

TASMANIA

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**EDUCATION AND TRAINING (CONSEQUENTIAL  
AMENDMENTS AND RESCISSIONS) BILL 2010**

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**CONTENTS**

1. Short title
  2. Commencement
  3. Consequential amendments
  4. Legislation rescinded
  5. Repeal of Act
- Schedule 1 – Consequential Amendments
- Schedule 2 – Legislation rescinded



# **EDUCATION AND TRAINING (CONSEQUENTIAL AMENDMENTS AND RESCISSIONS) BILL 2010**

*(Brought in by the Minister for Health, the Honourable  
Michelle Anne O'Byrne)*

## **A BILL FOR**

**An Act to amend the *Education Act 1994*, the *Education and Training (Tasmanian Skills Institute) Act 2008*, the *Teachers Registration Act 2000* and the *State Service Act 2000* and to rescind the *Education and Training (Tasmanian Academy) By-laws 2010* and the *Education and Training (Tasmanian Polytechnic) By-laws 2010***

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 and Training (Consequential Amendments and Rescissions) Act 2010*.

### **2. Commencement**

This Act commences on 1 January 2011.

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THIS BILL IS COGNATE WITH THE *EDUCATION AND TRAINING (TASMANIAN ACADEMY) AMENDMENT BILL 2010*, THE *EDUCATION AND TRAINING (TASMANIAN POLYTECHNIC) AMENDMENT BILL 2010* AND THE *EDUCATION AND TRAINING (TRANSITIONAL PROVISIONS) BILL 2010*

*Education and Training (Consequential Amendments and  
Rescissions) Act 2010*  
*Act No. of*

s. 3

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**3. Consequential amendments**

The legislation specified in Schedule 1 is amended as specified in that Schedule.

**4. Legislation rescinded**

The legislation specified in Schedule 2 is rescinded.

**5. Repeal of Act**

This Act is repealed on the ninetieth day from the day on which it commences.

**SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS**

Section 3

***Education Act 1994***

**1. Section 3 is amended as follows:**

- (a) by omitting “established” from the definition of “Academy” and substituting “continued”;
- (b) by inserting the following definition after the definition of “Academy”:

**“Academy executive officer”** means  
the executive officer for the  
Academy appointed under section  
7 of the *Education and Training  
(Tasmanian Academy) Act 2008*;

- (c) by inserting the following definition after the definition of “child”:

**“College principal”** means a principal  
within the meaning of the  
*Education and Training  
(Tasmanian Academy) Act 2008*;

- (d) by omitting “established” from the definition of “Polytechnic” and substituting “continued”;
- (e) by inserting the following definition after the definition of “Polytechnic”:

*Education and Training (Consequential Amendments and  
Rescissions) Act 2010*  
*Act No. of*

**sch. 1**

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**“Polytechnic executive officer”**

means the executive officer for  
the Polytechnic appointed under  
section 7 of the *Education and  
Training (Tasmanian  
Polytechnic) Act 2008*;

- (f) by omitting “Academy” from paragraph (b) of the definition of “school” and substituting “Academy, a college within the meaning of the *Education and Training (Tasmanian Academy) Act 2008*”.

2. Section 6(3) is amended by omitting “the Academy or the Polytechnic” and substituting “a College principal and the Polytechnic executive officer”.

3. Section 10 is amended as follows:

- (a) by omitting from subsection (1)(a)(iii) “the Academy or the Polytechnic,” and substituting “a College principal or the Polytechnic executive officer,”;
- (b) by omitting from subsection (1)(b) “Academy or the Polytechnic” first occurring and substituting “relevant College principal or the Polytechnic executive officer”;

*Education and Training (Consequential Amendments and  
Rescissions) Act 2010*  
*Act No. of*

**sch. 1**

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(c) by omitting from subsection (1)(b) “Secretary, the Academy or the Polytechnic.” and substituting “Secretary.”;

(d) by omitting subsection (2) and substituting the following subsection:

(2) If a school-aged child’s non-attendance at a school, the Academy or the Polytechnic because of sickness or incapacity extends beyond the period specified by the Secretary, the parent of the child is to provide a certificate from a medical practitioner if requested to do so by the school’s principal, the relevant College principal or the Polytechnic executive officer.

(e) by omitting from subsection (3) “Academy or the Polytechnic” first occurring and substituting “relevant College principal or the Polytechnic executive officer”;

(f) by omitting from subsection (3) “Academy or Polytechnic” first occurring.

**4.** Section 14(3)(c) is amended by omitting “school,” and substituting “school or to the relevant campus of”.

*Education and Training (Consequential Amendments and  
Rescissions) Act 2010*  
*Act No. of*

**sch. 1**

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**5.** Section 16(1) is amended as follows:

- (a) by omitting from paragraph (b) “or the chief executive officer of the Academy” and substituting “executive officer or a College principal”;
- (b) by omitting from paragraph (c) “Polytechnic or the chief executive officer of the Polytechnic” and substituting “Polytechnic executive officer”.

**6.** Section 47B(3)(b) is amended by omitting “Academy and the Polytechnic, jointly,” and substituting “Secretary”.

**7.** Section 47C is amended as follows:

- (a) by omitting from subsection (1) “Academy or the Polytechnic” third occurring and substituting “Academy executive officer or the Polytechnic executive officer”;
- (b) by omitting from subsection (2) “Academy or the Polytechnic.” and substituting “Academy executive officer or the Polytechnic executive officer.”;
- (c) by omitting from subsection (3) “Academy or the Polytechnic” and



*Education and Training (Consequential Amendments and  
Rescissions) Act 2010*  
*Act No. of*

**sch. 1**

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substituting “Academy executive officer  
or the Polytechnic executive officer”.

**8.** Section 47D is amended as follows:

- (a) by omitting from subsection (1)  
“Academy or Polytechnic” and  
substituting “Academy executive officer  
or Polytechnic executive officer”;
- (b) by omitting from subsection (2)  
“Academy or Polytechnic” and  
substituting “Academy executive officer  
or Polytechnic executive officer”.

*Education and Training (Tasmanian Skills Institute) Act  
2008*

- 1.** The long title is amended by omitting “**provide**”  
and substituting “**provide, for employers,**”.
- 2.** Section 3 is amended by omitting “established”  
twice occurring and substituting “continued”.
- 3.** Section 6 is amended as follows:
  - (a) by omitting from paragraph (a)  
“promote” and substituting “promote, for  
employers,”;

*Education and Training (Consequential Amendments and  
Rescissions) Act 2010*  
*Act No. of*

**sch. 1**

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- (b) by omitting from paragraph (d) “provision” and substituting “provision, for employers,”.

4. Section 7(1)(b) is amended by omitting “provision” and substituting “provision, for employers,”.

***State Service Act 2000***

1. Part 2 of Schedule 1 is amended as follows:

- (a) by omitting the following item

Tasmanian Academy	Chief executive officer
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- (b) by omitting the following item

Tasmanian Polytechnic	Chief executive officer
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***Teachers Registration Act 2000***

1. Section 3 is amended as follows:

- (a) by omitting “established” from the definition of “Tasmanian Academy” and substituting “continued”;

*Education and Training (Consequential Amendments and  
Rescissions) Act 2010*  
*Act No. of*

**sch. 1**

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(b) by omitting “established” from the definition of “Tasmanian Polytechnic” and substituting “continued”.

2. Section 25(5) is amended by omitting “the Tasmanian Academy, the Tasmanian Polytechnic,” from the definition of “teacher employing authority”.

*Education and Training (Consequential Amendments and  
Rescissions) Act 2010*  
*Act No. of*

**sch. 2**

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**SCHEDULE 2 – LEGISLATION RESCINDED**

Section 4

*Education and Training (Tasmanian Academy) By-laws 2010*  
(No. 24 of 2010)

*Education and Training (Tasmanian Polytechnic) By-laws*  
*2010* (No. 36 of 2010)