

TASMANIA

EDUCATION AMENDMENT BILL 2014

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EDUCATION AMENDMENT BILL 2014

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
16 October 2014

(Brought in by the Minister for Education and Training, the Honourable Jeremy Page Rockliff)

A BILL FOR

An Act to amend the *Education Act 1994*

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. Short title

This Act may be cited as the *Education Amendment Act 2014*.

2. Commencement

This Act commences on 1 February 2015.

3. Principal Act

In this Act, the *Education Act 1994** is referred to as the Principal Act.

*No. 86 of 1994

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4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *Registration Board* and substituting the following definition:

Registrar means the Registrar, Non-government Schools Tasmania appointed under section 48;

5. Part 5, Division 1: Heading amended

Division 1 of Part 5 of the Principal Act is amended by omitting “***Schools Registration Board***” from the heading to that Division and substituting “***Registrar, Non-government Schools Tasmania***”.

6. Sections 48, 49 and 50 substituted

Sections 48, 49 and 50 of the Principal Act are repealed and the following sections are substituted:

48. Registrar, Non-government Schools Tasmania

The Minister is to appoint a State Service officer or State Service employee to be Registrar, Non-government Schools Tasmania and that officer or employee is to hold that office in conjunction with State Service employment.

49. Functions and powers of Registrar

- (1) The Registrar has the following functions:
 - (a) to hear and determine applications for the registration of schools under this Part;
 - (b) to keep full and correct details of the hearings and determinations in relation to applications referred to in paragraph (a);
 - (c) such other functions as the Minister may determine.
- (2) The Registrar may do anything necessary or convenient to perform his or her functions.

50. Report to Minister

- (1) The Registrar is to report to the Minister, as soon as practicable after 31 December in each year, on the administration of this Part.
- (2) Without limiting subsection (1), the report is to contain the following:
 - (a) the number of applications for registration of schools that the Registrar has received and determined under this Part;
 - (b) the number of applications for registration of schools under this

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- Part that the Registrar has refused;
- (c) the types of registration that the Registrar has granted under this Part;
 - (d) the number of reviews that the Registrar has arranged to be carried out under this Part;
 - (e) the number of inspections that the Registrar has arranged to be carried out under this Part;
 - (f) the number of applications for renewals of registration as a school received and determined by the Registrar under this Part;
 - (g) the number of registrations as a school that have been cancelled under this Part;
 - (h) any other matters that the Minister may determine.

7. Section 52 amended (Application for registration)

Section 52 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(c) “Registration Board” and substituting “Registrar”;

- (b) by omitting from subsection (2)(d) “Registration Board” and substituting “Registrar”;
- (c) by omitting from subsection (3) “Registration Board” and substituting “Registrar”;
- (d) by omitting from subsection (3) “it” and substituting “he or she”.

8. Section 53 amended (Grant of application)

Section 53 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Registration Board” and substituting “Registrar”;
- (b) by omitting from subsection (2) “Registration Board” and substituting “Registrar”;
- (c) by omitting from subsection (2) “it” and substituting “the Registrar”.

9. Section 54 amended (Types of registration)

Section 54 of the Principal Act is amended as follows:

- (a) by omitting “Registration Board” and substituting “Registrar”;

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- (b) by omitting “it” and substituting “he or she”.

10. Section 55 amended (Review of registration)

Section 55 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Registration Board” and substituting “Registrar”;
- (b) by omitting from subsection (2) “Registration Board” twice occurring and substituting “Registrar”;
- (c) by omitting from subsection (4) “Registration Board” and substituting “Registrar”.

11. Section 56 amended (Inspections)

Section 56 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Registration Board” and substituting “Registrar”;
- (b) by omitting from subsection (2) “Registration Board” twice occurring and substituting “Registrar”;
- (c) by omitting from subsection (3) “Registration Board” and substituting “Registrar”.

12. Section 57 amended (Certificate of authority)

Section 57(1) of the Principal Act is amended by omitting “Registration Board” and substituting “Registrar”.

13. Section 60 amended (Renewal of registration)

Section 60 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(b) “Registration Board” and substituting “Registrar”;
- (b) by omitting from subsection (3) “Registration Board” and substituting “Registrar”;
- (c) by omitting from subsection (4) “Registration Board” and substituting “Registrar”;
- (d) by omitting from subsection (4) “it” and substituting “the Registrar”.

14. Section 61 amended (Cancellation of registration)

Section 61(1) of the Principal Act is amended by omitting “Registration Board” and substituting “Registrar”.

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15. Section 63 amended (Certificate of registration)

Section 63(1) of the Principal Act is amended by omitting “Registration Board” and substituting “Registrar”.

16. Section 86 amended (Immunity from liability)

Section 86 of the Principal Act is amended by omitting “Any person or member of the Registration Board or any council or committee established under this Act” and substituting “The Registrar, a person who was a member of the Registration Board in existence immediately before the commencement of the *Education Amendment Act 2014* or a member of any council or committee established under this Act, or any other person,”.

17. Section 88 repealed

Section 88 of the Principal Act is repealed.

18. Section 89 amended (Records)

Section 89 of the Principal Act is amended as follows:

- (a) by omitting “Registration Board” and substituting “Registrar”;
- (b) by omitting from paragraph (a) “its” and substituting “the Registrar’s”;

- (c) by omitting from paragraph (b) “its” and substituting “the Registrar’s”.

19. Section 91 amended (Regulations)

Section 91(5) of the Principal Act is amended by omitting “Registration Board” and substituting “Registrar”.

20. Section 92A inserted

After section 92 of the Principal Act, the following section is inserted in Part 7:

**92A. Transitional and savings provisions –
*Education Amendment Act 2014***

Schedule 4 has effect with respect to transitional and savings provisions.

21. Schedule 1 repealed

Schedule 1 to the Principal Act is repealed.

22. Schedule 4 inserted

After Schedule 3 to the Principal Act, the following Schedule is inserted:

**SCHEDULE 4 – TRANSITIONAL AND SAVINGS
PROVISIONS – *EDUCATION AMENDMENT ACT 2014***
Section 92A

1. Interpretation

In this Schedule –

amending Act means the *Education Amendment Act 2014*;

commencement day means
1 February 2015;

Registration Board means the
Registration Board as constituted
before the commencement day.

2. Decisions &c. of Registration Board

- (1) A direction, decision, determination, recommendation, arrangement or requirement, that is given, made, or imposed, by the Registration Board before the commencement day is to be taken after that day to have been given, made, or imposed, by the Registrar on the day on which it was given, made, or imposed, by the Registration Board.
- (2) A certificate, notice, report, or other instrument, that is issued by the Registration Board before the commencement day is to be taken after that day to have been issued by the

Registrar on the day on which it was issued by the Registration Board.

3. Registration

- (1) An application that has been made under section 52 or section 60 but that has not been determined under Part 5 before the commencement day is to be taken after that day to have been made to the Registrar on the day on which it was made.
- (2) A school that is, immediately before the commencement day, a school that is registered, or whose registration has been renewed, under Part 5 by the Registration Board is to be taken after the commencement day to be a school that is registered, or whose registration has been renewed, under Part 5 by the Registrar on the day on which it was registered, or its registration was renewed, by the Registration Board.
- (3) Nothing in this clause is to be taken to prevent the cancellation or expiry of the registration of a school under Part 5 or of a certificate or approval under that Part.

4. Matters related to legal proceedings

- (1) A document, or other instrument, issued to, or served on, the Registration Board before the commencement day is to be

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taken to have been issued to or served on the Registrar on the day on which it was issued to or served on the Registration Board.

- (2) A legal proceeding that is instituted by or against the Registration Board and is on foot immediately before the commencement day may be continued by or against the Registrar.
- (3) A legal proceeding that could have been instituted by or against the Registration Board immediately before the commencement day may be instituted by or against the Registrar.
- (4) A judgment or order of a court obtained by or against the Registration Board before the commencement day may be enforced by or against the Registrar.
- (5) A reference to a legal proceeding in this clause includes, but is not limited to including, a legal proceeding under section 62.

23. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.