

TRAINING AND WORKFORCE DEVELOPMENT BILL 2013

CLAUSE NOTES

PART 1	PRELIMINARY
Clause 1	<p>Short title</p> <p><i>Training and Workforce Development Act 2013</i></p>
Clause 2	<p>Commencement</p> <p>1 July 2013</p>
Clause 3	<p>Object of Act</p> <p>Sets out the object of the Act.</p> <p>The clause also describes the elements that comprise the training and workforce development system, and how the object will mainly be achieved.</p>
Clause 4	<p>Interpretation</p> <p>Provides meanings for terms used in the Bill</p>
Clause 5	<p>Priorities for training and workforce development system</p> <p>Sets out the Minister's responsibility for establishing priorities for the training and workforce development system to further the object of the Act</p>
PART 2	GENERAL ADMINISTRATION OF TRAINING AND WORKFORCE DEVELOPMENT SYSTEM
Clause 6	<p>Responsibilities of Secretary</p> <p>Sets out the Secretary's responsibilities in relation to administration of Tasmania's system of training and workforce development. This includes advising the Minister on priorities in relation to training and workforce development, that funding provided for the purchase of training from public and private registered training organisations is used for that purposes, and to report on the performance of Tasmania's system of training and workforce development.</p> <p>Under subclause (2), the Secretary, in advising the Minister, is required to liaise with and take into account the views of industry, businesses, communities and relevant interest groups and ensure the advice promotes the object of the Act.</p>
Clause 7	<p>Advisory committees</p> <p>Enables the Secretary to establish advisory committees to advise him or her in relation to the performance and exercise of his or her responsibilities, functions and powers under this Act.</p>

Clause 8	<p>Fees and charges</p> <p>Enables the Secretary with the approval of the Minister to impose a fee, levy or charge in respect of any goods or services provided in relation to the operation of this Act. For example, for activities such as attendance at the State Training Awards function, the annual skills conference, workshops and VET professional development delivered by Skills Tasmania staff.</p>
Clause 9	<p>Delegation by Secretary</p> <p>Gives the Secretary the power to delegate his or her powers and responsibilities.</p>
Clause 10	<p>Listable group training organisations</p> <p>Enables the Secretary to set the number of apprentices and trainees a group training organisation can employ before becoming a listed group training organisation. Requires the Secretary to publish in a manner he/she considers appropriate the maximum allowable number of apprentices and trainees that a group training organisation may train and still remain an unlisted group training organisation.</p>
Clause 11	<p>Requirement for registration of certain group training organisations</p> <p>Makes it an offence for a group training organisation to enter into a training contract that would take it over the maximum number of contracts set by clause 10 unless it is a listed group training organisation.</p>
Clause 12	<p>Application to be registered as listed group training organisation</p> <p>Enables group training organisations to apply to the Secretary to become a listed group training organisation and requires them to apply on an approved form and accompanied by any application fee set by regulations. Enables the Secretary to seek such information and documents as the Secretary considers relevant to assess the application.</p>
Clause 13	<p>Registration as listed group training organisation</p> <p>Establishes the conditions for approval of an application by a group training organisation to become listed, including issuance of a certificate of registration and period of registration (five years). In the event an application is refused, requires the Secretary to provide written advice to the applicant including reasons for the decision.</p>
Clause 14	<p>Listed group training organisation to comply with standards, &c</p> <p>Requires group training organisations to comply with national standards and Tasmanian Operational Requirements. Makes it an offence to not comply.</p>
Clause 15	<p>Cancellation of registration as listed group training organisation</p> <p>Establishes the conditions under which registration as a listed group training organisation may be cancelled.</p>

Clause 16	Register of Listed Group Training Organisations Requires the Secretary to maintain a register of listed group training organisations.
Clause 17	Tasmanian Traineeships and Apprenticeships Committee Establishes the Tasmanian Traineeships and Apprenticeships Committee.
Clause 18	Objectives of TTAC Establishes TTAC's objective, which is to ensure that Tasmania has effective and accessible systems and procedures for training contracts and vocational placements.
Clause 19	Functions of TTAC Establishes the functions of TTAC in regard to overseeing the administration of training contracts and vocational placements.
Clause 20	Powers of TTAC Enables TTAC to develop and issue policies and guidelines in regard to training contracts and vocational placements.
Clause 21	TTAC guidelines Enables TTAC to issue guidelines in regard to training contracts and their administration, and operational requirements for group training organisations.
Clause 22	Directions by Minister Enables the Minister to direct TTAC in relation to its performance and exercise of its functions and powers. Precludes the Minister directing TTAC in relation to an individual training contract or vocational placement agreement.
Clause 23	Delegation by TTAC Enable TTAC to delegate its functions or powers to a member of TTAC or to a staff member in the Department of Education.
Clause 24	Minister may enter into agreements with certain registered training organisations, &c, for purchase of vocational education and training Enables the Minister to enter into contracts with private registered training organisations to purchase vocational education and training, and to delegate that power to the Secretary. Enables the Secretary to sub-delegate to a staff member in the Department of Education.
Clause 25	Secretary may enter into arrangements with certain registered training organisations, &c, for provision of vocational education and training Enables the Secretary to enter into arrangements with public registered training organisations to provide vocational education and training.

Clause 26	<p>Payment of funds from Commonwealth</p> <p>Requires the Minister to ensure that Commonwealth financial assistance paid to Tasmania for vocational education and training, skills and workforce development is used for that purpose.</p>
Clause 27	<p>Award of scholarships, bursaries and prizes</p> <p>Enables the Minister to award a scholarship, bursary or prize.</p>
Clause 28	<p>Collection of records, statistics and information</p> <p>Enables the Secretary to require a registered training organisation which is in receipt of funding under sections 24 and 25 to collect and keep records, statistics and information in relation to vocational education and training and provide those to the Secretary.</p> <p>Enables the Secretary to provide information to relevant Commonwealth and State government agencies to meet Tasmania's obligations regarding the administration of unique student identifiers. From 2014, all working aged Australians will be eligible for a government subsidised training place for their first Certificate III qualification. And this guarantee also covers lower qualifications leading to the Certificate III.</p> <p>A unique student identifier is being implemented nationally in order to track people's entitlement to government subsidised training. This will require relevant personal information to be shared between government agencies.</p>
PART 3	TRAINING CONTRACTS AND VOCATIONAL PLACEMENT AGREEMENTS
Clause 29	<p>Offence to train person without training contract</p> <p>Prohibits an employer from training a person as if that person were a trainee or apprentice without a training contract.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
Clause 30	<p>Employer may enter into training contract</p> <p>Enables an employer to enter into a training contract with another person. Requires an employer to forward the contract to TTAC within 28 days after entering the contract. Makes it an offence not to forward the contract within the specified time.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
Clause 31	<p>Limits on entering into training contract</p> <p>Prohibits an employer from entering into a training contract for a qualification that the Secretary has determined may not be entered into in regard to a training contract, or where entering into such a contract would contravene any conditions set out in TTAC guidelines in relation to that qualification.</p> <p>Enables the Secretary to determine that training contracts may not be entered into in relation to a particular qualification.</p> <p>Similar provision in current Vocational Education and Training Act.</p>

<p>Clause 32</p>	<p>Approval of training contract</p> <p>Establishes the conditions for approval of a training contract by TTAC and the conditions which apply in the event a training contract is refused. Requires TTAC to provide written advice to the parties to a training contract as to whether it has approved or refused to approve the contract and any amendments or conditions.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 33</p>	<p>Transfer of training contract</p> <p>With the approval of TTAC, enables the transfer of a training contract from one employer to another.</p> <p>Requires an employer, who is party to a training contract and who sells or otherwise disposes of the business or a part of the business, to advise TTAC within 14 days. Sets out the information the employer must provide to TTAC.</p> <p>Sets out the requirements in regard to transfer of a training contract where the employer is a partnership and a partner dies, resigns or is removed from office.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 34</p>	<p>Compliance with training contract</p> <p>Requires parties to a training contract to comply with its terms. Makes it an offence not to comply with the terms of a contract.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 35</p>	<p>Amendment of training contract</p> <p>Enables a training contract to be amended by the agreement of the parties with TTAC's approval. Also enables TTAC to amend a training contract if it is satisfied that is desirable to do so and in this circumstance requires TTAC to advise each party to a training contract of its intention to amend the contract.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 36</p>	<p>Suspension of training contract</p> <p>Enables a training contract to be suspended by the agreement of the parties with TTAC's approval. Also enables TTAC to suspend a training contract if it is satisfied that is desirable to do so and in this circumstance requires TTAC to advise each party to a training contract of its intention to suspend the contract.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 37</p>	<p>Completion of training contract</p> <p>Establishes when a training contract is completed to allow for the issuing of a qualification.</p> <p>New provision to clarify when contract is completed.</p>

<p>Clause 38</p>	<p>Cancellation of training contract</p> <p>Enables a training contract to be cancelled by the agreement of the parties with TTAC’s approval. Also enables TTAC to cancel a training contract if it is satisfied that it is desirable to do so and in this circumstance requires TTAC to advise each party to a training contract of its intention to cancel the contract.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 39</p>	<p>Training subject to conditions</p> <p>Enables TTAC to determine conditions in relation to a training contract. Requires an employer and the trainee or apprentice to comply with any conditions set by TTAC.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 40</p>	<p>Directions by TTAC</p> <p>Enables TTAC to direct a party to a training contract to do or not do something if TTAC believes the party has contravened the contract, this Act, or it is appropriate to so direct. Requires TTAC to provide such a direction in writing.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 41</p>	<p>Training Contracts Register</p> <p>Requires the Secretary to maintain a register of training contracts and the information to be included in the register.</p>
<p>Clause 42</p>	<p>Vocational placement agreement</p> <p>Describes a vocational placement agreement and the provisions to be included in such an agreement.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 43</p>	<p>Vocational placement of no effect unless under vocational placement agreement</p> <p>Prohibits an employer from providing a vocational placement without having entered into a vocational placement agreement and without the approval of any relevant registered employee organisation.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 44</p>	<p>Offence to contravene vocational placement agreement</p> <p>Makes it an offence for a party to a vocational placement agreement to contravene the agreement.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 45</p>	<p>Workers compensation</p> <p>Requires an employer to provide workers compensation in relation to a person undertaking a paid vocational placement.</p> <p>Similar provision in current Vocational Education and Training Act.</p>

<p>Clause 46</p>	<p>Indemnity insurance</p> <p>Requires a registered training organisation to obtain indemnity insurance to cover itself in the event that a person undertaking an unpaid vocational placement is injured, the employer’s property is lost or damaged, and to cover the person undertaking the vocational placement against proceedings for damages for injury to a person, or loss or damage to property.</p> <p>Sets the maximum amount payable in respect of a claim or action.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 47</p>	<p>Directions by TTAC</p> <p>Enables TTAC to direct a party to a vocational placement to do or not do something if TTAC believes the party has contravened the vocational placement agreement, this Act, or it is appropriate to so direct. Requires TTAC to provide such a direction in writing.</p> <p>Makes it an offence for a party to the vocational placement not to comply with such a direction.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 48</p>	<p>Employers who are not fit and proper persons for purposes of training contracts or vocational placement agreements</p> <p>Enables TTAC to ensure that an employer or a host employer is a fit and proper person to enter into a training contract or a vocational placement agreement, and sets out the matters TTAC may take into account in reaching a decision.</p> <p>In the event that TTAC finds an employer or host employer is not a fit and proper person, requires TTAC to notify that employer or host employer in writing including advising that the employer is not entitled to enter into a training contract or vocational placement agreement.</p> <p>Enables TTAC to notify an equivalent body in another state or territory of that determination.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 49</p>	<p>Offence to enter into training contract or vocational placement agreement</p> <p>Makes it an offence for an employer who has been prohibited from entering into a training contract or vocational placement agreement entering into such a contract or agreement.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 50</p>	<p>Offence for host employer to enter into agreement with group training organisation</p> <p>Makes it an offence for a host employer who has been prohibited from entering into an agreement with a group training organisation to train trainees or apprentices from entering into such an agreement.</p>

<p>Clause 51</p>	<p>Revocation of notice that employer or host employer not fit and proper person for purposes of training contract or vocational placement agreement</p> <p>On the application of an employer or host employer, enables TTAC to revoke a notice that the employer or host employer is not a fit and proper person to enter into a training contract or vocational placement agreement.</p> <p>Prohibits an employer or host employer from making such application within 12 months of a determination being made.</p> <p>On determining to revoke a notice, requires TTAC to notify the employer and any body that was notified of the original decision that the employer or host employer was not a fit and proper person.</p> <p>In the event TTAC determines not to revoke a notice, requires TTAC to notify the applicant in writing.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>PART 4</p>	<p>DISPUTES, INQUIRIES AND INSPECTIONS</p>
<p>Clause 52</p>	<p>Disputes relating to training contracts and vocational placement agreements</p> <p>Enables a party to a training contract or vocational placement to apply to the TTAC to hear and determine a dispute in relation to that contract or placement.</p> <p>Establishes requirements in regard to the form of the application and any notice of a hearing or conference.</p> <p>Makes it an offence for a person who has been notified of a requirement to attending hearing not to attend.</p> <p>Establishes TTAC determinative powers after hearing a dispute.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
<p>Clause 53</p>	<p>Inquiries</p> <p>Enables a person to apply to the Secretary to carry out an inquiry into the process followed by TTAC in making a decision in relation to a training contract or vocational placement.</p> <p>Establishes requirements in regard to the form of the application and the time limits for an inquiry to be undertaken.</p> <p>Empowers the Secretary under the <i>Commissions of Inquiry Act 1995</i>.</p> <p>Establishes the Secretary's determinative powers after carrying out an inquiry.</p> <p>Similar provision in current Vocational Education and Training Act.</p>

Clause 54	<p>Inspections</p> <p>Enables the Secretary to authorise a departmental staff member to require a person to produce records or documents or to answer questions relating to a training contract or vocational placement. Enables an authorised staff member to seize such documents.</p> <p>Makes it an offence to obstruct, delay or threaten an authorised person.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
Clause 55	<p>Search warrants</p> <p>Enables an authorised person under clause 54 to apply to a justice or magistrate for a search warrant if he or she believes the Act may have been contravened.</p> <p>Establishes the grounds on which a warrant may be issued, and the requirements in regard to a notice about the warrant.</p> <p>Similar provision in current Vocational Education and Training Act.</p>
PART 5	TasTAFE
Clause 56	<p>Establishment of TasTAFE</p> <p>Establishes TasTAFE as a government entity.</p> <p>Provides for TasTAFE to use and operate under a trading name approved by the Minister.</p>
Clause 57	<p>Functions of TasTAFE</p> <p>Establishes the functions of TasTAFE.</p> <p>TasTAFE will be focussed on both the productivity/work readiness agenda and the participation/attainment agenda. It will provide education and training to employed people for the purposes of workforce skills development. It will work with industry associations to develop models for workforce skills development and with employers in relation to the development of the skills of their employees. It will also provide education and training to individuals to enable them to acquire skills and qualifications. It will collaborate with other education providers to support people as they move through the education and training system and into the workforce.</p> <p>TasTAFE will be required to advise the Minister on developments in regard to the provision of vocational education and training.</p>

Clause 58	<p>Powers of TasTAFE</p> <p>Enables TasTAFE to provide education and training to persons who are employed and not employed.</p> <p>Gives TasTAFE the power to undertake commercial activities and research, hire and lease property, buy and sell property (with the approval of the Minister), enter into contracts and to do other things necessary or convenient in connection with its functions and powers. With the approval of the Minister and Treasurer, it also gives TasTAFE the power to form companies, participate in trusts and arrangements related to the sharing of profits.</p>
Clause 59	<p>TasTAFE to have regard to object of Act</p> <p>Requires TasTAFE to have regard to object of the Act in performing its functions and exercising its powers.</p>
Clause 60	<p>Board of Directors of TasTAFE</p> <p>Establishes a seven-member board of directors, who together have the necessary skills and knowledge to ensure TasTAFE fulfils its responsibilities.</p>
Clause 61	<p>Responsibilities and powers of TasTAFE Board</p> <p>Makes the Board accountable for the performance of TasTAFE's functions and the ac</p>
Clause 62	<p>Delegation by TasTAFE Board</p> <p>Gives the Board the power to delegate its powers and responsibilities.</p>
Clause 63	<p>Acting TasTAFE directors</p> <p>Enables the Minister to appoint a person to act as a director.</p>
Clause 64	<p>Offences as TasTAFE director</p> <p>Defines the expected behaviour of directors and the penalties for behaving improperly.</p>
Clause 65	<p>Repayment of improper profit</p> <p>Enables recovery of improper profit, loss and damages resulting from the inappropriate behaviour of a director.</p>
Clause 66	<p>TasTAFE chief executive officer</p> <p>The chief executive officer is appointed in accordance with the State Service Act and cannot be a director.</p>
Clause 67	<p>Responsibilities of chief executive officer</p> <p>Details the chief executive officer's responsibilities.</p>
Clause 68	<p>Delegation by TasTAFE chief executive officer</p> <p>Gives the chief executive officer the power to delegate his or her powers and responsibilities other than the responsibility for the attainment of his or her performance objectives.</p>

Clause 69	TasTAFE employees Enables the appointment of state servants under the State Service Act. Enables the appointment of sessional employees under the State Service Act to deliver training sessions.
Clause 70	Audit and risk management committee Establishes the audit and risk management committee to advise the Board regarding its financial reporting and audit responsibilities.
Clause 71	Other committees Gives the Board the power to establish any committee it requires in relation to the functions and powers of TasTAFE.
Clause 72	Ministerial directions Gives the Minister the power to direct the Board.
Clause 73	Policy expectations Requires the Minister to provide annual policy expectations to TasTAFE including in relation to commercial and non-commercial operations, and consistent with the priorities set for the training and workforce development system. The Minister must consult with the Board when preparing or amending the policy expectations.
Clause 74	Corporate plan The Board must prepare a three-year corporate plan for the Minister, which identifies its objectives, policies, programs, strategies and financial plans. The Minister must consult with the Treasurer before approving it. The Board must act in accordance with the corporate plan.
Clause 75	Notification of developments The Board must notify the Minister if it perceives a threat to the achievement of its objectives, or to the ability of TasTAFE to continue operating.
Clause 76	Authorised deposit-taking institution accounts Enables TasTAFE, with the Treasurer's approval, to open bank accounts.
Clause 77	Funds of TasTAFE Defines the funds of TasTAFE (ie, money received by way of fees and charges) and on what it can be expended.
Clause 78	Accounting records Sets out the requirements for keeping appropriate accounting records.
Clause 79	TasTAFE financial statements Sets out the process and content of TasTAFE's annual financial statements.
Clause 80	Report of Auditor-General Requires the Auditor-General to provide copies of his or her report on the financial statements to the Board, the Minister and the Treasurer.

Clause 81	Treasurer's Instructions Requires TasTAFE to comply with Treasurer's Instructions.
Clause 82	Effect of <i>Financial Agreement Act 1994</i> Establishes TasTAFE's obligations under the <i>Financial Agreement Act 1994</i> .
Clause 83	Annual report Requires the Board to prepare a financial year annual report and prescribes the content.
Clause 84	Tabling of annual report Prescribes the timing of the tabling of the annual report in Parliament.
Clause 85	By-laws Provides for the Board to make by-laws with respect to the functions and powers of TasTAFE, the conduct and discipline of persons and the operation of student organisations.
Clause 86	Fees, levies and charges Provides for TasTAFE to set fees, levies and charges. Students who are entitled under the Education Act to attend TasTAFE and who turn 19 or less in the year they attend cannot be charged tuition fees. TasTAFE is able to charge overseas students fees. TasTAFE has the power to waive any fees, levies and charges.
Clause 87	TasTAFE student records Requires TasTAFE to main accurate student records. Gives TasTAFE the power to provide student records to the State Training Authority (Department of Education) so as to allow the Authority to meet Tasmania's obligations regarding administration of the unique student identifier.
Clause 88	Transfer of Crown land Standard clause to enable the transfer of Crown land to TasTAFE.
Clause 89	Transfer of property and liabilities Standard clause to enable the transfer of property and liabilities to TasTAFE.
PART 6	MISCELLANEOUS
Clause 90	Evidence Establishes that production of the Training Contracts Register or a copy or extract from it certified by the Secretary is evidence of the facts contained in the Register.
Clause 91	False and misleading statements Makes it an offence to provide a false or misleading statement or document under this Act.

Clause 92	Liability of director, &c, if offence by body corporate Makes a director liable in the event a body corporate (TasTAFE) commits and offence and it is proved the offence occurred with the consent or connivance, or through neglect by that director.
Clause 93	Regulations Standard clause to provide for the making of regulations as required for the purposes of the Act.
Clause 94	Administration of Act Allocates responsibility for the administration of the Act.
SCHEDULE 1	MEMBERSHIP AND MEETINGS OF TTAC
Clause 1	Interpretation Provides meanings for terms used in this Schedule.
Clause 2	Term of office Sets the term of office for TTAC members for a maximum three year period.
Clause 3	Holding other office Enables a person who holds other employment to be appointed to TTAC and be remunerated.
Clause 4	State Service Act 2000 Clarifies that State Service Act does not apply to TTAC members. Enables State Service employees to be appointed to TTAC.
Clause 5	Remuneration and conditions of appointment Enables the Minister to set remuneration, allowances and conditions for TTAC members. Excludes State Service employees from being remunerated as a TTAC member except with the approval of the Minister administering the State Service Act.
Clause 6	Vacation of office Establishes the circumstances in which a TTAC member vacates office. Establishes the circumstances in which the Minister may remove a TTAC member from office
Clause 7	Filling of vacancies In the event a position becomes vacant, enables the Minister to appoint a person to complete the term of appointment.
Clause 8	Validation of proceedings, &c Ensures that TTAC acts or proceedings are valid In the event of a vacancy or a defect in the appointment of a member.

Clause 9	Presumptions Provides for presumption that in any legal proceeding against TTAC, TTAC is taken to have been lawfully constituted unless this is contested with evidence.
Clause 10	Convening of meetings Details how meetings are to be convened.
Clause 11	Presiding at meetings Defines who can chair meetings.
Clause 12	Quorum and voting at meetings Defines the quorum required for a TTAC meeting to be convened, and describes the process for voting on an issue.
Clause 13	Conduct of meetings Provides for TTAC to manage its own meetings and for flexibility in participation using technology.
Clause 14	Resolutions without meetings Provides for out-of-session decisions by a majority of TTAC.
Clause 15	Minutes TTAC must keep accurate minutes of meetings.
Clause 16	Disclosure of interests As soon as it arises, members must declare a conflict of interest. Describes the process TTAC must follow in considering an issue in which a member has declared a conflict of interest.
Clause 17	General procedure TTAC can regulate its own proceedings.
Clause 18	Presumptions Provides for presumption that in any legal proceeding against TTAC, TTAC is taken to have followed appropriate procedures unless this is contested with evidence.
SCHEDULE 2	TasTAFE DIRECTORS AND MEETINGS OF TasTAFE BOARD
Clause 1	Interpretation Provides meanings for terms used in this Schedule.
Clause 2	Term of office Sets the term of office for Board members
Clause 3	Holding other office Enables a person who holds other employment to be appointed to the TasTAFE Board and be remunerated.

Clause 4	<i>State Service Act 2000</i> Clarifies that State Service Act does not apply to TasTAFE directors. Enables State Service employees to be appointed to the TasTAFE Board.
Clause 5	Remuneration and conditions of appointment Enables the Minister to set remuneration, allowances and conditions for TasTAFE directors. Excludes State Service employees from being remunerated as a TasTAFE director member except with the approval of the Minister administering the State Service Act.
Clause 6	Vacation of office Establishes the circumstances in which a TasTAFE director member vacates office. Establishes the circumstances in which the Minister may remove a TasTAFE director from office
Clause 7	Filling of vacancies In the event a position becomes vacant, enables the Minister to appoint a person to complete the term of appointment.
Clause 8	Validation of proceedings, &c Ensures that TasTAFE Board acts or proceedings are valid In the event of a vacancy or a defect in the appointment of a member.
Clause 9	Presumptions Provides for presumption that in any legal proceeding against the TasTAFE, the Board is taken to have been lawfully constituted unless this is contested with evidence.
Clause 10	Frequency of meetings Establishes the minimum number of meetings at six per year.
Clause 11	Convening of meetings Details how meetings are to be convened.
Clause 12	Presiding at meetings Defines who can chair meetings.
Clause 13	Quorum and voting at meetings Defines the quorum required for a TasTAFE Board meeting to be convened, and describes the process for voting on an issue.
Clause 14	Conduct of meetings Provides for the TasTAFE Board to manage its own meetings and for flexibility in participation using technology.
Clause 15	Resolutions without meetings Provides for out-of-session decisions by a majority of TasTAFE Board directors.

Clause 16	Minutes The TasTAFE Board must keep accurate minutes of meetings.
Clause 17	Disclosure of interests As soon as it arises, members must declare a conflict of interest. Describes the process the TasTAFE Board must follow in considering an issue in which a member has declared a conflict of interest.
Clause 18	General procedure The TasTAFE Board can regulate its own proceedings.
Clause 19	Presumptions Provides for presumption that in any legal proceeding against the TasTAFE Board, the Board is taken to have followed appropriate procedures unless this is contested with evidence.
SCHEDULE 3	MEMBERSHIP AND MEETINGS OF TasTAFE COMMITTEES
Clause 1	Interpretation Provides meanings for terms used in this Schedule.
Clause 2	Term of office Sets the term of office for TasTAFE committee members
Clause 3	Holding other office Enables a person who holds other employment to be appointed to a TasTAFE committee and be remunerated.
Clause 4	<i>State Service Act 2000</i> Clarifies that State Service Act does not apply to TasTAFE committee members. Enables State Service employees to be appointed to TasTAFE committees.
Clause 5	Remuneration and conditions of appointment Enables the Minister to set remuneration, allowances and conditions for TasTAFE committee members. Excludes State Service employees from being remunerated as a TasTAFE committee member except with the approval of the Minister administering the State Service Act.
Clause 6	Vacation of office Establishes the circumstances in which a TasTAFE committee member vacates office. Establishes the circumstances in which the TasTAFE Board may remove a committee member from office
Clause 7	Filling of vacancies In the event a position becomes vacant, enables the TasTAFE Board to appoint a person to complete the term of appointment.

Clause 8	Validation of proceedings, &c Ensures that TasTAFE committee acts or proceedings are valid In the event of a vacancy or a defect in the appointment of a member.
Clause 9	Presumptions Provides for presumption that in any legal proceeding against a committee, the committee is taken to have been lawfully constituted unless this is contested with evidence.
Clause 10	Convening of meetings Details how meetings are to be convened.
Clause 11	Presiding at meetings Defines who can chair meetings.
Clause 12	Quorum and voting at meetings Defines the quorum required for a committee meeting to be convened, and describes the process for voting on an issue.
Clause 13	Conduct of meetings Provides for a committee to manage its own meetings and for flexibility in participation using technology.
Clause 14	Resolutions without meetings Provides for out-of-session decisions by a majority of committee members.
Clause 15	Minutes Committees must keep accurate minutes of meetings.
Clause 16	Disclosure of interests As soon as it arises, members must declare a conflict of interest. Describes the process a committee must follow in considering an issue in which a member has declared a conflict of interest.
Clause 17	General procedure A committee can regulate its own proceedings.
Clause 18	Presumptions Provides for presumption that in any legal proceeding against a TasTAFE committee, the committee is taken to have followed appropriate procedures unless this is contested with evidence.