

**TRAINING AND WORKFORCE DEVELOPMENT
(REPEALS AND CONSEQUENTIAL AMENDMENTS) BILL 2013**

CLAUSE NOTES

Clause 1	Short title <i>Training and Workforce Development (Repeals and Consequential Amendments) Act 2013</i>
Clause 2	Commencement 1 July 2013
Clause 3	Consequential amendments Legislation amended is specified in Schedule 1.
Clause 4	Legislation repealed Legislation repealed is specified in Schedule 2.
Clause 5	Legislation rescinded Legislation rescinded is specified in Schedule 3.
Clause 6	Legislation revoked Legislation revoked is specified in Schedule 4.
Clause 7	Repeal of Act Standard provision. Repeals this Act one year after it commences.
SCHEDULE 1	CONSEQUENTIAL AMENDMENTS
	<i>Asbestos-related Diseases (Occupational Exposure) Compensation Act 2011</i>
Clause 1	Section 5(1) amended (Interpretation) Amends definition of employer to replace training agreement with training contract.
Clause 2	Section 12 amended (When person is a worker) Amends to replace training agreement with training contract. Amends to clarify provision re contract of service.
Clause 3	Section 19(3) amended (Volunteers engaged in fire-fighting or fire prevention operations to be taken to be workers) Amends to replace training agreement with training contract.

Clause 4	<p>Section 20(4) amended (Volunteers engaged in providing ambulance services to be taken to be workers)</p> <p>Amends to replace training agreement with training contract.</p>
Clause 5	<p>Section 21(3) amended (Police volunteers to be taken to be workers)</p> <p>Amends to replace training agreement with training contract.</p>
Clause 6	<p>Section 24 amended (Persons who are Commonwealth employees when relevant exposure to asbestos occurred not to be taken to be workers)</p> <p>Amends to replace training agreement with training contract.</p>
	<i>Building and Construction Industry Training Fund Act 1990</i>
Clause 1	<p>Section 34(4) amended (Building and construction industry training plans)</p> <p>Amends to require the Building and Construction Industry Training Board to submit its annual report to the Secretary of the responsible Department in relation to the <i>Training and Workforce Development Act 2013</i> rather than Skills Tasmania.</p>
	<i>Children, Young Persons and Their Families Act 1997</i>
Clause 1	<p>Section 32(10)(k) amended (Convening family group conference)</p> <p>Amends to replace Polytechnic with TasTAFE (to enable the facilitator of a family group conference to invite a nominated representative from TasTAFE to attend the conference if there are concerns about the child's education and the child attends TasTAFE).</p>
	<i>Education Act 1994</i>
Clause 1	<p>Section 3 amended (Interpretation)</p> <p>Amends to replace references to the Polytechnic or Polytechnic executive officer with references to TasTAFE as appropriate.</p> <p>Inserts a definition of TasTAFE.</p>
Clause 2	<p>Section 6 amended (Attendance)</p> <p>Amends to replace references to Polytechnic or Polytechnic executive officer with references to TasTAFE.</p>

Clause 3	Section 10 amended (Excused from daily attendance) Amends to replace references to Polytechnic or Polytechnic executive officer with references to TasTAFE.
Clause 4	Section 14 amended (Authorized persons) Amends to replace references to Polytechnic with references to TasTAFE.
Clause 5	Section 16(1)(c) amended (Evidence and presumption) Amends to replace reference to Polytechnic executive officer with reference to chief executive officer of TasTAFE.
Clause 6	Section 20 amended (Enrolment in certain cases) Amends to replace reference to Polytechnic with reference to TasTAFE and including the words 'asked to leave' in subsection (3).
Clause 7	Section 47B amended (Entitlement to attend Academy or Polytechnic) Amends to replace reference to Polytechnic with reference to TasTAFE.
Clause 8	Section 47C amended (Attending Academy or Polytechnic after entitlement ends) Amends to replace reference to Polytechnic or Polytechnic executive officer with reference to TasTAFE or chief executive officer of TasTAFE as appropriate.
Clause 9	Section 47D amended (Requirement that person be of good character) Amends to replace reference to Polytechnic or Polytechnic executive officer with reference to TasTAFE or chief executive officer of TasTAFE as appropriate.
Clause 10	Section 81 amended (Financial assistance) Amends to replace reference to Polytechnic with reference to TasTAFE. Amends to replace reference in Vocational Education and Training Act with reference to Training and Workforce Development Act.
Clause 11	Section 82 amended (Employment of children) Amends to replace reference to Polytechnic with reference to TasTAFE.

	<i>Education and Training (Tasmanian Academy) Act 2008</i>
Clause 1	Section 3 amended (Guiding Principle) Amends to replace reference to the Tasmanian Polytechnic and Tasmanian Skills Institute with reference to TasTAFE.
Clause 2	Section 4 amended (Interpretation) Amends to replace references to the Tasmanian Polytechnic and Tasmanian Skills Institute with reference to TasTAFE. Amends to insert a definition of TasTAFE.
Clause 3	Section 37(7) amended (Regulations) Amends to delete reference to the <i>Education and Training (Tasmanian Polytechnic) Act 2008</i> and the <i>Education and Training (Tasmanian Skills Institute) Act 2008</i> and replace with reference to <i>Training and Workforce Development Act 2013</i> .
	<i>Employment Incentive Assistance Act 1984</i>
Clause 1	Section 3(1) amended (Interpretation) Amends to delete definition of Australian Traineeship System, Authority, trainee and traineeship and replacing with new definition of trainee and traineeship.
Clause 2	Section 4(1)(a)(iii) amended (Power of Minister to make grants) Amends to replace reference to training agreement as defined in the <i>Vocational Education and Training Act 1994</i> with reference to training contract as defined in the <i>Training and Workforce Development Act 2013</i> .
	<i>Industrial Relations Act 1984</i>
Clause 1	Section 3 amended (Interpretation) Amends definition of employee to replace reference to <i>Vocational Education and Training Act 1994</i> with <i>Training and Workforce Development Act 2013</i> . Amends definition of apprentice to include reference to <i>Training and Workforce Development Act 2013</i> .
Clause 2	Section 61A amended (Interpretation) Amends definition of trainee to replace reference to training agreement with training contract, and <i>Vocational Education and Training Act 1994</i> with <i>Training and Workforce Development Act 2013</i> .

	<i>Judicial Review Act 2000</i>
Clause 1	<p>Section 10(2) of Schedule 3 amended (Decisions for which reasons need not be given)</p> <p>Amends to replace reference to the Tasmanian Skills Institute established by the <i>Education and Training (Tasmanian Skills Institute Act) 2008</i> with reference to TasTAFE created by section 56 of the <i>Training and Workforce Development Act 2013</i>.</p>
	<i>Long Service Leave Act 1976</i>
Clause 1	<p>Section 5(1)(f) amended (Nature of continuous employment)</p> <p>Amends to replace reference to Skills Tasmania, its committees and the <i>Vocational Education and Training Act 1994</i> with reference to committees established under the <i>Training and Workforce Development Act 2013</i>.</p>
	<i>Occupational Licensing Act 2005</i>
Clause 1	<p>Section 3(2) amended (Interpretation)</p> <p>Amends to replace reference to <i>Vocational Education and Training Act 1994</i> with reference to <i>Training and Workforce Development Act 2013</i>.</p>
	<i>Payroll Tax Act 2008</i>
Clause 1	<p>Schedule 2 amended (Tasmania-Specific Provisions)</p> <p>Amends to replace reference to Tasmanian Training Agreements Committee with reference to Tasmanian Traineeships and Apprenticeships Committee.</p>
	<i>Residential Tenancy Act 1997</i>
Clause 1	<p>Section 3(1) amended (Interpretation)</p> <p>Amends definition of boarding premises to replace reference to students within the meaning of the Polytechnic and Skills Institute Acts with reference to TasTAFE students within the meaning of the Training and Workforce Development Act.</p>
	<i>State Service Act 2000</i>
Clause 1	<p>Schedule 1 amended (Agencies)</p> <p>Amends to replace reference to Tasmanian Skills Institute and chief executive officer with reference to TasTAFE and chief executive officer.</p>

	<i>Tasmanian Qualifications Authority 2003</i>
Clause 1	<p>Section 3(1) amended (Interpretation)</p> <p>Amends definition of vocational education and training to replace reference to <i>Vocational Education and Training Act 1994</i> with reference <i>Training and Workforce Development Act 2013</i>.</p>
	<i>Teachers Registration Act 2000</i>
Clause 1	<p>Section 3 amended (Interpretation)</p> <p>Amends references to “full” and/or “provisional” registration and “full” and/or “provisionally” registered to allow for the generic use of the term “registration” and “registered” where relevant.</p> <p>Provides a definition for the generic use of “registration”, “registered” and “register”.</p> <p>These changes allow the relevant clauses of the Act to refer to registration in generic terms where ever possible, thus streamlining the wording throughout the Act and assisting with clarity of meaning and intent.</p> <p>Introduces and provides a definition for “specialist vocational education and training registration” and being “specialist vocational education and training registered”.</p> <p>Introduces and provides a definition for “TasTAFE” as per the <i>Training and Workforce Development Act 2013</i>.</p> <p>Removes references to the Tasmanian Polytechnic and replaces with the TasTAFE.</p>
Clause 2	<p>Section 6 amended (Membership of Board)</p> <p>Amends to remove references to the Tasmanian Polytechnic and where relevant, replaces these with “TasTAFE”.</p> <p>Provides for two additional Board members, the first being a nominee from TasTAFE, the second being a practising teacher appointed from nominations of practising teachers at TasTAFE.</p> <p>These additional Board members will bring total Board membership to twelve persons. The composition of the original 10 Board member positions do not change (other than having any reference to the Tasmanian Polytechnic removed).</p> <p>Amends the name of the Independent Education Union to be current and correct.</p>

Clause 3	<p>Section 6A amended (Functions of Board)</p> <p>Amends references to “full”, “fully” and “provisionally” in relation to registration to allow for the generic terms “register” and “registration”.</p>
Clause 4	<p>Section 11 amended (Offences relating to teaching)</p> <p>Amends to remove references to the Tasmanian Polytechnic and where relevant, replaces these with “TasTAFE”.</p> <p>Removes references to “full registered”, “full registration”, “provisionally registered” and “provisional registration” where relevant and replaces these with the generic term “registered”.</p> <p>Creates an offence under the Act if a person falsely claims to hold specialist vocational, education and training registration.</p> <p>Provides for the section to apply to the teaching staff of TasTAFE as from 1 January 2014.</p> <p>The effect of these changes results in the requirement that persons employed or engaged to teach in the TasTAFE must be registered, hold a limited authority to teach or have permission to teach under the direct supervision of a registered teacher, by 1 January 2014, unless the person was employed in a school, the Tasmanian Academy or the Tasmanian Polytechnic immediately prior to the Act commencing.</p> <p>This means that all existing school, Academy and Polytechnic teachers are required to have and maintain registration for the 2013 school year, however existing Skills Institute teachers have until 1 January 2014 to seek registration.</p> <p>This provision ensures that these teachers have adequate time and support in which to manage the initial registration process.</p>
Clause 5	<p>Heading of Division 2 of Part 3 amended (Full registration and provisional registration of teachers)</p> <p>Amends to replace reference to full registration and provisional registration with reference to registration.</p>
Clause 6	<p>Section 12(1) amended (Application for registration)</p> <p>Amends to provide for the generic use of the term “registration”.</p>

<p>Clause 7</p>	<p>Section 13 amended (Determination of application for registration)</p> <p>Amends to provide for the generic use of the term “registration” where relevant.</p> <p>Creates the requirement for the Board to grant specialist vocational and training registration to a person who meets the required registration criteria.</p> <p>Creates the requirement for the Board to refuse to grant specialist vocational and training registration to a person who does not meet the required registration criteria.</p> <p>Creates the option to grant full or provisional registration and specialist vocational education and training registration to a person who meets the required registration criteria.</p> <p>The effect of this section is to allow the Board to recognise persons who hold both general and vocational education qualifications by granting both general school-based and vocational registration. The two registration types run concurrently and do not impose any additional costs, limitations or conditions on the person.</p> <p>Creates the criteria for specialist vocational education and training registration. These are aligned to the criteria for full and provisional registration in terms of good character, fitness to teach and English Language proficiency, but require different qualifications.</p> <p>Qualification requirements are established by the Board and reflect the vocational sector requirements. The qualification requirements are also the same as currently required for vocational education and training teachers in the Tasmanian Polytechnic.</p>
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<p>Clause 8</p>	<p>Section 13A new (Actions during assessment of application and following determination of application)</p> <p>This section reflects a re-ordering of the original form of Section 13 to allow for better clarity regarding the processing of applications.</p> <p>The section provides for how the Board is to consider and assess and application for registration and the notifications it is to make to the applicant in relation to this.</p> <p>The section requires the Board to undertake some actions depending on the outcome of the assessment and the determination made in relation to the application.</p> <p>The section applies to all applications for registration and is written in generic terms.</p> <p>The section does not change requirements or provisions currently in place.</p>
<p>Clause 9</p>	<p>Section 15 amended (Certificate of registration)</p> <p>Amends to provide for the generic use of the term “registration” where relevant.</p>
<p>Clause 10</p>	<p>Section 16(2) amended (Period of registration)</p> <p>Amends to provide for the generic use of the term “registration” where relevant.</p>
<p>Clause 11</p>	<p>Section 17 amended (Amendment of conditions of registration)</p> <p>Amends to provide for the generic use of the term “registration” and “registered” where relevant.</p>
<p>Clause 12</p>	<p>Section 17A amended (Renewal of full registration and specialist vocational education and training registration)</p> <p>Provides for specialist vocational education and training registration to be renewed in the same way that full registration can be renewed.</p> <p>Provides for the basis for renewal and the requirements that the teacher must meet in order to have his/her registration renewed.</p>
<p>Clause 13</p>	<p>Section 17B amended (Annual registration fee)</p> <p>Amends to provide for the generic use of the term “registration” and “registered” where relevant.</p>

Clause 14	<p>Section 17D(1)(a)(i) amended (Determination of application)</p> <p>Removes references to the Tasmanian Polytechnic and replaces these with the TasTAFE.</p>
Clause 15	<p>Section 17L amended (Police report)</p> <p>Amends to provide for the generic use of the term “registration” and “registered” where relevant.</p>
Clause 16	<p>Section 18A amended (Disciplinary action if person found guilty of prescribed offence)</p> <p>Amends to provide for the generic use of the term “registration” and “registered” where relevant.</p>
Clause 17	<p>Section 24 amended (Decisions)</p> <p>Amends to provide for the generic use of the term “registration” and “registered” where relevant.</p>
Clause 17	<p>Section 20(3)(d) amended (Inquiries)</p> <p>Amends to provide for the generic use of the term “registration”.</p>
Clause 18	<p>Section 24 amended (Decisions)</p> <p>Amends to provide for the generic use of the term “registration” and “registered” where relevant.</p>
Clause 19	<p>Section 24B amended (Emergency suspension of registration or limited authority)</p> <p>Amends to provide for the generic use of the term “registration” and “registered” where relevant.</p>
Clause 20	<p>Section 25 amended (Registers)</p> <p>Amends to provide for the generic use of the term “registration” and “registered” where relevant.</p> <p>Requires the Board to specify on the Register, if a person has specialist vocational, education and training registration in the same way as the Register specifies if a person has full or provisional registration.</p> <p>Introduces TasTAFE as a teacher employing authority for the purposes of access to information on the Register of Teachers.</p>
Clause 21	<p>Section 27 amended (Employing unregistered teachers)</p> <p>Provides that this section does not apply to the TasTAFE until 1 January 2014.</p>

Clause 22	<p>Section 31(1) amended (Employers to notify of disciplinary action taken and certain resignations and retirements)</p> <p>Amends to remove references to the Tasmanian Polytechnic and replaces these with the TasTAFE.</p>
Clause 23	<p>Section 32 amended (Annual returns)</p> <p>Amends to remove references to the Tasmanian Polytechnic and replaces these with the TasTAFE.</p>
Clause 24	<p>Section 32A(2) amended (Providing information to corresponding bodies, &c)</p> <p>Amends to provide for the generic use of the term “registration” and “registered” where relevant.</p>
Clause 25	<p>Section 37 repealed (Replacement certificates)</p> <p>Repeals this section. This section is no longer necessary as certificates are available on-line.</p>
Clause 26	<p>Section 39(2) amended (Regulations)</p> <p>Amends to provide for the generic use of the term “registration” and “registered” where relevant.</p>
Clause 27	<p>Section 41(3) amended (Transitional provisions consequent on Teachers Registration Amendment)</p> <p>Amends to provide for the change to the generic use of the term “registration” and “registered”.</p>
<i>Workers Rehabilitation and Compensation Act 1998</i>	
Clause 1	<p>Section 3(1) amended (Interpretation)</p> <p>Amends to replace reference to training agreement with reference to training contract.</p>
Clause 2	<p>Section 5(1) amended (Persons engaged in fire-fighting operations and fire prevention operations)</p> <p>Amends to replace reference to training agreement with reference to training contract.</p>
Clause 3	<p>Section 6(1) amended (Persons engaged in providing ambulance services)</p> <p>Amends to replace reference to training agreement with reference to training contract.</p>
Clause 4	<p>Section 6(1)(A) amended (Police volunteers)</p> <p>Amends to replace reference to training agreement with reference to training contract.</p>

	<i>Youth Participation in Education and Training (Guaranteeing Futures) Act 2005</i>
Clause 1	Section 5 amended (Interpretation) Amends definition of 'higher education award' to replace reference to <i>Vocational Education and Training Act 1994</i> with reference to <i>Training and Workforce Development Act 2013</i> .
Clause 2	Section 7 amended (Eligible options) Amends to include reference to apprenticeships, and to replace reference to <i>Vocational Education and Training Act 1994</i> with reference to <i>Training and Workforce Development Act 2013</i> .
SCHEDULE 2	LEGISLATION REPEALED
	<i>Vocational Education and Training Act 1994</i> (No 88 of 1994) <i>Vocational Education and Training amendment (Skills Tasmania) Act 2007</i> (No 12 of 2007) <i>Education and Training (Tasmanian Skills Institute) Act 2008</i> (No 40 of 2008) <i>Education and Training (Tasmanian Polytechnic) Act 2008</i> (No 41 of 2008) <i>Education and Training (Miscellaneous and Consequential Amendments) Act 2008</i> (No 44 of 2008) <i>Education and Training (Further Consequential Amendments) Act 2008</i> (No 45 of 2008)
SCHEDULE 3	LEGISLATION RESCINDED
	<i>Vocational Education and Training Regulations 2005</i> (No 54 of 2005) <i>TAFE Tasmania Amendment By-laws 2005</i> (No 154 of 2005) <i>Gas (Safety) Amendment Regulations 2007</i> (No 46 of 2007) <i>Vocational Education and Training Amendment Regulations 2008</i> (No 10 of 2008) <i>Education and Training (Tasmanian Polytechnic) Regulations 2011</i> (No 4 of 2011)

SCHEDULE 4	LEGISLATION REVOKED
	<p><i>Proclamation under the Vocational Education and Training Act 1994 (No 68 of 1995)</i></p> <p><i>Proclamation under the Duties Act 2001 (No 45 of 2007)</i></p> <p><i>Collections for Charities (Approved Organisations) Amendment Order 2008 (No 167 of 2008)</i></p>