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An Act to consolidate and amend the Vocational Training Council Act 1968 [16 November 1982]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Vocational Training Council Act 1982.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Appointed member” means a member of the Council who is appointed under any of the provisions of paragraphs (a) to (g) of section 4 (1) or under section 4 (3) of this Act:

“Board” means an Industry Training Board established under this Act:

“Council” means the Vocational Training Council established under this Act:

“Financial year” means the period of 12 months ending with the 31st day of March in any year:

“Functions”, in relation to the Council, means the functions specified in section 11 of this Act, and in relation to a Board, means the functions specified in section 37 of this Act:

“Minister” means the Minister of Labour.

Cf. 1968, No. 12, s. 2; 1981, No. 117, s. 2

PART I

VOCATIONAL TRAINING COUNCIL

Constitution of Vocational Training Council

3. Establishment of Council—(1) There is hereby established for the purposes of this Act a Council to be known as the Vocational Training Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal, and, subject to this Act and to any other Act or rule of law, shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may do and suffer.

(3) The Council established by subsection (1) of this section is hereby declared to be the same council as the

Vocational Training Council established by the Vocational Training Council Act 1968 and in existence immediately before the commencement of this Act.

Cf. 1968, No. 12, s. 3

4. Membership of Council—(1) Subject to the provisions of this section and to section 13 of this Act, the Council shall consist of—

- (a) One person who shall be appointed as Chairman:
- (b) Two persons to be appointed on the nomination of the New Zealand Employers' Federation Incorporated:
- (c) Two persons to be appointed on the nomination of the New Zealand Federation of Labour:
- (d) One person to be appointed on the nomination of the New Zealand Manufacturers' Federation Incorporated:
- (e) One person to be appointed after consultation with representative groups or bodies in primary industry:
- (f) One person to be appointed on the nomination of the Technical Institutes Association of New Zealand:
- (g) One person to be appointed on the joint nomination of the Authority for Advanced Vocational Awards and the New Zealand Trades Certification Board:
- (h) The Chairman of the State Services Co-ordinating Committee, or any person nominated from time to time by the Chairman of the State Services Co-ordinating Committee:
- (i) The Chairman of the Combined State Unions, or any person nominated from time to time by the Chairman of the Combined State Unions:
- (j) The Director-General of Education, or any other officer of the Department of Education nominated from time to time by the Director-General of Education:
- (k) The Secretary of Labour, or any other officer of the Department of Labour nominated from time to time by the Secretary of Labour:
- (l) The Chairman of the University Grants Committee, or any person nominated from time to time by that Chairman.

(2) All members appointed under any of the provisions of paragraphs (a) to (g) of subsection (1) of this section shall be appointed by the Minister of Labour, acting with the concurrence of the Minister of Education.

(3) In addition to the members appointed or holding office under subsection (1) of this section, the Minister of Labour,

acting with the concurrence of the Minister of Education, may from time to time, after consultation with the existing members of the Council, appoint not more than 4 additional members.

(4) When a Minister makes an appointment under subsection (3) of this section or concurs in the making of an appointment under that subsection, that Minister—

(a) Shall consider—

(i) The interests of groups or organisations concerned with vocational training; and

(ii) The interests of industry sectors which are not entitled under subsection (1) of this section either to nominate a person for appointment to the Council or to be consulted about the appointment of a person to the Council; and

(b) Shall select or concur in the selection of persons who, in that Minister's opinion, are likely to contribute effectively to the working of the Council.

Cf. 1968, No. 12, ss. 4, 5 (1), 6 (1)

5. Deputies of members—(1) The Minister of Labour (acting with the concurrence of the Minister of Education) may from time to time appoint any person qualified for appointment as a member of the Council to be the deputy of any appointed member (other than the Chairman) appointed under any of the provisions of paragraphs (b) to (g) of section 4 (1) of this Act to act, pursuant to the terms of his appointment, in the event of the absence of the member from any meeting of the Council.

(2) Every person appointed under subsection (1) of this section as the deputy of a member appointed under any of the provisions of paragraphs (b), (c), (d), (f), and (g) of section 4 (1) of this Act shall be appointed on the nomination of the organisation or organisations which nominated the member for appointment.

(3) Any person appointed under subsection (1) of this section as the deputy of a member appointed under paragraph (e) of section 4 (1) of this Act shall be appointed after consultation with representative groups or bodies in primary industry.

(4) Every deputy appointed under subsection (1) of this section shall hold office at the pleasure of the Minister of Labour.

(5) No act done by any deputy appointed under subsection (1) of this section in that capacity and no act done by the

Council while any such deputy is so acting, shall in any proceedings be questioned on the ground that the occasion for so acting had not arisen or had ceased.

Cf. 1968, No. 12, s. 6 (2), (4)

6. Terms of office of appointed members—(1) Except as otherwise provided by this Act, every appointed member shall hold office for such term as the Minister shall specify in the member's appointment, being, in the case of the Chairman, a term not exceeding 4 years and, in the case of any other appointed member, a term not exceeding 3 years.

(2) Every appointed member of the Council shall be eligible for reappointment from time to time.

(3) Every appointed member of the Council, unless he sooner vacates his office under section 8 of this Act, shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

Cf. 1968, No. 12, ss. 7, 9 (5)

7. Disqualification from appointment—The following persons shall be disqualified from being appointed or becoming or holding office as an appointed member or as a deputy of an appointed member; and if so appointed shall be incapable of continuing to hold the office:

- (a) A bankrupt who has not obtained his final order of discharge, or whose order of discharge has been suspended for a term not yet expired or is subject to a condition not yet fulfilled;
- (b) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon or has served his sentence or otherwise suffered the penalty imposed on him;
- (c) A mentally disordered person within the meaning of the Mental Health Act 1969.

Cf. 1968, No. 12, s. 8

8. Extraordinary vacancies—(1) The Minister shall remove from office any appointed member or any deputy of an appointed member who—

- (a) Becomes disqualified or incapable under section 7 of this Act; or
- (b) Is proved, to the satisfaction of the Minister, to have been guilty of neglect of duty or misconduct; or

(c) Being an appointed member, is absent without leave of the Chairman from 4 consecutive meetings of the Council.

(2) Any appointed member and any deputy of an appointed member may at any time resign his office by notice in writing addressed to the Minister.

(3) If any appointed member dies, or is removed from office, or resigns, the vacancy so created shall be filled by the appointment, in the manner prescribed by section 4 of this Act, of some person qualified for that office.

(4) Every person appointed pursuant to subsection (3) of this section shall be appointed for the residue of the term for which his predecessor was appointed.

(5) The powers of the Council shall not be affected by any vacancy in its membership.

Cf. 1968, No. 12, s. 9 (1)–(4), (6)

9. Council meetings—(1) Meetings of the Council shall be held at such times and places as the Council or the Chairman from time to time decides.

(2) The Chairman or any 2 members of the Council may at any time call a special meeting of the Council.

(3) At all meetings of the Council, the quorum necessary for the transaction of business shall be not less than 8 members.

(4) All questions arising at any Council meeting shall be decided by a majority of the valid votes recorded by the members present. Any member may demand a poll to decide any question, but otherwise voting shall be carried out by a show of hands.

(5) A resolution in writing signed, or assented to by letter, telegram, or telex, by all members of the Council shall be as valid and effectual as if it had been passed at a meeting of the Council duly called and constituted.

(6) The Chairman shall preside at all meetings at which he is present.

(7) In the absence from any meeting of the Chairman and the Deputy Chairman, the members present shall elect one of their number to act as chairman of that meeting.

(8) At any meeting, the Chairman or the person acting as such shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(9) The Chairman or person for the time being acting as such may adjourn any meeting until a specified time and to a specified place if he considers that deliberation on a question will be furthered by such a course of action.

(10) Subject to the provisions of this Act, the Council may regulate its procedure in such manner as it thinks fit.

Cf. 1968, No. 12, s. 10 (2)-(11)

10. Deputy Chairman—(1) The Council shall elect one of the members to be Deputy Chairman.

(2) Any person elected as Deputy Chairman shall hold office as such until he ceases to be a member of the Council. He may from time to time be re-elected after being reappointed as a member of the Council.

(3) At the first meeting of the Council after a vacancy occurs in the office of Deputy Chairman, the Council shall elect one of its members to be Deputy Chairman.

(4) Subject to the provisions of this Act, the Deputy Chairman shall have and may exercise all the powers and duties of the Chairman during his absence or incapacity or while there is a vacancy in the office of Chairman.

(5) No acts done by a Deputy Chairman acting as the Chairman shall in any proceedings be questioned on the ground that the occasion for his so acting had ceased or had not arisen.

Cf. 1968, No. 12, s. 11

Functions and Powers of Vocational Training Council

11. Functions of the Council—(1) The functions of the Council shall be—

- (a) To co-ordinate the activities of Industry Training Boards and provide such Boards with overall guidance to assist them with the effective discharge of their functions:
- (b) To identify, in association with any appropriate organisation or agency, the requirements for key skills in the workforce in New Zealand:
- (c) To undertake or arrange for the undertaking of research into aspects of vocational training:
- (d) To collect and disseminate information on vocational training and developments in vocational training both in New Zealand and overseas:
- (e) To make such recommendations to the Government as the Council considers necessary on any vocational training activity that is financed directly or indirectly by public funds:
- (f) To make recommendations to the Government, departments of State, authorities in the field of

industry, commerce, agriculture, and social welfare, and such other institutions as may be interested in all or any aspects of vocational training on—

(i) The co-ordination of training schemes, where departments of State on the one hand and authorities or employers engaged in the fields of industry, commerce, agriculture, or social welfare on the other hand, train persons for the same occupation:

(ii) The introduction and establishment, in respect of particular occupations, of training and retraining schemes under appropriate controlling authorities, where the Council finds such schemes to be necessary or where the present requirement for training is insufficiently met or understood:

(iii) The financing or organisation of vocational training:

(iv) The vocational training of groups or persons having special needs:

(g) To evaluate its own effectiveness, that of Industry Training Boards, and of committees established under section 14 of this Act:

(h) To undertake such activities in relation to vocational training as the Minister of Labour or the Minister of Education, or both of them acting jointly, may from time to time assign to it.

(2) Without limiting its functions under subsection (1) of this section, the Council may from time to time make recommendations to the Government, departments of State, authorities in the fields of industry, commerce, agriculture, and social welfare, and such other institutions as may be interested in all or any aspects of vocational training on all or any of the following matters:

(a) The number of trainees and the type and quality of vocational training needed to meet the requirements for particular skills in the workforce:

(b) The planning and co-ordination of vocational training schemes to meet future requirements:

(c) The promotion and encouragement of improvements in the training on the job of employees in the public and private sectors:

(d) The implementation of pilot vocational training schemes which the Council considers capable of having general application in the workforce:

- (e) The development and implementation of techniques relating to job analysis and classification, job specification and instruction and the evaluation of training:
- (f) The identification of vocational training needs of significant interest to more than one Industry Training Board or which are not covered by an Industry Training Board and the referral of those needs to an appropriate examining or training body for the development of programmes, prescriptions, or syllabuses for training purposes:
- (g) The award of scholarships for vocational training purposes:
- (h) The undertaking of such vocational training projects as are, in the opinion of the Council, relevant to the performance of its functions.

(3) Where the Council makes any recommendation in respect of vocational training, the Council shall forthwith forward a copy of the recommendation to the Secretary of Labour and to the Director-General of Education and, where any such recommendation is in respect of vocational training which is carried on in, or is or may be appropriate to, a university, the Council shall also forthwith forward a copy of the recommendation to the University Grants Committee.

Cf. 1968, No. 12, s. 12 (1) (g), (h), (2) (e); 1981, No. 117, s. 3

12. Powers of Council—(1) The Council shall have all such powers, rights, and authorities as may be reasonably necessary to enable it to carry out its functions.

(2) The Council shall have power to spend any of its funds in the exercise of its functions or on any purpose ancillary thereto.

(3) Without limiting the general powers conferred on it by this section, the Council may charge fees in respect of any service performed by it in the exercise of its functions.

Cf. 1968, No. 12, s. 13

13. Temporary members—(1) The Council may from time to time appoint temporary members, to hold office during such period as may be specified in each case, for the purpose of assisting it in the exercise of its functions under this Act.

(2) Any appointment under this section may at any time be revoked by the Council.

(3) During the period of his appointment a temporary member shall be deemed to be a member of the Council, and shall be entitled to vote on any question being considered by the Council.

Cf. 1968, No. 12, s. 14

14. Advisory, technical, and standing committees—

(1) The Council may from time to time appoint advisory committees, technical committees, and committees to deal with the problems of particular industries or occupations, to advise it on such matters as it may refer to them.

(2) Without limiting subsection (1) of this section, the Council may appoint a standing committee of its members and may refer to it any matters for consideration, inquiry, or decision.

(3) The Council may from time to time delegate to any committee appointed under subsection (1) or subsection (2) of this section any of its functions, powers, and duties, except this power of delegation.

(4) The Council may appoint a member of any committee appointed under this section to be the Chairman thereof, and that power may be exercised by such committee where the Council, on the appointment of the committee, does not appoint a Chairman. Any such committee may from time to time appoint a Deputy Chairman to act in the absence of the Chairman.

(5) The Council may at any time and from time to time discharge, alter, continue, or reconstitute any such committee, or discharge any member of a committee and, if it thinks fit, appoint such other member in his stead.

(6) Every such committee may, in addition and on its own initiative, furnish to the Council reports on any matter in respect of which the members of the committee have special knowledge or experience.

(7) Any person may be appointed to be a member of any committee appointed under subsection (1) of this section, notwithstanding that he is not a member of the Council.

(8) Every such committee shall in all matters be subject to the control of the Council, and shall carry out all directions, general or special, of the Council in relation to the Council or its affairs.

(9) Subject to the provisions of this section, any such committee may exercise or perform any function, power, or

duty delegated to it in the same manner and with the same effect as if it had been conferred on the committee directly by this Act and not by delegation.

(10) Any delegation under this section may at any time be revoked by the Council.

(11) Every committee purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(12) No delegation under this section shall prevent the Council from exercising any of its functions, powers, or duties.

(13) Subject to the provisions of this Act, every committee appointed under this section may regulate its procedure in such manner as it thinks fit.

Cf. 1968, No. 12, s. 15; 1974, No. 66, s. 104 (3), (4); 1977, No. 122, s. 2

15. Specialist advice—(1) The Council and any committee appointed by the Council under section 14 of this Act may from time to time invite any person or any officer employed in the Government service, or a representative of any organisation, who, in its opinion, possesses expert knowledge or is otherwise able to assist it in connection with the exercise of its functions, to attend any of its meetings or to advise it on any matter with which it is concerned.

(2) Any person attending a meeting under this section may, if invited, take part in any discussion at the meeting, but shall not have any voting rights.

Cf. 1968, No. 12, s. 16

16. Insurance in relation to members—The Council may from time to time enter into contracts of insurance insuring its members, and members of any committee appointed by it under section 14 of this Act, against liability for damage to property arising out of and in the course of the exercise of their powers and duties as Council or committee members, and may pay the premiums payable in respect of any such contract.

Cf. 1968, No. 12, s. 17

17. Indemnity insurance—The Council may from time to time enter into contracts of insurance indemnifying itself and its employees against claims made against it or against any of its employees for loss or damage arising from any act or

omission of the Council or any of its employees while acting within the scope of their employment, and pay the premiums payable in respect of any such contract.

Cf. 1968, No. 12, s. 18

Officers and Employees of Council

18. Council to appoint certain officers and employees—(1) Subject to the provisions of this section, the Council may from time to time appoint—

- (a) A chief executive officer; and
- (b) Two Assistant Directors; and
- (c) Such officers and employees, as liaison, research or advisory staff, as are required to enable the Council to carry out its functions under this Act.

(2) The chief executive officer shall carry out such duties as may from time to time be assigned to him by the Council, and shall be responsible for the supervision of its officers and employees (including the Assistant Directors) and of the officers and employees appointed pursuant to section 19 of this Act.

(3) The Council may, subject to any contract of service, at any time remove any of the officers or employees appointed under this section from his office or appointment.

(4) The number of officers and employees who may be appointed under subsection (1) (c) of this section, whether generally or in respect of any specified duties, shall from time to time be determined by the Council in agreement with the State Services Commission.

(5) Subject to subsection (6) of this section, officers and employees of the Council shall be employed on such terms and conditions of employment and shall be paid such salaries and allowances as the Council from time to time determines in agreement with the State Services Commission.

(6) The chief executive officer shall be paid such salary as is determined from time to time by the Higher Salaries Commission.

(7) Except as provided under section 20 of this Act, no person shall be deemed to be employed in the service of Her Majesty for the purposes of the Government Superannuation Fund Act 1956 by reason of his appointment under this section.

(8) Any determination under subsection (5) of this section shall take effect on such date (whether the date thereof or any

earlier or later date) as may be specified therein. If no date is so specified the determination shall take effect on the date thereof.

Cf. 1968, No. 12, s. 19; 1981, No. 117, s. 4 (1)

19. Other officers—(1) There may from time to time be appointed under the State Services Act 1962 such research, advisory, liaison, clerical, and other officers as may be required to enable the Council to carry out its functions under this Act.

(2) Any person appointed under this section may hold his appointment concurrently with any other appointment.

Cf. 1968, No. 12, s. 20; 1981, No. 117, s. 5 (1)

20. Superannuation or retiring allowances—(1) For the purpose of providing a superannuation fund or retiring allowance for any of the officers or employees appointed under section 18 of this Act, sums by way of subsidy may from time to time be paid into any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or into any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this section.

(2) Notwithstanding anything in this Act, any person who immediately before becoming an officer or employee appointed under section 18 of this Act is a contributor to the Government Superannuation Fund under Part II of the Government Superannuation Fund Act 1956 shall be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Government service so long as he continues to be an officer or employee appointed under section 18 of this Act; and that Act shall apply to him in all respects as if his service as such an officer or employee were Government service.

(3) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (2) of this section shall entitle any such person to become a contributor to the Government Superannuation Fund after he has once ceased to be a contributor.

(4) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subsection (2) of this section, to a person who is an officer or employee appointed under section 18 of this Act and is a

contributor to the Government Superannuation Fund, the term “controlling authority”, in relation to any such person, means the Council.

Cf. 1968, No. 12, s. 20A; 1981, No. 117, s. 6 (1)

21. Employment of experts—The Council may commission any person, who in its opinion possesses expert knowledge or is otherwise able to assist it in connection with the exercise of its functions, to make such inquiries, conduct such research, make such reports and undertake such other duties as may be necessary for the efficient carrying out of any of its functions.

Cf. 1968, No. 12, s. 20B; 1981, No. 117, s. 6 (1)

Financial Provisions Relating to the Council

22. Remuneration and travelling allowances—(1) The Council is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of the Council remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951; and the provisions of that Act shall apply accordingly.

(3) There may be paid to the members of any committee appointed under section 14 of this Act, and to any person co-opted to advise or assist the Council or any such committee, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951; and the provisions of that Act shall apply accordingly as if the members of any such committee and any person so co-opted to advise or assist the Council or any such committee were members of a statutory Board within the meaning of that Act.

Cf. 1968, No. 12, s. 21

23. Annual grant to Council—For the purposes of providing funds to enable the Council to exercise its functions, the Minister of Finance shall in each financial year pay to the Council, out of money appropriated by Parliament for the purpose, such sum as he may approve.

Cf. 1968, No. 12, s. 22

24. Investment of money—Subject to the terms of any trust or endowment, any money belonging to the Council that

is not immediately required for expenditure by it may be invested in any manner in which trustees are for the time being authorised to invest trust funds.

Cf. 1968, No. 12, s. 23

25. Restrictions on borrowing—The Council may borrow money (whether on overdraft or otherwise) only with the prior consent of the Minister of Finance on such terms and conditions as he may think fit to impose.

Cf. 1968, No. 12, s. 24

26. Contributions to Council for development of vocational training—(1) Any local authority or other public body, any corporation sole, any company or other incorporated body, any unincorporated body of persons, any trustee or trustees (including any statutory trustee or trustees or board of trustees), or any other person may, unless expressly prohibited by any Act or by any instrument of trust, or by its constitution, make to the Council, and the Council may accept, grants or gifts (including devises or bequests) of money and property of every description whatsoever for the purposes of carrying out its functions.

(2) For the purposes of this section, the term “local authority” means a local authority within the meaning of Part I of the Local Authorities Loans Act 1956, whether by virtue of section 2 of that Act or of any Order in Council thereunder, or by virtue of any other Act; and includes such other public bodies as are from time to time declared by the Governor-General in Council to be local authorities for the purposes of this section.

Cf. 1968, No. 12, s. 25

27. Exemption from taxation—The Council is hereby declared to be exempt from the payment of income tax.

Cf. 1968, No. 12, s. 26 (1)

28. Bank accounts—(1) The Council shall open at such bank or banks as may be approved by the Minister of Finance, or at any branch or agency of any such bank, such accounts (including imprest and subsidiary accounts) as are necessary for the exercise of its functions and powers.

(2) All money received by the Council, or by a member, officer, or employee in the course of his duties as a member or servant of the Council, amounting to \$20 or more shall, as

soon as practicable after it has come into the hands of the Council or of any such member, officer, or employee, be paid into the appropriate bank account.

(3) Every withdrawal or payment of money made by the Council from its funds shall be authorised by a prior resolution of the Council or shall be submitted to it for authorisation at its next ordinary meeting after the date of payment.

(4) Where the Council authorises the withdrawal or payment of money from any such account, that withdrawal or payment shall be by a cheque signed by such person or persons as the Council from time to time may authorise.

Cf. 1968, No. 12, s. 27

29. Accounts and audit—(1) The Council shall keep full and correct accounts of all its financial transactions, assets, liabilities, and funds; and its accounts shall be audited by the Audit Office which for that purpose shall have and may exercise all such powers as it has under the Public Finance Act 1977 in respect of public money and stores and persons dealing therewith.

(2) At the end of each financial year, the Council shall prepare an income and expenditure account showing its financial transactions for that year, together with a balance sheet as at the last day of the financial year.

(3) As soon as practicable after the end of its financial year, the Council shall submit its income and expenditure account and balance sheet to the Audit Office for audit.

Cf. 1968, No. 12, s. 28

30. Annual report to Minister—(1) As soon as may be reasonably practicable after the end of each financial year, the Council shall provide the Minister with a report of its operations for that year, together with a copy of its audited accounts for that year and the report of the Audit Office on those accounts.

(2) A copy of the report and of the accounts of the Council together with a copy of the report of the Audit Office on the accounts, shall be laid before Parliament as soon as practicable after their receipt by the Minister.

Cf. 1968, No. 12, s. 29 (1)

31. Unauthorised expenditure—In any financial year the Council may spend for purposes not authorised by this or any other Act any sum or sums not amounting in the aggregate to more than \$500.

Cf. 1968, No. 12, s. 30; 1976, No. 129, s. 2

Miscellaneous Provisions

32. Members of Council not personally liable—A member of the Council, or a member of any committee appointed under section 14 of this Act who does any act in pursuance or intended pursuance of any provision of this Act or omits to do any act required by any such provision shall not be under any criminal or civil liability as a result of that act or omission, whether on the ground of want of jurisdiction or mistake of law or fact, or any other ground, unless the act was done or omitted in bad faith.

Cf. 1968, No. 12, s. 31

33. Crown may provide services for Council—The Crown, acting through any department of State, may from time to time, at the request of the Council, execute any work or enter into arrangements for the execution or provision by the department for the Council of any work or service, or for the supply to the Council of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed.

Cf. 1968, No. 12, s. 32

PART II

INDUSTRY TRAINING BOARDS

Constitution of Industry Training Boards

34. Establishment of Boards—(1) The Minister may from time to time, on the recommendation of the Council, establish by notice in the *Gazette* an Industry Training Board for such industry or associated group of industries as the Council recommends.

(2) Each Board shall be a body corporate with perpetual succession and a common seal, and, subject to this Act and to any other Act or rule of law, shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may do and suffer.

(3) A notice establishing a Board under subsection (1) of this section shall also prescribe the terms and conditions of appointment of members of the Board and may make provision for such other matters as may be specified in the notice.

(4) The Minister may, on the recommendation of the Council, by notice in the *Gazette* disestablish any Board.

(5) In the event of any Board being disestablished, all the property, rights, and liabilities of the Board shall vest without conveyance or assignment in and become the property, rights, and liabilities of the Council.

(6) Where any property or rights or liabilities vest in the Council pursuant to subsection (5) of this section, the Council shall, in dealing therewith, have regard to—

- (a) The need to promote vocational training in the industry or associated group of industries for which the Board was originally established; and
- (b) Such views as may have been expressed by the Board before the Board was disestablished.

(7) Notwithstanding the provisions of this Act, every Industrial Training Board established under the provisions of section 15A of the Vocational Training Council Act 1968 (as inserted by section 2 (1) of the Vocational Training Council Amendment Act 1972) and in existence immediately before the coming into force of this Act, shall be deemed to have been established as an Industry Training Board under this section.

Cf. 1968, No. 12, s. 15A (1), (2), (6), (7); 1972, No. 113, s. 2 (1)

35. Membership of Boards—(1) The membership of each Board shall comprise such persons, who, having regard to the industry or associated group of industries for which the Board is established, are likely to contribute effectively to the working of that Board.

(2) The members of each Board shall be appointed in the manner prescribed in the notice establishing the Board pursuant to section 34 of this Act.

(3) A Board may from time to time appoint additional members to hold office during such period and on such terms and conditions as the Board may specify, for the purpose of assisting it in the exercise of its functions under this Act.

(4) Any appointment by a Board under subsection (3) of this section may at any time be revoked by the Board.

36. Chairman—The person for the time being holding office as Chairman of any Board established at the commencement of this Act shall continue to hold that office until the expiry of the term for which he was appointed to it.

Functions and Powers of Industry Training Boards

37. Functions of Boards—(1) The functions of an Industry Training Board, which shall be exercised in relation to the industry or associated group of industries for which that Board is established, shall be—

- (a) To promote the benefits of vocational training:
- (b) To make recommendations to any persons or organisations on the development and implementation of vocational training programmes:
- (c) To co-operate with the Council in implementing vocational training projects—
 - (i) Which are developed jointly with the Council; or
 - (ii) Which affect industries or sections of the workforce which are subject to more than one Board; or
 - (iii) Which apply to both the public sector and the private sector:
- (d) To assist, in association with any appropriate organisation, in identifying future requirements for skills in the workforce.

(2) Without limiting the functions under subsection (1) of this section, a Board may from time to time, in relation to the industry or associated group of industries for which it is established,—

- (a) Make recommendations to any persons or organisations on the development and implementation of vocational training programmes for persons entering or re-entering the workforce and for groups or persons having special needs:
- (b) Make recommendations to any person or organisation on programmes for retraining:
- (c) Prepare training manuals for training on the job and other materials designed to improve training performance:
- (d) Undertake, or arrange for the undertaking of, research into and the collection of information on vocational training:

- (e) Undertake vocational training programmes if the requirement for vocational training cannot otherwise be met:
- (f) Undertake such vocational training projects as the Board considers desirable.

38. Powers of Boards—(1) Each Board shall have all such powers, rights, and authorities as may be reasonably necessary to enable it to carry out its functions.

(2) Each Board shall have power to spend any of its funds in the exercise of its functions or on any purpose ancillary thereto.

(3) Without limiting subsection (2) of this section each Board shall have power to spend any of its funds on the payment of such fees, allowances, travelling allowances and expenses to its members as the Board may from time to time approve either generally or in any particular case.

(4) Without limiting the general powers conferred on it by this section, a Board may charge fees in respect of any service performed by it in the exercise of its functions.

39. Committees—(1) A Board may from time to time appoint committees to deal with such matters as it may refer to them; and a Board may from time to time delegate to any such committee any of its functions, powers, and duties, except this power of delegation.

(2) Every such committee may, in addition and on its own initiative, furnish to the Board reports on any matter in respect of which the members of the committee have special knowledge or experience.

(3) Any person may be appointed to be a member of any such committee, notwithstanding that he is not a member of the Board.

(4) Every such committee shall in all matters be subject to the control of the Board and shall carry out all directions, general or special, of the Board in relation to the Board or its affairs.

(5) Subject to the provisions of this section, any such committee may exercise or perform any function, power, or duty delegated to it in the same manner and with the same effect as if it had been conferred on the committee directly by this Act and not by delegation.

(6) Any delegation under this section may at any time be revoked by the Board.

(7) Every committee purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(8) No delegation under this section shall prevent the Board from exercising any of its functions, powers, or duties.

(9) Subject to the provisions of this Act, every committee appointed under this section may regulate its procedure in such manner as it thinks fit.

Financial Provisions Relating to Boards

40. Council may make grants to Boards—For the purposes of providing funds to enable a Board to exercise its functions, the Council may from time to time pay to the Board out of money appropriated by Parliament for the purpose, or from any other source available to it, such sums as the Council thinks fit.

Cf. 1968, No. 12, s. 15A (4); 1972, No. 113, s. 2 (1)

41. Investment of money—Subject to the terms of any trust or endowment, any money belonging to a Board that is not immediately required for expenditure by it may be invested in any manner in which trustees are for the time being authorised to invest trust funds.

42. Restrictions on borrowing—A Board may borrow money (whether on overdraft or otherwise) only with the prior consent of the Minister of Finance on such terms and conditions as he may think fit to impose.

43. Contributions to Boards for development of vocational training—(1) Any local authority or other public body, any corporation sole, any company or other incorporated body, any unincorporated body of persons, any trustee or trustees (including any statutory trustee or trustees or board of trustees), or any other person may, unless expressly prohibited by any Act or by any instrument of trust, or by its constitution, make to any Board, and the Board may accept, grants or gifts (including devises or bequests) of money and property of every description whatsoever for the purposes of carrying out its functions.

(2) For the purposes of this section, the term “local authority” means a local authority within the meaning of Part I of the Local Authorities Loans Act 1956, whether by virtue

of section 2 of that Act or of any Order in Council thereunder, or by virtue of any other Act; and includes such other public bodies as are from time to time declared by the Governor-General in Council to be local authorities for the purposes of this section.

44. Exemption of Boards from taxation—Every Board established pursuant to section 34 of this Act is hereby declared to be exempt from the payment of income tax.

45. Bank accounts—(1) Each Board shall open at such bank or banks, or at any branch or agency of any such bank, such accounts (including imprest and subsidiary accounts) as are necessary for the exercise of its functions and powers.

(2) All money received by a Board, or by a member thereof, or any officer or employee in the course of his duties as a member or servant of the Board, amounting to \$20 or more shall, as soon as practicable after it has come into the hands of the Board or of any such member, officer, or employee be paid into the appropriate bank account.

(3) Every withdrawal or payment of money made by a Board from its funds shall be authorised by a prior resolution of the Board or shall be submitted to it for authorisation at its next ordinary meeting after the date of payment.

(4) Where a Board authorises the withdrawal or payment of money from any such account, that withdrawal or payment shall be by a cheque signed by such person or persons as the Board from time to time may authorise.

46. Accounts and audit—(1) Each Board shall keep full and correct accounts of all its financial transactions, assets, liabilities, and funds; and its accounts shall be audited by the Audit Office which for that purpose shall have and may exercise all such powers as it has under the Public Finance Act 1977 in respect of public money and stores and persons dealing therewith.

(2) At the end of each financial year, each Board shall prepare an income and expenditure account showing its financial transactions for that year, together with a balance sheet as at the last day of the financial year.

(3) As soon as practicable after the end of its financial year, each Board shall submit its income and expenditure account and balance sheet to the Audit Office for audit.

Cf. 1968, No. 112, s. 15A (4); 1972, No. 113, s. 2 (1)

47. Boards to report to Council—Each Board shall provide the Council with a report in the manner and at the time prescribed by the Council of its operations including the operations of any committee appointed by that Board pursuant to section 39 of this Act during the preceding year, together with a report on the expenditure during that year by the Board.

48. Members of Boards not personally liable—A member of a Board or a member of any committee appointed under section 39 of this Act who does any act in pursuance or intended pursuance of any provision of this Act or omits to do any act required by any such provision shall not be under any criminal or civil liability as a result of that act or omission, whether on the ground of want of jurisdiction or mistake of law or fact, or any other ground, unless the act was done or omitted in bad faith.

PART III

CONSEQUENTIAL AMENDMENTS AND REPEALS

49. Consequential amendments—(1) The First Schedule to the Labour Department Act 1954 (as substituted by section 2 (2) of the Labour Department Amendment Act 1979) is hereby amended by omitting the item relating to the Vocational Training Council Act 1968, and substituting the following item:

“The Vocational Training Council Act 1982.”

(2) Part I of the First Schedule to the Local Authorities (Members’ Interests) Act 1968 is hereby amended by omitting the item relating to Industrial training boards, and substituting the following item:

“Industry Training Boards		1982, No. 54—The Vocational Training Council Act 1982.”
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50. Repeals—The enactments specified in the Schedule to this Act are hereby repealed.

51. Transitional provisions relating to Council—(1) This section shall apply, notwithstanding the provisions of this Act, to any member, associate member, or deputy of a member (as the case may be) of the Vocational Training Council established by the Vocational Training Council Act 1968 in office immediately before the commencement of this Act.

(2) Every member of the Vocational Training Council to whom this section applies, being a member appointed or holding office under the provisions respectively of paragraphs (a), (b), (c), (d), (e), (f), (g), and (h) of section 4 (1) of the Vocational Training Council Act 1968, shall be deemed to have been duly appointed, or to hold office (as the case may be) as a member of the Council under the provisions respectively of paragraphs (a), (j), (k), (b), (c), (d), (f), and (g) of section 4 (1) of this Act.

(3) Every associate member of the Vocational Training Council to whom this section applies, being an associate member holding office under the provisions respectively of paragraphs (a), (b), and (c) of section 5 (1) of the Vocational Training Council Act 1968, shall be deemed to hold office as a member of the Council under the provisions respectively of paragraphs (h), (i), and (l) of section 4 (1) of this Act.

(4) Every member of the Vocational Training Council to whom this section applies, being a member appointed under section 4 (2) of the Vocational Training Council Act 1968, shall be deemed to have been appointed as a member of the Council under the corresponding provisions of section 4 (3) of this Act.

(5) Every deputy of a member of the Vocational Training Council to whom this section applies, being a person appointed under section 6 (2) of the Vocational Training Council Act 1968 as the deputy of any member appointed under the provisions respectively of paragraphs (d), (e), (f), (g), and (h) of section 4 (1) of that Act, shall be deemed to have been appointed under section 5 of this Act as the deputy of each member deemed, under subsection (2) of this section to have been appointed as a member of the Council under the provisions respectively of paragraphs (b), (c), (d), (f), and (g) of section 4 (1) of this Act.

(6) The term of office of every person deemed under this section to have been appointed to the Council as a member or deputy member thereof, shall expire on the date on which, but for the passing of this Act, that term would have expired under the provisions of the Vocational Training Council Act 1968.

(7) Notwithstanding the provisions of this Act, every advisory committee, technical committee, and committee appointed to deal with the problems of particular industries or occupations, in existence immediately before the commencement of this Act and appointed by the Vocational Training Council established by the Vocational Training

Council Act 1968 under section 15 of that Act shall be deemed to have been appointed by the Council under section 14 of this Act.

52. Transitional provisions relating to Industry Training Boards—(1) This section shall apply, notwithstanding the provisions of this Act, to every member of an Industrial Training Board established under the provisions of section 15A of the Vocational Training Council Act 1968 holding office immediately before the commencement of this Act.

(2) Every member of an Industrial Training Board to whom this section applies, being a member appointed by any person, body (whether corporate or unincorporated), organisation, or association named in any notice establishing that Board, shall be deemed to have been appointed a member of the Industry Training Board which that Board is deemed to be by virtue of section 34 (7) of this Act, in the manner prescribed in that notice as if that notice had been given under section 34 of this Act.

(3) Any person co-opted as an additional member of an Industrial Training Board to whom this section applies, shall be deemed to have been appointed by the Industry Training Board which that Board is deemed to be by virtue of section 34 (7) of this Act under section 35 (3) of this Act.

(4) The term of office of every person deemed by this section to have been appointed to an Industry Training Board pursuant to sections 34 and 35 of this Act shall expire on the date on which, but for the passing of this Act, his term would have expired.

(5) Unless in any case the context otherwise requires, in any other enactment or in any regulation, order, notice, award, agreement, instrument, or other document, every reference to an Industrial Training Board established pursuant to section 15A of the Vocational Training Council Act 1968 shall be read as a reference to an Industry Training Board established pursuant to section 34 of this Act.

Section 50

SCHEDULE**ENACTMENTS REPEALED**

- 1968, No. 12—The Vocational Training Council Act 1968.
1969, No. 26—The Estate and Gift Duties Amendment Act 1969:
Section 5 (2). (Reprinted 1976, Vol. 5, p. 3677.)
1971, No. 51—The Stamp and Cheque Duties Act 1971: So much of the
Third Schedule as relates to the Vocational Training
Council Act 1968.
1972, No. 113—The Vocational Training Council Amendment Act
1972.
1975, No. 109—The Vocational Training Council Amendment Act
1975.
1976, No. 129—The Vocational Training Council Amendment Act
1976.
1981, No. 117—The Vocational Training Council Amendment Act
1981.
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This Act is administered in the Department of Labour.
