

# **TRAINING AND WORKFORCE DEVELOPMENT (TRANSITIONAL PROVISIONS) BILL 2013**

## **CLAUSE NOTES**

| <b>PART 1</b>   | <b>PRELIMINARY</b>  |
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| <b>Clause 1</b> | <b>Short title</b><br><i>Training and Workforce Development (Transitional Provisions) Act 2013</i>  |
| <b>Clause 2</b> | <b>Commencement</b><br>The Act commences on 1 July 2013   |
| <b>PART 2</b>   | <b>TRANSITIONAL MATTERS FOR TASTAFE</b>   |
| <b>Clause 3</b> | <b>Interpretation of Part</b><br>Provides meanings for terms used in the Part.  |
| <b>Clause 4</b> | <b>TasTAFE successor in title to Polytechnic and Skills Institute</b><br>For avoidance of doubt, establishes that TasTAFE is a continuation of the Polytechnic and Skills Institute.<br>Enables retention by the Department of property, liability or a contract upon publication of a notice in the Gazette by the Minister.                           |
| <b>Clause 5</b> | <b>Continuation of Skills Institute Board and Skills Institute audit committee</b><br>Provides for the continuation of the Skills Institute Board and the audit committee after the repeal of the Skills Institute Act. This is to enable the finalisation of financial statements and semi-annual report.  |
| <b>Clause 6</b> | <b>Abolition of Skills Institute, Skills Institute Board and Skills Institute committees</b><br>Abolishes the Skills Institute from the commencement date.<br>Abolishes the Skills Institute Board and audit committee on a day determined by the Minister once their obligations are fulfilled.<br>Abolishes all other committees from the repeal day. |

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| <b>Clause 7</b>  | <b>TasTAFE interim board</b><br>Transfers the interim board of TasTAFE to the actual Board of TasTAFE.   |
| <b>Clause 8</b>  | <b>Interim chief executive officer</b><br>Transfers the person appointed to the position of interim chief executive officer of TasTAFE to the actual position of chief executive officer of TasTAFE.   |
| <b>Clause 9</b>  | <b>Employees of TasTAFE</b><br>For avoidance of doubt, ensures that a State servant employed within the Polytechnic or Skills Institute is employed within TasTAFE from commencement date (1 July 2013).   |
| <b>Clause 10</b> | <b>Students and courses</b><br>For avoidance of doubt, ensures that a student enrolled at the Polytechnic or Skills Institute is a student of TasTAFE from commencement day.<br>For avoidance of doubt, establishes that a course of education and training provided by the Polytechnic or Skills Institute is a course of education and training provided by TasTAFE from commencement day. |
| <b>Clause 11</b> | <b>By-laws of Skills Institute</b><br>Continues the Skills Institute by-laws for up to a period of six months as if they were TasTAFE by-laws.<br>This is to give the TasTAFE Board time to develop its own by-laws and still ensure that any student conduct and discipline issues can be managed while that occurs.  |
| <b>Clause 12</b> | <b>Provisions relating to Polytechnic Regulations</b><br>Enables any student disciplinary hearings underway at the Polytechnic at the commencement day to be taken over by the TasTAFE Board.  |
| <b>Clause 13</b> | <b>Authorised deposit-taking institution accounts</b><br>Directs the Skills Institute Board to close Skills Institute bank accounts  |
| <b>Clause 14</b> | <b>Legal matters</b><br>For avoidance of doubt, establishes that any legal proceeding involving the Polytechnic or Skills Institute prior to commencement day may be continued by or against TasTAFE after commencement day.   |

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| <b>Clause 15</b> | <b>Financial statements of Skills Institute</b><br>Requires the Skills Institute Board to provide financial statements for the financial year ending on 30 June 2013 to the Auditor-General.   |
| <b>Clause 16</b> | <b>Annual report</b><br>Requires the Skills Institute Board to provide an annual report for the financial year ending 30 June 2013 to the Minister, and for the Minister to table the report in Parliament.  |
| <b>Clause 17</b> | <b>Reference to Skills Institute Act and Polytechnic Act</b><br>Enables a reference in a document to the Skills Institute Act or the Polytechnic Act to be taken as a reference to Part 5 of the <i>Training and Workforce Development Act 2013</i> or a corresponding provision of that Act.  |
| <b>PART 3</b>    | <b>TRANSITIONAL MATTERS FOR SKILLS TASMANIA AND THE FORMER TTAC</b>  |
| <b>Clause 18</b> | <b>Interpretation of Part</b><br>Provides meanings for terms used in the Part  |
| <b>Clause 19</b> | <b>Continuation of former Skills Tasmania Board and former Skills Tasmania audit committee</b><br>Provides for the continuation of the Skills Tasmania Board and the audit committee after the repeal of the Vocational Education and Training Act. This is to enable the finalisation of financial statements and semi-annual report.                             |
| <b>Clause 20</b> | <b>Abolition of former Skills Tasmania, former Skills Tasmania Board and former Skill Tasmania committees</b><br>Abolishes Skills Tasmania from the commencement date.<br>Abolishes the Skills Tasmania Board and audit committee on a day determined by the Minister once their obligations are fulfilled.<br>Abolishes all other committees from the repeal day. |
| <b>Clause 21</b> | <b>Continuation of Skills Tasmania Equity Committee</b><br>Continues the equity committee as a committee established by the Secretary  |
| <b>Clause 22</b> | <b>General manager of former Skills Tasmania</b><br>For avoidance of doubt, establishes that the General Manager is an officer in the Department of Education.   |

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| <b>Clause 23</b> | <b>Initial members of new TTAC</b><br>Continues the current members of TTAC as the members of the new TTAC.  |
| <b>Clause 24</b> | <b>Tasmanian Operational Requirements for Group Training Organisations and registered group training organisations</b><br>Ensures that the current operational requirements for Group Training Organisations continue and that group training organisations that were registered under the operational requirements become listed group training organisations under section 13 of the Training and Workforce Development Act. |
| <b>Clause 25</b> | <b>Training agreements</b><br>Ensures that an existing training agreement continues as a training contract.<br>Ensures that a determination or approval in relation to a training agreement made prior to commencement day continues to have effect after commencement day.  |
| <b>Clause 26</b> | <b>Vocational placement agreements</b><br>Ensures that an existing vocational placement agreement continues to have effect.<br>Ensures that a determination or approval in relation to a vocational placement agreement made prior to commencement day continues to have effect after commencement day.  |
| <b>Clause 27</b> | <b>Inquiries</b><br>Enables any inquiry commenced but not completed by the former Skills Tasmania to continue as if it were being undertaken by the Secretary.   |
| <b>Clause 28</b> | <b>Disputes</b><br>For avoidance of doubt, enables any dispute determination commenced but not completed by TTAC or Skills Tasmania to continue as if it were being heard by the new TTAC.   |
| <b>Clause 29</b> | <b>Inspections</b><br>Enables a certificate of authority for inspections issued by Skills Tasmania to remain valid.  |
| <b>Clause 30</b> | <b>Contracts</b><br>Enables the transfer of Skills Tasmania's contracts to the Department if appropriate.  |

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| <b>Clause 31</b> | <b>Documents</b><br>Enables documents issued by or referencing Skills Tasmania to be taken as issued by or referencing the Secretary or the new TTAC if appropriate.                             |
| <b>Clause 32</b> | <b>Legal matters</b><br>Enables legal matters affecting Skills Tasmania prior to the commencement day to be transferred to the Crown if appropriate.   |
| <b>Clause 33</b> | <b>Semi-annual report</b><br>Requires the Board to provide a semi-annual report for the period 1 January 2013 to 30 June 2013 to the Minister.   |
| <b>Clause 34</b> | <b>References to former VET Act</b><br>Enables a reference in a document to the VET Act to be taken as a reference to the Training and Workforce Development Act 2013 or provisions in that Act. |
| <b>PART 4</b>    | <b>TRANSITIONAL MATTERS FOR TEACHERS REGISTRATION</b>  |
| <b>Clause 35</b> | <b>Reassessment of registration of teachers</b><br>Enables the Board to grant specialist VET registration to people who are already registered.  |
| <b>PART 5</b>    | <b>REGULATIONS</b>   |
| <b>Clause 36</b> | <b>Regulations</b><br>Standard clause to provide for the making of regulations as required for the purposes of the Act.  |
| <b>Clause 37</b> | <b>Administration of Act</b><br>Allocates responsibility for administration of the Act.  |