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**TASMANIAN STATE TRAINING AUTHORITY ACT  
1994**

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**No. 46 of 1994**

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**SCHEDULE 1**

**PROVISIONS WITH RESPECT TO MEMBERSHIP AND MEETINGS OF TRAINING  
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**SCHEDULE 2**

**PROVISIONS WITH RESPECT TO MEMBERSHIP AND MEETINGS OF  
COMMITTEES**





**TASMANIAN STATE TRAINING AUTHORITY ACT  
1994**

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**No. 46 of 1994**

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**AN ACT to establish the Tasmanian State Training Authority and to promote the development in Tasmania of a national vocational education and training system in conjunction with the Australian National Training Authority**

**[Royal Assent 25 August 1994]**

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**PART 1  
PRELIMINARY**

**Short title**

**1**—This Act may be cited as the *Tasmanian State Training Authority Act 1994*.

### Commencement

2—This Act commences on a day to be proclaimed.

### Act prevails

3—If any provision of the *Industrial and Commercial Training Act 1985* is inconsistent with this Act, this Act prevails over the inconsistent provision.

### Interpretation

4—In this Act—

“**Accreditation and Recognition Committee**” means the Tasmanian Accreditation and Recognition Committee established under section 18;

“**advisory committee**” means a committee established under section 21;

“**ANTA**” means the Australian National Training Authority established under the *Australian National Training Authority Act 1992* of the Commonwealth;

“**award**” means a certificate certifying that a person specified in the certificate has successfully completed a training course;

“**competency**” means the ability to apply specified knowledge and skill to the standard of performance required in employment;

“**Ministerial Council**” means the Ministerial Council consisting of Ministers from each State and Territory of the Commonwealth and from the Commonwealth responsible for vocational education and training;

“**National Strategic Plan**” means the plan agreed to by the Commonwealth and the States to provide national direction for the development of vocational education and training;

“**registered training provider**” means a training provider registered under section 22;

“**Secretary**” means the Secretary of the Department;

“**State Training Profile**” means a profile for the provision and support of vocational education and training;

- “**State training system**” means a system relating to the planning, implementation, evaluation of vocational education and training in this State;
- “**training agreement**” means an agreement or contract between an employer and a trainee that specifies a training arrangement in a vocation;
- “**Training Agreements Committee**” means the Tasmanian Training Agreements Committee established under section 15;
- “**Training Authority**” means the Tasmanian State Training Authority established under section 7;
- “**training course**” means a course or programme of sequential training;
- “**vocational education and training**” means post-compulsory education and training, excluding secondary education or university education, as specified in section 5.

### Vocational education and training

- 5—(1) Vocational education and training is to be—
- (a) directed to the development of vocational competencies; and
  - (b) in preparation for, or directed to, the enhancement of opportunities to undertake vocational education and training; and
  - (c) structured to integrate the principles of equity and fairness.
- (2) Vocational education and training includes—
- (a) vocational education and training provided by the State; and
  - (b) accredited vocational education and training provided by private training providers; and
  - (c) accredited training provided by employers in the workplace; and
  - (d) training programmes under the *Industrial and Commercial Training Act 1985*; and
  - (e) adult and community education; and

- (f) literacy, language, numeracy and basic education; and
- (g) preparatory, access or bridging courses; and
- (h) personal development activities.

### **Implementation of State Training Profiles**

6—(1) The Minister is to ensure that any State Training Profile approved by the Ministerial Council is implemented.

(2) If there is an unresolved dispute between the Training Authority and ANTA, the Minister is to refer the dispute to the Ministerial Council.

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## **PART 2**

### **TASMANIAN STATE TRAINING AUTHORITY**

#### ***Division 1—Establishment of Tasmanian State Training Authority***

#### **Tasmanian State Training Authority**

7—(1) There is established a Tasmanian State Training Authority consisting of 9 members appointed by the Minister of whom—

- (a) 2 are persons selected from nominations submitted by organizations representing employers; and
- (b) 2 are persons selected from nominations submitted by organizations representing employees; and
- (c) 4 are persons who collectively have—
  - (i) experience in vocational education, commercial training or industrial training; and
  - (ii) knowledge of a range of industries; and
  - (iii) knowledge of industry training needs in the State; and
- (d) one is the Secretary.



(2) The Minister is to advertise in daily newspapers for expressions of interest for membership of the Training Authority.

(3) In appointing the members of the Training Authority, the Minister is to take into account, as far as practicable, representation from—

- (a) all regions of the State; and
- (b) males and females; and
- (c) a wide range of industries.

(4) The Minister is to appoint one of the members as chairperson of the Training Authority.

(5) If a nomination is not made under subsection (1) when required, the Minister may appoint a suitable person without a nomination.

(6) Schedule 1 has effect with respect to membership and meetings of the Training Authority.

### **Functions and powers of Training Authority**

**8—(1)** The Training Authority has the following functions:—

- (a) to advise the Minister on matters relating to the State training system;
- (b) to advise the Minister on capital works planning in relation to the State training system;
- (c) to inquire into and undertake research and make reports on the development of vocational education and training policies, programmes and services;
- (d) to develop vocational education and training policies, programmes and services;
- (e) to oversee the implementation of national policy agreements;
- (f) to develop State Training Profiles consistent with the National Strategic Plan;
- (g) to ensure that the planning, provision and regulation of the State training system is in accordance with State Training Profiles and consistent with the National Strategic Plan;

- (h) to promote and encourage the provision of vocational education and training by industry and private training providers;
- (i) to establish and maintain a consultative process with relevant bodies and associations and other interested persons;
- (j) any other function the Minister, by notice in writing, directs.

(2) The Training Authority may enter into any agreement with any person or body to enable it to carry out its functions.

(3) The Training Authority has power to do anything that is necessary or convenient to perform its functions.

### **Delegation by Training Authority**

9—(1) The Training Authority, with the approval of the Minister, may, in writing, delegate any of its functions or powers, other than its power of delegation, to any person or body.

(2) The terms and conditions of a delegation are to be approved by the Minister.

### **Assistance to Training Authority**

10—The Secretary may make arrangements for persons employed in the Department to assist the Training Authority in its functions and powers under this Act.

## *Division 2—Financial and reporting provisions*

### **Payment of funds to ANTA**

11—The Minister may make payments to ANTA in accordance with any arrangements the Ministerial Council approves.

### **Payment of funds from ANTA**

12—The Minister is to ensure that any payments made by ANTA to the State in respect of State Training Profiles are applied for expenditure relating to vocational education and training, including national programmes, national projects and capital works.

### **Receipt of other funds**

13—(1) The Minister may receive money, fees, contributions, gifts, donations and bequests from any source on behalf of the Training Authority.

(2) Any money received under subsection (1) is to be applied for the purposes for which it was made available.

### **Annual report**

14—(1) The Training Authority is to submit to the Minister by 31 March in each year a report of its activities during the 12 months ending on 31 December in the previous year.

(2) On receipt of the report, the Minister is to forward a copy of the report to ANTA.

## ***Division 3—Committees***

### **Tasmanian Training Agreements Committee**

15—(1) There is established the Tasmanian Training Agreements Committee consisting of 6 members appointed by the Minister of whom—

- (a) one is a member of the Training Authority; and
- (b) 2 are persons selected from nominations submitted by organizations representing employers; and
- (c) 2 are persons selected from nominations submitted by organizations representing employees; and
- (d) one is a person selected from nominations submitted by the Secretary.

(2) The Minister is to appoint one of the members as chairperson of the Training Agreements Committee.

(3) If a nomination is not made under subsection (1) when required, the Minister may appoint a suitable person without a nomination.

(4) If a member of the Training Agreements Committee is absent from office for any cause, the Minister, on the nomination of the relevant person or body, may appoint a person to act in the office of that member during that absence.

(5) Schedule 2 has effect with respect to membership and meetings of the Training Agreements Committee.

### **Functions and powers of Training Agreements Committee**

**16—(1)** The Training Agreements Committee has the following functions:—

- (a) to advise the Training Authority on matters relating to training agreements;
- (b) to administer training agreements;
- (c) to issue guidelines for the operation of training agreements;
- (d) to establish procedures and systems in respect of its functions as required and approved by the Training Authority;
- (e) any other function the Training Authority, by notice in writing, directs.

**(2)** The Training Agreements Committee—

- (a) with the approval of the Training Authority, may enter into reciprocal agreements with other bodies in relation to training agreements; and
- (b) has the power to do anything necessary or convenient to perform its functions.

### **Delegation by Training Agreements Committee**

17—(1) The Training Agreements Committee, with the approval of the Training Authority, may, in writing, delegate any of its functions or powers, other than its power of delegation, to any person or body.

(2) The terms and conditions of a delegation are to be approved by the Training Authority.

### **Tasmanian Accreditation and Recognition Committee**

18—(1) There is established the Tasmanian Accreditation and Recognition Committee consisting of 9 persons appointed by the Minister of whom—

- (a) one is a member of the Training Authority; and
- (b) one is a person with qualifications or expertise in the area of curriculum selected from nominations submitted by the Secretary; and
- (c) one is a person selected from nominations submitted by the Schools Board of Tasmania; and
- (d) one is a person selected from nominations submitted by the University of Tasmania; and
- (e) two are persons selected from nominations submitted by organizations representing employers; and
- (f) two are persons selected from nominations submitted by organizations representing employees; and
- (g) one is a person with an understanding of the goals and needs of industry training boards.

(2) If a nomination is not made under subsection (1) when required, the Minister may appoint a suitable person without a nomination.

(3) The Minister is to appoint one of the members as chairperson of the Accreditation and Recognition Committee.

(4) If a member of the Accreditation and Recognition Committee is absent from office for any cause, the Minister, after consultation with the relevant person or body, may appoint a person to act in the office of that member during that absence.

(5) Schedule 2 has effect with respect to the membership and meetings of the Accreditation and Recognition Committee.

**Functions and powers of Accreditation and Recognition Committee**

**19—(1)** The Accreditation and Recognition Committee has the following functions:—

- (a) to accredit vocational education and training courses;
- (b) to liaise with authorities and bodies in respect of the accreditation of courses and the registration of training providers;
- (c) to establish a system of recognition of accredited courses;
- (d) to approve awards to be issued for accredited vocational education and training courses;
- (e) to ensure consistency in the naming of such awards;
- (f) to advise the Training Authority on matters relating to the functions of the Accreditation and Recognition Committee;
- (g) to establish procedures and systems in respect of its functions as required and approved by the Training Authority;
- (h) any other function the Training Authority, by notice in writing, directs.

**(2)** The Accreditation and Recognition Committee—

- (a) with the approval of the Training Authority, may enter into reciprocal arrangements with other accreditation, recognition and registration bodies; and
- (b) has power to do anything that is necessary or convenient to perform its functions.

**Delegation by Accreditation and Recognition Committee**

**20—(1)** The Accreditation and Recognition Committee, with the approval of the Training Authority, may, in writing, delegate any of its functions or powers, other than its power of delegation, to any person or body.

**(2)** The terms and conditions of a delegation are to be approved by the Training Authority.

**Advisory committees**

21—(1) The Minister may—

- (a) establish any advisory committee to assist the Training Authority, the Accreditation and Recognition Committee or the Training Agreements Committee in the performance of any functions and exercise of any powers under this Act; or
- (b) declare that a body is an advisory committee for the purpose of paragraph (a).

(2) The Minister may appoint persons as members of an advisory committee established under subsection (1) (a) on any terms and conditions the Minister considers appropriate.

(3) The Minister may—

- (a) abolish an advisory body established under subsection (1) (a); or
- (b) revoke a declaration made under subsection (1) (b).

***Division 4—Registered training providers*****Registration of providers**

22—(1) A person or body must not provide accredited vocational education and training courses unless registered under this section.

Penalty: Fine not exceeding 10 penalty units.

(2) A person or body may apply to the Accreditation and Recognition Committee to be a registered training provider.

(3) An application is to be—

- (a) in a form approved by the Accreditation and Recognition Committee; and
- (b) accompanied by the prescribed fee.

(4) The Accreditation and Recognition Committee may—

- (a) grant an application, with or without conditions; or
- (b) refuse to grant an application.

(5) In determining whether or not to grant an application for registration, the Accreditation and Recognition Committee is to have regard to the following:—

- (a) the legal and financial status of the applicant;
- (b) the qualifications of the staff employed by the applicant;
- (c) the premises and equipment to be used;
- (d) any code of practice used by the applicant;
- (e) the accredited training proposed to be provided.

(6) The Accreditation and Recognition Committee, by notice in writing, is to notify the applicant of—

- (a) the grant of the application; or
- (b) the refusal to grant the application and the reasons for the refusal.

### **Certificate of registration**

23—(1) On the grant of an application under section 22, the Accreditation and Recognition Committee is to issue the person or body with a certificate of registration.

(2) A certificate of registration remains in force for the period specified in the certificate unless it sooner ceases to have effect under section 25.

### **Provision of courses**

24—A registered training provider may—

- (a) provide accredited vocational education and training courses as authorized by the Accreditation and Recognition Committee; and
- (b) conduct assessments for those courses; and
- (c) issue awards approved by the Accreditation and Recognition Committee for successful completion of those courses.



### Revocation of registration

25—(1) The Accreditation and Recognition Committee, by notice in writing served on a training provider, may revoke the registration of the training provider if satisfied that—

- (a) any matter referred to in section 22 (5) is no longer adequate or sufficient to permit the training provider to continue to be registered; or
- (b) the training provider has not complied with any condition of the registration.

(2) A notice of revocation must state that a person may apply to the Training Authority to carry out an inquiry under section 30.

(3) A revocation of registration takes effect—

- (a) if an application has not been lodged under section 30, 14 days after the date of service of a notice under subsection (1); or
  - (b) if an application has been lodged under section 30, and subject to any decision made under section 30 (6)—
    - (i) at the expiration of 3 months after the application was lodged; or
    - (ii) on the completion of the inquiry—
- whichever occurs first.

(4) On the revocation of the registration of a training provider—

- (a) the certificate of registration ceases to have effect; and
- (b) the training provider is to return the certificate to the Accreditation and Recognition Committee.

### *Division 5—Accredited courses and awards*

#### Application for accreditation of courses

26—(1) A person or body may apply to the Accreditation and Recognition Committee for the accreditation of a vocational education and training course.

(2) An application is to be—

- (a) in a form approved by the Accreditation and Recognition Committee; and
- (b) accompanied by the prescribed fee.

- (3) The Accreditation and Recognition Committee may—
- (a) grant an application, with or without conditions; or
  - (b) refuse to grant an application.

(4) In determining whether or not to grant an application for accreditation of a vocational education and training course, the Accreditation and Recognition Committee may have regard to the following:—

- (a) any relevant competency standards endorsed by national or State standards bodies;
- (b) the purpose and level of the course;
- (c) the curriculum and assessment methods of the course;
- (d) the award proposed to be provided for successful completion of the course;
- (e) the views of relevant industry bodies;
- (f) the likelihood of the course achieving the purpose for which it was introduced.

(5) The Accreditation and Recognition Committee, by notice in writing, is to notify the applicant of—

- (a) the grant of the application; or
- (b) the refusal to grant the application and the reasons for the refusal.

### **Certificate of accreditation**

27—(1) On the grant of an application under section 26, the Accreditation and Recognition Committee is to issue the person or body with a certificate of accreditation.

(2) A certificate of accreditation—

- (a) is to specify the course or courses to which the accreditation applies; and
- (b) remains in force for the period specified in the certificate unless it sooner ceases to have effect under section 28.

### Revocation of accreditation

28—(1) The Accreditation and Recognition Committee, by notice in writing, may revoke the accreditation of a vocational education and training course if satisfied that any matter referred to in section 26 (4) is no longer adequate or sufficient to justify the course being accredited.

(2) A notice of revocation must state that a person may apply to the Training Authority to carry out an inquiry under section 30.

(3) A revocation of accreditation takes effect—

(a) if an application has not been lodged under section 30, 14 days after the date of service of a notice under subsection (1); or

(b) if an application has been lodged under section 30, and subject to any decision made under section 30 (6)—

(i) at the expiration of 3 months after the application was lodged; or

(ii) on the completion of the inquiry—

whichever occurs first.

(4) On the revocation of the accreditation of a vocational education and training course—

(a) the certificate of accreditation ceases to have effect; and

(b) the person or body providing the course is to return the certificate to the Accreditation and Recognition Committee; and

(c) approval to deliver the course is withdrawn.

### Awards

29—(1) The Accreditation and Recognition Committee may determine and approve the types of awards to be given to persons completing accredited vocational education and training courses.

(2) A person must not give an award determined and approved by the Accreditation and Recognition Committee in respect of any training or vocational course that is not accredited by that Committee.

Penalty: Fine not exceeding 10 penalty units.

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**PART 3****MISCELLANEOUS****Inquiries**

**30—(1)** Any person affected or likely to be affected by any decision of the Accreditation and Recognition Committee or Training Agreements Committee may apply to the Training Authority to carry out an inquiry into—

(a) the decision of the Accreditation and Recognition Committee in relation to—

(i) the accreditation or failure to accredit any vocational education and training course; or

(ii) the registration or refusal to register a person as a training provider; or

(iii) the revocation of accreditation or registration; or

(b) the decision of the Training Agreements Committee in relation to—

(i) entering or not entering into any reciprocal agreement in relation to training agreements; or

(ii) anything done in connection with such an agreement.

(2) An application under subsection (1) is to be—

(a) in writing; and

(b) lodged with the Training Authority within 14 days after the decision is notified or made known to the person; and

(c) accompanied by the prescribed fee.

(3) The Training Authority, on its own motion, may carry out an inquiry into any decision made by the Accreditation and Recognition Committee or the Training Agreements Committee.

(4) The Training Authority is to commence an inquiry within 2 months after an application under this section is lodged.

(5) In carrying out an inquiry, the Training Authority has the same powers as if it were a board of inquiry appointed under Division 2 of Part II of the *Evidence Act 1910*.

(6) After carrying out an inquiry, the Training Authority may make any decision it considers appropriate.

## Inspections

**31—(1)** The Training Authority, by certificate of authority, may authorize a person at any reasonable time—

- (a) to require any person to produce any records or documents relating to the provision of accredited vocational education and training; and
- (b) to make copies of, or take extracts from, any such records or documents; and
- (c) to seize any such records or documents; and
- (d) to require any person to answer any question or provide any information with respect to such documents or records; and
- (e) to require any person to give any assistance reasonably necessary to carry out any of the powers referred to in this subsection.

(2) A person may only exercise any of the powers referred to in subsection (1) on the production of the certificate of authority.

(3) A requirement to produce records or documents includes a requirement to—

- (a) produce, in a written form, records or documents which are recorded or stored by any mechanical, electronic or other means; or
- (b) provide a document containing a clear reproduction in writing of the matters in the records or documents.

(4) A person must not—

- (a) delay, hinder, prevent or obstruct a person from lawfully exercising any powers in this section; or
- (b) without reasonable excuse, fail to comply with a requirement made under this section.

Penalty: Fine not exceeding 10 penalty units.

## Search warrants

**32—(1)** A person authorized under section 31, with the consent of the Training Authority, may apply to a justice for the issue of a search warrant if the person believes on reasonable grounds that the provisions of this Act are being contravened.

(2) The grounds of an application for a warrant must be verified by affidavit.

(3) The justice, if satisfied that there are reasonable grounds, may issue a search warrant authorizing the person named in the warrant and any assistants to enter the premises specified in the warrant for the purpose of searching for any records or documents relating to the provision of accredited vocational education and training.

(4) A person who executes a warrant must, as soon as practicable after the execution of the warrant—

(a) prepare a notice containing—

(i) his or her name and a statement that he or she is authorized by the Training Authority under section 31; and

(ii) the name of the justice who issued the warrant and the date and time of its issue; and

(iii) a description of the premises to which the warrant relates and of the authority conferred by the warrant; and

(b) give the notice to the occupier or person apparently in charge of the premises in respect of which the warrant was issued or leave it in a prominent position on the premises.

(5) A warrant expires if it has not been executed by the end of one month after the day on which it was issued.

#### **Declaration of interest.**

33—(1) A member of the Training Authority or any committee who has any direct or indirect pecuniary interest in any matter being considered by the Training Authority or that committee—

(a) must declare that interest to the Training Authority; and

(b) must not participate at any meeting while the matter is being considered.

(2) A member has an interest in a matter if the person or a member of that person's family would receive, or would have a reasonable expectation of receiving, a direct or indirect pecuniary benefit or detriment if the matter were decided in a particular manner.

- (3) In this section, “committee” means—
- (a) the Training Agreements Committee; and
  - (b) the Accreditation and Recognition Committee; and
  - (c) any advisory committee established under section 21.

### **Exemptions from payment of fees**

34—The Minister may exempt any applicant from the payment of all or part of a fee if satisfied that it is equitable or appropriate to do so in the circumstances.

### **Records and reports**

35—The Training Agreements Committee, the Accreditation and Recognition Committee and advisory committees are each to—

- (a) keep full and accurate records of their activities; and
- (b) provide the Training Authority by 31 January in each year a report of their activities during the 12 months ending on 31 December in the previous year.

### **Immunity from liability**

36—The following persons are not personally liable for an honest act or omission done or made in the exercise or purported exercise of a power or the performance or purported performance of a function under this Act:—

- (a) a member of the Training Authority;
- (b) a member of the Accreditation and Recognition Committee;
- (c) a member of the Training Agreements Committee;
- (d) a member of an advisory committee.

### **False and misleading statements**

**37**—A person must not, in giving any information under this Act—

- (a) make a statement knowing it to be false or misleading;  
or
- (b) omit any matter from a statement knowing that without that matter the statement is misleading.

Penalty: Fine not exceeding 50 penalty units.

### **Regulations**

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

(2) The regulations may—

- (a) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and
- (b) in respect of such an offence, provide for the imposition of a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

### **Expenses of Act**

**39**—(1) The expenses incurred in the administration of this Act are to be paid out of money to be provided by Parliament for that purpose.

(2) All fees and penalties received under this Act are to be paid into the Consolidated Fund.



**Administration of Act**

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

- (a) the administration of this Act is assigned to the Minister for Industrial Relations and Training; and
  - (b) the Department responsible to the Minister for Industrial Relations and Training in relation to the administration of this Act is the Department of Industrial Relations, Vocational Education and Training.
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**SCHEDULE 1**

Section 7 (6)

**PROVISIONS WITH RESPECT TO MEMBERSHIP AND MEETINGS OF  
TRAINING AUTHORITY**

**Interpretation**

1—In this Schedule, “**member**” means a member of the Training Authority.

**Term of office**

2—A member, other than the Secretary, is to be appointed for such period, not exceeding 3 years, as is specified in the member’s instrument of appointment.

**Holding other office**

3—The holder of an office who is required under any Act 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.

**Remuneration of members**

4—A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister determines.

**Vacation of office**

5—(1) A member, other than the Secretary, 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—

- (a) is absent from 3 consecutive meetings of the Training Authority without the permission of the Training Authority; or
- (b) 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
- (c) is convicted, in Tasmania or elsewhere, of a crime or an offence punishable by imprisonment for 12 months or longer.

(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.

### **Filling of vacancies**

6—(1) If the office of a member referred to in paragraph (a) or (b) of section 7 (1) becomes vacant, the Minister may appoint a person to the vacant office selected from nominations received under those paragraphs for the remainder of that member's term of office.

(2) If the office of a member referred to in section 7 (1) (c) becomes vacant, the Minister may appoint a suitable person to the vacant office for the remainder of that member's term of office.

### **Convening of meetings**

7—The chairperson—

- (a) may convene a meeting of the Training Authority at any time; and
- (b) if requested in writing by 4 other members or directed by the Minister, must convene a meeting within 14 days of the request.

### **Procedure at meetings**

8—(1) The quorum at any duly convened meeting of the Training Authority is 5 members.

(2) Any duly convened meeting of the Training Authority at which a quorum is present is competent to transact any business of the Training Authority.

(3) Questions arising at a meeting of the Training Authority are to be determined by a majority of votes of the members present and voting.

(4) A telephone or video conference between members is a meeting of the Training Authority at which the members participating in the conference are present.

### **Chairperson**

9—(1) The chairperson of the Training Authority is to preside at all meetings of the Training Authority.

(2) If the chairperson of the Training Authority is not present at a meeting of the Training Authority a member elected by the members present is to preside at that meeting.

(3) The person presiding at a meeting of the Training Authority has a deliberative vote and, in the event of an equality of votes, also a casting vote.

### **Minutes**

10—The Training Authority is to cause full and accurate minutes to be kept of its proceedings at meetings.

### **General procedure**

11—Subject to this Schedule, the procedure for the calling of, and for the conduct of business at, meetings of the Training Authority is as determined by the Training Authority.

### Validity of proceedings

12—(1) An act or proceeding of the Training Authority or of a person acting under the direction of the Training Authority is not invalid by reason only that at the time when the act or proceeding was done, taken or commenced there was a vacancy in the membership of the Training Authority.

(2) An act or proceeding of the Training Authority or of a person acting under the direction of the Training Authority is valid even if—

- (a) the appointment of a member of the Training Authority was defective; or
- (b) a person appointed as a member of the Training Authority was disqualified from acting as, or incapable of being, such a member.

### Presumptions

13—In any proceedings by or against the Training Authority, unless evidence is given to the contrary, proof is not required of—

- (a) the constitution of the Training Authority; or
  - (b) any resolution of the Training Authority; or
  - (c) the appointment of any member; or
  - (d) the presence of a quorum at any meeting of the Training Authority.
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**SCHEDULE 2**

Sections 15 (5) and 18 (5)

**PROVISIONS WITH RESPECT TO MEMBERSHIP AND MEETINGS OF COMMITTEES**

**Interpretation**

1—In this Schedule—

“Committee” means—

(a) the Training Agreements Committee; and

(b) the Accreditation and Recognition Committee;

“member” means a member of either Committee.

**Term of office**

2—A member is to be appointed for such period, not exceeding 3 years, as is specified in the member’s instrument of appointment.

**Holding other office**

3—The holder of an office who is required under any Act 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.

**Remuneration of members**

4—A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister determines.

**Vacation of office**

5—(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—

- (a) is absent from 3 consecutive meetings of a Committee without the permission of that Committee; or
- (b) 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
- (c) is convicted, in Tasmania or elsewhere, of a crime or an offence punishable by imprisonment for 12 months or longer.

(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.

### Filling of vacancies

6—(1) If the office of a member referred to in paragraph (b), (c) or (d) of section 15 (1) or paragraph (b), (c), (d), (e) or (f) of section 18 (1) becomes vacant, the Minister may appoint a person to the vacant office selected from nominations received under those paragraphs for the remainder of that member's term of office.

(2) If the office of a member referred to in section 18 (1) (g) becomes vacant, the Minister may appoint a suitable person to the vacant office for the remainder of that member's term of office.

### Convening of meetings

7—The chairperson—

- (a) may convene a meeting of a Committee at any time; and
- (b) if requested in writing by 2 other members or directed by the Minister, must convene a meeting within 14 days of the request.

**Procedure at meetings**

8—(1) The quorum at any duly convened meeting of—

(a) the Training Agreements Committee is 4 members;  
and

(b) the Accreditation Recognition Committee is  
5 members.

(2) Any duly convened meeting of a Committee at which a quorum is present is competent to transact any business of the Committee.

(3) Questions arising at a meeting of a Committee are to be determined by a majority of votes of the members present and voting.

(4) A telephone or video conference between members is a meeting of a Committee at which the members participating in the conference are present.

**Chairperson**

9—(1) The chairperson of a Committee is to preside at all meetings of the Committee.

(2) If the chairperson of a Committee is not present at a meeting of that Committee a member elected by the members present is to preside at that meeting.

(3) The person presiding at a meeting of a Committee has a deliberative vote and, in the event of an equality of votes, also a casting vote.

**Minutes**

10—A Committee is to cause full and accurate minutes to be kept of its proceedings at meetings .

**General procedure**

11—Subject to this Schedule, the procedure for the calling of, and for the conduct of business at, meetings of a Committee is as determined by that Committee.



### Validity of proceedings

12—(1) An act or proceeding of a Committee or of a person acting under the direction of a Committee is not invalid by reason only that at the time when the act or proceeding was done, taken or commenced there was a vacancy in the membership of the Committee.

(2) An act or proceeding of a Committee or of a person acting under the direction of a Committee is valid even if—

- (a) the appointment of a member of that Committee was defective; or
- (b) a person appointed as a member of that Committee was disqualified from acting as, or incapable of being, such a member.

### Presumptions

13—In any proceedings by or against a Committee, unless evidence is given to the contrary, proof is not required of—

- (a) the constitution of the Committee; or
- (b) any resolution of the Committee; or
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting of the Committee.

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*[Second reading presentation speech made in:—  
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