



EMPLOYMENT INCENTIVE ASSISTANCE AMENDMENT ACT 1986

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No. 72 of 1986
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AN ACT to amend the *Employment Incentive Assistance Act 1984*.

[Royal Assent 3 October 1986]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Employment Incentive Assistance Amendment Act 1986*. Short title.

Commence-
ment.

2—This Act shall commence on the day on which it receives the Royal assent.

Principal Act.

3—In this Act, the *Employment Incentive Assistance Act 1984** is referred to as the Principal Act.

Amendment of
section 3 of
Principal Act
(Interpre-
tation).

4—Section 3 of the Principal Act is amended as follows:—

(a) by inserting the following definitions before the definition of “ employer ” in subsection (1):—

“ Australian Traineeship System ” means the system of that name established under the *Commonwealth Employment Service Act 1978* of the Commonwealth and administered by the Authority;

“ Authority ” means the Training Authority of Tasmania constituted under the *Industrial and Commercial Training Act 1985*;

“ eligible school leaver ” means a person who—

(a) at the end of the last school term in a year, leaves the school at which he has received all or any of his secondary education; and

(b) on or after 1st February in the following year, is offered employment by an employer pursuant to a contract of service or apprenticeship,

and who, on the date on which he is offered that employment, is—

(c) registered for full-time work with the Commonwealth Employment Service;

(d) participating in—

(i) the Community Youth Special Projects Scheme of the Commonwealth;

* No. 106 of 1984.

- (ii) an employment training programme conducted by an educational institution in Tasmania, being a programme approved by the Minister by notice in writing pursuant to subsection (2) (a);
 - (iii) a Commonwealth Community Employment Programme; or
 - (iv) a Commonwealth employment scheme or programme approved by the Minister by notice in writing pursuant to subsection (2) (b); or
 - (e) registered as mentioned in paragraph (c) and participating in a scheme, or a programme, referred to in paragraph (d);
- (b) by inserting in the definition of “employment establishment” in subsection (1) “, together with the number of positions for trainees,” after “positions”;
- (c) by omitting the definition of “grant” in subsection (1) and substituting the following definition:—
“grant” means a grant under section 4 (1) or (1A);
- (d) by inserting in the definition of “grant agreement” in subsection (1) “or 6A (1)” after “6 (1) (a)”;
- (e) by inserting the following definitions after the definition of “ordinary hours” in subsection (1):—
“the relevant date” means—
 - (a) 4th March 1986; or
 - (b) such other date as the Governor may fix by proclamation pursuant to subsection (3) in lieu of the date referred to in paragraph (a);“school” includes a technical college or other educational institution;

“ trainee ” means a person who has undertaken, or will undertake, a traineeship with an employer;

“ traineeship ” means a course of training provided under a scheme of training pursuant to the Australian Traineeship System approved by the Authority;

(f) by adding the following subsection after subsection (2):—

(3) The Governor may, by proclamation, fix a date for the purposes of paragraph (b) of the definition of “ the relevant date ” in subsection (1).

Amendment of section 4 of Principal Act (Power of Minister to make grants).

5—Section 4 of the Principal Act is amended as follows:—

(a) by omitting paragraph (a) of subsection (1) and substituting the following paragraph:—

(a) on or after the relevant date, increases his employment establishment by creating a full-time position for—

(i) an unemployed person;

(ii) an eligible school leaver; or

(iii) a person who, within the period of 3 months immediately preceding the increase of that employment establishment by the creation of that position for that person, has completed, or partly completed, a traineeship;

(b) by inserting the following subsection after subsection (1):—

(1A) Subject to this section, the Minister may, with the approval of the Treasurer, make a grant to an employer who—

(a) on or after the relevant date, increases his employment establishment by creating a position for a trainee; and

(b) applies for the grant in accordance with section 5.

(c) by inserting in subsection (2) “ or (1A) ” after “ subsection (1) ”;

- (d) by omitting from subsection (2) (a) “ that ” and substituting “ the appropriate ”;
- (e) by omitting paragraph (b) of subsection (2) and substituting the following paragraph:—
 - (b) the full-time position created as the result of the increase, in the case of an employer to whom subsection (1) applies, provides a genuine opportunity for the employment of an unemployed person, an eligible school leaver, or other person referred to in subsection (1) (a), as the case may be;
- (f) by inserting the following subsection after subsection (2):—
 - (2A) The Minister shall not make—
 - (a) a grant under subsection (1) to an employer in respect of a person if a grant has been made under subsection (1A) to the employer in respect of his creation of a position for that person as a trainee; or
 - (b) a grant under subsection (1A) to an employer in respect of a person if a grant has been made under subsection (1) to the employer in respect of his creation of a full-time position for that person as mentioned in subsection (1) (a).
- (g) by omitting from subsection (3) (c) “ 12th September 1984 ” and “ 12 September 1984 ” and substituting “ the relevant date ”;
- (h) by omitting from subsection (4) (a) “ 12th September 1984 ” and substituting “ the relevant date ”;
- (i) by omitting from subsection (4) (b) “ 12th September 1984 ”, where twice occurring, and substituting “ the relevant date ”.

6—Section 6 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) “ this Act ” and substituting “ section 4 (1) ”;
- (b) by inserting in subsection (1) (a) (i) “, an eligible school leaver, or a person who has completed, or partly completed, a traineeship ” after “ person ”;

Amendment of section 6 of Principal Act (Agreements to be entered into as consequence of making grants under section 4 (1)).

- (c) by inserting the following subsection after subsection (1):—
- (1A) Without prejudice to the generality of subsection (1) (b), the conditions to which a grant agreement entered into by an employer under subsection (1) is subject may include conditions relating to the employment by the employer of persons otherwise than in full-time positions.
- (d) by inserting in subsection (2) “ under section 4 (1) ” after “ grant ”, where firstly occurring;
- (e) by inserting in subsection (2) (a) “, an eligible school leaver, or other person referred to in subsection (1) (a) (i) ” after “ person ”;
- (f) by inserting in subsection (2) (c) “ and other persons referred to in subsection (1) (a) (i) (if any) ” after “ persons ”;
- (g) by omitting from subsection (2) (c) “ 12th September 1984 ” and substituting “ the relevant date ”.

Insertion in
Principal Act
of new
section 6A.

7—After section 6 of the Principal Act, the following section is inserted:—

Agreements to
be entered
into as con-
sequence of
making grants
under section
4 (1A).

6A—(1) Where the Minister makes a grant under section 4 (1A) to an employer, the Minister shall enter into an agreement with the employer under which—

- (a) if the employer enters into the agreement at the commencement of the period of the traineeship being undertaken by the trainee in respect of whom the grant is made—
- (i) the Minister shall pay to the employer, subject to section 7 (3), the sum of \$4 000 payable in 4 equal half-yearly instalments on the respective days specified in the agreement; and
- (ii) the employer shall provide training and employment for the trainee for a period of 2 years commencing when the period of that traineeship commences; or

(b) if the employer enters into the agreement at the expiration of the period of the traineeship referred to in paragraph (a)—

(i) the Minister shall pay to the employer, subject to section 7 (3), the sum of \$5 000 payable, as nearly as possible, in 3 equal half-yearly instalments on the days respectively specified in the agreement; and

(ii) the employer shall provide employment for the trainee for a period of 18 months commencing immediately after the expiration of the period of the traineeship referred to in paragraph (a).

(2) A grant agreement for the purposes of subsection (1) shall be subject to such terms and conditions as are determined by the Minister and as are specified in the agreement.

(3) Without prejudice to the generality of subsection (2), the conditions to which a grant agreement entered into by an employer for the purposes of subsection (1) is subject may include conditions relating to the employment by the employer of persons otherwise than as trainees.

(4) An employer to whom a grant under section 4 (1A) is made shall, in addition to maintaining the number of positions for trainees specified in the grant agreement to which the grant relates, maintain his employment establishment at at least the same number as it was on the relevant date.

8—Section 7 of the Principal Act is amended as follows:—

(a) by inserting in subsection (5) “for the purposes of section 6 (1)” after “grant agreement”;

(b) by inserting the following subsection after subsection (5):—

(5A) Where, while a grant agreement for the purposes of section 6A (1) is in force with respect to a grant to an employer in relation to a trainee for whom the employer is providing training and employment, or will be providing employment, pursuant to the agreement—

Amendment of section 7 of Principal Act (Provisions applicable to grants, &c.).

(a) there is a break in the course of the trainee's training and employment for more than 4 consecutive weeks in the period of training and employment provided by the employer, or, as the case may be, the period of employment provided by the employer;

(b) the employer contravenes or fails to comply with a term or condition to which the agreement is subject; or

(c) the employer fails to comply with section 6A (4),

any instalment of the grant paid under that agreement to the employer becomes, if the Minister so determines, immediately payable by him to the Minister.

(c) by omitting from subsection (6) "or (5)" and substituting ", (5), or (5A)".

Amendment of section 10 of Principal Act (Expenses of Act).

9—Section 10 (2) of the Principal Act is amended by inserting "and (1A)" after "section 4 (1)".

Transitional provision.

10—Where, before the commencement of this Act, an employer made an application for a grant under the Principal Act and that grant has not been made to him immediately before that commencement, the employer is, notwithstanding the amendments made to the Principal Act by this Act, eligible to receive, and shall be paid, that grant on or after that commencement if he was eligible to receive it before that commencement.