

CLAUSE NOTES

Tasmanian Qualifications Authority Amendment Bill

- Clause 1 Short title and citation
- Clause 2 The Act commences on the day it receives Royal Assent
- Clause 3 The Principal Act is the *Tasmanian Qualifications Authority Act 2003*
- Clause 4 **Long Title Amended**
Clause 4 amends the Long Title of the Principal Act to reflect that the Act will establish the “Office of Tasmanian Assessment Standards and Certification”
- Clause 5 **Section 1 amended (Short Title)**
The Act will be known as The Tasmanian Assessment, Standards and Certification Act 2003
- Clause 6 **Section 3 amended**
By omitting the word “Authority” from the definitions of *assessment recommendation, formal education and recognised qualification*, and replacing it with the word “office” in each instance.
By omitting the definition of *Authority and Chief Executive Officer*
By inserting definitions for *Executive Officer, Framework Advisory Council, Office and senior secondary accreditation framework*.
By inserting an additional definition of Ministerial Council to ensure that any Ministerial Council having responsibility for senior secondary education and tertiary education is included in the legislation despite the fact the MCEETYA is the Ministerial Council originally referred to in the legislation.
By inserting a definition of **Office** as the Office of Tasmanian Assessment, Standards and Certification.
By omitting the word “Authority” and replacing it with the word “Office” wherever it appears
By inserting a definition of “**registered school**” as the same as that in the *Education Act*
By inserting a definition of “**school**” as the same as the *Education Act*
By inserting definitions for “*senior secondary accreditation framework*” as the framework established under this Bill and “*State school*” as the same as the *Education Act*
- Clause 7 **Part 2 Heading amended**
The heading of Part 2 will read “OFFICE OF TASMANIAN ASSESSMENT, STANDARDS AND CERTIFICATION”
- Clause 8 **Part 2 Division 1 heading amended**

The heading of Part 2, division 1 will read "Office of Tasmanian Assessment, Standards and Certification"

Clause 9 Section 7 amended

Continues the Tasmanian Qualifications Authority as the Office of Tasmanian Assessment, Standards and Certification

Replaces the word "Authority" with the word "Office" wherever it appears.

Clause 10 Section 8 substituted

The previous Section 8 is replaced with a new section to provide for the constitution of the Office. The Office is constituted by the Executive Officer.

Clause 11 Section 9 amended

Replaces the word "Authority" with the word "Office".

Clause 12 Section 10 substituted

The previous Section 10 is replaced with a new section setting out the Functions of Office. The functions are largely the same with the exception of the function relating to data management at Ss10(1)(i)-(k) and S10(2) and (3) which clearly state the data which is to be collected, how it is to be managed, and how it is to be provided to each of the sectors.

Replaces the word "Authority" with the word "Office" wherever it appears.

Clause 13 Section 11 amended

Replaces the word "Authority" with the word "Office" wherever it appears.

Clause 14 Section 12 amended

Replaces the word "Authority" with the word "Office".

Clause 15 Section 13 amended

Limits the power of the Minister to direct the Office to the ability to give policy expectations and provide written directions in respect of compliance with those policy expectations in so far as they relate to the exercise of functions and powers.

Replaces the word "Authority" with the word "Office" wherever it appears.

Clause 16 Section 14 amended

Replaces the word "Authority" with the word "Office" wherever it appears.

Clause 17 Section 15 removed

This section is redundant because the Executive Officer is a State Servant and bound by the Code of Conduct and State Service Principles in the State Service Act.

- Clause 18** **Part 2 Division 3 heading amended**
This heading will now read “Executive Officer and staff of Office’
- Clause 19** **Sections 16, 17 and 18 substituted**
Section 16 provides that the Executive Officer will be appointed pursuant to the State Service Act 2000 in an open merit selection process
Section 17 provides that the staff of the Office and Department of Education employees made available by the Secretary to the Office, and that the Secretary will assist the office to engage staff from other departments should that be necessary.
Section 18 is removed
- Clause 20** **Section 19 amended**
Provides for the Office to appoint one of the employees referred to in Section 17 to be an authorised officer.
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 21** **Section 20 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
Provides for the Executive Officer to be a member of a committee
- Clause 22** **Section 22 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 23** **Section 23 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 24** **Section 24 substituted**
Replaces the previous Section 24 with a requirement for the Office to provide reporting information to the Secretary to enable the Secretary to report within the departmental Annual Report each year. This ensures that the Secretary is able to meet all financial and audit obligations as the Office budget is a departmental budget.
- Clause 25** **Part 3 Division 1 inserted**
Inserts a new Division 1 – *Preliminary* which constitutes sections 24A – 24I inclusive
Section 24A the Minister will establish priorities which are akin to what is generally known as a curriculum framework for senior secondary education in Tasmania
Section 24B provides definitions for *registered school, State school and Tasmanian Academy*.

It further provides that the Secretary of the Department is to advise the Minister on the priorities for the curriculum for senior secondary education in Tasmania, to cause the Department to develop the curriculum.

The Secretary is to ensure that the curriculum is suitable for all Tasmanian schools, and developed in accordance with the Minister's priorities.

In undertaking his responsibilities, the Secretary must consult with the non-government school sectors and consider the needs of the Tasmanian workforce and of providers of vocational education and training and of higher education.

Section 24C provides for the development of committees to assist in carrying out the curriculum development. The Committees are established by the Secretary, in consultation with the non-government school sectors. The committees do not have a fixed number or make up and members hold office for the period specified in the instrument of appointment.

Section 24D determines that the Secretary may provide for the regulation of committees. Further, the committee must keep accurate minutes. The Committee may regulate its own proceedings in the absence of a determination from the Secretary.

Section 24E provides that the Office must develop a draft framework relating to the accreditation of senior secondary courses.

The framework can be reviewed at the direction of the Minister, or on the Office's own instigation.

The Office is to request the Framework Advisory Council to provide a report containing its recommendations for the Framework. The Office is to take those recommendations into account in considering the development of the framework and may consult with the Framework Advisory Council at any time during that process.

Upon review of the framework, the Office can prepare a draft amendment to the Framework, a substituted framework or a report stating that the Framework does not need amendment and the reasons for that decision.

Section 24F provides that after completing either the draft framework, a draft amendment, a draft replacement framework, or a report stating that no amendment is required; the Office must provide that report or Framework to the Minister along with a copy of the report of the Framework Advisory Council to the Minister.

The Minister may, approve the draft Framework, or require an amendment to the Framework, or request a substitute Framework for approval.

The Framework must include the priorities for accreditation of senior secondary courses; and the process to be followed in determining

whether or not to accredit a senior secondary course; and the standards a course must meet in order for it to be accredited.

The framework may include any other matters the Minister considers appropriate.

This section also provides that if the Minister is provided with a draft amendment to the Framework, or a draft replacement Framework or a recommendation that the Framework be rescinded or substituted, the Minister may approve the amendment, approve the rescinding and substitution or require an amendment or replacement framework.

If the Minister receives a report from the Office indicating that the Framework does not need amendment or replacement, he can either accept that report or he can require the Office to provide a draft amendment or replacement of the Framework.

The Minister must give a copy of the approved Framework to the Secretary to enable him to carry out his curriculum responsibilities under the Act.

The Office must make available current copies of the Framework upon request, including for a fee, and including publishing the Framework on its website.

Section 24G provides that the Office must perform and exercise its functions and powers consistently with the Framework.

The Office may also consult with the Framework Advisory Council on any matters which arise from implementing the Framework.

Section 24H establishes the Framework Advisory Council.

The functions of the Framework Advisory Council are:

- To advise and assist the Office and the Minister in relation to the development and review of the Framework and

- To advise and assist the Office on any matters that may arise from the implementation of the Framework.

The Framework Advisory Council consists of the Secretary of the Department or his nominee, a nominee from the bodies representing Independent Schools (Independent Schools Tasmania or its equivalent) and Catholic Schools (Catholic Education Office or equivalent), a nominee from Tas TAFE and from the University of Tasmania and any other persons the Minister considers appropriate to ensure a breadth of community representation.

Members are appointed by the Minister for a term determined by the Minister.

If one of the bodies referred to above does not nominate a member, then the Minister may appoint an appropriate person.

The Minister is to ensure that representation fairly represents all educational sectors.

The Minister is to appoint a member of the Framework Advisory Council to be its chairperson.

Section 24I provides for the regulation of proceedings of the Framework Advisory Council. The Minister may provide for the regulation of proceedings, or in the absence of that, the Framework Advisory Council can regulate its own proceedings. It must keep accurate minutes of meetings.

The Executive Officer is entitled to attend meetings but does not have a vote.

Clause 26 Part 3 Division I heading amended

The existing Division I becomes Division IA.

Clause 27 Section 25 amended

Replaces the word “Authority” with the word “Office” wherever it appears.

Clause 28 Section 26 amended

Omits subsection I which allowed the previous Authority to create courses and accredit them.

Replaces the word “Authority” with the word “Office” wherever it appears.

Ensures that the Office may only accredit a course where it has been developed in accordance with the Framework and ensures consistency with national standards.

Clause 29 Section 27 amended

Removes the requirement to accredit courses for a period of times not exceeding 5 years and provides for the Office to determine the length of time for accreditation of a course.

Clause 30 Section 28 substituted

Provides for renewal of courses to be consistent with accreditation of courses. It no longer requires the renewal to be treated as a fresh application for accreditation.

The Office must be satisfied that the course complies with the Framework and can refuse to renew if it is satisfied that the course and its delivery methods no longer achieve the purposes, aims and learning outcomes of the course; or the contents and standards and the methods of delivery are no longer consistent with relevant national standards.

Renewal is for a period of time determined by the Office and the qualification that was conferred on the successful completion of the course remains the same as it was before renewal.

The Office is provided to give written notice of its decision to the applicant for renewal.

- Clause 31 Section 29 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 32 Section 31 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 33 Section 32 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 34 Section 33 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 35 Section 33A amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 36 Section 33B amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 37 Section 33C amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 38 Section 33D amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 39 Section 33E amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 40 Section 33F amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 41 Section 33I amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 42 Section 33J amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 43 Section 33L amended**
Replaces the word “Authority” with the word “Office” wherever it appears.

- Clause 44 Section 33M amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 45 Section 33N amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 46 Section 35 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 47 Section 36 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 48 Section 37 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 49 Section 38 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 50 Section 40 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 51 Section 42 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 52 Section 43 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 53 Section 44 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 54 Section 45 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 55 Section 48 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 56 Section 51 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.

- Clause 57 Section 5I amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 58 Section 52 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 59 Section 55A amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 60 Section 55B amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 61 Section 55C amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 62 Section 55D amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 63 Section 55G amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 64 Section 55H amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 65 Section 55J amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 66 Section 55K amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 67 Section 55L amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 68 Section 55N amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 69 Section 55O amended**
Replaces the word “Authority” with the word “Office” wherever it appears.

Clause 70	Section 55P amended Replaces the word “Authority” with the word “Office” wherever it appears.
Clause 71	Section 55Q amended Replaces the word “Authority” with the word “Office” wherever it appears.
Clause 72	Section 55T amended Replaces the word “Authority” with the word “Office” wherever it appears.
Clause 73	Section 55U amended Replaces the word “Authority” with the word “Office” wherever it appears.
Clause 74	Section 55W amended Replaces the word “Authority” with the word “Office” wherever it appears.
Clause 75	Section 55X amended Replaces the word “Authority” with the word “Office” wherever it appears.
Clause 76	Section 55ZG amended Replaces the word “Authority” with the word “Office” wherever it appears.
Clause 77	Section 55ZH amended Replaces the word “Authority” with the word “Office” wherever it appears.
Clause 78	Section 55ZI amended Replaces the word “Authority” with the word “Office” wherever it appears.
Clause 79	Section 55ZJ amended Replaces the word “Authority” with the word “Office” wherever it appears.
Clause 80	Section 55ZL amended Replaces the word “Authority” with the word “Office” wherever it appears.
Clause 81	Section 55ZN amended Replaces the word “Authority” with the word “Office” wherever it appears.
Clause 82	Section 55ZP amended Replaces the word “Authority” with the word “Office” wherever it appears.

- Clause 83 Section 55ZQ amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 84 Section 55ZR amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 85 Section 55ZT amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 86 Section 55ZU amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 87 Section 55ZV amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 88 Section 55ZW amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 89 Section 55ZY amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 90 Section 55ZZ amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 91 Section 55ZZA amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 92 Section 55ZZB amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 93 Section 55ZZC amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 94 Section 55ZZF amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 95 Section 55ZZG amended**
Replaces the word “Authority” with the word “Office” wherever it appears.

- Clause 96 Section 55ZZI amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 97 Section 55ZZJ amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 98 Section 55ZZL amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 99 Section 55ZZM amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 100 Section 55ZZN amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 101 Section 55ZZO amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 102 Section 55ZZP amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 103 Section 55ZZQ amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 104 Part 4D Divisions 3 Heading amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 105 Section 55ZZR amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 106 Section 56 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 107 Section 57 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 108 Section 58 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.

- Clause 109 Section 59 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 110 Section 60 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 111 Section 61 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 112 Section 62 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 113 Section 63 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.

The office is to publish a register required by this Act on its website, the Office may make that register public.
- Clause 114 Section 64 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.

The Office is to publish rules on its website and may make rules available to the public

Replace ‘Chief Executive Officer’ with “Executive Officer”
- Clause 115 Section 64A amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 116 Section 64B amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 117 Section 64C amended**
Replaces the words “Qualifications Authority” with the word “Office” wherever they appear.
- Clause 118 Section 65 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 119 Section 67 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.

- Clause 120 Section 68 amended**
Provides for judicial notice to be taken of the signature of a person who is or has been the Executive Officer
- Clause 121 Section 69 amended**
Replaces the word “Authority” with the word “Office” or “Executive Officer” as required wherever it appears.
- Clause 122 Section 70 amended**
Omits “Chief Executive Officer” and substitutes “Executive Officer”
- Clause 123 Section 71 amended**
Replaces the word “Authority” with the word “Office” wherever it appears.
- Clause 124 Section 72 amended**
Replaces the word “Authority” with the word “Office” wherever it appears and the words “Authority or chief executive officer” with “Office or Executive Officer”
- Clause 125 Section 73A substituted.**
This section provides for the transitional provisions to ensure certainty.
The current chief executive officer will become the Director of Education and Training research in the Department on the commencement day of the legislation.
Staff appointed under section 18 of the previous Act remain appointed pursuant to the *State Service Act* thereby retaining their employment status under this legislation.
The employee or officer currently carrying out the duties of Director, Equity Services within the Department will hold the office of Executive Director on an interim basis until the position is filled in accordance with the legislation.
TASC will only be required to provide an Annual Report for the last 6 months of this financial year.
Senior secondary courses which expire after the commencement day but before the Framework has been approved will be assessed by TASC without the requirement that the course complies with the Framework.
- Clause 126 Schedules 1 and 2 repealed**
These schedules dealt with membership and meetings of the Authority.
- Clause 127 Schedule 3 amended**
Insert a definition of *Authority* for savings and transitional purposes.

Amendment to the *Tasmanian Education and Training (Tasmanian Academy) Act 2008*

- Clause 128** definition of Principal Act being the *Tasmanian Education and Training (Tasmanian Academy) Act 2008*

Clause 129 Section 4 amended

Omit "*Tasmanian Qualifications Authority Act 2003*" and replace with "*Office of Tasmanian Assessment, Standards and Certification Act 2003*"

Amendment to the *Vocational Education and Training (Commonwealth Powers) Act 2011*

Clause 130 definition of Principal Act being *Vocational Education and Training (Commonwealth Powers) Act 2011*

Clause 131 Section 11 amended

By omitting the words "Qualifications Authority" and replacing them with "Office of Tasmanian Assessment, Standards and Certification" wherever they appear.

By inserting a definition of "Office of Tasmanian Assessment, Standards and Certification"

By omitting "Commonwealth;" and replacing it with "Commonwealth."
And omitting the definition of Qualifications Authority.

Amendment to the *Youth Participation in Education and Training (Guaranteeing Futures) Act 2005*

Clause 132 definition of Principal Act as *Youth Participation in Education and Training (Guaranteeing Futures) Act 2005*

Clause 133 Section 5 amended

Insert definition of the "Office of Tasmanian Assessment, Standards and Certification"

Omit the definition of "Qualifications Authority"

Clause 134 Section 7 amended

Omit "*Tasmanian Qualifications Authority Act 2003*" and substitute with "*Office of Tasmanian Assessment, Standards and Certification Act 2003*" wherever appearing

Clause 135 Section 18 amended

Omit the definition of "Qualifications Authority" and replace with "Office of Tasmanian Assessment, Standards and Certification"

Clause 136 Section 23 amended

Omit the definition of "Qualifications Authority" and replace with "Office of Tasmanian Assessment, Standards and Certification"

Clause 137 Section 27 amended

Omit the definition of "Qualifications Authority" and replace with "Office of Tasmanian Assessment, Standards and Certification"

Clause 138 Section 29 amended

Omit the definition of "Qualifications Authority" and replace with "Office of Tasmanian Assessment, Standards and Certification"

Clause 139 Section 31 amended

Omit the definition of “Qualifications Authority” and replace with “Office of Tasmanian Assessment, Standards and Certification” wherever they appear

Clause 140 Section 32 amended

Omit the definition of “Qualifications Authority” and replace with “Office of Tasmanian Assessment, Standards and Certification” wherever they appear

Omit the reference to annual report under the *Tasmanian Qualifications Authority Act 2003* and replace with it a reference to the annual report under the *Office of Tasmanian Assessment, Standards and Certification Act 2003*

Clause 141 Section 34 amended

Omit the definition of “Qualifications Authority” and replace with “Office of Tasmanian Assessment, Standards and Certification”

Clause 142 Section 44 amended

Omit the definition of “Qualifications Authority” and replace with “Office of Tasmanian Assessment, Standards and Certification”

Clause 143 Section 45 amended

Omit the definition of “Qualifications Authority” and replace with “Office of Tasmanian Assessment, Standards and Certification”

Omit “*Tasmanian Qualifications Authority Act 2003*” and replace with “*Office of Tasmanian Assessment Standards and Certification Act 2003*”

Clause 144 Repeal of Act

This Act is repealed on the 365th day from the day on which it commences.