

I certify that this is a copy of the authorised version of this Act as at 1 July 2022, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2022.

K Woodward
Deputy Chief Parliamentary Counsel
Dated 1 July 2022



TASMANIA

TRAINING AND WORKFORCE DEVELOPMENT ACT 2013

No. 9 of 2013

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TRAINING AND WORKFORCE DEVELOPMENT ACT 2013

No. 9 of 2013

**An Act to provide for the administration of a system of
training and workforce development and for related
purposes**

[Royal Assent 13 June 2013]

Be it enacted by His 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 *Training and
Workforce Development Act 2013*.

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2. Commencement

This Act commences on 1 July 2013.

3. Object of Act

- (1) The object of this Act is to establish a system of training and workforce development that supports a skilled and productive workforce and contributes to economic and social progress in Tasmania.
- (2) The system of training and workforce development consists of the following areas:
 - (a) vocational education and training, including Tasmania's traineeship and apprenticeship system;
 - (b) other training, or skills, and workforce development;
 - (c) foundations skills.
- (3) The object is mainly achieved by –
 - (a) providing funding for training that is responsive to the needs of employers, industry and the community; and
 - (b) providing opportunities for individuals to acquire skills and qualifications; and
 - (c)
 - (d) administering Tasmania's traineeship and apprenticeship system.

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4. Interpretation

(1) In this Act –

Agency has the same meaning as in the *State Service Act 2000*;

amend means –

- (a) omit any matter; or
- (b) insert or add any matter; or
- (c) omit any matter and substitute other matter;

apprentice means an employee who is described as an apprentice and is a party to a training contract that provides for the employee to undergo training leading to a qualification under the Australian Qualifications Framework;

Australian Qualifications Framework means the national policy of that name for accredited qualifications in Australian education and training (including addenda to that policy added from time to time) that –

- (a) defines qualifications recognised nationally in education and training undertaken within Australia; and
- (b) is endorsed and published by the Australian Qualifications Framework Council; and

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(c) took effect on 1 July 2011 –

as amended or substituted from time to time;

Australian Qualifications Framework Council means the council –

(a) established under the authority of the National Ministerial Council responsible for education, training and employment; and

(b) that has responsibilities for the Australian Qualifications Framework;

dispute means a dispute relating to the terms, conditions or operation of a training contract or a vocational placement agreement;

employer includes, if appropriate, a group training organisation;

foundation skills means skills in the English language, literacy and numeracy together with skills required for participation in modern workplaces and contemporary life;

group training organisation means a person or organisation whose business includes employing trainees or apprentices, or both, under training contracts and placing those trainees or apprentices with host employers;

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higher education means education in relation to which a higher education award, within the meaning of the *Tertiary Education Quality and Standards Agency Act 2011* of the Commonwealth, may be issued;

host employer means an employer that, under a written agreement with a group training organisation, trains trainees or apprentices, or both, employed by that group training organisation under a training contract entered into by that group training organisation, regardless of whether that training takes place in Tasmania or elsewhere;

listable group training organisation has the meaning given by section 10;

listed group training organisation means a group training organisation that is listed in the Register of Listed Group Training Organisations maintained under section 16;

Ministerial Council means a council that comprises the Ministers for each State and Territory and the Commonwealth who have responsibility for tertiary education and skills;

person includes –

- (a) a State school, or a registered school, as defined in the *Education Act 1994*; and

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(b) a group of such State schools or registered schools, or both; and

(c) a department, as defined in the *Administrative Arrangements Act 1990*, or part of such a department;

qualification has the same meaning as in the Australian Qualifications Framework;

registered training organisation means a registered training organisation within the meaning of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth;

Register of Listed Group Training Organisations means the Register of Listed Group Training Organisations maintained under section 16;

regulations means regulations made and in force under section 93;

Secretary means the Secretary of the Department;

TasTAFE means TasTAFE as continued by the *TasTAFE (Skills and Training Business) Act 2021*;

trainee means an employee who, whether described as a trainee or otherwise, is a party to a training contract that provides for the employee to undergo training leading to a qualification, but does not

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include an employee described as an apprentice;

training contract means a contract between an employer and another person entered into under section 30;

Training Contracts Register means the register maintained under section 41;

TTAC means the Tasmanian Traineeships and Apprenticeships Committee established under section 17;

TTAC guidelines means guidelines issued by the TTAC, and in force, under section 21;

vocational education and training means the vocational education and training, and attainment of associated qualifications or statements of attainment, under level 1, 2, 3, 4, 5 and 6 of the Australian Qualifications Framework;

vocational placement means a placement that provides paid or unpaid employment, for a period of less than 240 hours in a 12-month period, at a work place as part of training leading to a qualification;

workforce development means building the capacity of enterprises to develop and use the skills of their workforces to maximum advantage for the benefit of the enterprises, industry and the community.

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- (2) For the purposes of this Act, if a group training organisation enters into a training contract –
- (a) that group training organisation is taken to be the employer of the trainee or apprentice who is the other party to the training contract; and
 - (b) training provided to the trainee or apprentice by a host employer is taken to have been provided by that group training organisation.

5. Priorities for training and workforce development system

The Minister is to establish priorities in relation to training and workforce development that promote and further the object of this Act.

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**PART 2 – GENERAL ADMINISTRATION OF
TRAINING AND WORKFORCE DEVELOPMENT
SYSTEM**

Division 1 – Role of Secretary

6. Responsibilities of Secretary

(1) The Secretary has the following responsibilities in relation to the administration of Tasmania's system of training and workforce development:

(a) to advise the Minister on priorities in relation to training and workforce development;

(b) to ensure that funding provided for the purposes of this Act, other than Part 5, is used for, or in relation to –

(i) the purchase of training from TasTAFE and other registered training organisations; and

(ii) the support of workforce development activities –

in a manner that is consistent with furthering the object of this Act and in accordance with the Minister's priorities in relation to training and workforce development;

(c) to provide to the Minister, by no later than 30 April in each year, a written

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report on the performance of Tasmania's system of training and workforce development.

- (2) In providing advice under subsection (1)(a), the Secretary is to –
 - (a) liaise with industries, businesses, communities and relevant interest groups and take their views into account; and
 - (b) consider the needs of the Tasmanian workforce for training, or skills, and workforce development; and
 - (c) ensure that the advice promotes and furthers the object of this Act.
- (3) The report referred to in subsection (1)(c) is in addition to the annual report required under section 36 of the *State Service Act 2000* and is not to be included in that annual report.

7. Advisory committees

- (1) The Secretary may establish such committees as he or she considers appropriate to advise him or her in relation to the performance and exercise of his or her responsibilities, functions and powers under this Act.
- (2) A committee established under subsection (1) is to report to and advise the Secretary on the matters referred to it by the Secretary.

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- (3) A member of a committee established under subsection (1) holds office as a member for the term, and on the conditions, specified in his or her instrument of appointment.
- (4) The Secretary may provide for the regulation of the proceedings of a committee established under subsection (1) in writing provided to the committee.
- (5) Except as provided otherwise by the Secretary, a committee established under subsection (1) may regulate its own proceedings.

8. Fees and charges

- (1) The Secretary, with the approval of the Minister, may impose any fee, levy or charge the Secretary considers appropriate in respect of any goods or services provided in relation to the operation of this Act.
- (2) The Secretary, with the approval of the Minister, may exempt a person or class of persons from the obligation to pay all or part of any fee, levy or charge otherwise payable under subsection (1) if satisfied that it is equitable or appropriate to do so in the circumstances.

9. Delegation by Secretary

The Secretary may delegate any of his or her functions or powers under this Act, other than this power of delegation.

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Division 2 – Listing of certain group training organisations

10. Listable group training organisation

- (1) A group training organisation is a listable group training organisation if, under training contracts, it trains at any one time more than the maximum allowable number of trainees and apprentices as determined under subsection (2).
- (2) The Secretary may determine the maximum allowable number of trainees and apprentices for a group training organisation that is not a listed group training organisation.
- (3) The Secretary is to publish, in such manner as the Secretary considers appropriate, the maximum allowable number of trainees and apprentices for a group training organisation that is not a listed group training organisation as determined under subsection (2).

11. Requirement for registration of certain group training organisations

A group training organisation must not enter into a training contract if –

- (a) it is a listable group training organisation or, by so entering into the training contract, it would become a listable group training organisation; and

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- (b) it is not registered as a listed group training organisation in the Register of Listed Group Training Organisations.

Penalty: Fine not exceeding 100 penalty units.

12. Application to be registered as listed group training organisation

- (1) A group training organisation may apply to the Secretary to be registered as a listed group training organisation.
- (2) An application is to be –
 - (a) in the form approved by the Secretary; and
 - (b) accompanied by any application fee prescribed in the regulations.
- (3) On receipt of an application, the Secretary may require the applicant to provide such information and documents as he or she considers relevant to the application.

13. Registration as listed group training organisation

- (1) On receipt of an application under section 12, the Secretary –
 - (a) is to register the applicant group training organisation as a listed group training organisation in the Register of Listed Group Training Organisations unless –

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- (i) the TTAC has notified the Secretary that it has refused to approve a training contract to which the applicant is a party under section 32(2)(d) on the basis that the TTAC is not satisfied that the group training organisation is a fit and proper person within the meaning of section 48; and
 - (ii) the TTAC has not notified the Secretary that it now considers the group training organisation to be such a fit and proper person; or
- (b) is to refuse to register the applicant as a listed group training organisation if –
 - (i) the TTAC has notified the Secretary as specified in paragraph (a)(i); and
 - (ii) the TTAC has not notified the Secretary as specified in paragraph (a)(ii).
- (2) On registering an applicant group training organisation as a listed group training organisation, the Secretary is to issue to the listed group training organisation a certificate of registration.

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- (3) The registration of an applicant group training organisation as a listed group training organisation –
 - (a) commences on the day on which the Secretary so registers it; and
 - (b) is for the term of 5 years.
 - (4) If the Secretary refuses to register the applicant group training organisation as a listed group training organisation, the Secretary is to notify the applicant, in writing, of that refusal and the reason for it.

14. Listed group training organisation to comply with standards, &c.

- (1) In this section –

ANTA Ministerial Council means the ANTA Ministerial Council –

- (a) established under the Australian National Training Authority Agreement which is a Schedule to the *Australian National Training Authority Act 1992* of the Commonwealth; and
- (b) comprising the Commonwealth, State and Territory Ministers responsible for vocational education and training;

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National Standards means the National Standards for Group Training Organisations adopted as agreed by the ANTA Ministerial Council on 24 May 2002, as amended or substituted from time to time;

Tasmanian Operational Requirements means the TTAC guidelines relating to the Tasmanian operational requirements for group training organisations.

- (2) A listed group training organisation must comply with the National Standards and the Tasmanian Operational Requirements.

Penalty: Fine not exceeding 100 penalty units.

15. Cancellation of registration as listed group training organisation

- (1) The Secretary is to remove a listed group training organisation from the Register of Listed Group Training Organisations on the application of the listed group training organisation.
- (2) If the Secretary receives notice from the TTAC that it has refused to approve a training contract to which the applicant is a party under section 32(2)(d) on the basis that the TTAC is not satisfied that the group training organisation is a fit and proper person within the meaning of section 48, the Secretary is to –

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- (a) note on the Register of Listed Group Training Organisations that the group training organisation is a listed group training organisation only in relation to those training contracts which it entered into and that have been approved by the TTAC under section 32 but is not registered as a listed group training organisation for the purposes of any other training contracts it has entered into; and
 - (b) once all those training contracts entered into by the group training organisation and approved by the TTAC under section 32 have been completed, remove the group training organisation from the Register of Listed Group Training Organisations.
- (3) In the case of a listed group training organisation referred to in subsection (1), its registration as a listed group training organisation is cancelled on the day on which the group training organisation is removed from the Register of Listed Group Training Organisations.
- (4) In the case of a listed group training organisation referred to in subsection (2), its registration as a listed group training organisation –
 - (a) is cancelled on the day on which the note referred to in subsection (2)(a) is made in the Register of Listed Group Training Organisations in relation to those training

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contracts which it entered into and that have not been approved by the TTAC under section 32 before that day; and

- (b) is cancelled for all purposes on the day on which the group training organisation is removed from the Register of Listed Group Training Organisations.

16. Register of Listed Group Training Organisations

The Secretary is to maintain a Register of Listed Group Training Organisations specifying –

- (a) the name and address of each listed group training organisation; and
- (b) any matter prescribed in the regulations; and
- (c) such other matters as the Secretary considers appropriate.

Division 3 – Tasmanian Traineeships and Apprenticeships Committee

17. Tasmanian Traineeships and Apprenticeships Committee

- (1) The Tasmanian Traineeships and Apprenticeships Committee is established.
- (2) The Tasmanian Traineeships and Apprenticeships Committee consists of 7 members appointed by the Minister.

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- (3) The Minister is to appoint one of the members as chairperson of the Tasmanian Traineeships and Apprenticeships Committee.
 - (4) Before appointing a person as a member of the Tasmanian Traineeships and Apprenticeships Committee, the Minister is to call for expressions of interest in the appointment by advertising in at least 3 daily newspapers printed, and circulating, in Tasmania.
 - (5) The Minister need not comply with subsection (4) if re-appointing a person to the office of member of the Tasmanian Traineeships and Apprenticeships Committee for a consecutive term.
 - (6) Schedule 1 has effect with respect to the membership and meetings of the Tasmanian Traineeships and Apprenticeships Committee.

18. Objective of TTAC

The objective of the TTAC is to ensure that Tasmania has effective and accessible systems and procedures for training contracts and vocational placements.

19. Functions of TTAC

The TTAC has the following functions:

- (a) overseeing the administration of training contracts and vocational placements;

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- (b) to advise the Minister, and make recommendations, on policies and guidelines in relation to the operation of training contracts and vocational placements;
- (c) to monitor the effectiveness of training contracts and vocational placements;
- (d) other functions imposed by this Act;
- (e) other functions imposed by the Minister.

20. Powers of TTAC

The TTAC has the following powers:

- (a) to develop and issue policies and guidelines relating to training contracts and vocational placements;
- (b) to do all things necessary or convenient to perform its functions.

21. TTAC guidelines

- (1) The TTAC may issue guidelines relating to any of the following matters:
 - (a) entering into training contracts;
 - (b) the conditions with which a training contract, or the parties to a training contract, in relation to a particular qualification must comply, including

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- conditions relating to the employment of
a person under a training contract for a
period of probation;
- (c) the extension of such a period of
probation;
 - (d) conditions in respect of the training or
the provision of training under a training
contract leading to a particular
qualification, a class of qualifications or
all qualifications;
 - (e) operational requirements for group
training organisations in Tasmania;
 - (f) any other matter relating to the form and
content, entering into, approval or
administration of training contracts;
 - (g) a prescribed matter;
 - (h) any other matter relating to a function or
power of the TTAC in relation to which
the TTAC considers it appropriate to
issue guidelines.
- (2) In issuing guidelines relating to the form and
contents of a training contract, the TTAC is to
have regard to the form and contents of the
training contract agreed by the Ministerial
Council.
- (3) Guidelines may be made so as to apply
differently according to matters, limitations or

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restrictions, whether as to time, circumstance or otherwise, specified in the guidelines.

- (4) If the Secretary amends any guidelines, the amendment is taken to be incorporated with those guidelines and a reference to those guidelines is a reference to those guidelines as so amended.

22. Directions by Minister

The Minister may give directions, in writing, to the TTAC in relation to the performance and exercise of its functions and powers, other than the exercise of functions and powers in relation to an individual training contract or vocational placement agreement.

23. Delegation by TTAC

The TTAC may delegate any of its functions or powers under this Act, other than this power of delegation, to any of the following persons:

- (a) a member of the TTAC;
- (b) a State Service officer, or a State Service employee, employed in or for the purposes of the Department.

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***Division 4 – Arrangements with registered training
organisations, &c., for purchase of vocational education and
training***

**24. Minister may enter into agreements with certain
registered training organisations, &c., for purchase
of vocational education and training**

(1) In this section –

prescribed Agency means an Agency, part of
an Agency or a body corporate that is an
instrumentality of this State.

- (2) The Minister, on behalf of the Crown, may enter into an agreement with a registered training organisation, or another person, that is not a prescribed Agency in relation to the purchase of vocational education and training and the performance by that organisation or person of vocational education and training functions.
- (3) The Minister may delegate his or her power to enter into an agreement under subsection (2) to the Secretary.
- (4) If the Minister delegates to the Secretary his or her power to enter into an agreement under subsection (2), the Secretary may sub-delegate that power to a State Service officer, or State Service employee, employed in or for the purposes of the Department.

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25. Secretary may enter into arrangements with certain registered training organisations, &c., for provision of vocational education and training

(1) In this section –

prescribed Agency means an Agency, part of an Agency or a body corporate that is an instrumentality of this State but not an Agency or part of an Agency;

prescribed Head means –

- (a) in relation to an Agency or part of an Agency, the Head of that Agency; or
 - (b) in relation to a body corporate that is an instrumentality of this State but not an Agency or part of an Agency, the body corporate, the chief executive officer of the body corporate or a person performing the functions of a chief executive officer in the body corporate (whatever the title of that person).
- (2) If a prescribed Agency is a registered training organisation, the Secretary may enter into an arrangement with the prescribed Head of that prescribed Agency in relation to the provision of vocational education and training and the performance by that prescribed Agency of vocational education and training functions.

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Division 5 – Miscellaneous

26. Payment of funds from Commonwealth

(1) In this section –

national partnership payment means a payment made to Tasmania under section 16 of the *Federal Financial Relations Act 2009* of the Commonwealth;

national specific purpose payment means a payment made to Tasmania under section 12 of the *Federal Financial Relations Act 2009* of the Commonwealth.

(2) The Minister is to ensure that Commonwealth financial assistance paid to Tasmania –

- (a) as a national specific purpose payment for the purposes of skills and workforce development; or
- (b) as a national partnership payment in relation to vocational education, training, skills, workforce development or any one or combination of these matters –

is applied to expenditure as specified in the national specific purpose payment or national partnership payment or as otherwise required by the *Federal Financial Relations Act 2009* of the Commonwealth.

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27. Award of scholarships, bursaries and prizes

The Minister, on the recommendation of the Department, may award a scholarship, bursary or prize.

28. Collection of records, statistics and information

(1) In this section –

unique student identifier means a unique student identifier created for a person under the agreement –

- (a) between the Commonwealth and the States and Territories; and
- (b) that was signed on 13 April 2012; and
- (c) that provides for the creation of unique student identifiers in relation to vocational education and training –

as amended or substituted from time to time.

(2) The Secretary may require a person or organisation that is a party to an agreement under section 24, or the registered training organisation that is the subject of an arrangement under section 25, to –

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- (a) collect and keep records, statistics and information in relation to vocational education and training; and
 - (b) make available or provide those records, statistics and information to the Secretary.
- (3) The Secretary may give directions as to the manner in which records, statistics and information are to be collected, kept and made available.
- (4) The Secretary, despite anything to the contrary in the *Personal Information Protection Act 2004* may –
 - (a) make the records available; and
 - (b) provide copies of the records or any part of the records –

to the government, or a body established by or representing the government, of the Commonwealth, another State or a Territory for the purpose of meeting Tasmania's obligations regarding the administration of unique student identifiers.

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Part 3 – Training Contracts and Vocational Placement Agreements

**PART 3 – TRAINING CONTRACTS AND
VOCATIONAL PLACEMENT AGREEMENTS**

Division 1 – Training contracts

29. Offence to train person without training contract

An employer must not train a person as if that person were a trainee or apprentice unless –

- (a) the employer has entered into a training contract with that person; and
- (b) that training contract has effect at the time the training takes place.

Penalty: Fine not exceeding 100 penalty units.

30. Employer may enter into training contract

- (1) Subject to section 31, an employer may enter into a contract with another person relating to the provision of training to that other person that results in a qualification being issued to that other person.
- (2) Within 28 days after entering into a contract under subsection (1), an employer must forward the contract to the TTAC for approval under section 32.

Penalty: Fine not exceeding 100 penalty units.

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31. Limits on entering into training contract

- (1) An employer may not enter into a training contract under section 30 in relation to a particular qualification if the Secretary has determined under subsection (4) that a training contract may not be entered into in relation to that qualification.
- (2) An employer may not enter into a training contract under section 30 in relation to a particular qualification if the contract would contravene, or would require the parties to the contract to contravene, any conditions set out in the TTAC guidelines in relation to that qualification.
- (3) An employer may not enter into a training contract under section 30 if that contract –
 - (a) does not specify the date on which the contract takes effect; and
 - (b) is not in a form, and does not have the contents, set out in the TTAC guidelines.
- (4) The Secretary may determine that training contracts may not be entered into in relation to a particular qualification.

32. Approval of training contract

- (1) The TTAC may –
 - (a) approve a training contract with or without amendments and conditions; or

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- (b) refuse to approve the training contract.
- (2) The TTAC may only approve a training contract if satisfied that –
 - (a) the contract does not relate to a qualification determined by the Secretary under section 31(4) to be a qualification in relation to which training contracts may not be entered into; and
 - (b) the contract does not contravene, and does not require a party to it to contravene, any conditions set out in the TTAC guidelines in relation to the particular qualification to which the contract relates; and
 - (c) the contract is in the form, and contains the contents, set out in the TTAC guidelines; and
 - (d) the employer and any proposed host employer are fit and proper persons within the meaning of section 48; and
 - (e) the number of trainees and apprentices employed by the employer does not exceed any maximum allowable number as determined by the TTAC.
- (3) If the TTAC approves a training contract, with or without amendment, that approval is effective on and from the day specified in the contract as the day on which the contract takes effect, regardless of whether that day is the day on

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which the approval is given, an earlier day or a later day.

- (4) If the TTAC approves a training contract with amendment –
 - (a) that amendment, if the contract takes effect on or after the day on which the approval is given, takes effect when the contract takes effect; or
 - (b) that amendment, if the contract takes effect before the day on which the approval is given, only takes effect on the day the approval is given.
- (5) If the TTAC approves a training contract with conditions and –
 - (a) the contract takes effect on or after the day on which the approval is given, the contract is subject to those conditions from the time it takes effect; or
 - (b) the contract takes effect before the day on which the approval is given, the contract is subject to those conditions only on and from the day the approval is given.
- (6) If the TTAC refuses to approve a training contract –
 - (a) the contract is of no effect and is taken never to have been in effect; but

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(b) any training provided by the employer to the other party to the contract –

(i) on and after the day specified in the contract as the day on which it takes effect; but

(ii) before the refusal is given –

is taken to have been provided under a training contract that had been approved by the TTAC under this section.

(7) The TTAC is to notify the parties to a training contract, in writing –

(a) as to whether it has approved or refused to approve the contract; and

(b) if it has approved the contract with amendment or conditions, of the amendment or conditions.

33. Transfer of training contract

(1) A party to a training contract, with the approval of and subject to any conditions determined by the TTAC, may transfer the contract to another employer in the qualification or set of qualifications to which the agreement relates.

(2) If an employer who is a party to a training contract sells or otherwise disposes of the business, or any part of the business, that relates to a qualification or set of qualifications to which the contract relates –

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- (a) that employer, in writing and within 14 days after the completion of the sale or other disposal, must notify the TTAC of –
 - (i) the reference number of the training contract; and
 - (ii) the details of the sale or other disposal, in accordance with any relevant TTAC guidelines; and
 - (iii) the name and address of the person acquiring the business or part of the business; and
 - (iv) any other information required by the TTAC guidelines; and
 - (b) despite subsection (1), the training contract, in so far as it relates to that qualification or set of qualifications, is transferred to the purchaser or other person who acquires the business or part of the business.
- (3) If a partnership, or a partner in a partnership, is the employer under a training contract and a partner or that partner dies, resigns or is removed from office –
- (a) the surviving or continuing partners, in writing and within 14 days after the death, resignation or removal from office, must notify the TTAC of –

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- (i) the reference number of the training contract; and
 - (ii) the death, resignation or removal from office of the partner; and
 - (iii) any other information required by the TTAC guidelines; and
- (b) if –
 - (i) the partnership is the employer under the training contract, the training contract continues; or
 - (ii) that partner is the employer under the training contract, the training contract is transferred to all the surviving or continuing partners.
- (4) A transfer of a training contract –
 - (a) in the case of a transfer referred to in subsection (1), is for –
 - (i) the period agreed, in writing, by the parties to the agreement; or
 - (ii) if the parties do not so agree, the remainder of the term of the training contract; and
 - (b) in the case of a transfer referred to in subsection (2) or (3), is for the remainder of the term of the training contract.

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- (5) On the transfer of a training contract to an employer under this section, that employer becomes a party to the training contract.

34. Compliance with training contract

The parties to a training contract must comply with its terms.

Penalty: Fine not exceeding 100 penalty units.

35. Amendment of training contract

- (1) A training contract may be amended –
 - (a) by the agreement of the parties to the contract, if the TTAC approves the amendment; or
 - (b) by the TTAC if it is satisfied that it is desirable to do so.
- (2) The TTAC, by notice in writing, must notify each party to a training contract of its intention to amend the contract under subsection (1)(b).

36. Suspension of training contract

- (1) A training contract may be suspended –
 - (a) by the agreement of the parties to the contract, if the TTAC approves the suspension; or

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- (b) by the TTAC by written notice provided to the parties if it is satisfied that it is desirable to do so.
- (2) The suspension of a training contract under subsection (1)(a) –
 - (a) takes effect on the day agreed by the parties, being a day not earlier than the day on which the TTAC gives its approval; and
 - (b) continues for the period, or until the day, agreed by the parties.
- (3) The suspension of a training contract under subsection (1)(b) –
 - (a) takes effect on the day specified by the TTAC in the notice provided under that subsection; and
 - (b) continues for the period, or until the day, specified by the TTAC in that notice.
- (4) The parties to a training contract which is suspended are not bound by the terms of the contract during that suspension except –
 - (a) as may be agreed between them, in writing; or
 - (b) if the TTAC otherwise determines.
- (5) A training contract which is suspended is extended by the period of suspension unless the TTAC determines otherwise.

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- (6) The TTAC, by notice in writing, must notify each party to a training contract of its intention to suspend the training contract under subsection (1)(b).

37. Completion of training contract

A training contract is completed on the first occurring of the following days:

- (a) on the day on which the training contract is completed or expires under its terms;
- (b) on the day on which all requirements for completion of a training contract set out in guidelines made under section 20(a) have been met by the parties to the training contract.

38. Cancellation of training contract

- (1) A training contract may be cancelled –
- (a) by the agreement of the parties to the training contract if the TTAC approves its cancellation; or
 - (b) by the TTAC if it is satisfied that –
 - (i) it is desirable to do so; or
 - (ii) the training contract does not comply with this Act.
- (2) The TTAC, by notice in writing, must notify each party to a training contract of its intention

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to cancel the training contract under subsection (1)(b).

39. Training subject to conditions

- (1) The TTAC may determine conditions in respect of the training, or the provision of training, under a training contract leading to a particular qualification, a class of qualifications or all qualifications.
- (2) Both the employer and the trainee or apprentice under a training contract are to comply with any relevant conditions determined under subsection (1).

40. Directions by TTAC

- (1) The TTAC may direct a party to a training contract to take any action the TTAC considers appropriate or refrain from doing any act if the TTAC is of the opinion that –
 - (a) the party has contravened the training contract; or
 - (b) the party has contravened this Act; or
 - (c) it is otherwise appropriate to give the direction.
- (2) A direction is to be in writing provided to the party to the training contract.

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- (3) A party to the training contract must comply with a direction provided to him or her under this section.

Penalty: Fine not exceeding 100 penalty units.

41. Training Contracts Register

The Secretary is to maintain a register of training contracts specifying –

- (a) the names and addresses of each party to each training contract; and
- (b) the starting and finishing date of each training contract; and
- (c) any matter prescribed in the regulations; and
- (d) such other matters as the Secretary considers appropriate.

Division 2 – Vocational placements

42. Vocational placement agreement

- (1) A ***vocational placement agreement*** is a written agreement between an employer and a registered training organisation –
- (a) under which the employer may provide vocational placements for persons undertaking the training required for a qualification with the registered training organisation; and

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- (b) which sets out the obligations and rights of –
 - (i) the employer; and
 - (ii) the registered training organisation; and
 - (iii) the persons referred to in paragraph (a) who are provided with vocational placements with or by the employer.

(2) A vocational placement agreement –

- (a) must contain the provisions, or provisions of a type, determined by the TTAC that are relevant to the vocational placements being provided; and
- (b) may contain other appropriate provisions.

43. Vocational placement of no effect unless under vocational placement agreement

(1) In this section –

registered employee organisation means an association of employees registered as an organization under Part V of the *Industrial Relations Act 1984* or a federally registrable employee association registered as an organisation under the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth.

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(2) An employer must not provide a vocational placement to a person –

- (a) without having first entered into a vocational placement agreement with a registered training organisation that is providing, or is to provide, training to that person; and
- (b) without the approval of any relevant registered employee organisation.

Penalty: Fine not exceeding 50 penalty units.

44. Offence to contravene vocational placement agreement

A party to a vocational placement agreement must not contravene the agreement.

Penalty: Fine not exceeding 50 penalty units.

45. Workers compensation

If an employer is providing a vocational placement to a person under a vocational placement agreement and pays the person in relation to his or her work undertaken in the vocational placement, the employer must provide workers compensation under the *Workers Rehabilitation and Compensation Act 1988* for the person.

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46. Indemnity insurance

(1) In this section –

person undertaking training, in relation to a registered training organisation, means a person undertaking the training required for a qualification with the registered training organisation.

(2) If a registered training organisation under a vocational placement agreement arranges for a person undertaking training to undertake an unpaid vocational placement with an employer, the registered training organisation must obtain indemnity insurance to cover–

(a) the registered training organisation against–

(i) proceedings for damages for injury to the person undertaking training or loss of, or damage to, that person’s property arising out of the unpaid employment under the vocational placement; and

(ii) loss or damage to the employer’s property caused by the person undertaking training during unpaid employment under the vocational placement; and

(b) the person undertaking training against proceedings for damages for injury to a person, or loss or damage to property,

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arising out of the unpaid employment
under the vocational placement.

- (3) The maximum amount payable in respect of a single claim or action is \$10 000 000.

47. Directions by TTAC

- (1) The TTAC may direct a party to a vocational placement to take any action, or refrain from doing any act, as the TTAC considers appropriate if the TTAC considers that –
- (a) the party has contravened the vocational placement agreement; or
 - (b) the party has contravened this Act; or
 - (c) it is otherwise appropriate to give the direction.
- (2) A direction is to be in writing provided to the party to the vocational placement.
- (3) A party to the vocational placement must comply with a direction provided to him or her under this section.

Penalty: Fine not exceeding 50 penalty units.

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Division 3 – Restrictions on entering into training contract or vocational placement agreement

48. Employers who are not fit and proper persons for purposes of training contracts or vocational placement agreements

- (1) After allowing an employer a reasonable opportunity to make submissions in respect of the matter, the TTAC may determine that the employer is not a fit and proper person for the purposes of entering into training contracts or vocational placement agreements.
- (2) In determining whether an employer is not a fit and proper person for the purposes of entering into training contracts or vocational placement agreements, the TTAC may take into account –
 - (a) whether or not a host employer, or proposed host employer, of the employer is a fit and proper person for the purposes of training trainees or apprentices, or both, employed by that employer under a training contract; and
 - (b) whether or not the employer has contravened this Act; and
 - (c) the previous behaviour of the employer in Tasmania in relation to the fulfilment of training contracts and vocational placement agreements; and
 - (d) the previous behaviour of the employer in any place in relation to the fulfilment

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- of agreements made elsewhere than Tasmania but which are similar in effect to training contracts or vocational placement agreements; and
- (e) whether or not the employer has failed to comply with any directions given by the TTAC; and
 - (f) any other matter the TTAC considers relevant.
- (3) For the purposes of the TTAC determining under subsection (2)(a) whether or not a host employer or proposed host employer is a fit and proper person for the purposes of training trainees or apprentices, or both, employed by an employer under a training contract, subsections (1) and (2) apply to the host employer as if he, she or it were an employer.
- (4) If the TTAC determines that an employer is not a fit and proper person for the purposes of entering into training contracts or vocational placement agreements, the TTAC –
- (a) is to notify the employer, in writing –
 - (i) of that determination; and
 - (ii) that the employer is not entitled to enter into a training contract or vocational placement agreement; and
 - (b) may notify a person or body in another State or a Territory that has functions

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that correspond to those of the TTAC, or of the Secretary under this Part, of that determination; and

- (c) may notify a department, or agency, of the Commonwealth that has responsibility for matters relating to vocational education and training of that determination.

- (5) If the TTAC determines that a host employer or proposed host employer is not a fit and proper person for the purposes of training trainees or apprentices, or both, employed by an employer under a training contract, the TTAC –

- (a) is to notify the host employer or proposed host employer and the employer, in writing –

- (i) of that determination; and

- (ii) that the host employer or proposed host employer is not entitled to enter into an agreement with a group training organisation to train trainees or apprentices, or both, employed by that group training organisation under a training contract entered into by that group training organisation; and

- (b) may notify a person or body in another State or a Territory that has functions that correspond to those of the TTAC, or

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of the Secretary under this Part, of that determination; and

- (c) may notify a department, or agency, of the Commonwealth that has responsibility for matters relating to vocational education and training of that determination.

- (6) A notice under subsection (4)(a) or subsection (5)(a) –

- (a) takes effect when the notice is provided to the employer, or to the host employer or proposed host employer, as appropriate; and

- (b) has effect until revoked.

49. Offence to enter into training contract or vocational placement agreement

An employer in respect of whom a notice under section 48(4)(a) is in effect must not enter into a training contract or a vocational placement agreement.

Penalty: In the case of –

- (a) a training contract, a fine not exceeding 100 penalty units; or
- (b) a vocational placement agreement, a fine not exceeding 50 penalty units.

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50. Offence for host employer to enter into agreement with group training organisation

A person in respect of whom a notice under section 48(5)(a) is in effect must not enter into an agreement with a group training organisation to train trainees or apprentices, or both, employed by that group training organisation under a training contract entered into by that group training organisation.

Penalty: Fine not exceeding 100 penalty units.

51. Revocation of notice that employer or host employer not fit and proper person for purposes of training contract or vocational placement agreement

- (1) The TTAC may revoke a notice provided to an employer under section 48(4)(a) or to a host employer or proposed host employer under section 48(5)(a) –
 - (a) on the application of the employer or the host employer or proposed host employer; or
 - (b) at its own discretion.
- (2) An employer, host employer or proposed host employer may not make an application within 12 months after –
 - (a) the notice was provided under section 48(4)(a) or section 48(5)(a); or

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- (b) the determination of the last such application.
 - (3) An application is to be in writing and accompanied by any fee prescribed in the regulations.
 - (4) On determining to revoke a notice provided under section 48(4)(a) or section 48(5)(a), the TTAC is to notify the following persons, bodies, departments and agencies of that determination, in writing:
 - (a) in the case of a notice under section 48(4)(a) –
 - (i) the employer; and
 - (ii) each body, department or agency notified under section 48(4)(b) or (c) of the determination that the employer was not a fit and proper person for the purposes of entering into training contracts or vocational placement agreements;
 - (b) in the case of a notice under section 48(5)(a) –
 - (i) the host employer or proposed host employer and the employer; and
 - (ii) each body, department or agency notified under section 48(5)(b) or (c) of the determination that the host employer or proposed host

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employer was not a fit and proper person for the purposes of training trainees or apprentices, or both, employed by an employer under a training contract.

- (5) On determining not to revoke a notice provided under section 48(4)(a) or section 48(5)(a), the TTAC is to notify the applicant of that determination, in writing.

PART 4 – DISPUTES, INQUIRIES AND INSPECTIONS

52. Disputes relating to training contracts and vocational placement agreements

- (1) A party to a training contract or vocational placement agreement may apply to the TTAC to hear and determine any dispute relating to the terms, conditions or operations of that training contract or vocational placement agreement.
- (2) An application is to set out –
 - (a) full details of the dispute; and
 - (b) details of any action taken by any party to resolve the dispute; and
 - (c) any other matter the TTAC may require.
- (3) In hearing and determining a dispute, the TTAC, by notice in writing, may require any person to attend a hearing or conference.
- (4) A notice is to –
 - (a) specify the day, time and place at which the hearing or conference is to be held; and
 - (b) specify the matter to be discussed at the hearing or conference; and
 - (c) be served on the person at least 7 days before the day of the hearing or conference.

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- (5) A person who, under subsection (3), has been notified that he or she is required to attend a hearing or conference must attend the hearing or conference.

Penalty: Fine not exceeding 50 penalty units.

- (6) After hearing a dispute, TTAC may determine to –
- (a) amend the training contract or vocational placement agreement; or
 - (b) transfer the training contract; or
 - (c) suspend the training contract; or
 - (d) terminate the training contract or vocational placement agreement; or
 - (e) give any directions the TTAC considers appropriate to either party, or both parties, to the training contract or vocational placement agreement.

53. Inquiries

- (1) Any person may apply to the Secretary to carry out an inquiry into the process followed by the TTAC in making a decision in relation to –
- (a) the approval of a training contract or vocational placement agreement; or
 - (b) the conditions to which the approval of a training contract is subject; or

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- (c) the amendment, transfer, suspension or termination of a training contract; or
 - (d) the amendment or termination of a vocational placement agreement; or
 - (e) whether or not an employer is a fit and proper person for the purposes of entering into training contracts or vocational placement agreements.
- (2) An application under subsection (1) –
- (a) may not relate to the merit of the decision; and
 - (b) is to be –
 - (i) in writing; and
 - (ii) lodged with the Secretary within 14 days after the decision is notified or made known to the person; and
 - (iii) accompanied by any fee prescribed in the regulations.
- (3) The Secretary, on his or her own motion, may carry out an inquiry into –
- (a) a matter referred to in subsection (1); or
 - (b) a contravention, or suspected contravention, of –
 - (i) a provision of this Act; or

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- (ii) a provision of a training contract or vocational placement agreement.
- (4) The Secretary is to –
 - (a) commence an inquiry within 2 months after an application under subsection (1) is lodged; and
 - (b) complete the inquiry within 6 months after commencing it.
- (5) Part 3 and sections 5(2), 11, 33, 34 and 35 of the *Commissions of Inquiry Act 1995* apply to the carrying out of an inquiry, and for that purpose the Secretary is taken to be a Commission established under that Act.
- (6) After carrying out an inquiry, the Secretary –
 - (a) may make any decision he or she considers appropriate; and
 - (b) is to notify, in writing –
 - (i) if the inquiry related to a training contract or vocational placement agreement, the parties to the training contract or vocational placement agreement; or
 - (ii) if the inquiry related to a decision as to whether or not an employer was a fit and proper person for the purposes of entering into training contracts or vocational

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- placement agreements, the employer; or
- (iii) if the inquiry related to a contravention, or suspected contravention, of a provision of this Act, the person whose actions or behaviour was investigated and any other person the Secretary considers has an interest in the matter; or
- (iv) if the inquiry related to a contravention, or suspected contravention, of a provision of a training contract or vocational placement agreement, the person whose actions or behaviour was investigated and all other parties to the training contract or vocational placement agreement.

54. Inspections

- (1) In this section –

authorised person means a State Service officer, or State Service employee, authorised under subsection (2) to exercise the powers specified in subsection (3).

- (2) The Secretary, by certificate of authority issued to a State Service officer, or State Service employee, employed in or for the purposes of the Department, may authorise the officer or

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employee to exercise the powers specified in subsection (3).

- (3) At any reasonable time, an authorised person may do any one or more of the following:
- (a) require a person to produce to the authorised person or the Secretary any record or document relating to –
 - (i) a training contract; or
 - (ii) training or assessments to which a training contract relates; or
 - (iii) a vocational placement agreement; or
 - (iv) training or assessments provided under a vocational placement agreement;
 - (b) make a copy of, or take an extract from, any such record or document;
 - (c) seize any such record or document;
 - (d) require a person to answer any question or provide any information with respect to such a record or document;
 - (e) require a person to give any assistance reasonably necessary to carry out any of the powers referred to in this subsection.
- (4) An authorised person may only exercise a power under subsection (3) on the production of the certificate of authority.

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- (5) A requirement to produce a record or document includes a requirement to –
- (a) produce, in a written form, a record or document which is recorded or stored by any mechanical, electronic or other means; and
 - (b) provide a document containing a clear reproduction in writing of the matters in the record or document.
- (6) A person must not –
- (a) obstruct, delay, threaten or attempt to intimidate an authorised person in the exercise of his or her powers under subsection (3); or
 - (b) without reasonable excuse, fail to comply with a requirement lawfully made by an authorised person under subsection (3).

Penalty: Fine not exceeding 50 penalty units.

55. Search warrants

- (1) In this section –

authorised person means a person authorised under section 54(2) to exercise the powers specified in section 54(3).

- (2) An authorised person, with the consent of the Secretary, may apply to a justice or magistrate for the issue of a search warrant if the authorised

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person believes on reasonable grounds that the provisions of this Act are being contravened.

- (3) The grounds of an application for a warrant must be verified by affidavit.
- (4) The justice or magistrate, if satisfied that there are reasonable grounds, may issue a search warrant authorising an authorised person named in the warrant and any assistants, using such force as is necessary and reasonable, to enter the premises specified in the warrant for the purpose of searching for any records or documents relating to the provision of training or assessments leading to a qualification.
- (5) Section 15 of the *Search Warrants Act 1997* applies, with necessary modifications and adaptations, in respect of an application for a warrant under this section and a warrant issued as a result of such an application.
- (6) A person who executes a warrant must, on or as soon as practicable after executing the warrant –
 - (a) prepare a notice containing –
 - (i) his or her name and a statement that he or she is an authorised person; and
 - (ii) the name of the justice or magistrate who issued the warrant and the day and time of its issue; and

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- (iii) a description of the premises to which the warrant relates and of the authority conferred by the warrant; and
 - (b) provide the notice to the occupier or person apparently in charge of the premises in respect of which the warrant was issued or leave it in a prominent position on the premises.
- (7) A warrant expires at the end of one month after the day on which it was issued.

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PART 6 – MISCELLANEOUS

90. Evidence

The production of –

- (a) the Training Contracts Register; or
- (b) a copy of that Register or part of that Register; or
- (c) an extract, or copy of an extract, from an entry in that Register –

certified by the Secretary is evidence of the facts contained in that Register or extract.

91. False and misleading statements

- (1) A person must not, in answering a question or providing information under this Act –
 - (a) make a statement knowing it to be false or misleading; or
 - (b) omit any matter from a statement knowing that without that matter the statement is misleading.

Penalty: Fine not exceeding 50 penalty units.

- (2) A person must not provide under this Act a document that the person knows to be false or misleading without informing the person to whom the document is provided of that knowledge.

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Part 6 – Miscellaneous

Penalty: Fine not exceeding 50 penalty units.

92. Liability of director, &c., if offence by body corporate

(1) In this section –

officer has the same meaning as in the Corporations Act.

(2) If –

(a) a body corporate commits an offence against this Act; and

(b) it is proved that the offence occurred with the consent or connivance of, or was attributable to any neglect on the part of, an officer of the body corporate or a person who was purporting to act as an officer of the body corporate –

that officer or person, as well as the body corporate, commits the offence.

(3) An officer or other person referred to in subsection (2)(b) may be found guilty of the offence referred to in subsection (2) whether or not the body corporate is charged with or found guilty of the offence.

93. Regulations

(1) The Governor may make regulations for the purposes of this Act.

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- (2) The regulations may –
- (a) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and
 - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.
- (3) Regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (4) The regulations may authorise any matter to be from time to time determined, applied or regulated by any of the following persons:
- (a) the Secretary of the Department;
 - (b)
 - (c) any other person specified in the regulations.
- (5) The regulations may contain provisions of a savings or transitional nature consequent on the commencement of this Act or any Act which amends this Act.
- (6) A provision referred to in subsection (5) may take effect on and from the day on which this

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Part 6 – Miscellaneous

Act commences, or the Act amending this Act commences, or a later day.

94. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Education and Skills; and
- (b) the department responsible to that Minister in relation to the administration of this Act, other than Part 5 and except in so far as it relates to TasTAFE, is the Department of Education; and
- (c) the department responsible to that Minister in relation to the administration of Part 5 and this Act in so far as it relates to TasTAFE is TasTAFE.

**SCHEDULE 1 – MEMBERSHIP AND MEETINGS OF
TTAC**

Section 17(6)

PART 1 – PRELIMINARY

1. Interpretation

In this Schedule –

chairperson means the member appointed as
chairperson of the TTAC under
section 17(3);

member means a member of the TTAC.

PART 2 – MEMBERSHIP OF TTAC

2. Term of office

A member is appointed for such period, not
exceeding 3 years, as is specified in the
member's instrument of appointment and may be
reappointed.

3. Holding other office

The holder of an office who is required by the
terms of his or her employment to devote the
whole of his or her time to the duties of that
office is not disqualified from –

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- (a) holding that office and also the office of a member; or
- (b) accepting any remuneration payable to a member.

4. *State Service Act 2000*

- (1) The *State Service Act 2000* does not apply in relation to a member in his or her capacity as a member.
- (2) A person may hold the office of member in conjunction with State Service employment.

5. Remuneration and conditions of appointment

- (1) A member is entitled to be paid such remuneration and allowances as the Minister determines.
- (2) A member who is a State Service officer or State Service employee is not entitled to remuneration or allowances under this clause except with the approval of the Minister administering the *State Service Act 2000*.
- (3) A member holds office on such conditions in relation to matters not provided for by this Act as are specified in the member's instrument of appointment.

6. Vacation of office

- (1) A member vacates office if he or she –

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-
- (a) dies; or
 - (b) resigns by written notice provided to the Minister; or
 - (c) is removed from office under subclause (2).
- (2) The Minister may remove a member from office if the member –
- (a) is absent from 3 consecutive meetings of the TTAC without the permission of the other members of the TTAC; or
 - (b) is convicted, in Tasmania or elsewhere, of a crime or an offence punishable by imprisonment for 12 months or longer; or
 - (c) is convicted of an offence under this Act; or
 - (d) fails to disclose a pecuniary interest as required under clause 16; or
 - (e) has benefited from, or claimed to be entitled to benefit from, a contract made by or on behalf of the TTAC, other than a contract for a good or service ordinarily supplied by the TTAC and supplied on the same terms as that good or service is ordinarily supplied to other persons in the same situation; or
 - (f) in the opinion of the Minister, is unable to perform adequately or competently the duties of office; or

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- (g) for any other reason the Minister considers appropriate.

7. Filling of vacancies

If the office of a member becomes vacant, the Minister may appoint a person to the vacant office for the remainder of that member's term of office.

8. Validation of proceedings, &c.

An act or proceeding of the TTAC or of a person acting under any direction of the TTAC is not invalidated by reason only that at the time when the act or proceeding was done, taken or commenced there was a vacancy in the office of a member or a defect in the appointment of a member.

9. Presumptions

In any proceeding by or against the TTAC, unless evidence is given to the contrary, proof is not required of –

- (a) the constitution of the TTAC; or
- (b) the appointment of any member.

PART 3 – MEETINGS OF TTAC

10. Convening of meetings

- (1) The chairperson of the TTAC, after giving each member reasonable notice of a meeting –
 - (a) may convene a meeting at any time; and
 - (b) must convene a meeting when requested to do so by 2 or more other members.
- (2) If the chairperson is absent from duty or otherwise unable to perform the duties of the office, a meeting of the TTAC may be convened, after reasonable notice of the meeting has been given of the meeting, by –
 - (a) two or more other members; or
 - (b) a person authorised by the Secretary to do so.
- (3) For the purposes of subclauses (1) and (2), what constitutes reasonable notice is to be determined by the TTAC.

11. Presiding at meetings

- (1) The chairperson is to preside at all meetings of the TTAC at which he or she is present.
- (2) If the chairperson is not present at a meeting of the TTAC, a member elected by the members present at the meeting is to preside.

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12. Quorum and voting at meetings

- (1) At a meeting of the TTAC, a quorum is constituted by 4 members.
- (2) A meeting of the TTAC at which a quorum is present is competent to transact any business of the TTAC.
- (3) At a meeting of the TTAC –
 - (a) the member presiding has a deliberative vote only; and
 - (b) a question is decided –
 - (i) by a majority of votes of the members present and voting; or
 - (ii) in the negative if there is an equality of votes of the members present and voting.
- (4) At a meeting of the TTAC where a member is excluded from being present and taking part in the consideration and decision of the TTAC in relation to a matter, a quorum for the purposes of considering and making a decision in relation to that matter is constituted by the number of members specified as constituting a quorum in subclause (1) less the number of members so excluded.

13. Conduct of meetings

- (1) Subject to this Act, the TTAC may regulate the calling of, and the conduct of business at, its meetings as it considers appropriate.
- (2) The TTAC may permit its members to participate in a particular meeting or all meetings by –
 - (a) telephone; or
 - (b) video conference; or
 - (c) any other means of communication approved by the TTAC.
- (3) A member who participates in a meeting under a permission granted under subclause (2) is taken to be present at the meeting.
- (4) Without limiting subclause (1), the TTAC may allow a person to attend a meeting for the purpose of advising or informing it on any matter.

14. Resolutions without meetings

- (1) If 4 members sign a document containing a statement that they are in favour of a resolution in the terms set out in the document, a resolution in those terms is taken to have been passed at a meeting of the TTAC held on the day on which the document is signed or, if the members do not sign it on the same day, on the day on which the last of the members signs the document.

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- (2) If a resolution is taken to have been passed under subclause (1), each member is to be –
 - (a) advised immediately of the matter; and
 - (b) provided with a copy of the terms of the resolution.
- (3) For the purposes of subclause (1), 2 or more separate documents containing a statement in identical terms, each of which is signed by one or more members, is taken to constitute one document.

15. Minutes

The TTAC is to keep accurate minutes of its meetings.

16. Disclosure of interests

- (1) If a member has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the TTAC, the member must, as soon as practicable after the relevant facts come to the member's knowledge, disclose the nature of the interest to the TTAC.

Penalty: Fine not exceeding 50 penalty units.

- (2) Unless the TTAC otherwise determines, a member who has made a disclosure under subclause (1) in relation to a matter must not –
 - (a) be present during any deliberation of the TTAC in relation to the matter; or

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- (b) take part in any decision of the TTAC in relation to the matter.
- (3) For the purpose of making a determination under subclause (2), the member to whom the determination relates must not –
 - (a) be present during any deliberation of the TTAC for the purpose of making the determination; or
 - (b) take part in making the determination.
- (4) Subclause (1) does not apply –
 - (a) in respect of a contract for goods or services supplied by the TTAC if those services are ordinarily supplied by the TTAC and are supplied on the same terms as they are ordinarily supplied to other persons in the same situation; or
 - (b) in respect of an interest that arises only because the member is also a State Service officer or State Service employee.

17. General procedure

Except as provided by this Act, the TTAC may regulate its own proceedings.

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18. Presumptions

In any proceeding by or against the TTAC, unless evidence is given to the contrary, proof is not required of –

- (a) any resolution of the TTAC; or
- (b) the presence of a quorum at any meeting of the TTAC.

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SCHEDULE 2 –

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SCHEDULE 3 –

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NOTES

The foregoing text of the *Training and Workforce Development Act 2013* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2022 are not specifically referred to in the following table of amendments.

| Act | Number and year | Date of commencement |
|---|-----------------|----------------------|
| <i>Training and Workforce Development Act 2013</i> | No. 9 of 2013 | 1.7.2013 |
| <i>Financial Management (Further Consequential Amendments) Act 2020</i> | No. 38 of 2020 | 27.11.2020 |
| <i>TasTAFE (Skills and Training Business) Act 2021</i> | No. 32 of 2021 | 1.7.2022 |
| <i>Education Legislation Amendments (Education Regulation) Act 2022</i> | No. 9 of 2022 | not commenced |

TABLE OF AMENDMENTS

| Provision affected | How affected |
|----------------------|--------------------------------------|
| The long title | Amended by No. 32 of 2021, Sched. 4 |
| Section 3 | Amended by No. 32 of 2021, Sched. 4 |
| Section 4 | Amended by No. 32 of 2021, Sched. 4 |
| Part 5 | Repealed by No. 32 of 2021, Sched. 4 |
| Division 1 of Part 5 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 56 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 57 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 58 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 59 | Repealed by No. 32 of 2021, Sched. 4 |
| Division 2 of Part 5 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 60 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 61 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 62 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 63 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 64 | Repealed by No. 32 of 2021, Sched. 4 |

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| Provision affected | How affected |
|----------------------|---|
| Section 65 | Repealed by No. 32 of 2021, Sched. 4 |
| Division 3 of Part 5 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 66 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 67 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 68 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 69 | Repealed by No. 32 of 2021, Sched. 4 |
| Division 4 of Part 5 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 70 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 71 | Repealed by No. 32 of 2021, Sched. 4 |
| Division 5 of Part 5 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 72 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 73 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 74 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 75 | Repealed by No. 32 of 2021, Sched. 4 |
| Division 6 of Part 5 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 76 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 77 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 78 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 79 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 80 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 81 | Amended by No. 38 of 2020, Sched. 1 Repealed by No. 32 of 2021, Sched. 4 |
| Section 82 | Repealed by No. 32 of 2021, Sched. 4 |
| Division 7 of Part 5 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 83 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 84 | Repealed by No. 32 of 2021, Sched. 4 |
| Division 8 of Part 5 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 85 | Repealed by No. 32 of 2021, Sched. 4 |
| Division 9 of Part 5 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 86 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 87 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 88 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 89 | Repealed by No. 32 of 2021, Sched. 4 |
| Section 93 | Amended by No. 32 of 2021, Sched. 4 |
| Schedule 2 | Repealed by No. 32 of 2021, Sched. 4 |
| Schedule 3 | Repealed by No. 32 of 2021, Sched. 4 |
