



TASMANIA

**EDUCATION LEGISLATION AMENDMENTS
(EDUCATION REGULATION) ACT 2022**

No. 9 of 2022

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**EDUCATION LEGISLATION AMENDMENTS
(EDUCATION REGULATION) ACT 2022**

No. 9 of 2022

An Act to amend the *Education Act 2016*, the *Education and Care Services National Law (Application) Act 2011*, the *Office of Tasmanian Assessment, Standards and Certification Act 2003*, the *Teachers Registration Act 2000*, the *Training and Workforce Development Act 2013*, the *Vocational Education and Training (Commonwealth Powers) Act 2011* and associated statutory rules

[Royal Assent 12 April 2022]

Be it enacted by Her 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:

*Education Legislation Amendments (Education Regulation) Act
2022
Act No. 9 of 2022*

s. 1

Part 1 – Preliminary

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Education Legislation Amendments (Education Regulation) Act 2022*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

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Part 2 – Education Act 2016 Amended

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PART 2 – EDUCATION ACT 2016 AMENDED

3. Principal Act

In this Part, the *Education Act 2016** is referred to as the Principal Act.

4. Section 4 amended (Principles which are basis of Act)

Section 4 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(g) “education regulators,” after “State,”;
- (b) by omitting from subsection (1)(j) “needs.” and substituting “needs;”;
- (c) by inserting the following paragraph after paragraph (j) in subsection (1):
 - (k) that all students are entitled to education of a quality that is capable of enabling them to reach their potential and so maximise their achievements and contribution to the community.
- (d) by inserting the following subsection after subsection (1):

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Part 2 – Education Act 2016 Amended

(1A) A person performing a function, action or duty, or exercising a power, under this Act, is to have regard to the principles set out in subsection (1).

(e) by inserting in subsection (2) “Services” after “Care”.

5. Section 5 amended (Interpretation)

Section 5 of the Principal Act is amended by inserting after the definition of *distance education* the following definition:

education regulator means –

- (a) the Registrar; or
- (b) the Registration Board; or
- (c) the Tasmanian Assessment, Standards and Certification Board established by section 7(1) of the *Tasmanian Assessment, Standards and Certification Act 2003*; or
- (d) the Teachers Registration Board of Tasmania continued by section 5(1) of the *Teachers Registration Act 2000*.

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Part 2 – Education Act 2016 Amended

s. 6

6. Section 6 amended (Ministerial instructions)

Section 6 of the Principal Act is amended as follows:

(a) by omitting subsection (2) and substituting the following subsection:

(2) The Minister may issue instructions, in writing, in relation to the activities, functions and practices undertaken, and the guidelines, principles and procedures to be observed, by the Secretary, an education regulator, principals, schools, parents and children in relation to –

- (a) enrolment at school, including the enrolment of a child who is not yet a school-aged child; and
- (b) attendance at schools and approved programs; and
- (c) the management of the non-attendance of a child at a school; and
- (d) the approval of, and the revocation of the approval of, any person as a conciliator for the purposes of convening and facilitating

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Part 2 – Education Act 2016 Amended

compulsory conciliation
conferences; and

- (e) any matter concerning the registration of a home educator, the approval of a home education program or the continuing assessment of a home educator or an approved home education program; and
- (f) any matter concerning the exercise of powers, or performance of functions, of education regulators under this Act, the *Tasmanian Assessment, Standards and Certification Act 2003* or the *Teachers Registration Act 2000*; and
- (g) any matter relating to an independent review conducted in accordance with section 221C or section 229B of this Act, section 14A of the *Tasmanian Assessment, Standards and Certification Act 2003* or section 10D of the

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Part 2 – Education Act 2016 Amended

s. 6

*Teachers Registration Act
2000; and*

- (h) any matter concerning the registration of a system of non-government schools or a non-government school and the processes to be followed by the Registration Board in complying with this Act or any other Act; and
- (i) any matter relating to the form, and timing of the provision of, statements, agreements, plans, reports and other documents required under this Act, the *Tasmanian Assessment, Standards and Certification Act 2003* or the *Teachers Registration Act 2000*; and
- (j) such other matters relating to the purposes and administration of this Act, the *Tasmanian Assessment, Standards and Certification Act 2003* or the *Teachers Registration Act 2000*, as

*Education Legislation Amendments (Education Regulation) Act
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Part 2 – Education Act 2016 Amended

the Minister considers
appropriate.

- (b) by inserting in subsection (4)(b)(i) “education regulators,” after “all”;
- (c) by inserting in subsection (4)(b)(ii) “education regulators,” after “of”;
- (d) by inserting in subsection (4)(b)(iii) “education regulator,” after “specified”;
- (e) by omitting from subsection (5)(a) “the Registrar” and substituting “an education regulator”;
- (f) by inserting in subsection (5)(b) “an education regulator,” after “exempt”;
- (g) by inserting the following subsection after subsection (5):

(5A) A Ministerial instruction issued in relation to the guidelines, principles, practices and procedures to be observed by an education regulator is not to seek to direct the education regulator in relation to a decision made under this or any other Act regarding an individual case.

7. Part 7, Division 2, Subdivision 1: Heading amended

Subdivision 1 of Division 2 of Part 7 of the Principal Act is amended by inserting in the

*Education Legislation Amendments (Education Regulation) Act
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Part 2 – Education Act 2016 Amended

s. 8

heading to that Subdivision “*review*,” after
“*Appointment*,”.

8. Section 218 substituted

Section 218 of the Principal Act is repealed and
the following section is substituted:

218. Appointment of Registrar, Education

- (1) The Secretary of the Department may appoint a State Service officer or State Service employee employed in the Department, other than –
 - (a) a member of the Registration Board; or
 - (b) a member of the Tasmanian Home Education Advisory Council established under section 241 –

to be the Registrar, Education.

- (2) The State Service officer or State Service employee appointed under subsection (1) may hold the office of Registrar in conjunction with his or her other State Service employment.

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Part 2 – Education Act 2016 Amended

9. Section 219 amended (Functions of Registrar, generally)

Section 219 of the Principal Act is amended as follows:

- (a) by renumbering the text of the section as subsection (1);
- (b) by inserting the following subsection after subsection (1):
 - (2) In performing and exercising functions and powers under this Act, the Registrar, staff made available to the Registrar under section 245 and any committee established by the Registrar are to have regard to any principles of education regulator best practice specified in a Ministerial instruction issued for the purposes of this section.

10. Sections 219A and 219B inserted

After section 219 of the Principal Act, the following sections are inserted in Subdivision 1:

219A. Ministerial statement of expectations

- (1) The Minister, before 31 December in each year, is to give to the Registrar a statement setting out the Minister's expectations for the Registrar (a

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Part 2 – Education Act 2016 Amended

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Ministerial statement of expectations) in relation to the period of 12 months commencing on 1 July of the next year (or other such period as may be determined by the Minister).

- (2) In preparing a Ministerial statement of expectations, the Minister is to have regard to the Registrar's functions and powers.
- (3) A Ministerial statement of expectations is not to –
 - (a) prevent the Registrar from performing a function that he or she is required to perform or from otherwise complying with any Act; or
 - (b) extend the functions or powers of the Registrar; or
 - (c) seek to direct the Registrar in relation to a decision made under the Act regarding an individual case.
- (4) The Registrar must perform his or her functions in a manner consistent with an applicable Ministerial statement of expectations.
- (5) The Minister, on his or her own motion or at the request of the Registrar, may at

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Part 2 – Education Act 2016 Amended

any time amend a Ministerial statement of expectations.

- (6) A Ministerial statement of expectations and any amendment of it is to be in writing and signed by the Minister.
- (7) An amendment to a Ministerial statement of expectations takes effect on such day as is specified in the instrument of amendment.
- (8) The Minister may consult with the Registrar or the Tasmanian Home Education Advisory Council established under section 241, or both, in preparing a Ministerial statement of expectations and any amendment of a Ministerial statement of expectations.

219B. Treasurer’s Instructions

- (1) Subject to this section, Treasurer’s Instructions issued under the *Financial Management Act 2016* apply to, and in relation to, the Registrar as if he or she were an Agency within the meaning of that Act.
- (2) The Treasurer, by notice to the Registrar, may modify Treasurer’s Instructions in their application to the Registrar.
- (3) If the Treasurer gives the Registrar a notice under subsection (2) modifying Treasurer’s Instructions in their

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Part 2 – Education Act 2016 Amended

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application to the Registrar, the Treasurer’s Instructions that apply to and in respect of the Registrar are to be taken to be, for the purposes of this Act and the *Financial Management Act 2016*, modified in accordance with the notice.

11. Section 221 amended (Delegation by Registrar)

Section 221 of the Principal Act is amended as follows:

- (a) by inserting “, duties” after “functions”;
- (b) by inserting “, including a function, duty or power delegated to him or her by the Registration Board,” after “Act”.

12. Sections 221A, 221B and 221C inserted

After section 221 of the Principal Act, the following sections are inserted in Subdivision 1:

221A. Responsibility of Registrar

- (1) The Registrar is responsible –
 - (a) to the Minister, in relation to –
 - (i) functions performed under sections 219, 222, 224, 224A, 225, 226 and 227; and

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Part 2 – Education Act 2016 Amended

- (ii) functions performed under section 223 relating to the Minister; and
 - (iii) any functions or powers delegated to the Registrar under section 252; and
 - (b) to the Registration Board in relation to –
 - (i) functions performed under section 223 relating to the Board; and
 - (ii) any functions or powers delegated to the Registrar under section 231C; and
 - (c) to the Secretary of the Department in relation to all other functions and powers performed and exercised by the Registrar in accordance with this or any other Act.
- (2) Despite subsection (1), neither the Minister nor the Secretary of the Department may direct the Registrar in relation to an individual decision made under the Act.

221B. Committees

- (1) The Registrar may establish one or more committees to advise and assist the

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Registrar in the performance and exercise of his or her functions and powers under this Act or any other Act.

- (2) A committee established under this section consists of such persons as the Registrar appoints.
- (3) The Registrar may be a member of a committee established under this section.
- (4) A member of a committee established under this section holds office on such conditions, in relation to matters not provided for by this Act, as are specified in the instrument of appointment.
- (5) At any time, the Registrar may abolish a committee established under this section.
- (6) A committee must keep accurate minutes of its meetings.
- (7) Except as otherwise provided for by this Act, a committee may regulate its own proceedings.

221C. Independent review of Registrar

- (1) In this section –

independent review means a review conducted by persons who –

- (a) in the Minister’s opinion, are appropriately qualified for that task; and

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- (b) include one or more persons who are not State Service employees or State Service officers or employees of any agency of the State.
- (2) The Minister may require an independent review of the operation of the Registrar to be conducted, including of the performance and exercise of his or her functions and powers.
- (3) The persons who conduct a review are to give the Minister a written report on its outcome.

13. Sections 224A and 224B inserted

After section 224 of the Principal Act, the following sections are inserted in Subdivision 2:

224A. Corporate plan by Registrar

- (1) The Registrar is to prepare a corporate plan annually.
- (2) A corporate plan is to include targets that measure the performance outcomes of the functions of the Registrar.
- (3) A corporate plan is to be –
 - (a) consistent with an applicable Ministerial statement of expectations given under section 219A; and

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Part 2 – Education Act 2016 Amended

s. 13

- (b) in such form, if any, as specified in a Ministerial instruction issued under section 6.
- (4) In preparing a corporate plan, the Registrar –
 - (a) is to consult the Minister; and
 - (b) may consult such other persons as he or she considers appropriate.
- (5) After preparing a corporate plan, the Registrar is to submit a draft of the plan to the Minister for approval.
- (6) The Minister may –
 - (a) approve the draft corporate plan as submitted; or
 - (b) require the Registrar to amend the draft corporate plan and resubmit it for approval.
- (7) To avoid doubt, the Minister’s power under subsection (6)(b) may be exercised more than once.
- (8) If a draft corporate plan is approved by the Minister –
 - (a) it takes effect as the corporate plan of the Registrar for the period specified in a Ministerial instruction issued under section 6

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Part 2 – Education Act 2016 Amended

for the purposes of this section;
and

- (b) the Registrar is to act in accordance with the corporate plan during that period.
- (9) The Registrar, having regard to changes of circumstance or for other reasonable cause, may prepare an amendment to the corporate plan at any time.
- (10) Subsections (4), (5), (6), (7) and (8) have the same application to an amendment as they have to the plan itself, and the amendment takes effect once it has been approved by the Minister.
- (11) The Registrar is to ensure that the current corporate plan, and the current Ministerial statement of expectations given to the Registrar under section 219A, are available for public inspection in such manner as the Registrar determines.

224B. Framework agreement by Registrar

The Registrar is to enter into an agreement with the Secretary that includes the following matters:

- (a) the budget of the Registrar;
- (b) the staff made available to the Registrar under section 245, and

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Part 2 – Education Act 2016 Amended

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details regarding their selection and performance management;

- (c) support and functions to be provided to the Registrar by the Secretary;
- (d) the information-sharing arrangements between the Registrar and the Secretary;
- (e) the application to the Registrar of the policies, procedures and guidelines of the Department;
- (f) the manner in which the Registrar is accountable to the Secretary in relation to budget outcomes and other outcomes;
- (g) any cost recovery arrangements between the Secretary and the Registrar.

14. Section 227 substituted

Section 227 of the Principal Act is repealed and the following sections are substituted:

227. Annual report by Registrar

- (1) The Registrar, in each year, is to provide to the Minister a report on the performance and exercise of his or her functions and powers for the period of 12 months that ended on the last preceding

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30 June (or such other period of 12 months as may be determined by the Minister).

(2) The report is to –

(a) include –

(i) a statement regarding the achievement of targets set out in the corporate plan approved and in effect under section 224A; and

(ii) the financial statements of the Registrar, as audited by the Auditor-General, for the financial year ending on 30 June in the year to which the annual report relates (or other period as determined by the Minister); and

(iii) any information required by the Minister; and

(b) incorporate the annual report to be provided to the Minister by the Registration Board under section 233; and

(c) be completed by the date determined by the Minister.

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- (3) In each year, the Minister is to, on or before 31 October or such other date as may be prescribed, cause a copy of the report referred to in subsection (1) to be laid on the table of each House of Parliament.
- (4) A date prescribed for the purposes of subsection (3) is to be a date not later than 4 months after the end of the period of 12 months referred to in subsection (1).
- (5) If the Minister is unable to comply with subsection (3) by reason of the fact that either House of Parliament is not sitting, the Minister, on 31 October or such other date as is prescribed under subsection (3), as the case may require, is to –
- (a) forward a copy of the report referred to in subsection (1) to the Clerk of the Legislative Council and the Clerk of the House of Assembly; and
 - (b) make the report available to the public –

and, within the next 7 sitting-days of that House, is to cause a copy of the report to be laid before that House.

- (6) If 31 October or such other date as is prescribed under subsection (3) is a

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Sunday or any day which is a bank holiday or a public holiday throughout the State (an *excluded day*), subsection (5) is taken to be complied with if a copy of the report is forwarded to the Clerk of the Legislative Council and the Clerk of the House of Assembly, and is made available to the public, on the next day afterwards, not being an excluded day.

227A. Publication of review processes under Act

The Registrar is to publish, on a website maintained by the Registrar, details of each process that is available under this Act for the review of a decision or determination made by the Registrar under this Act.

15. Section 229 substituted

Section 229 of the Principal Act is repealed and the following section is substituted:

229. Continuation of Registration Board

The Non-government Schools Registration Board established by this Act as in force immediately before the commencement of this section is continued as the Registration Board.

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16. Sections 229A and 229B inserted

After section 229 of the Principal Act, the following sections are inserted in Division 4:

229A. Membership of Registration Board

- (1) The Registration Board consists of such number of members, including the chairperson, not exceeding 7 but not fewer than 5, as the Minister appoints.
- (2) Before appointing a member under subsection (1), the Minister is to give notice so that persons interested in being members may provide written expressions of interest to the Minister.
- (3) Notice given under subsection (2) –
 - (a) is to be given by publication in one or more daily newspapers published and circulating in the State; and
 - (b) may be given –
 - (i) by publication in a journal, periodical or other document; and
 - (ii) by publication or broadcast, by means of the internet, in any format; and

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- (iii) in print, or electronic communication meant for one or more persons.
- (4) In appointing members under subsection (1), the Minister is to ensure that the members –
 - (a) collectively, have the following skills:
 - (i) general board governance skills;
 - (ii) skills relevant to the Registration Board’s functions; and
 - (b) represent the diversity of the community; and
 - (c) each hold a current registration under the *Registration to Work with Vulnerable People Act 2013*.
- (5) In appointing the members of the Registration Board, the Minister –
 - (a) is to have regard to all expressions of interest provided to the Minister under subsection (2); and
 - (b) may have regard to advice sought from an advisory council

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established under section 249;
and

- (c) may have regard to advice from any existing members of the Registration Board regarding the skills required.
- (6) The Minister is to appoint a chairperson.
- (7) Schedule 2 has effect with respect to the membership and meetings of the Registration Board.

229B. Independent review of Registration Board

- (1) In this section –

independent review means a review conducted by persons who –

- (a) in the Minister’s opinion, are appropriately qualified for that task; and
 - (b) include one or more persons who are not State Service employees or State Service officers or employees of any agency of the State.
- (2) The Minister may require an independent review of the operation of the Registration Board to be conducted, including of the performance and exercise of its functions and powers.

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- (3) The persons who conduct a review are to give the Minister a written report on its outcome.

17. Sections 232 and 233 substituted

Sections 232 and 233 of the Principal Act are repealed and the following sections are substituted:

231A. Performance and exercise of functions and powers

In performing functions and exercising powers under this Act, the Registration Board, staff made available to the Registration Board under section 245 and any committee established by the Registration Board, are to have regard to any principles of education regulator best practice specified in a Ministerial instruction issued for the purposes of this section.

231B. Responsibility of Registration Board

- (1) The Registration Board is responsible –
- (a) to the Minister, in relation to any functions and powers performed and exercised under sections 230 and 252; and
 - (b) to the Secretary of the Department in relation to all other

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functions and powers performed
and exercised by the Registration
Board in accordance with this or
any other Act.

- (2) Despite subsection (1), neither the Minister nor the Secretary of the Department may direct the Registration Board in relation to an individual decision made under the Act.

231C. Delegation by Registration Board

The Registration Board may delegate any
of its functions or powers under this Act
other than this power of delegation.

231D. Ministerial statement of expectations

- (1) The Minister, before 31 December in each year, is to give to the Registration Board a statement setting out the Minister's expectations for the Board (a *Ministerial statement of expectations*) in relation to the period of 12 months commencing on 1 July of the next year (or other such period as may be determined by the Minister).
- (2) In preparing a Ministerial statement of expectations, the Minister is to have regard to the Registration Board's functions and powers.
- (3) The Ministerial statement of expectations is not to –

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- (a) prevent the Registration Board from performing a function that it is required to perform or otherwise complying with any Act; or
 - (b) extend the functions or powers of the Registration Board; or
 - (c) seek to direct the Registration Board in relation to a decision made under the Act regarding an individual case.
- (4) The Registration Board must perform its functions and duties in a manner consistent with an applicable Ministerial statement of expectations.
- (5) The Minister, on his or her own motion or at the request of the Registration Board, may at any time amend a Ministerial statement of expectations.
- (6) A Ministerial statement of expectations and any amendment of it is to be in writing and signed by the Minister.
- (7) An amendment to a Ministerial statement of expectations takes effect on such day as is specified in the instrument of amendment.
- (8) The Minister may consult with the Registration Board in preparing a Ministerial statement of expectations and

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any amendment of a Ministerial statement of expectations.

231E. Corporate plan by Registration Board

- (1) The Registration Board is to prepare a corporate plan annually.
- (2) A corporate plan is to include targets that measure the performance outcomes of the functions of the Registration Board.
- (3) A corporate plan is to be –
 - (a) consistent with an applicable Ministerial statement of expectations given under section 231D; and
 - (b) in such form, if any, as specified in a Ministerial instruction issued under section 6; and
 - (c) incorporated into the corporate plan of the Registrar prepared in accordance with section 224A.
- (4) In preparing a corporate plan, the Registration Board –
 - (a) is to consult the Minister; and
 - (b) may consult such other persons as it considers appropriate.

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- (5) After preparing a corporate plan, the Registration Board is to submit a draft of the plan to the Minister for approval.
- (6) The Minister may –
 - (a) approve the draft corporate plan as submitted; or
 - (b) require the Registration Board to amend the draft corporate plan and resubmit it for approval.
- (7) To avoid doubt, the Minister’s power under subsection (6)(b) may be exercised more than once.
- (8) Once a draft corporate plan has been approved by the Minister –
 - (a) it takes effect as the corporate plan of the Registration Board for the period specified in a Ministerial instruction issued under section 6 for the purposes of this section; and
 - (b) the Registration Board is to act in accordance with the corporate plan during that period.
- (9) The Registration Board, having regard to changes of circumstance or for other reasonable cause, may prepare an amendment to the corporate plan at any time.

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- (10) Subsections (4), (5), (6), (7) and (8) have the same application to an amendment as they have to the plan itself, and the amendment takes effect once it has been approved by the Minister.
- (11) The Registration Board is to ensure that the current corporate plan, and the current Ministerial statement of expectations given to the Registration Board under section 231D, are available for public inspection in such manner as the Registration Board determines.

231F. Framework agreement by Registration Board

- (1) The Registration Board is to enter into an agreement with the Secretary that includes the following matters:
 - (a) the budget of the Registration Board;
 - (b) the staff made available to the Registration Board under section 245, and details regarding their selection and performance management;
 - (c) support and functions to be provided to the Registration Board by the Secretary;
 - (d) the information-sharing arrangements between the

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Registration Board and the Secretary;

- (e) the application to the Registration Board of the policies, procedures and guidelines of the Department;
 - (f) the manner in which the Registration Board is accountable to the Secretary in relation to budget outcomes and other outcomes;
 - (g) any cost recovery arrangements between the Secretary and the Registration Board.
- (2) The agreement referred to in subsection (1) is to be incorporated into the framework agreement by the Registrar entered into under section 224B.

231G. Committees

- (1) The Registration Board may establish one or more committees to advise and assist the Registration Board in the performance and exercise of its functions and powers under this, or any other, Act.
- (2) A committee established under this section consists of such persons as the Registration Board appoints.

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- (3) The members of the Registration Board may also be members of a committee established under this section.
- (4) A member of a committee established under this section holds office on such conditions, in relation to matters not provided for by this Act, as are specified in the instrument of appointment.
- (5) At any time, the Registration Board may abolish a committee established under this section.
- (6) A committee must keep accurate minutes of its meetings.
- (7) Except as otherwise provided for by this Act, a committee may regulate its own proceedings.

232. Financial management of Registration Board

- (1) Subject to this section, Treasurer's Instructions issued under the *Financial Management Act 2016* apply to, and in relation to, the Registration Board as if it were an Agency within the meaning of that Act.
- (2) The Treasurer, by notice to the Registration Board, may modify Treasurer's Instructions in their application to the Registration Board.

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- (3) If the Treasurer gives the Registration Board a notice under subsection (2) modifying Treasurer's Instructions in their application to the Registration Board, the Treasurer's Instructions that apply to and in respect of the Registration Board are to be taken to be, for the purposes of this Act and the *Financial Management Act 2016*, modified in accordance with the notice.
- (4) The Registration Board is to keep correct accounts of its receipts and expenditure.

233. Annual report by Registration Board

- (1) The Registration Board, in each year, is to provide to the Minister a report on the performance and exercise of its functions and powers for the period of 12 months that ended on the last preceding 30 June (or such other period of 12 months as may be determined by the Minister).
- (2) The report is to –
 - (a) include –
 - (i) a statement regarding the achievement of targets set out in the corporate plan approved and in effect under section 231E; and
 - (ii) the financial statements of the Registration Board, as

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audited by the Auditor-General, for the financial year ending on 30 June in the year to which the annual report relates (or other period as determined by the Minister); and

(iii) details of any changes to the membership of the Registration Board; and

(iv) any information required by the Minister; and

(b) be completed by the date determined by the Minister; and

(c) be incorporated into the annual report provided by the Registrar in accordance with section 227.

233A. Publication of review processes

The Registration Board is to publish, on a website maintained by the Registration Board, details of each process that is available under this Act for the review of a decision or determination of the Registration Board made under this Act.

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18. Sections 260A and 260B inserted

After section 260 of the Principal Act, the following sections are inserted in Part 8:

260A. Savings and transitional provisions consequent on *Education Legislation Amendments (Education Regulation) Act 2022*

(1) In this section –

commencement day means the day on which this section commences;

former member means a person who, immediately before the commencement day, was a member of the former Registration Board;

former Registration Board means the Registration Board as established and constituted under this Act as in force immediately before the commencement day.

(2) Each former member is taken to have been validly appointed on the commencement day as a member of the Registration Board –

(a) for a period ending on the day on which the former member's appointment to the former Registration Board would end

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had this Act not been amended by the *Education Legislation Amendments (Education Regulation) Act 2022*; and

- (b) on the same conditions as that appointment.

260B. Amendment of subordinate legislation not bar to further amendment or repeal

The amendment by the *Education Legislation Amendments (Education Regulation) Act 2022* of any subordinate legislation does not bar its subsequent amendment or repeal by statutory rule.

19. Schedule 2 amended (Provisions with Respect to Membership and Meetings of Registration Board)

Schedule 2 to the Principal Act is amended as follows:

- (a) by inserting the following clause after clause 2 in Part 2:

2A. Reappointment of members

The Minister –

- (a) is to determine the number of times that a member may be reappointed; and

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- (b) in making that determination, may seek advice from an advisory council established under section 249.
- (b) by inserting the following paragraph after paragraph (b) in clause 6(2) of Part 2:
 - (ba) in relation to current registration under the *Registration to Work with Vulnerable People Act 2013*
 -
 - (i) does not hold such registration; or
 - (ii) has had such registration suspended and the suspension has not been revoked; or
- (c) by omitting clause 7 from Part 2;
- (d) by omitting subclause (1) from clause 12 of Part 3 and substituting the following subclause:
 - (1) At a meeting of the Registration Board, a quorum is constituted by a majority of the members of the Registration Board.
- (e) by inserting in clause 12(2) of Part 3 “, including those participating in

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accordance with clause 13(2),” after
“present”;

- (f) by omitting clause 16 from Part 3 and substituting the following clause:

16. Registrar is to attend meetings

- (1) Subject to subclause (4), the Registrar is to attend meetings of the Registration Board.
- (2) At a meeting of the Registration Board, the Registrar is to provide information and advice as requested by the Registration Board.
- (3) The Registrar may not vote at a meeting of the Registration Board.
- (4) Despite subclause (1), the Registration Board may meet in the absence of the Registrar.

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**PART 3 – OFFICE OF TASMANIAN ASSESSMENT,
STANDARDS AND CERTIFICATION ACT 2003
AMENDED**

20. Principal Act

In this Part, the *Office of Tasmanian Assessment,
Standards and Certification Act 2003** is
referred to as the Principal Act.

21. Long title amended

The long title of the Principal Act is amended by
omitting “Office of Tasmanian Assessment,
Standards and Certification” and substituting
“Tasmanian Assessment, Standards and
Certification Board”.

22. Section 1 amended (Short title)

Section 1 of the Principal Act is amended by
omitting “Office of”.

23. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as
follows:

- (a) by omitting “Office” from the definition
of *assessment recommendation* and
substituting “Board”;

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-
- (b) by inserting the following definition after the definition of *authorised officer*:

Board means the Tasmanian Assessment, Standards and Certification Board established by section 7;

- (c) by omitting the definition of *Executive Officer*;
- (d) by omitting the definition of *Framework Advisory Council*;
- (e) by omitting the definition of *Office*;
- (f) by omitting “Office” from the definition of *recognised qualification* and substituting “Board”;
- (g) by inserting the following definition after the definition of *registered training organisation*:

Registrar means the Registrar of the Board appointed under section 16;

24. Section 6 inserted

After section 5 of the Principal Act, the following section is inserted in Part 1:

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6. Application of principles

A person performing a function, action or duty, or exercising a power, under this Act is to have regard to the principles set out in section 4(1) of the *Education Act 2016*.

25. Part 2: Heading amended

Part 2 of the Principal Act is amended by omitting “**OFFICE OF TASMANIAN ASSESSMENT, STANDARDS AND CERTIFICATION**” from the heading to that Part and substituting “**TASMANIAN ASSESSMENT, STANDARDS AND CERTIFICATION BOARD**”.

26. Part 2, Division 1: Heading amended

Division 1 of Part 2 of the Principal Act is amended by omitting “*Office of Tasmanian Assessment, Standards and Certification*” from the heading to that Division and substituting “*Tasmanian Assessment, Standards and Certification Board*”.

27. Sections 7 and 8 substituted

Sections 7 and 8 of the Principal Act are repealed and the following sections are substituted:

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7. Tasmanian Assessment, Standards and Certification Board

- (1) The Tasmanian Assessment, Standards and Certification Board is established.
- (2) The Board –
 - (a) is a body corporate with perpetual succession; and
 - (b) may have a seal; and
 - (c) may sue and be sued in its corporate name.
- (3) If the Board has a seal –
 - (a) it is to be kept, and used as authorised, by the Board; and
 - (b) all courts and persons acting judicially must take judicial notice of the imprint of the seal on a document and presume that it was duly sealed by the Board.

8. Membership of Board

- (1) The Board consists of such number of members, including the chairperson, not exceeding 7 but not fewer than 5, as the Minister appoints.
- (2) Until the members of the Board are appointed under subsection (1), the

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Registrar is to perform the functions and
exercise the powers of the Board.

- (3) Before appointing a member under subsection (1), the Minister is to give notice so that persons interested in being members may provide written expressions of interest to the Minister.
- (4) Notice given under subsection (3) –
 - (a) is to be given by publication in one or more daily newspapers published and circulating in the State; and
 - (b) may be given –
 - (i) by publication in a journal, periodical or other document; and
 - (ii) by publication or broadcast, by means of the internet, in any format; and
 - (iii) in print, or electronic communication meant for one or more persons.
- (5) In appointing members under subsection (1), the Minister is to ensure that the members –

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- (a) collectively, have the following skills:
- (i) general board governance skills;
 - (ii) skills relevant to the Board's functions; and
- (b) represent the diversity of the community; and
- (c) each hold a current registration under the *Registration to Work with Vulnerable People Act 2013*.
- (6) In appointing the members of the Board, the Minister –
- (a) is to have regard to all expressions of interest provided to the Minister under subsection (3); and
 - (b) may have regard to advice sought from an advisory council established under section 249 of the *Education Act 2016*; and
 - (c) may have regard to advice from any existing members of the Board regarding the skills required.
- (7) The Minister is to appoint a chairperson.

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(8) Schedule 1 has effect with respect to the membership and meetings of the Board.

28. Section 9 amended (Objectives of Board)

Section 9 of the Principal Act is amended by omitting “Office” and substituting “Board”.

29. Section 10 amended (Functions of Board)

Section 10(1) of the Principal Act is amended as follows:

- (a) by omitting “Office” first occurring and substituting “Board”;
- (b) by omitting from paragraph (k) “Office” twice occurring and substituting “Board”;
- (c) by omitting from paragraph (l) “Office” and substituting “Board”;
- (d) by omitting from paragraph (m) “Office” and substituting “Board”;
- (e) by omitting from paragraph (n) “Office” twice occurring and substituting “Board”.

30. Section 11 amended (Powers of Board)

Section 11 of the Principal Act is amended as follows:

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-
- (a) by omitting “Office” first occurring and substituting “Board”;
 - (b) by omitting from paragraph (ab) “Office” and substituting “Board”.

31. Section 11A inserted

After section 11 of the Principal Act, the following section is inserted in Division 1:

11A. Performance and exercise of functions and powers

- (1) In this section –

education regulator has the same meaning as in the *Education Act 2016*.

- (2) In performing functions and exercising powers under this Act, the Board, staff made available to the Board under section 18 and any committee established by the Board are to have regard to any principles of education regulator best practice specified in a Ministerial instruction issued under section 6 of the *Education Act 2016* for the purposes of this section.

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- (2) In preparing a Ministerial statement of expectations, the Minister is to have regard to the Board's functions and powers.
 - (3) A Ministerial statement of expectations is not to –
 - (a) prevent the Board from performing a function that it is required to perform or from otherwise complying with any Act; or
 - (b) extend the functions or powers of the Board; or
 - (c) seek to direct the Board in relation to a decision made under the Act regarding an individual case.
 - (4) The Board must perform its functions and duties in a manner consistent with an applicable Ministerial statement of expectations.
 - (5) The Minister, on his or her own motion or at the request of the Board, may at any time amend a Ministerial statement of expectations.
 - (6) A Ministerial statement of expectations and any amendment of it is to be in writing and signed by the Minister.

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- (7) An amendment to a Ministerial statement of expectations takes effect on such day as is specified in the instrument of amendment.
- (8) The Minister may consult with the Board in preparing a Ministerial statement of expectations and any amendment of a Ministerial statement of expectations.

13A. Corporate plan by Board

- (1) The Board is to prepare a corporate plan annually.
- (2) A corporate plan is to include targets that measure the performance outcomes of the functions of the Board.
- (3) A corporate plan is to be –
 - (a) consistent with an applicable Ministerial statement of expectations given under section 13; and
 - (b) in such form, if any, as specified in a Ministerial instruction issued under section 6 of the *Education Act 2016*.
- (4) In preparing a corporate plan, the Board –
 - (a) is to consult the Minister; and

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-
- (b) may consult such other persons as it considers appropriate.
- (5) After preparing a corporate plan, the Board is to submit a draft of the plan to the Minister for approval.
- (6) The Minister may –
- (a) approve the draft corporate plan as submitted; or
 - (b) require the Board to amend the draft corporate plan and resubmit it for approval.
- (7) To avoid doubt, the Minister’s power under subsection (6)(b) may be exercised more than once.
- (8) If a draft corporate plan is approved by the Minister –
- (a) it takes effect as the corporate plan of the Board for the period specified in a Ministerial instruction issued under section 6 of the *Education Act 2016* for the purposes of this section; and
 - (b) the Board is to act in accordance with the corporate plan during that period.

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- (9) The Board, having regard to changes of circumstance or for other reasonable cause, may prepare an amendment to the corporate plan at any time.
- (10) Subsections (4), (5), (6), (7) and (8) have the same application to an amendment as they have to the plan itself, and the amendment takes effect once it has been approved by the Minister.
- (11) The Board is to ensure that the current corporate plan, and the current Ministerial statement of expectations given to the Board under section 13, are available for public inspection in such manner as the Board determines.

14. Responsibility of Board

- (1) The Board is responsible –
 - (a) to the Minister, in relation to any functions and powers performed and exercised under sections 10 and 11; and
 - (b) to the Secretary of the Department, in relation to all other functions and powers performed and exercised by the Board in accordance with this or any other Act.

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- (2) Despite subsection (1), neither the Minister nor the Secretary of the Department may direct the Board in relation to an individual decision made under the Act.

14A. Independent review of Board

- (1) In this section –

independent review means a review conducted by persons who –

- (a) in the Minister’s opinion, are appropriately qualified for that task; and
- (b) include one or more persons who are not State Service employees or State Service officers or employees of any agency of the State.
- (2) The Minister may require an independent review of the operation of the Board to be conducted, including of the performance and exercise of its functions and powers.
- (3) The persons who conduct a review are to give the Minister a written report on its outcome.

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33. Part 2, Division 3 substituted

Division 3 of Part 2 of the Principal Act is repealed and the following Division is substituted:

Division 3 – Registrar and staff of Board

16. Registrar

The Secretary of the Department may appoint a State Service officer or State Service employee employed in the Department, other than a member of the Board, to be the Registrar and that State Service officer or State Service employee may hold the office of Registrar in conjunction with his or her other State Service employment.

17. Roles, functions and duties of Registrar

- (1) The Registrar is responsible to the Board for the general administration of the Board.
- (2) The Registrar –
 - (a) must perform any functions, and may exercise any powers, delegated to the Registrar by the Board; and

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- (b) must perform any other functions imposed on, and may exercise any other powers granted to, the Registrar by this or any other Act.
 - (3) The Registrar may delegate any of his or her functions or powers under this Act other than this power of delegation.
 - (4) The Registrar is responsible –
 - (a) to the Board, in relation to any functions or powers delegated under subsection (2)(a); and
 - (b) to the Secretary of the Department in relation to all other functions and powers performed and exercised by the Registrar in accordance with this or any other Act.

18. Staff

- (1) The Board may arrange with the Secretary of the Department for State Service officers and State Service employees employed in the Department to be made available to enable the Board to perform and exercise its functions and powers.
- (2) On the written request of the Board, the Secretary of the Department may arrange

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with the Head of a State Service Agency for State Service officers and State Service employees employed in that Agency to be made available to enable the Board to perform and exercise its functions and powers.

- (3) All expenses associated with the use by the Board of a State Service officer or State Service employee made available under subsection (2) to the Board by the Head of a State Service Agency are to be met by the Board unless otherwise agreed between the Secretary of the Department and the Head of that Agency.

19. Authorised officers

- (1) The Board may appoint a State Service officer or State Service employee made available to the Board under section 18 to be an authorised officer.
- (2) The Board is to ensure that each authorised officer has a current identity card that is issued by the Board and contains a recent photograph of the officer.

34. Section 20 amended (Committees)

Section 20 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “Office” twice occurring and substituting “Board”;
 - (b) by omitting from subsection (2) “Office” and substituting “Board”;
 - (c) by omitting from subsection (3) “Executive Officer” and substituting “Registrar, or a member of the Board, or both,”;
 - (d) by omitting subsections (4) and (5);
 - (e) by omitting from subsection (7) “Office” and substituting “Board”.

35. Section 22 amended (Authorised deposit-taking institution accounts)

Section 22 of the Principal Act is amended by omitting “Office” and substituting “Board”.

36. Section 23 amended (Accounting records)

Section 23 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” first occurring and substituting “Board”;
- (b) by omitting from subsection (1)(b)(i) “Office” and substituting “Board”;

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- (c) by omitting from subsection (1)(b)(iii) “Office” and substituting “Board”;
- (d) by omitting from subsection (1)(b)(iv) “Office” and substituting “Board”;
- (e) by omitting from subsection (2) “Office” and substituting “Board”;
- (f) by omitting subsection (3) and substituting the following subsections:
 - (3) Subject to this section, Treasurer’s Instructions apply to, and in relation to, the Board as if it were an Agency within the meaning of the *Financial Management Act 2016*.
 - (4) The Treasurer, by notice to the Board, may modify Treasurer’s Instructions in their application to the Board.
 - (5) If the Treasurer gives the Board a notice under subsection (4) modifying Treasurer’s Instructions in their application to the Board, the Treasurer’s Instructions that apply to and in respect of the Board are to be taken to be, for the purposes of this Act and the *Financial Management Act 2016*, modified in accordance with the notice.

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37. Section 24 substituted

Section 24 of the Principal Act is repealed and the following sections are substituted:

24. Annual report by Board

- (1) The Board, in each year, is to provide to the Minister a report on the performance and exercise of its functions and powers for the period of 12 months that ended on the last preceding 30 June (or such other period of 12 months as may be determined by the Minister).
- (2) The report is to –
 - (a) include –
 - (i) a statement regarding the achievement of targets set out in the corporate plan approved and in effect under section 13A; and
 - (ii) the financial statements of the Board, as audited by the Auditor-General, for the financial year ending on 30 June in the year to which the annual report relates (or other period as determined by the Minister); and

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- (iii) details of any changes to the membership of the Board; and
 - (iv) any information required by the Minister; and
 - (b) be completed by the date determined by the Minister.
- (3) In each year, the Minister is to, on or before 31 October or such other date as may be prescribed, cause a copy of the report referred to in subsection (1) to be laid on the table of each House of Parliament.
- (4) A date prescribed for the purposes of subsection (3) is to be a date not later than 4 months after the end of the period of 12 months referred to in subsection (1).
- (5) If the Minister is unable to comply with subsection (3) by reason of the fact that either House of Parliament is not sitting, the Minister, on 31 October or such other date as is prescribed under subsection (3), as the case may require, is to –
 - (a) forward a copy of the report referred to in subsection (1) to the Clerk of the Legislative Council

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and the Clerk of the House of
Assembly; and

- (b) make the report available to the
public –

and, within the next 7 sitting-days of that
House, is to cause a copy of the report to
be laid before that House.

- (6) If 31 October or such other date as is
prescribed under subsection (3) is a
Sunday or any day which is a bank
holiday or a public holiday throughout
the State (an *excluded day*),
subsection (5) is taken to be complied
with if a copy of the report is forwarded
to the Clerk of the Legislative Council
and the Clerk of the House of Assembly,
and is made available to the public, on
the next day afterwards, not being an
excluded day.

24AA. Framework agreement by Board

The Board is to enter into an agreement
with the Secretary that includes the
following matters:

- (a) the budget of the Board;
- (b) the staff made available to the
Board under section 18, and
details regarding their selection
and performance management;

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- (c) support and functions to be provided to the Board by the Secretary;
- (d) the information-sharing arrangements between the Board and the Secretary;
- (e) the application to the Board of the policies, procedures and guidelines of the Department;
- (f) the manner in which the Board is accountable to the Secretary in relation to budget outcomes and other outcomes;
- (g) any cost recovery arrangements between the Secretary and the Board.

38. Section 24E amended (Development and review of senior secondary accreditation framework)

Section 24E of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting subsection (2) and substituting the following subsection:
 - (2) In developing the draft framework, providing a substitute

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draft framework in accordance with the Minister's requirement under section 24F(2)(c) or reviewing the senior secondary accreditation framework, the Board –

- (a) is to consult with one or more organisations that represent all, or any group of, schools that offer senior secondary education; and
 - (b) may consult with one or more schools that offer senior secondary education.
- (c) by omitting from subsection (3) "Office" and substituting "Board".

39. Section 24F amended (Senior secondary accreditation framework)

Section 24F of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) "Office" and substituting "Board";
- (b) by omitting from subsection (1) " , together with a copy of the report of the Framework Advisory Council prepared

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in accordance with a request under section 24E(2)”;

- (c) by omitting from subsection (2)(b) “Office” and substituting “Board”;
- (d) by omitting from subsection (2)(c) “Office” and substituting “Board”;
- (e) by omitting from subsection (5) “Office” first occurring and substituting “Board”;
- (f) by omitting from subsection (5)(b) “Office” and substituting “Board”;
- (g) by omitting from subsection (6) “Office” first occurring and substituting “Board”;
- (h) by omitting from subsection (6)(b) “Office” and substituting “Board”;
- (i) by omitting from subsection (7) “Office” and substituting “Board”;
- (j) by inserting the following subsection after subsection (7):

(7A) The Board –

- (a) is to perform and exercise its functions and powers in a manner that is consistent with the senior secondary accreditation framework; and

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- (b) in so performing and exercising its functions and powers in relation to the senior secondary accreditation framework, may consult with –
- (i) one or more organisations that represent all, or any group of, schools that offer senior secondary education; and
 - (ii) one or more schools that offer senior secondary education.
- (k) by omitting subsection (8) and substituting the following subsection:
- (8) The Board –
- (a) is to publish the senior secondary accreditation framework, as amended or substituted from time to time, on its website; and
 - (b) may publish the framework, or make it

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available to the public, in
any other manner the
Board considers
appropriate.

40. Sections 24G, 24H and 24I repealed

Sections 24G, 24H and 24I of the Principal Act
are repealed.

**41. Section 25 amended (Application for accreditation
of senior secondary course)**

Section 25 of the Principal Act is amended as
follows:

- (a) by omitting from subsection (1) “Office”
and substituting “Board”;
- (b) by omitting from subsection (2) “Office”
and substituting “Board”;
- (c) by omitting from subsection (3) “Office”
and substituting “Board”.

**42. Section 26 amended (Accreditation of senior
secondary course)**

Section 26 of the Principal Act is amended as
follows:

- (a) by omitting from subsection (2) “Office”
and substituting “Board”;

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- (b) by omitting from subsection (3) “Office” and substituting “Board”;
 - (c) by omitting from subsection (4) “Office” and substituting “Board”;
 - (d) by omitting from subsection (5) “Office” twice occurring and substituting “Board”.

43. Section 27 amended (Term of accreditation of accredited senior secondary course)

Section 27 of the Principal Act is amended by omitting “Office” and substituting “Board”.

44. Section 28 amended (Renewal of accreditation as accredited senior secondary course)

Section 28 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “Office” and substituting “Board”;
- (b) by omitting from subsection (3) “Office” and substituting “Board”;
- (c) by omitting from subsection (4) “Office” and substituting “Board”;
- (d) by omitting from subsection (5) “Office” and substituting “Board”;

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- (a) by omitting from subsection (1) “Office” and substituting “Board”;
 - (b) by omitting from subsection (2) “Office” twice occurring and substituting “Board”;
 - (c) by omitting from subsection (4) “Office” and substituting “Board”.

49. Section 33A amended (Examination or assessment of senior secondary education)

Section 33A of the Principal Act is amended by omitting “Office” and substituting “Board”.

50. Section 33B amended (Senior secondary education qualification)

Section 33B of the Principal Act is amended by omitting “Office” twice occurring and substituting “Board”.

51. Section 33C amended (Standards and qualifications for senior secondary education)

Section 33C of the Principal Act is amended by omitting “Office” and substituting “Board”.

52. Section 33D amended (Application for registration of student exchange organisation)

Section 33D of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2)(a) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” and substituting “Board”.

53. Section 33E amended (Registration as registered student exchange organisation)

Section 33E of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” first occurring and substituting “Board”;
- (c) by omitting from subsection (2)(h) “Office” and substituting “Board”;
- (d) by omitting from subsection (3) “Office” and substituting “Board”.

54. Section 33F amended (Registration (student exchange organisation) certificate)

Section 33F of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “Office” and substituting “Board”;
 - (b) by omitting from subsection (2)(b) “Office” and substituting “Board”.

55. Section 33I amended (Amendment of registration)

Section 33I of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” twice occurring and substituting “Board”.

56. Section 33J amended (Renewal of registration)

Section 33J(3) of the Principal Act is amended by omitting “Office” three times occurring and substituting “Board”.

57. Section 33L amended (Guidelines)

Section 33L of the Principal Act is amended as follows:

- (a) by omitting “Office” first occurring and substituting “Board”;
- (b) by omitting from paragraph (c) “Office” and substituting “Board”.

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58. Section 33M amended (Direction to registered student exchange organisation)

Section 33M(1) of the Principal Act is amended by omitting “Office” three times occurring and substituting “Board”.

59. Section 33N amended (Cancellation or suspension of registration)

Section 33N of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” twice occurring and substituting “Board”;
- (b) by omitting from subsection (2) “Office” and substituting “Board”.

60. Section 35 amended (Application for accreditation of course)

Section 35 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2)(a) “Office” and substituting “Board”;
- (c) by omitting from subsection (2)(c)(ii) “Office” and substituting “Board”;

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- (d) by omitting from subsection (2)(d)(ii) “Office” and substituting “Board”;
 - (e) by omitting from subsection (3) “Office” and substituting “Board”.

61. Section 36 amended (Accreditation of higher education course)

Section 36 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” first occurring and substituting “Board”;
- (c) by omitting from subsection (2)(e) “Office” and substituting “Board”;
- (d) by omitting from subsection (2A) “Office” and substituting “Board”;
- (e) by omitting from subsection (2B) “Office” and substituting “Board”;
- (f) by omitting from subsection (3) “Office” and substituting “Board”;
- (g) by omitting from subsection (3A) “Office” and substituting “Board”;
- (h) by omitting from subsection (4) “Office” and substituting “Board”.

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62. Section 37 amended (Term of accreditation of accredited higher education course)

Section 37(1) of the Principal Act is amended by omitting “Office” and substituting “Board”.

63. Section 38 amended (Accredited higher education course subject to conditions)

Section 38 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” and substituting “Board”.

64. Section 40 amended (Cancellation of accreditation as accredited higher education course)

Section 40(1) of the Principal Act is amended by omitting “Office” twice occurring and substituting “Board”.

65. Section 42 amended (Application for registration)

Section 42 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;

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- (b) by omitting from subsection (2)(a) “Office” and substituting “Board”;
 - (c) by omitting from subsection (2)(ba)(ii) “Office” and substituting “Board”;
 - (d) by omitting from subsection (3) “Office” and substituting “Board”.

66. Section 43 amended (Registration as registered higher education provider)

Section 43 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” first occurring and substituting “Board”;
- (c) by omitting from subsection (2)(g) “Office” and substituting “Board”;
- (d) by omitting from subsection (2A) “Office” and substituting “Board”;
- (e) by omitting from subsection (2B) “Office” and substituting “Board”;
- (f) by omitting from subsection (3) “Office” and substituting “Board”.

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67. Section 44 amended (Registration subject to conditions)

Section 44(1) of the Principal Act is amended by omitting “Office” and substituting “Board”.

68. Section 45 amended (Registration certificate)

Section 45 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2)(e) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” twice occurring and substituting “Board”.

69. Section 48 amended (Amendment of registration)

Section 48 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” twice occurring and substituting “Board”.

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70. Section 49 amended (Renewal of registration)

Section 49(3) of the Principal Act is amended by omitting “Office” three times occurring and substituting “Board”.

71. Section 51 amended (Direction to registered higher education provider)

Section 51(1) of the Principal Act is amended by omitting “Office” three times occurring and substituting “Board”.

72. Section 52 amended (Cancellation or suspension of registration)

Section 52 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” twice occurring and substituting “Board”;
- (b) by omitting from subsection (2) “Office” and substituting “Board”.

73. Section 55A amended (Application for approval)

Section 55A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;

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- (b) by omitting from subsection (2)(a) “Office” and substituting “Board”;
- (c) by omitting from subsection (2)(b)(ii) “Office” and substituting “Board”;
- (d) by omitting from subsection (2)(c)(ii) “Office” and substituting “Board”;
- (e) by omitting from subsection (3) “Office” and substituting “Board”.

74. Section 55B amended (Approval as approved overseas higher education provider)

Section 55B of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” first occurring and substituting “Board”;
- (c) by omitting from subsection (2)(h) “Office” and substituting “Board”;
- (d) by omitting from subsection (3) “Office” and substituting “Board”;
- (e) by omitting from subsection (4) “Office” and substituting “Board”;
- (f) by omitting from subsection (5) “Office” and substituting “Board”;

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- (g) by omitting from subsection (6) “Office” and substituting “Board”.

75. Section 55C amended (Approval subject to conditions)

Section 55C of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” twice occurring and substituting “Board”.

76. Section 55D amended (Approval certificate)

Section 55D of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2)(e) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” twice occurring and substituting “Board”.

77. Section 55G amended (Amendment of approval)

Section 55G of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” twice occurring and substituting “Board”.

78. Section 55H amended (Renewal of approval)

Section 55H(3) of the Principal Act is amended by omitting “Office” three times occurring and substituting “Board”.

79. Section 55J amended (Direction to approved overseas higher education provider)

Section 55J(1) of the Principal Act is amended by omitting “Office” three times occurring and substituting “Board”.

80. Section 55K amended (Cancellation of approval of higher education course)

Section 55K(1) of the Principal Act is amended by omitting “Office” twice occurring and substituting “Board”.

81. Section 55L amended (Cancellation or suspension of approval of approved overseas higher education provider)

Section 55L of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “Office” twice occurring and substituting “Board”;
 - (b) by omitting from subsection (2) “Office” and substituting “Board”.

82. Section 55N amended (Application to be self-accrediting higher education provider)

Section 55N of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2)(a) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” and substituting “Board”.

83. Section 55O amended (Grant of status of self-accrediting higher education provider)

Section 55O of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” and substituting “Board”;

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- (c) by omitting from subsection (3) “Office” first occurring and substituting “Board”;
- (d) by omitting from subsection (3)(g) “Office” and substituting “Board”;
- (e) by omitting from subsection (4) “Office” and substituting “Board”;
- (f) by omitting from subsection (5) “Office” and substituting “Board”;
- (g) by omitting from subsection (6) “Office” and substituting “Board”.

84. Section 55P amended (Grant of status subject to conditions)

Section 55P(1) of the Principal Act is amended by omitting “Office” and substituting “Board”.

85. Section 55Q amended (Certificate of self-accrediting status)

Section 55Q of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2)(e) “Office” and substituting “Board”;

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- (c) by omitting from subsection (3) “Office” twice occurring and substituting “Board”.

86. Section 55T amended (Amendment of grant of status)

Section 55T of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (3) “Office” twice occurring and substituting “Board”.

87. Section 55U amended (Renewal of grant of status)

Section 55U(3) of the Principal Act is amended by omitting “Office” three times occurring and substituting “Board”.

88. Section 55W amended (Direction to self-accrediting higher education provider)

Section 55W(1) of the Principal Act is amended by omitting “Office” three times occurring and substituting “Board”.

89. Section 55X amended (Cancellation or suspension of grant of status)

Section 55X of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “Office” twice occurring and substituting “Board”;
- (b) by omitting from subsection (2) “Office” and substituting “Board”.

90. Section 55ZG amended (Offences relating to use of “university”, &c.)

Section 55ZG(1) of the Principal Act is amended by omitting “Office” from paragraph (b) of the definition of *overseas university* and substituting “Board”.

91. Section 55ZH amended (Application for accreditation of other education course)

Section 55ZH of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2)(a) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” and substituting “Board”.

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92. Section 55ZI amended (Accreditation of other education course)

Section 55ZI of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” first occurring and substituting “Board”;
- (c) by omitting from subsection (2)(d) “Office” and substituting “Board”;
- (d) by omitting from subsection (3) “Office” and substituting “Board”;
- (e) by omitting from subsection (4) “Office” and substituting “Board”.

93. Section 55ZJ amended (Term of accreditation of other education course)

Section 55ZJ of the Principal Act is amended by omitting “Office” and substituting “Board”.

94. Section 55ZL amended (Cancellation of accreditation as accredited other education course)

Section 55ZL(1) of the Principal Act is amended as follows:

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- (a) by omitting “Office” first occurring and substituting “Board”;
- (b) by omitting from paragraph (b) “Office” and substituting “Board”.

95. Section 55ZN amended (Standards for provision and assessment of accredited other education courses)

Section 55ZN of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” twice occurring and substituting “Board”.

96. Section 55ZP amended (Examination or assessment of other education)

Section 55ZP of the Principal Act is amended by omitting “Office” and substituting “Board”.

97. Section 55ZQ amended (Other education qualification)

Section 55ZQ of the Principal Act is amended by omitting “Office” twice occurring and substituting “Board”.

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98. Section 55ZR amended (Standards and qualifications for other education)

Section 55ZR of the Principal Act is amended by omitting “Office” and substituting “Board”.

99. Section 55ZT amended (Application for accreditation of education program)

Section 55ZT of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2)(a) “Office” and substituting “Board”;
- (c) by omitting from subsection (2)(d)(ii) “Office” and substituting “Board”;
- (d) by omitting from subsection (3) “Office” and substituting “Board”.

100. Section 55ZU amended (Accreditation of education program)

Section 55ZU of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;

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- (b) by omitting from subsection (2) “Office” first occurring and substituting “Board”;
- (c) by omitting from subsection (2)(g) “Office” and substituting “Board”;
- (d) by omitting from subsection (3) “Office” and substituting “Board”;
- (e) by omitting from subsection (4) “Office” and substituting “Board”;
- (f) by omitting from subsection (5) “Office” and substituting “Board”;
- (g) by omitting from subsection (6) “Office” and substituting “Board”.

101. Section 55ZV amended (Term of accreditation of accredited education program)

Section 55ZV(3) of the Principal Act is amended by omitting “Office” and substituting “Board”.

102. Section 55ZW amended (Accredited education program subject to conditions)

Section 55ZW of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;

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- (b) by omitting from subsection (2) “Office” and substituting “Board”.

103. Section 55ZY amended (Cancellation of accreditation as accredited education program)

Section 55ZY of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” twice occurring and substituting “Board”;
- (b) by omitting from subsection (3) “Office” first occurring and substituting “Board”;
- (c) by omitting from subsection (3)(b) “Office” and substituting “Board”.

104. Section 55ZZ amended (Application for registration)

Section 55ZZ of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2)(a) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” and substituting “Board”.

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105. Section 55ZZA amended (Registration as registered education (overseas students) provider)

Section 55ZZA of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” first occurring and substituting “Board”;
- (c) by omitting from subsection (2)(g) “Office” and substituting “Board”;
- (d) by omitting from subsection (3) “Office” and substituting “Board”.

106. Section 55ZZB amended (Registration subject to conditions)

Section 55ZZB of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” first occurring and substituting “Board”;
- (c) by omitting from subsection (2) “Office” second occurring and substituting “Board”;

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- (d) by omitting from subsection (2)(a) “Office” and substituting “Board”;
 - (e) by omitting from subsection (2)(b) “Office” and substituting “Board”.

107. Section 55ZZC amended (Registration (overseas students) certificate)

Section 55ZZC of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2)(e) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” twice occurring and substituting “Board”.

108. Section 55ZZF amended (Amendment of registration)

Section 55ZZF of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” twice occurring and substituting “Board”.

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109. Section 55ZZG amended (Renewal of registration)

Section 55ZZG(3) of the Principal Act is amended by omitting “Office” three times occurring and substituting “Board”.

110. Section 55ZZI amended (Direction to registered education (overseas students) provider)

Section 55ZZI(1) of the Principal Act is amended by omitting “Office” three times occurring and substituting “Board”.

111. Section 55ZZJ amended (Cancellation or suspension of registration)

Section 55ZZJ of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” twice occurring and substituting “Board”;
- (b) by omitting from subsection (2) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” first occurring and substituting “Board”;
- (d) by omitting from subsection (3) “Office” second occurring and substituting “Board”;
- (e) by omitting from subsection (3)(b) “Office” and substituting “Board”.

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112. Section 55ZZL amended (Application for recognition of other qualifications)

Section 55ZZL of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” twice occurring and substituting “Board”;
- (b) by omitting from subsection (2)(a) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” and substituting “Board”.

113. Section 55ZZM amended (Recognition of other qualification)

Section 55ZZM of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” first occurring and substituting “Board”;
- (c) by omitting from subsection (2)(d) “Office” and substituting “Board”;
- (d) by omitting from subsection (3) “Office” and substituting “Board”.

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s. 114 Part 3 – Office of Tasmanian Assessment, Standards and Certification Act
2003 Amended

114. Section 55ZZN amended (Cancellation of recognition)

Section 55ZZN of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” first occurring and substituting “Board”;
- (c) by omitting from subsection (2)(b) “Office” and substituting “Board”;
- (d) by omitting from subsection (3) “Office” and substituting “Board”.

115. Section 55ZZO amended (Application for recommendation for establishment of new university)

Section 55ZZO of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2)(a) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” and substituting “Board”.

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116. Section 55ZZP amended (Initial assessment of application)

Section 55ZZP of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” and substituting “Board”.

117. Section 55ZZQ amended (Investigation of application)

Section 55ZZQ of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” twice occurring and substituting “Board”;
- (b) by omitting from subsection (2) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” first occurring and substituting “Board”;
- (d) by omitting from subsection (3)(a) “Office” and substituting “Board”;
- (e) by omitting from subsection (3)(c) “Office” and substituting “Board”;

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- (f) by omitting from subsection (4) “Office” first occurring and substituting “Board”;
- (g) by omitting from subsection (4)(c) “Office” and substituting “Board”;
- (h) by omitting from subsection (5) “Office” and substituting “Board”.

118. Part 4D, Division 3: Heading amended

Division 3 of Part 4D of the Principal Act is amended by omitting “*Recommendation of Office*” from the heading to that Division and substituting “*Recommendation of Board*”.

119. Section 55ZZR amended (Recommendation of Board)

Section 55ZZR of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” first occurring and substituting “Board”;
- (c) by omitting from subsection (2)(k) “Office” and substituting “Board”;
- (d) by omitting from subsection (3)(b) “Office” twice occurring and substituting “Board”;

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- (e) by omitting from subsection (3)(c)(ii) “Office” and substituting “Board”;
 - (f) by omitting from subsection (4) “Office” and substituting “Board”;
 - (g) by omitting from subsection (5) “Office” and substituting “Board”.

120. Section 56 amended (Investigations)

Section 56 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” first occurring and substituting “Board”;
- (b) by omitting from subsection (1)(b)(v) “Office” and substituting “Board”;
- (c) by omitting from subsection (2) “Office” and substituting “Board”;
- (d) by omitting from subsection (3) “Office” and substituting “Board”.

121. Section 57 amended (Inspections)

Section 57(1) of the Principal Act is amended by omitting “Office” twice occurring and substituting “Board”.

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122. Section 58 amended (Documents)

Section 58 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” twice occurring and substituting “Board”;
- (b) by omitting from subsection (2) “Office” and substituting “Board”;
- (c) by omitting from subsection (3) “Office” twice occurring and substituting “Board”;
- (d) by omitting from subsection (4) “Office” and substituting “Board”;
- (e) by omitting from subsection (4) “Executive Officer” and substituting “Registrar”.

123. Section 59 amended (Use of document or information obtained)

Section 59 of the Principal Act is amended by omitting “Office” and substituting “Board”.

124. Section 60 amended (Review of decisions)

Section 60 of the Principal Act is amended as follows:

- (a) by omitting “Office” first occurring and substituting “Board”;

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- (b) by omitting from paragraph (i) “Office” and substituting “Board”.

125. Section 60A inserted

After section 60 of the Principal Act, the following section is inserted in Part 6:

60A. Publication of review processes under Act

The Board is to publish, on a website maintained by the Board, details of each process that is available under this Act for the review of a decision or determination made by the Board under this Act.

126. Section 61 amended (Registers)

Section 61 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” first occurring and substituting “Board”;
- (b) by omitting from subsection (1)(i) “Office” and substituting “Board”;
- (c) by omitting from subsection (2) “Office” and substituting “Board”.

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s. 127 Part 3 – Office of Tasmanian Assessment, Standards and Certification Act
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127. Section 62 amended (Manner of keeping registers)

Section 62 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2) “Office” and substituting “Board”.

128. Section 63 amended (Access to registers)

Section 63 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” twice occurring and substituting “Board”;
- (b) by omitting from subsection (3) “Office” and substituting “Board”;
- (c) by omitting from subsection (4) “Office” twice occurring and substituting “Board”.

129. Section 64 amended (Rules)

Section 64 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” and substituting “Board”;
- (b) by omitting from subsection (2)(e) “Office” and substituting “Board”;

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- (c) by omitting from subsection (2)(g) “Office” and substituting “Board”;
 - (d) by omitting from subsection (5) “Office” and substituting “Board”;
 - (e) by omitting from subsection (5) “Executive Officer” and substituting “Registrar”;
 - (f) by omitting from subsection (6) “Office” first occurring and substituting “Board”;
 - (g) by omitting from subsection (6)(d) “Office” and substituting “Board”;
 - (h) by omitting from subsection (8)(b) “Executive Officer” and substituting “Registrar”.

130. Section 64A amended (Consolidated statements of qualifications)

Section 64A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” first occurring and substituting “Board”;
- (b) by omitting from subsection (1)(c) “Office” and substituting “Board”;
- (c) by omitting from subsection (2) “Office” and substituting “Board”.

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131. Section 64B amended (Providing information to authorities, &c., under corresponding laws)

Section 64B of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “Office” and substituting “Board”;
- (b) by omitting from subsection (3) “Office” and substituting “Board”.

132. Section 64C amended (Registered training organisations to provide information to Board)

Section 64C of the Principal Act is amended as follows:

- (a) by omitting “Office;” and substituting “Board;”;
- (b) by omitting “Office” second occurring and substituting “Board”;
- (c) by omitting “Office” third occurring and substituting “Board”.

133. Section 65 amended (Offences relating to exercise of powers by Board or authorised officer)

Section 65 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1)(d) “Office” and substituting “Board”;
 - (b) by omitting from subsection (1)(e) “Office” and substituting “Board”;
 - (c) by omitting from subsection (3) “Office” and substituting “Board”.

134. Section 65A inserted

After section 65 of the Principal Act, the following section is inserted in Part 9:

65A. Immunity from liability

Any person or member of the Board is not personally liable for an honest act or omission done or made in the exercise or purported exercise of a power, or in the performance or purported performance of a function, under this Act.

135. Section 67 amended (*Land Acquisition Act 1993* does not apply)

Section 67 of the Principal Act is amended by omitting “Office” and substituting “Board”.

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136. Section 68 amended (Judicial notice of certain signatures)

Section 68 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “Executive Officer” and substituting “Registrar”;
- (b) by omitting from paragraph (b) “Executive Officer” and substituting “Registrar”.

137. Section 69 amended (Presumptions)

Section 69 of the Principal Act is amended as follows:

- (a) by omitting “Office” first occurring and substituting “Board”;
- (b) by omitting from paragraph (a) “Office” and substituting “Board”;
- (c) by omitting from paragraph (b) “Office” and substituting “Board”;
- (d) by omitting from paragraph (c) “Executive Officer” and substituting “Registrar”.

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138. Section 70 amended (Evidentiary matters)

Section 70(1) of the Principal Act is amended by omitting “Executive Officer” and substituting “Registrar”.

139. Section 71 amended (Service of documents)

Section 71 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office” first occurring and substituting “Board”;
- (b) by omitting from subsection (1)(a) “Office” and substituting “Board”;
- (c) by omitting from subsection (1)(b) “Office’s” and substituting “Board’s”;
- (d) by omitting from subsection (2) “Office” first occurring and substituting “Board”;
- (e) by omitting from subsection (2)(a)(ii) “Office” and substituting “Board”.

140. Section 72 amended (Regulations)

Section 72 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “Office” and substituting “Board”;

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- (b) by omitting from subsection (5) “Office” and substituting “Board”;
- (c) by omitting from subsection (5) “Executive Officer” and substituting “Registrar”;
- (d) by inserting the following paragraph after paragraph (b) in subsection (6):
 - (c) the enactment of the *Education Legislation Amendments (Education Regulation) Act 2022*;
- (e) by omitting from subsection (7) “subsection (6)(a), (b), (c) or (d)” and substituting “subsection (6)(a), (b), (c), (d) or (da)”.

141. Sections 73B and 73C inserted

After section 73A of the Principal Act, the following sections are inserted in Part 9:

73B. Savings and transitional provisions consequent on *Education Legislation Amendments (Education Regulation) Act 2022*

- (1) In this section –

commencement day means the day on which this section commences;

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Executive Officer means the Executive Officer (Office of Tasmanian Assessment, Standards and Certification) appointed under section 16 of the former Act;

document means a document, or part of a document, that was in force immediately before the commencement day and includes a conferred or issued qualification or a direction;

former Act means this Act as in force immediately before the commencement day;

Office means the Office of Tasmanian Assessment, Standards and Certification as defined in section 3 of the former Act.

- (2) Until a person is appointed to be the Registrar under section 16, the Executive Officer is taken to be the Registrar, on the same terms and under the same conditions as his or her appointment as Executive Officer.
- (3) After a person is appointed to be the Registrar under section 16, the Secretary of the Department may revoke the appointment of the Executive Officer.

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- (4) Persons made available under section 17 of the former Act who were available to the Office immediately before the commencement day are taken, on the commencement day, to have been made available to the Board under section 18 of this Act.
- (5) Authorised officers appointed under section 19 of the former Act are taken, on the commencement day, to have been appointed under section 19 of this Act on the same terms and conditions.
- (6) Accreditations, recognitions, registrations, determinations, recommendations, approvals, grants, suspensions and cancellations made by the Office under the former Act and in force immediately before the commencement day continue and, on and after the commencement day, are taken to have been made by the Board under this Act.
- (7) An application made to the Office under the former Act but not determined immediately before the commencement day may be dealt with by the Board, on or after the commencement day, as if the application had been made to the Board.
- (8) An investigation that is being conducted, but has not been completed, by the

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Office immediately before the commencement day may, on or after the commencement day, be conducted and completed by the Board.

- (9) If, immediately before the commencement day, a person was entitled to apply to the Magistrates Court (Administrative Appeals Division) for a review of a decision of the Office under the former Act, that person may, on or after the commencement day, apply to that Court for a review of that decision as if the decision were a decision of the Board, and the Board is bound by the determination of that Court.
- (10) If, immediately before the commencement day, an application under the former Act for a review of a decision of the Office has been made but not determined then, on and after the commencement day –
- (a) the review may be continued; and
 - (b) the decision being reviewed is taken to be a decision of the Board; and
 - (c) the Board is bound by the determination of the Magistrates Court (Administrative Appeals Division) in respect of the review.

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- (11) Any legal proceedings in which the Office is the applicant or respondent that have been commenced but not determined immediately before the commencement day may, on and after the commencement day, be continued by the Board as if the proceedings were commenced by, or in respect of, the Board.
- (12) A register established and maintained by the Office under the former Act is taken, on and after the commencement day, to have been established and maintained by the Board under this Act.
- (13) Rules made by the Office under section 64 of the former Act and in force immediately before the commencement day continue and, on and after the commencement day, are taken to have been made on the same terms and under the same conditions by the Board.
- (14) Unless the context or the subject matter of the document otherwise requires –
 - (a) a document issued or made by the Tasmanian Qualifications Authority, the Office or the Executive Officer is taken, on and after the commencement day, to have been issued or made by the Board; and

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- (b) a reference in a document to the Tasmanian Qualifications Authority, the Office or the Executive Officer is taken, on and after the commencement day, to be a reference to the Board; and
 - (c) a document served on or by, or provided to or by, the Tasmanian Qualifications Authority, the Office or the Executive Officer is taken, on and after the commencement day, to have been served on or by, or provided to or by, the Board.

73C. Amendment of subordinate legislation not bar to further amendment or repeal

The amendment by the *Education Legislation Amendments (Education Regulation) Act 2022* of any subordinate legislation does not bar its subsequent amendment or repeal by statutory rule.

142. Schedule 1 inserted

After section 77 of the Principal Act, the following Schedule is inserted:

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s. 142 Part 3 – Office of Tasmanian Assessment, Standards and Certification Act
2003 Amended

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

Section 8(8)

PART 1 – PRELIMINARY

1. Interpretation

In this Schedule –

chairperson means chairperson of the
Board;

member means a member of the
Board.

PART 2 – MEMBERSHIP OF BOARD

1. Term of appointment

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

2. Reappointment of members

The Minister –

- (a) is to determine the number of times that a member may be reappointed; and

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- (b) in making that determination, may seek advice from an advisory council established under section 249 of the *Education Act 2016*.

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 –

- (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 a member in conjunction with State Service employment.

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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 the member –
 - (a) dies; or
 - (b) resigns; or
 - (c) is removed from office under subclause (2) or (3).
- (2) The Minister may remove a member from office if the member –

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-
- (a) is absent from 3 consecutive meetings of the Board without the permission of the Board; or
 - (b) in relation to current registration under the *Registration to Work with Vulnerable People Act 2013* –
 - (i) does not hold such registration; or
 - (ii) has had such registration suspended and the suspension has not been revoked; or
 - (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or
 - (d) is convicted, in Tasmania or elsewhere, of a crime or an offence punishable by imprisonment for a term of 12 months or longer; or
 - (e) is convicted of an offence under this Act.

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- (3) The Minister may remove a member from office if satisfied that the member is unable to perform adequately or competently the duties of office.

7. Validation of proceedings, &c.

- (1) An act or proceeding of the Board or of a person acting under the direction of the Board 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.
- (2) All acts or proceedings of the Board or of a person acting under the direction of the Board are, despite any subsequent discovery of a defect in the appointment of a member or that any other person was disqualified from acting as, or capable of being, a member, as valid as if the member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Board had been fully constituted.

8. Presumptions

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

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

PART 3 – MEETINGS OF BOARD

1. Convening of meetings

- (1) The chairperson, 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 3 or more other members.
- (2) If the chairperson is absent from duty or otherwise unable to perform the duties of the office, a meeting may be convened, after reasonable notice of the meeting has been given of it, by –
 - (a) any 3 other members, jointly; or
 - (b) a person authorised by the Board to do so.
- (3) For the purposes of subclauses (1) and (2), what constitutes reasonable notice is to be determined by the Board.

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2. Presiding at meetings

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

3. Quorum and voting at meetings

- (1) At a meeting of the Board, a quorum is constituted by a majority of the members of the Board.
- (2) A meeting of the Board at which a quorum is present is competent to transact any business of the Board.
- (3) At a meeting of the Board –
 - (a) a question is decided by a majority of votes of the members present and voting, including those participating in accordance with clause 4(2); and
 - (b) the member presiding has a deliberative vote and, in the event of an equality of votes, also a casting vote.

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4. Conduct of meetings

- (1) Subject to this Act, the Board may regulate the calling of, and the conduct of business at, its meetings as it considers appropriate.
- (2) The Board may permit 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 Board.
- (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 Board may allow a person to attend a meeting for the purpose of advising or informing it on any matter.

5. Resolutions without meetings

- (1) If all 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

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terms is taken to have been passed at a meeting of the Board 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.

- (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) given 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.

6. Disclosure of interests

- (1) In this clause –

conflicting interest means a direct or indirect pecuniary interest or an interest prescribed by the regulations.

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-
- (2) If a member has a conflicting interest in a matter being, or about to be, considered by the Board, the member must, as soon as reasonably practicable after the relevant facts come to the member's knowledge, disclose the nature of the conflicting interest to the Board.

Penalty: Fine not exceeding 50 penalty units.

- (3) Unless the Board otherwise determines, a member who has made a disclosure under subclause (2) in relation to a matter must not –
- (a) be present during a deliberation of the Board in relation to the matter; or
 - (b) take part in any decision of the Board in relation to the matter.
- (4) For the purpose of the making of a determination under subclause (3), the member to whom the matter relates must not –
- (a) be present during any deliberation of the Board for the purpose of making the determination; or
 - (b) take part in making the determination.

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7. Registrar is to attend meetings

- (1) Subject to subclause (4), the Registrar is to attend meetings of the Board.
- (2) At a meeting of the Board, the Registrar is to provide information and advice as requested by the Board.
- (3) The Registrar may not vote at a meeting of the Board.
- (4) Despite subclause (1), the Board may meet in the absence of the Registrar.

8. Minutes

The Board is to keep accurate minutes of its meetings.

9. General procedure

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

10. Presumptions

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

- (a) any resolution of the Board; and

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- (b) the presence of a quorum at any meeting of the Board.

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**PART 4 – TEACHERS REGISTRATION ACT 2000
AMENDED**

143. Principal Act

In this Part, the *Teachers Registration Act 2000**
is referred to as the Principal Act.

144. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as
follows:

- (a) by omitting the definition of *executive officer*;
- (b) by inserting the following definition after the definition of *registered teacher*:

Registrar means the Registrar
appointed under section 7C;

145. Section 4A inserted

After section 4 of the Principal Act, the
following section is inserted in Part 1:

4A. Application of principles

A person performing a function, action or
duty, or exercising a power, under this
Act is to have regard to the principles set

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out in section 4(1) of the *Education Act 2016*.

146. Section 6 substituted

Section 6 of the Principal Act is repealed and the following section is substituted:

6. Membership of Board

- (1) The Board consists of such number of members, including the chairperson, not exceeding 7 but not fewer than 5, as the Minister appoints.
- (2) Before appointing a member under subsection (1), the Minister is to give notice so that persons interested in being members may provide written expressions of interest to the Minister.
- (3) Notice given under subsection (2) –
 - (a) is to be given by publication in one or more daily newspapers published and circulating in the State; and
 - (b) may be given –
 - (i) by publication in a journal, periodical or other document; and
 - (ii) by publication or broadcast, by means of

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the internet, in any
format; and

(iii) in print, or electronic
communication meant for
one or more persons.

(4) In appointing members under
subsection (1), the Minister –

(a) is to ensure that the members –

(i) collectively, have the
following skills:

(A) general board
governance skills;

(B) skills relevant to
the Board's
functions;

(C) relevant teaching
skills and
experience as a
practicing teacher;
and

(ii) represent the diversity of
the community; and

(iii) each hold a current
registration under the
*Registration to Work with
Vulnerable People Act
2013*; and

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- (b) is to have regard to all expressions of interest provided to the Minister under subsection (2); and
 - (c) may have regard to advice sought from an advisory council established under section 249 of the *Education Act 2016*; and
 - (d) may have regard to advice from any existing members of the Board regarding the skills required.
- (5) The Minister is to appoint a chairperson.
- (6) Schedule 1 has effect with respect to membership and meetings of the Board.

147. Sections 7AA and 7AB inserted

After section 7A of the Principal Act, the following sections are inserted in Part 2:

7AA. Performance and exercise of functions and powers

- (1) In this section –
- education regulator* has the same meaning as in the *Education Act 2016*.
- (2) In performing functions and exercising powers under this Act, the Board, staff

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made available to the Board under section 8 and any committee established by the Board are to have regard to any principles of education regulator best practice specified in a Ministerial instruction issued under section 6 of the *Education Act 2016* for the purposes of this section.

7AB. Responsibility of Board

- (1) The Board is responsible –
 - (a) to the Minister, in relation to any functions and powers performed and exercised under sections 6A and 7; and
 - (b) to the Secretary of the Department in relation to all other functions and powers performed and exercised by the Board in accordance with this or any other Act.
- (2) Despite subsection (1), neither the Minister nor the Secretary of the Department may direct the Board in relation to an individual decision made under the Act.

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148. Sections 7B and 7C substituted

Sections 7B and 7C of the Principal Act are repealed and the following sections are substituted:

7B. Delegation

- (1) The Board may delegate any of its functions, duties or powers under this or any other Act, other than this power of delegation.
- (2) The Registrar may delegate to a State Service officer or State Service employee employed in the Department any of his or her functions, duties or powers under this or any other Act, including a function, duty or power delegated to him or her by the Board, other than this power of delegation.

7C. Registrar

The Secretary of the Department may appoint a State Service officer or State Service employee employed in the Department, other than a member of the Board, to be the Registrar and that State Service officer or State Service employee may hold the office of Registrar in conjunction with his or her other State Service employment.

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149. Section 7D amended (Role, functions and powers of Registrar)

Section 7D of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “executive officer” and substituting “Registrar”;
- (b) by omitting from subsection (2) “executive officer” first occurring and substituting “Registrar”;
- (c) by omitting from subsection (2)(a) “executive officer” and substituting “Registrar”;
- (d) by omitting from subsection (2)(b) “executive officer” and substituting “Registrar”;
- (e) by omitting from subsection (3) “executive officer” and substituting “Registrar”;
- (f) by inserting the following subsection after subsection (3):
 - (4) The Registrar is responsible –
 - (a) to the Board, in relation to any functions or powers delegated under subsection (2)(a); and

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- (b) to the Secretary of the Department, in relation to all other functions and powers performed and exercised by the Registrar in accordance with this or any other Act.

150. Sections 8, 9 and 10 substituted

Sections 8, 9 and 10 of the Principal Act are repealed and the following sections are substituted:

8. Staff

The Board may arrange with the Secretary of the Department for State Service officers and State Service employees employed in the Department to be made available to enable the Board to perform and exercise its functions and powers.

9. Committees

- (1) The Board may establish one or more committees to advise and assist the Board in the performance and exercise of its functions and powers under this Act or any other Act.
- (2) A committee established under this section consists of such persons as the Board appoints.

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- (3) A member of the Board may be a member of a committee established under this section.
- (4) A member of a committee established under this section holds office on such conditions, in relation to matters not provided for by this Act, as are specified in the instrument of appointment.
- (5) At any time, the Board may abolish a committee established under this section.
- (6) A committee must keep accurate minutes of its meetings.
- (7) Except as otherwise provided for by this Act, a committee may regulate its own proceedings.

10. Remuneration of committee members

- (1) The Minister may determine that a member of a committee established under section 9 is entitled to be paid remuneration or allowances, or both.
- (2) If a determination is made under subsection (1), the member is entitled to be paid such remuneration or allowances, or both, as the Minister determines.
- (3) A member of a committee established under section 9 who is a State Service officer or State Service employee is not entitled to remuneration or allowances

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under this section except with the approval of the Minister administering the *State Service Act 2000*.

10A. Ministerial statement of expectations

- (1) The Minister, before 31 December in each year, is to give to the Board a statement setting out the Minister's expectations for the Board (a *Ministerial statement of expectations*) in relation to the period of 12 months commencing on 1 July of the next year (or other such period as may be determined by the Minister).
- (2) In preparing a Ministerial statement of expectations, the Minister is to have regard to the Board's functions and powers.
- (3) A Ministerial statement of expectations is not to –
 - (a) prevent the Board from performing a function that it is required to perform or from otherwise complying with any Act; or
 - (b) extend the functions or powers of the Board; or
 - (c) seek to direct the Board in relation to a decision made under

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the Act regarding an individual case.

- (4) The Board must perform its functions and duties in a manner consistent with an applicable Ministerial statement of expectations.
- (5) The Minister, on his or her own motion or at the request of the Board, may at any time amend a Ministerial statement of expectations.
- (6) A Ministerial statement of expectations and any amendment of it is to be in writing and signed by the Minister.
- (7) An amendment to a Ministerial statement of expectations takes effect on such day as is specified in the instrument of amendment.
- (8) The Minister may consult with the Board in preparing a Ministerial statement of expectations and any amendment of a Ministerial statement of expectations.

10B. Corporate plan by Board

- (1) The Board is to prepare a corporate plan annually.
- (2) A corporate plan is to include targets that measure the performance outcomes of the functions of the Board.

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- (3) A corporate plan is to be –
 - (a) consistent with an applicable Ministerial statement of expectations given under section 10A; and
 - (b) in such form, if any, as specified in a Ministerial instruction issued under section 6 of the *Education Act 2016*.
- (4) In preparing a corporate plan, the Board –
 - (a) is to consult the Minister; and
 - (b) may consult such other persons as the Board considers appropriate.
- (5) After preparing a corporate plan, the Board is to submit a draft of the plan to the Minister for approval.
- (6) The Minister may –
 - (a) approve the draft corporate plan as submitted; or
 - (b) require the Board to amend the draft corporate plan and resubmit it for approval.
- (7) To avoid doubt, the Minister’s power under subsection (6)(b) may be exercised more than once.

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- (8) If a draft corporate plan is approved by the Minister –
 - (a) it takes effect as the corporate plan of the Board for the period specified in a Ministerial instruction issued under section 6 of the *Education Act 2016* for the purposes of this section; and
 - (b) the Board is to act in accordance with the corporate plan during that period.
- (9) The Board, having regard to changes of circumstance or for other reasonable cause, may prepare an amendment to the corporate plan at any time.
- (10) Subsections (4), (5), (6), (7) and (8) have the same application to an amendment as they have to the plan itself, and the amendment takes effect once it has been approved by the Minister.
- (11) The Board is to ensure that the current corporate plan, and the current Ministerial statement of expectations given to the Board under section 10A, are available for public inspection in such manner as the Board determines.

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10C. Framework agreement by Board

The Board is to enter into an agreement with the Secretary of the Department that includes the following matters:

- (a) the budget of the Board;
- (b) the staff made available to the Board under section 8, and details regarding their selection and performance management;
- (c) support and functions to be provided to the Board by the Secretary;
- (d) the information-sharing arrangements between the Board and the Secretary;
- (e) the application to the Board of the policies, procedures and guidelines of the Department;
- (f) the manner in which the Board is accountable to the Secretary in relation to budget outcomes and other outcomes;
- (g) any cost recovery arrangements between the Secretary and the Board.

10D. Independent review of Board

- (1) In this section –

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independent review means a review conducted by persons who –

- (a) in the Minister’s opinion, are appropriately qualified for that task; and
 - (b) include one or more persons who are not State Service employees or State Service officers or employees of any agency of the State.
- (2) The Minister may require an independent review of the operation of the Board to be conducted, including of the performance and exercise of its functions and powers.
- (3) The persons who conduct a review are to give the Minister a written report on its outcome.

151. Section 21 amended (Committee of inquiry)

Section 21 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

- (1) The Board may appoint a committee of inquiry consisting of –
 - (a) not less than 2, but not more than 4, persons who are registered teachers; and

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- (b) if the Board considers necessary, one person who is a member of the Board; and
- (c) any other person or persons with skills relevant to the inquiry.

152. Section 29A inserted

After section 29 of the Principal Act, the following section is inserted in Part 5:

29A. Publication of review processes under Act

The Board is to publish, on a website maintained by the Board, details of each process that is available under this Act for the review of a decision or determination made by the Board under this Act.

153. Section 33 substituted

Section 33 of the Principal Act is repealed and the following section is substituted:

33. Annual report by Board

- (1) The Board, in each year, is to provide to the Minister a report on the performance and exercise of its functions and powers for the period of 12 months that ended on the last preceding 30 June (or such other period of 12 months as may be determined by the Minister).

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- (2) The annual report is to –
- (a) include –
 - (i) a statement regarding the achievement of targets set out in the corporate plan approved and in effect under section 10B; and
 - (ii) the financial statements of the Board, as audited by the Auditor-General, for the financial year ending on 30 June in the year to which the annual report relates (or other period as determined by the Minister); and
 - (iii) details of any changes to the membership of the Board; and
 - (iv) any information required by the Minister; and
 - (b) be completed by the date determined by the Minister.
- (3) In each year, the Minister is to, on or before 31 October or such other date as may be prescribed, cause a copy of the report referred to in subsection (1) to be laid on the table of each House of Parliament.

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- (4) A date prescribed for the purposes of subsection (3) is to be a date not later than 4 months after the end of the period of 12 months referred to in subsection (1).
- (5) If the Minister is unable to comply with subsection (3) by reason of the fact that either House of Parliament is not sitting, the Minister, on 31 October or such other date as is prescribed under subsection (3), as the case may require, is to –
- (a) forward a copy of the report referred to in subsection (1) to the Clerk of the Legislative Council and the Clerk of the House of Assembly; and
 - (b) make the report available to the public –

and, within the next 7 sitting-days of that House, is to cause a copy of the report to be laid before that House.

- (6) If 31 October or such other date as is prescribed under subsection (3) is a Sunday or any day which is a bank holiday or a public holiday throughout the State (an *excluded day*), subsection (5) is taken to be complied with if a copy of the report is forwarded to the Clerk of the Legislative Council

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and the Clerk of the House of Assembly,
and is made available to the public, on
the next day afterwards, not being an
excluded day.

154. Section 34AA inserted

After section 34 of the Principal Act, the
following section is inserted in Part 5:

34AA. Treasurer's Instructions

- (1) Subject to this section, Treasurer's Instructions issued under the *Financial Management Act 2016* apply to and in relation to the Board as if it were an Agency within the meaning of that Act.
- (2) The Treasurer, by notice to the Board, may modify Treasurer's Instructions in their application to the Board.
- (3) If the Treasurer gives the Board a notice under subsection (2) modifying Treasurer's Instructions in their application to the Board, the Treasurer's Instructions that apply to and in respect of the Board are to be taken to be, for the purposes of this Act and the *Financial Management Act 2016*, modified in accordance with the notice.

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155. Sections 42 and 43 inserted

After section 41 of the Principal Act, the following sections are inserted in Part 5:

**42. Transitional provisions consequent on
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(1) In this section –

commencement day means the day on which this section commences;

former member means a person who, immediately before the commencement day, was a member of the former Board;

former Board means the Teachers Registration Board of Tasmania as established and constituted under this Act as in force immediately before the commencement day.

(2) Each former member is taken to have been validly appointed on the commencement day as a member of the Board –

(a) for a period ending on the day on which the former member's appointment to the former Board would end had this Act not been amended by the *Education*

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and*

- (b) on the same conditions as that appointment.

43. Amendment of subordinate legislation not bar to further amendment or repeal

The amendment by the *Education Legislation Amendments (Education Regulation) Act 2022* of any subordinate legislation does not bar its subsequent amendment or repeal by statutory rule.

156. Schedule 1 amended (Membership and meetings of Board)

Schedule 1 to the Principal Act is amended as follows:

- (a) by inserting in clause 2 “and, if eligible, may be reappointed” after “appointment”;
- (b) by inserting the following clause after clause 2:

2A. Reappointment of members

The Minister –

- (a) is to determine the number of times that a

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member may be
reappointed; and

- (b) in making that
determination, may seek
advice from an advisory
council established under
section 249 of the
Education Act 2016.
- (c) by omitting subclause (2) from clause 3
and substituting the following
subclauses:
- (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.
- (d) by inserting the following paragraph after
paragraph (ea) in clause 6:
- (eb) in relation to current registration
under the *Registration to Work
with Vulnerable People Act 2013*,
if the member –

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- (i) does not hold such registration; or
 - (ii) has had such registration suspended and the suspension has not been revoked; or
- (e) by omitting subclause (1) from clause 12 and substituting the following subclause:
 - (1) At a meeting of the Board, a quorum is constituted by a majority of the members of the Board.
- (f) by inserting in clause 12(2)(b)(i) “, including those participating in accordance with clause 14(2)” after “voting”;
- (g) by omitting clause 14 and substituting the following clauses:

14. Conduct of meetings

- (1) Subject to this Act, the Board may regulate the calling of, and the conduct of business at, its meetings as it considers appropriate.
- (2) The Board may permit members to participate in a particular meeting or all meetings by –

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Part 4 – Teachers Registration Act 2000 Amended

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- (a) telephone; or
 - (b) video conference; or
 - (c) any other means of communication approved by the Board.
- (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 Board may allow a person to attend a meeting for the purpose of advising or informing it on any matter.

14A. Registrar is to attend meetings

- (1) Subject to subclause (4), the Registrar is to attend meetings of the Board.
- (2) At a meeting of the Board, the Registrar is to provide information and advice as requested by the Board.
- (3) The Registrar may not vote at a meeting of the Board.

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- (4) Despite subclause (1), the Board may meet in the absence of the Registrar.

14B. Resolutions without meetings

- (1) If all 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 Board 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.
- (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) given 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.

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Part 5 – Administrative Arrangements Order (No. 2) 2021 Amended

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**PART 5 – ADMINISTRATIVE ARRANGEMENTS
ORDER (NO. 2) 2021 AMENDED**

157. Principal Order

In this Part, the *Administrative Arrangements Order (No. 2) 2021** is referred to as the Principal Order.

158. Schedule 1 amended (Administration of enactments)

Schedule 1 to the Principal Order is amended by omitting

Office of Tasmanian Assessment, Standards and Certification Act 2003

from Part 9 and substituting:

Tasmanian Assessment, Standards and Certification Act 2003

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Part 6 – Building Regulations 2016 Amended

PART 6 – BUILDING REGULATIONS 2016 AMENDED

159. Principal Regulations

In this Part, the *Building Regulations 2016** are referred to as the Principal Regulations.

160. Regulation 3 amended (Interpretation)

The definition of *educational institution* in regulation 3(1) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) “*Education Act 1994*” and substituting “*Education Act 2016*”;
- (b) by omitting paragraph (b).

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Part 7 – Collections for Charities (Approved Organisations) Order 2002
Amended

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**PART 7 – COLLECTIONS FOR CHARITIES
(APPROVED ORGANISATIONS) ORDER 2002
AMENDED**

161. Principal Order

In this Part, the *Collections for Charities (Approved Organisations) Order 2002** is referred to as the Principal Order.

162. Schedule 1 amended (Approved Organisations)

Schedule 1 to the Principal Order is amended by omitting “*Education Act 1994*” from column 2 of item 3 and substituting “*Education Act 2016*”.

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Part 8 – Education Regulations 2017 Amended

**PART 8 – EDUCATION REGULATIONS 2017
AMENDED**

163. Principal Regulations

In this Part, the *Education Regulations 2017** are referred to as the Principal Regulations.

164. Schedule 3 amended (Standards for Registration of New Individual Non-government Schools)

Clause 4(5)(a) of Schedule 3 to the Principal Regulations is amended by omitting subparagraph (i) and substituting the following subparagraph:

- (i) the Tasmanian Assessment, Standards and Certification Board as established under section 7 of the *Tasmanian Assessment, Standards and Certification Act 2003*; or

165. Schedule 4 amended (Standards for Renewal of Registration of Registered Individual Schools)

Clause 4(5)(a) of Schedule 4 to the Principal Regulations is amended by omitting subparagraph (i) and substituting the following subparagraph:

- (i) the Tasmanian Assessment, Standards and Certification Board as established

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under section 7 of the *Tasmanian
Assessment, Standards and Certification
Act 2003*; or

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s. 166 Part 9 – Education and Care Services National Law (Application) Act 2011
Amended

**PART 9 – EDUCATION AND CARE SERVICES
NATIONAL LAW (APPLICATION) ACT 2011
AMENDED**

166. Principal Act

In this Part, the *Education and Care Services National Law (Application) Act 2011** is referred to as the Principal Act.

167. Section 9 amended (Regulatory Authority)

Section 9 of the Principal Act is amended by omitting “*Education Act 1994*” and substituting “*Education Act 2016*”.

168. Section 10 amended (Children’s services law)

Section 10(2) of the Principal Act is amended by omitting “*Education Act 1994*” and substituting “*Education Act 2016*”.

169. Section 11 amended (Education law)

Section 11(a) of the Principal Act is amended by omitting “*Education Act 1994*” and substituting “*Education Act 2016*”.

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Part 10 – Office of Tasmanian Assessment, Standards and Certification (Fees) **s. 170**
Regulations 2013 Amended

**PART 10 – OFFICE OF TASMANIAN ASSESSMENT,
STANDARDS AND CERTIFICATION (FEES)
REGULATIONS 2013 AMENDED**

170. Principal Regulations

In this Part, the *Office of Tasmanian Assessment, Standards and Certification (Fees) Regulations 2013** are referred to as the Principal Regulations.

171. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended as follows:

- (a) by omitting “*Office of Tasmanian Assessment, Standards and Certification Act 2003*” from the definition of *Act* and substituting “*Tasmanian Assessment, Standards and Certification Act 2003*”;
- (b) by omitting “chief executive officer” from the definition of *basic-level setting task* and substituting “Board”;
- (c) by omitting “chief executive officer” from the definition of *complex-level setting task* and substituting “Board”;
- (d) by omitting “Office” from the definition of *critic* and substituting “Board”;

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(Fees) Regulations 2013 Amended

- (e) by omitting “Office” from the definition of *marker* and substituting “Board”;
- (f) by omitting “Office” from the definition of *marking coordinator* and substituting “Board”;
- (g) by omitting “Office” from the definition of *setting examiner* and substituting “Board”;
- (h) by omitting “Office” from the definition of *supervisor* and substituting “Board”;
- (i) by omitting “Office” from the definition of *supervisor coordinator* and substituting “Board”;
- (j) by omitting “Office” from the definition of *support supervisor* and substituting “Board”.

172. Regulation 5 amended (Fees payable in relation to examinations)

Regulation 5(1)(a) of the Principal Regulations is amended by omitting “Office” and substituting “Board”.

173. Schedule 2 amended (Fees Relating to Examinations)

Schedule 2 to the Principal Regulations is amended as follows:

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Regulations 2013 Amended

- (a) by omitting “office” from column 2 of paragraph (b) of item 4 in the table and substituting “Board”;
- (b) by omitting “office” from column 2 of paragraph (e) of item 7 in the table and substituting “Board”.

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Part 11 – Radiation Protection Regulations 2016 Amended

**PART 11 – RADIATION PROTECTION
REGULATIONS 2016 AMENDED**

174. Principal Regulations

In this Part, the *Radiation Protection Regulations 2016** are referred to as the Principal Regulations.

175. Regulation 47 amended (Exemptions for radiation sources used in educational institutions)

The definition of *educational institution* in regulation 47(1) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) “*Education Act 1994*” and substituting “*Education Act 2016*”;
- (b) by omitting paragraph (b).

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Part 12 – Registration to Work with Vulnerable People Regulations 2014
Amended

s. 176

**PART 12 – REGISTRATION TO WORK WITH
VULNERABLE PEOPLE REGULATIONS 2014
AMENDED**

176. Principal Regulations

In this Part, the *Registration to Work with Vulnerable People Regulations 2014** are referred to as the Principal Regulations.

177. Regulation 4J amended (Child education service (non-government schools) – regulated activity)

Regulation 4J(1) of the Principal Regulations is amended by omitting “part 5 of the *Education Act 1994*” from the definition of *child education service (non-government schools)* and substituting “Division 3 of Part 6 of the *Education Act 2016*”.

178. Regulation 4N amended (Child education service (government schools) – regulated activity)

The definition of *child education service (government schools)* in regulation 4N(1) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) “*Education Act 1994*” and substituting “*Education Act 2016*”;

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s. 178 Part 12 – Registration to Work with Vulnerable People Regulations 2014
Amended

- (b) by omitting from paragraph (b) “, a college as defined in the *Education and Training (Tasmanian Academy) Act 2008*,”.

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Part 13 – Training and Workforce Development Act 2013 Amended

s. 179

**PART 13 – TRAINING AND WORKFORCE
DEVELOPMENT ACT 2013 AMENDED**

179. Principal Act

In this Part, the *Training and Workforce Development Act 2013** is referred to as the Principal Act.

180. Section 4 amended (Interpretation)

Section 4(1) of the Principal Act is amended by omitting “*Education Act 1994*” from paragraph (a) of the definition of *person* and substituting “*Education Act 2016*”.

181. Section 57 amended (Functions of TasTAFE)

Section 57 of the Principal Act is amended as follows:

- (a) by omitting “*Education Act 1994*” from the definition of *education provider* in subsection (1) and substituting “*Education Act 2016*”;
- (b) by omitting from subsection (2)(h) “*Education Act 1994*” and substituting “*Education Act 2016*”.

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s. 182 Part 13 – Training and Workforce Development Act 2013 Amended

182. Section 86 amended (Fees, levies and charges)

Section 86 of the Principal Act is amended as follows:

- (a) by omitting “section 47B of the *Education Act 1994*” from the definition of *post-Year 10 education and training* in subsection (1) and substituting “section 96 of the *Education Act 2016*”;
- (b) by omitting from subsection (3)(a) “section 47B(2) of the *Education Act 1994*” and substituting “section 96(2) of the *Education Act 2016*”.

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Part 14 – Vocational Education and Training (Commonwealth Powers) Act 2011 Amended **s. 183**

**PART 14 – VOCATIONAL EDUCATION AND
TRAINING (COMMONWEALTH POWERS) ACT 2011
AMENDED**

183. Principal Act

In this Part, the *Vocational Education and Training (Commonwealth Powers) Act 2011** is referred to as the Principal Act.

184. Section 11 amended (Provision of information and assistance to National VET Regulator)

Section 11 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Office of Tasmanian Assessment, Standards and Certification” first occurring and substituting “Tasmanian Assessment, Standards and Certification Board”;
- (b) by omitting from subsection (1) “Office” second occurring and substituting “Board”;
- (c) by omitting from subsection (1) “Office’s” and substituting “Board’s”;
- (d) by omitting from subsection (1)(a) “Office of Tasmanian Assessment, Standards and Certification” and

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s. 184 Part 14 – Vocational Education and Training (Commonwealth Powers) Act
2011 Amended

- substituting “Tasmanian Assessment,
Standards and Certification Board”;
- (e) by omitting the definition of *Office of
Tasmanian Assessment, Standards and
Certification* from subsection (2);
- (f) by omitting “Commonwealth.” from the
definition of *National VET Regulator* in
subsection (2) and substituting
“Commonwealth;”;
- (g) by inserting the following definition after
the definition of *National VET Regulator*
in subsection (2):

***Tasmanian Assessment, Standards
and Certification Board*** means
the Tasmanian Assessment,
Standards and Certification Board
established by section 7 of the
*Tasmanian Assessment,
Standards and Certification Act
2003*.

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Part 15 – Miscellaneous

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PART 15 – MISCELLANEOUS

185. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

*[Second reading presentation speech made in:–
House of Assembly on 11 November 2021
Legislative Council on 23 March 2022]*