

**EDUCATION AND TRAINING (TASMANIAN ACADEMY) AMENDMENT BILL
2010**

CLAUSE NOTES

Clause 1	Short title <i>Education and Training (Tasmanian Academy) Amendment Act 2010</i>
Clause 2	Commencement 1 January 2011
Clause 3	Principal Act <i>The Education and Training (Tasmanian Academy) Act 2008</i>
Clause 4	Long title amended Amends the long title of the Principal Act to: <ul style="list-style-type: none">• ‘Continue’ the previously ‘established’ Tasmanian Academy.• To broaden the purpose of the Academy from preparing students for higher education, to preparing students for work, higher education and further education and training.
Clause 5	Section 3 amended (Guiding principle) Removes the definition of the Polytechnic and the Skills Institute as they are now defined in the Interpretation section.
Clause 6	Section 4 amended (Interpretation) <ul style="list-style-type: none">• Deletes definitions for terms no longer required and adds definitions for new terms required due to amendment of the Principal Act.• Redefines the Academy as “continuing” rather than “established”.

Clause 7	<p>Parts 2, 3 and 4 substituted</p> <p>Repeals parts 2, 3 and 4, which provided all of the structural and administrative elements of the statutory authority including the Board and CEO, and substitutes with new parts.</p> <p>PART 2 – Tasmanian Academy</p> <p><i>Division 1 – Continuation of Tasmanian Academy</i></p> <p>5. Continuation of Tasmanian Academy</p> <p>Continues the Academy, but as a State educational institution.</p>
	<p>6. Objectives of Academy</p> <p>Establishes the objectives of the Academy.</p> <ul style="list-style-type: none"> •
	<p><i>Division 2 - Employees</i></p> <p>7. Executive officer</p> <p>Establishes the requirement for an executive officer which has functions prescribed by various clauses throughout the act.</p>
	<p>8. Other employees</p> <p>Provides for State Service employees to be appointed for the purposes of this Act.</p>
	<p><i>Division 3 – Academy association</i></p> <p>9. Academy association</p> <p>Enables the establishment of a high level Academy association, with members appointed by the Minister. Schedule 1 provides for membership and meetings of the association.</p>
	<p>10. Functions of Academy association</p> <p>Details the functions of the Academy association.</p>
	<p>11. Constitution of Academy association</p> <p>Requires the Academy association to have a constitution.</p>

	<p>PART 3 – Colleges</p> <p><i>Division 1 – Establishment of colleges</i></p> <p>12. Establishment of colleges</p> <p>Enables the establishment of colleges of the Academy.</p>
	<p><i>Division 2 – Principals for colleges</i></p> <p>13. Principals for colleges</p> <p>Requires each college to have a principal.</p>
	<p>14. Functions and powers of principals</p> <p>Details the functions of a principal.</p>
	<p><i>Division 3 – Management of facilities and equipment of colleges</i></p> <p>15. Hiring out college facilities and equipment, &c.</p> <p>Enables hiring out of facilities and equipment and sale of educational materials and equipment etc.</p>
	<p>16. Property and equipment</p> <p>Gives the Secretary the power to lease any property or equipment and authorise any person to occupy any property.</p>
	<p><i>Division 4 – College associations</i></p> <p>17. College associations</p> <p>Enables establishment of college associations.</p>
	<p>18. Functions of college association</p> <p>Details the functions of college association.</p>
	<p>19. Powers of college association</p> <p>Details the powers of college associations.</p>
Clause 8	<p>Section 33 amended (Fees, levies and charges)</p> <p>Amends the Principal Act to reflect the changed governance arrangements so that the authority rests with the Secretary of the Department.</p>

Clause 9	<p>Section 34, 35 and 36 substituted</p> <p>Repeals section 35 and 36 to reflect changed governance arrangements and replaces section 34.</p> <p>34. Reviews</p> <p>Gives the Minister and the Secretary the power to instigate reviews of the Academy to assess the Academy's achievement of its objectives.</p>
	<p>35. Secretary's instructions</p> <p>Provides for the Secretary to issue instructions in relation to the Act.</p>
	<p>36. Delegations by Secretary and executive officer</p> <p>Gives the Secretary and executive officer the power to delegate any of their functions or powers under the act.</p>
Clause 10	<p>Section 37 amended (Regulations)</p> <p>Provides for the governor to make regulations including in relation to the Academy association, the college associations, student organisations and conduct and discipline of persons.</p>
Clause 11	<p>Schedule 1, 2 and 3 substituted</p> <p>Repeals the schedules dealing with directors and meetings of the board and committees.</p> <p>Schedule 1 - Members and meetings of Academy association)</p>
	<p>1. Interpretation</p> <p>Defines the terms 'constitution' and 'member'.</p>
	<p>2. Term of office</p> <p>Members cannot be appointed for more than three years.</p>
	<p>3. Holding other office</p> <p>Enables a person to be a member and hold another office.</p>
	<p>4. State Service Act 2000</p> <p>The State Service Act does not apply to membership and a person may be a state servant and a member.</p>
	<p>5. Allowances and conditions of appointment</p> <p>Enables members to be paid an allowance if determined by the Minister, but prevents a State servant from receiving an allowance.</p>

	<p>6. Removal of member from office</p> <p>Provides for the Minister to remove a member from office under certain circumstances.</p>
	<p>7. Convening of, and procedure at, meetings</p> <p>Provides for the Academy association to convene and run meetings as it considers appropriate but in accordance with its constitution.</p>
	<p>8. Minutes</p> <p>Requires the association to keep minutes.</p>
Clause 12	<p>Repeal of Act</p> <p>Provides for repeal of the amendment act.</p>