and Personal Information Protection Act 1998**

The Act provides safeguards relating to the release of "personal information" held by NSW public sector agencies.

### **Freedom of Information Act 1989**

The *Freedom of Information Act 1989*, gives the public the right to request access to documents held by most NSW government departments and agencies including the NSW Department of Education and Training. The public are also able to ensure that records held by the Government concerning their personal affairs are not incomplete, incorrect, out of date or misleading.

