

TASMANIA

**EDUCATION (CONSEQUENTIAL AMENDMENTS)
BILL 2016**

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EDUCATION (CONSEQUENTIAL AMENDMENTS) BILL 2016

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.

SHANE DONNELLY, *Clerk of the House*
13 October 2016

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

A BILL FOR

An Act to consequentially amend certain Acts on the enactment of the *Education Act 2016* and the repeal of the *Education Act 1994*, the *Education and Training (Tasmanian Academy) Act 2008* and the *Youth Participation in Education and Training (Guaranteeing Futures) Act 2005*

Be it enacted by Her 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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Education (Consequential Amendments) Act 2016*.

2. Commencement

This Act commences on 10 July 2017.

THIS BILL IS COGNATE WITH THE *EDUCATION BILL 2016*

Education (Consequential Amendments) Act 2016
Act No. of

s. 3

Part 2 – Child Care Act 2001 Amended

PART 2 – CHILD CARE ACT 2001 AMENDED

3. Principal Act

In this Part, the *Child Care Act 2001** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting “*Education Act 1994*,” from the definition of *school* and substituting “*Education Act 2016*,”.

5. Section 4 amended (Child care defined)

Section 4(3) of the Principal Act is amended by omitting “*Education Act 1994*,” and substituting “*Education Act 2016*,”.

*No. 62 of 2001

Education (Consequential Amendments) Act 2016
Act No. of

Part 3 – Children, Young Persons and Their Families Act 1997 Amended

s. 6

**PART 3 – CHILDREN, YOUNG PERSONS AND THEIR
FAMILIES ACT 1997 AMENDED**

6. Principal Act

In this Part, the *Children, Young Persons and Their Families Act 1997** is referred to as the Principal Act.

7. Section 32 amended (Convening family group conference)

Section 32(10) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (h) “*Education Act 1994;*” and substituting “*Education Act 2016;*”;
- (b) by omitting from paragraph (ha) “*Education Act 1994,*” and substituting “*Education Act 2016,*”;
- (c) by omitting from paragraph (i) “*Education Act 1994,*” and substituting “*Education Act 2016,*”;
- (d) by omitting paragraph (j).

*No. 28 of 1997

Education (Consequential Amendments) Act 2016
Act No. of

s. 8

Part 4 – Christ College Act 1926 Amended

PART 4 – CHRIST COLLEGE ACT 1926 AMENDED

8. Principal Act

In this Part, the *Christ College Act 1926** is referred to as the Principal Act.

9. Section 44 amended (Not to affect status as public schools)

Section 44 of the Principal Act is amended by omitting “Part 5 of the *Education Act 1994*.” and substituting “Part 6 of the *Education Act 2016* as a registered school.”.

*No. 66 of 1926

Education (Consequential Amendments) Act 2016
Act No. of

Part 5 – Fire Service Act 1979 Amended

s. 10

PART 5 – FIRE SERVICE ACT 1979 AMENDED

10. Principal Act

In this Part, the *Fire Service Act 1979** is referred to as the Principal Act.

11. Section 50 amended (Protection of public premises)

Section 50(2)(a) of the Principal Act is amended by omitting subparagraph (v) and substituting the following subparagraph:

(v) *Education Act 2016*;

*No. 35 of 1979

Education (Consequential Amendments) Act 2016
Act No. of

s. 12

Part 6 – Land Tax Act 2000 Amended

PART 6 – LAND TAX ACT 2000 AMENDED

12. Principal Act

In this Part, the *Land Tax Act 2000** is referred to as the Principal Act.

13. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting “*Education Act 1994*;” from paragraph (d) of the definition of *educational institution* and substituting “*Education Act 2016*;”.

*No. 74 of 2000

Education (Consequential Amendments) Act 2016
Act No. of

Part 7 – Office of Tasmanian Assessment, Standards and Certification Act
2003 Amended

s. 14

**PART 7 – OFFICE OF TASMANIAN ASSESSMENT,
STANDARDS AND CERTIFICATION ACT 2003
AMENDED**

14. Principal Act

In this Part, the *Office of Tasmanian Assessment, Standards and Certification Act 2003** is referred to as the Principal Act.

15. Section 3 amended (Interpretation)

The definition of *registered school* in section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *registered school* and substituting the following definition:

registered school has the same meaning as in the *Education Act 2016*;

- (b) by omitting the definition of *school* and substituting the following definition:

school has the same meaning as in the *Education Act 2016*;

- (c) by omitting the definition of *State school* and substituting the following definition:

*No. 62 of 2003

Education (Consequential Amendments) Act 2016
Act No. of

s. 16 Part 7 – Office of Tasmanian Assessment, Standards and Certification Act
2003 Amended

State school has the same meaning as
in the *Education Act 2016*;

**16. Section 24B amended (Responsibilities of Secretary
of Department for senior secondary curriculum)**

Section 24B of the Principal Act is amended as
follows:

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2)(c)(ii)
“State schools, registered schools and the
Tasmanian Academy.” and substituting
“State schools and registered schools.”.

PART 8 – POISONS ACT 1971 AMENDED

17. Principal Act

In this Part, the *Poisons Act 1971** is referred to as the Principal Act.

18. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting paragraphs (d) and (e) from the definition of *public institution* and substituting:

- (d) TasTAFE, within the meaning of the *Training and Workforce Development Act 2013*; and

*No. 81 of 1971

Education (Consequential Amendments) Act 2016
Act No. of

s. 19 Part 9 – Registration to Work with Vulnerable People Act 2013 Amended

**PART 9 – REGISTRATION TO WORK WITH
VULNERABLE PEOPLE ACT 2013 AMENDED**

19. Principal Act

In this Part, the *Registration to Work with Vulnerable People Act 2013** is referred to as the Principal Act.

20. Section 15 amended (Person required to be registered to engage in regulated activity)

The definition of *school* in section 15(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “*Education Act 1994;*” and substituting “*Education Act 2016;*”;
- (b) by omitting from paragraph (b) “*Education Act 1994;*” and substituting “*Education Act 2016;*”;
- (c) by omitting paragraph (c) and substituting the following paragraph:
 - (c) a centre, unit or institute of the State which provides educational instruction at any level up to, and including, the final year of secondary education, including TasTAFE within the meaning of the *Training and Workforce Development Act 2013*.

*No. 65 of 2013

**PART 10 – TEACHERS REGISTRATION ACT 2000
AMENDED**

21. Principal Act

In this Part, the *Teachers Registration Act 2000** is referred to as the Principal Act.

22. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting “school, the Tasmanian Academy” from the definition of *practising teacher* and substituting “school”;
- (b) by omitting the definition of *registered school* and substituting the following definition:

registered school has the same meaning as in the *Education Act 2016*;
- (c) by omitting “*Education Act 1994*,” from the definition of *school* and substituting “*Education Act 2016*”;
- (d) by omitting the definition of *State school* and substituting the following definition:

*No. 98 of 2000

Education (Consequential Amendments) Act 2016
Act No. of

s. 23

Part 10 – Teachers Registration Act 2000 Amended

State school has the same meaning as
in the *Education Act 2016*;

- (e) by omitting “school, the Tasmanian Academy” from the definition of *student* and substituting “school”;
- (f) by omitting the definition of *Tasmanian Academy*.

23. Section 6 amended (Membership of Board)

Section 6(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “schools and the Tasmanian Academy;” and substituting “schools;”;
- (b) by omitting from paragraph (f) “school, the Tasmanian Academy” and substituting “school”;
- (c) by omitting from paragraph (j) “school or the Tasmanian Academy;” and substituting “school;”.

24. Section 11 amended (Offences relating to teaching)

Section 11 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “school, the Tasmanian Academy” and substituting “school”;

Education (Consequential Amendments) Act 2016
Act No. of

Part 10 – Teachers Registration Act 2000 Amended

s. 25

- (b) by omitting from subsection (5) “school, the Tasmanian Academy” and substituting “school”.

25. Section 17D amended (Determination of application)

Section 17D(1)(a)(i) of the Principal Act is amended by omitting “school, or at any campus of the Tasmanian Academy” and substituting “school”.

26. Section 25 amended (Registers)

Section 25(5) of the Principal Act is amended by omitting “a person or body referred to in section 51 of the *Education Act 1994*.” from the definition of *teacher employing authority* and substituting “the governing body, within the meaning of the *Education Act 2016*, of a school that is registered under that Act.”.

27. Section 31 amended (Employers to notify of disciplinary action taken and certain resignations and retirements)

The definition of *employer* in section 31(1) of the Principal Act is amended as follows:

- (a) by omitting “the Tasmanian Academy,”;
- (b) by omitting “a person or body referred to in section 51 of the *Education Act 1994*,” and substituting “the governing body, within the meaning of the *Education Act*

Education (Consequential Amendments) Act 2016
Act No. of

s. 28

Part 10 – Teachers Registration Act 2000 Amended

2016, of a school that is registered under that Act;”.

28. Section 32 amended (Annual returns)

Section 32 of the Principal Act is amended by omitting “school, the Tasmanian Academy” and substituting “school”.

Education (Consequential Amendments) Act 2016
Act No. of

Part 11 – Miscellaneous

s. 29

PART 11 – MISCELLANEOUS

29. Repeal of Act

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