

I certify that this is a copy of the authorised version of this Act as at 1 July 2023, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2023.

K Woodward
Chief Parliamentary Counsel
Dated 14 July 2023



TASMANIA

TASMANIAN ASSESSMENT, STANDARDS AND CERTIFICATION ACT 2003

No. 62 of 2003

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**TASMANIAN ASSESSMENT, STANDARDS AND
CERTIFICATION ACT 2003**

No. 62 of 2003

An Act to create the Tasmanian Assessment, Standards and Certification Board, to provide for the development and management of qualification processes, to abolish certain qualifications bodies, to repeal the *Universities Registration Act 1995* and related Acts, to amend certain Acts and for related purposes

[Royal Assent 17 November 2003]

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

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Part 1 – Preliminary

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Tasmanian Assessment, Standards and Certification Act 2003*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

(1) In this Act, unless the contrary intention appears –

accredited course means an accredited senior secondary course, accredited higher education course or accredited other education course;

accredited education program means an education program that is accredited under section 55ZU;

accredited higher education course means a course that is accredited under section 36 or by a self-accrediting higher education provider;

accredited other education course means a course that is accredited under section 55ZI;

accredited senior secondary course means a course that has been accredited under section 26;

accredited training course has the same meaning as “VET course” in the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth;

amend includes –

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

approval certificate means an approval certificate issued under section 55D;

approved overseas higher education course means a higher education course approved under section 55B(5)(b);

approved overseas higher education provider means an overseas higher education institution approved under section 55B(1)(a) as an approved overseas higher education provider;

approved overseas higher education qualification means a qualification approved under section 55B(5)(c);

approved qualification means –

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- (a) a qualification for an accredited senior secondary course determined under section 26(4)(b); or
- (b) a qualification for an examination or assessment of senior secondary education determined under section 33C(b); or
- (c) a higher education award for an accredited higher education course determined under section 36(3); or
- (d) a qualification for an approved overseas higher education course approved under section 55B(5)(c); or
- (e) a qualification for a higher education course provided by a self-accrediting higher education provider determined by that provider under section 55Z; or
- (f) a qualification for an accredited other education course determined under section 55ZI(3); or
- (g) a qualification for an examination or assessment of other education determined under section 55ZR(b); or

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- (h) a qualification for an accredited education program determined under section 55ZU(5);

assessment recommendation means the recommendation made under section 55ZZR by the Board to the Minister as to whether it is appropriate to establish a new university;

Australian Accounting Standards means Statements of Accounting Standards issued jointly by the National Councils of the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia or their successors;

Australian Qualifications Framework means the policy of that name, defining all qualifications recognised nationally in post-compulsory education and training within Australia, endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs so as to commence on 12 January 1995, as amended from time to time;

Australian university has the same meaning as in the National Protocols for Higher Education Approval Processes;

authorised officer means a person appointed under section 19 to be an authorised officer;

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

certificate of self-accrediting status means a certificate of self-accrediting status issued under section 55Q;

committee means a committee established under section 20;

corresponding law means a law of the Commonwealth, another State or a Territory that provides for the accreditation, registration, licensing, approval or other recognition of any one or more of the following:

- (a) senior secondary courses;
- (b) higher education courses;
- (c) other education courses;
- (d) education programs;
- (e) higher education providers;
- (f) providers of education programs to overseas students;

course means –

- (a) a senior secondary course; or
- (b) an accredited training course; or
- (c) a higher education course; or

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(d) an approved overseas higher education course; or

(e) an accredited other education course –

which includes one or more subjects, syllabuses or programs of study or training leading to the conferral or issue of a particular qualification;

education program means –

(a) an accredited course; or

(b) an accredited training course; or

(c) any other instruction, training or prescribed means of education, whether given as a course of study or otherwise;

exempt university means –

(a) a university; or

(b) another provider of higher education; or

(c) another person –

referred to in section 5;

externally provided distance course means a course provided to a student situated in Tasmania if –

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- (a) the course is entirely provided by means that do not include teaching in person; and
- (b) while the person is providing the course, the person is not present in Tasmania, and does not have any employees or business premises in Tasmania, for the purposes of providing that course;

field of study has the same meaning as in the National Protocols for Higher Education Approval Processes;

formal education means education that –

- (a) is delivered in a structured program that if successfully completed will result in the person obtaining a qualification; or
- (b) will result in the person obtaining a qualification if –
 - (i) the attainment of the education is successfully demonstrated by that person in an examination or other assessment conducted by another person, other than the Office; and

- (ii) the conduct of such an examination or other assessment by that other person is an ordinary part of the business, functions or activities of that other person;

functions includes duties;

higher education means education in relation to which a higher education award may be issued;

higher education award means –

- (a) an award of a diploma or advanced diploma; or
- (b) an award of a graduate diploma or graduate certificate; or
- (c) an award of an associate degree, bachelor degree, masters degree or doctoral degree; or
- (d) any other award specified in the Australian Qualifications Framework as a higher education award; or
- (da) an approved overseas higher education qualification; or
- (e) a prescribed award –

but does not include a qualification that is awarded or issued in respect of

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vocational education and training or by an exempt university;

higher education course means a course of study that entitles a person who satisfies the course requirements to the conferral or issue of a higher education award;

interstate higher education course means a higher education course that is –

- (a) accredited, registered, licensed or otherwise approved under a corresponding law that provides for the accreditation, registration, licensing or other approval of a higher education course; and
- (b) provided to a student present in Tasmania –

but does not include an externally provided distance course;

justice of the peace does not include a magistrate;

local higher education course means a higher education course, other than an interstate higher education course or overseas higher education course, that –

- (a) is provided in Tasmania; or
- (b) is provided in another State, a Territory or another country by a person resident or situated in, or

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whose principal business premises are situated in, Tasmania;

MCEETYA means –

- (a) the Ministerial Council on Education, Employment, Training and Youth Affairs created in 1993 by the Council of Australian Governments and which consists of the Ministers from the Commonwealth, States and Territories having responsibility for education, employment, training and youth affairs; or
- (b) any other Ministerial Council consisting of the Ministers from the Commonwealth, States and Territories having responsibility for senior secondary education and tertiary education, whether created in substitution for, or in addition to, the Ministerial Council on Education, Employment, Training and Youth Affairs referred to in paragraph (a), or otherwise;

National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students means the code of that name approved by

MCEETYA on 7 July 2006, as amended or substituted from time to time;

National Protocols for Higher Education Approval Processes means –

- (a) the set of protocols governing higher education quality assurance processes agreed to by the States and Territories at the Ministerial Council on Education, Employment, Training and Youth Affairs on 31 March 2000, as amended from time to time; or
- (b) any set of protocols agreed to in substitution for the National Protocols for Higher Education Approval Processes, as amended from time to time;

national standard means a standard relating to the provision of a course, the assessment of a person undertaking a course or the conferral or issue of a qualification in respect of a course to be followed by Commonwealth, State and Territory registering bodies and course accrediting bodies under –

- (a)
- (b) the National Protocols for Higher Education Approval Processes; or
- (c) the National Code of Practice for Registration Authorities and

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Providers of Education and Training to Overseas Students; or

- (d) the English Language Intensive Courses for Overseas Students (ELICOS) Standards;

other education means education obtained by a person after the completion of those years of schooling that the person is required by law to attend –

- (a) including but not limited to adult education, community education and education specifically designed for a person with a disability; but
- (b) excluding senior secondary education, vocational education and training and higher education;

other education course means a course of study in other education that entitles a person who satisfies the course requirements to the conferral or issue of an approved qualification;

overseas higher education course means a higher education course provided or to be provided by an overseas higher education institution;

overseas higher education institution has the same meaning as in the National

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Protocols for Higher Education Approval Processes;

overseas student means a student in relation to whom a fee is paid for a course, but does not include –

- (a) an Australian citizen or a dependant of an Australian citizen; or
- (b) a New Zealand citizen or a dependant of a New Zealand citizen; or
- (c) a permanent resident in Australia or a dependant of such a permanent resident; or
- (d) a refugee resident in Australia;

person includes –

- (a) a body of persons corporate or unincorporate; and
- (b) a government department or part of a government department;

qualification means the recognition, by any means, that a person has successfully completed a course or course of study or has been successful in an examination or other assessment of an area of his or her education;

recognised qualification means a qualification recognised by the Board under section 55ZZM(1);

registered education (overseas students) provider means a person who is registered as a registered education (overseas students) provider under section 55ZZA;

registered higher education provider means a person who is registered as a registered higher education provider under section 43, while that registration has effect;

registered school has the same meaning as in the *Education Act 2016*;

registered student exchange organisation means an organisation or other person that is registered as a registered student exchange organisation under section 33E;

registered training organisation has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth;

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

registration certificate means a registration certificate issued under section 45;

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registration (overseas students) certificate means a registration (overseas students) certificate issued under section 55ZZC;

registration (student exchange organisation) certificate means a registration (student exchange organisation) certificate issued under section 33F;

regulations means regulations made and in force under section 72;

rules means rules made and in force under section 64;

school has the same meaning as in the *Education Act 2016*;

self-accrediting higher education provider means a person who is granted the status of self-accrediting higher education provider under section 55O;

senior secondary accreditation framework means the framework relating to the accreditation of senior secondary courses approved by the Minister under section 24F, as amended or substituted from time to time under that section;

senior secondary course means a course of study that is normally undertaken, or intended to be undertaken, during senior secondary education;

senior secondary education means secondary education that is usually undertaken by

persons following the completion of the fourth year of secondary education, being the year commonly known as Year 10;

State school has the same meaning as in the *Education Act 2016*;

student exchange program means a program whereby Tasmanian students undertaking senior secondary education, or other secondary education, may undertake a part of their studies in a country other than Australia and in return students from other countries may undertake a part of their studies in Tasmania;

Treasurer's Instructions means instructions issued under section 114 of the *Government Business Enterprises Act 1995* or section 51 of the *Financial Management Act 2016*;

vocational education and training has the same meaning as in the *Training and Workforce Development Act 2013*.

- (2) For the purposes of this Act –
- (a) a person may provide a course or education in person, by mail, by means of the internet, radio or television or by any other means; and
 - (b) a person who provides a course or education to a student who is present in Tasmania while undertaking that course or education is taken to provide that

course or education in Tasmania unless that course is an externally provided distance course.

4. Act binds Crown

- (1) This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.
- (2) Nothing in this Act renders the Crown in right of Tasmania liable to be prosecuted for an offence against this Act.

5. Non-application of Act to certain providers of higher education

- (1) This Act, other than Part 4B, does not apply in relation to –
 - (a) the University of Tasmania; or
 - (b) a university established, recognised or registered by or under –
 - (i) an Act of this State; or
 - (ii) an Act of the Commonwealth, another State or a Territory; or
 - (c) a person who is authorised to provide higher education courses, and self-accredit those courses, by or under an Act of the Commonwealth, another State or a Territory.

- (2) This Act, or a provision or part of this Act, as prescribed does not apply to a prescribed person or a person of a prescribed class of persons.
- (3) If the University of Tasmania, a university referred to in subsection (1)(b), a person referred to in paragraph (c) or a person referred to in subsection (2) is a registered education (overseas students) provider, this Act applies to that university or person in his, her or its capacity as such a registered education (overseas students) provider.

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*.

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Part 2 – Tasmanian Assessment, Standards and Certification Board

**PART 2 – TASMANIAN ASSESSMENT, STANDARDS
AND CERTIFICATION BOARD**

*Division 1 – Tasmanian Assessment, Standards and
Certification Board*

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

9. Objectives of Board

The objectives of the Board are to ensure that –

- (a) relevant national standards and State standards for senior secondary education, vocational education and training and higher education are monitored and met; and
- (b) links between qualifications for senior secondary education, vocational education and training, higher education and other education are developed or improved; and
- (c) throughout a person's life as wide a range of qualifications as practicable can be obtained and recognised in senior secondary education, vocational education and training, higher education and other education.

10. Functions of Board

- (1) The Board has the following functions:
 - (a) to provide a consolidated statement of the approved qualifications and other qualifications of a person at his or her request;
 - (b) to accredit courses for senior secondary education, higher education and other education;
 - (c) to register providers of higher education;

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- (d) to determine standards and qualifications in senior secondary education and other education and to provide for or determine related matters;
- (e) to set, to conduct or arrange for the conduct of and to mark examinations and assessments in senior secondary education and other education and to provide for or determine related matters;
- (f) to accredit education programs for overseas students, register providers of such programs and provide for or determine related matters;
- (g) to collect, record and distribute individual student information relating to senior secondary education, vocational education, higher education and other education;
- (h) to provide advice to the Minister on matters relating to qualifications;
- (i) to –
 - (i) collect and record data relating to the educational outcomes, attainment, retention and assessment of students; and
 - (ii) collect and record student demographic data; and
 - (iii) provide to the Minister, at the request of the Minister, the data

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collected and recorded under subparagraphs (i) and (ii) or such of that data as is specified in the Minister's request; and

- (iv) provide to the Secretary of the Department, for the purpose of performing his or her functions under this or any other Act, the data collected and recorded under subparagraphs (i) and (ii) in so far as it relates to State schools; and
- (v) provide to a school, or an organisation representing all or a group of registered schools, the data collected and recorded under subparagraphs (i) and (ii) in so far as it relates to that school or to a registered school represented by that organisation;
- (j) to distribute the data referred to in paragraph (i), or part of that data, as required by or under any law;
- (k) to provide to the Secretary of the Department, or another person or an organisation agreed by the Secretary and the Board, the data referred to in paragraph (i) so as to enable the Department to manage the data on behalf of the Board;

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- (l) functions imposed on the Board by any other Act;
 - (m) other functions imposed on the Board by this Act;
 - (n) other functions imposed on the Board by the Minister by written notice provided to the Board.
- (2) For the purposes of subsection (1)(i)(iii) and (v), information that identifies a student may only be distributed to the school, or an organisation representing the registered school, that the student attends.
- (3) Nothing in this section prevents any school or organisation representing all, or a group of, registered schools from providing data acquired under, or of a kind referred to in, subsection (1)(i) to any school or any such organisation.

11. Powers of Board

The Board has the following powers:

- (a) authorising and directing the undertaking of investigations, inspections, examinations and reviews for the purposes of this Act;
- (ab) undertaking audits of providers of education or training at the request of persons the Board considers have an

- interest in the provision of education or training by those providers;
- (b) acquiring, holding, disposing of and otherwise dealing with property;
 - (c) entering into contracts, including a contract with another person for the performance or exercise of any of its functions or powers by or jointly with that other person;
 - (d) setting charges, terms and conditions relating to work done, or services, goods or information supplied, by it;
 - (da) collecting vocational education attainment data from registered training organisations operating in Tasmania;
 - (e) doing any other thing necessary or convenient to be done in connection with the performance or exercise of its functions and powers under this or any other Act.

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.

12. Delegation

- (1) The Board may delegate any of its functions, duties or powers under this Act 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.

13. 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 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 –

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- (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.
 - (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.

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- (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
 - (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.
- (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

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- (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.

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.

Division 2 –

15.

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
 - (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 –

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- (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 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.

Division 4 – Committees

20. 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 consists of such persons as the Board appoints.
- (3) The Registrar, or a member of the Board, or both, may be a member of a committee.
- (4 - 5)
- (6) A member of a committee holds office on such conditions in relation to matters not provided for by this Act as are specified in the instrument of appointment.
- (7) At any time, the Board may abolish a committee.

21. Procedure of committees

- (1) A committee must keep accurate minutes of its meetings.
- (2) Except as otherwise provided in this Act, a committee may regulate its own proceedings.

Division 5 – Financial affairs

22. Authorised deposit-taking institution accounts

The Board may open and maintain such authorised deposit-taking institution accounts as it considers necessary.

23. Accounting records

- (1) The Board is to –
 - (a) keep such accounting records as correctly record and explain its transactions (including any transactions as trustee) and financial position; and
 - (b) keep those records in a manner that –
 - (i) allows true and fair accounts of the Board to be prepared from time to time; and
 - (ii) allows its accounts to be conveniently and properly audited or reviewed; and
 - (iii) subject to any contrary written direction given by the Treasurer

to the Board under subsection (2),
complies with Australian
Accounting Standards; and

(iv) complies with any written
directions given by the Minister
or Treasurer to the Board under
subsection (2).

- (2) The Treasurer or Minister may give written directions to the Board for the purposes of subsection (1).
- (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.

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

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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
 - (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 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;
- (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.

PART 3 – SENIOR SECONDARY EDUCATION

Division 1 – Preliminary

24A. Priorities for curriculum

The Minister –

- (a) is to establish the priorities for the development of the curriculum for senior secondary education; and
- (b) is to cause those priorities to be published on the website of the Department; and
- (c) may make those priorities available to the public, free of charge, in any other manner the Minister considers appropriate.

24B. Responsibilities of Secretary of Department for senior secondary curriculum

- (1)
- (2) The Secretary of the Department has the following responsibilities in relation to the curriculum for senior secondary education:
 - (a) to advise the Minister on the priorities in relation to the development or revision of the curriculum for senior secondary education;

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- (b) to cause the Department to develop, and regularly revise, the curriculum for senior secondary education;
 - (c) to ensure that the curriculum for senior secondary education is –
 - (i) developed and revised in accordance with any priorities established by the Minister under section 24A; and
 - (ii) suitable for use in State schools and registered schools.
- (3) In undertaking his or her responsibilities, the Secretary of the Department is to –
- (a) consult and work collaboratively with any organisations that represent all, or any group of, registered schools; and
 - (b) consult with relevant teacher unions, and associations that represent parents of students, and take their opinions into consideration; and
 - (c) consider –
 - (i) the needs of the Tasmanian workforce; and
 - (ii) the needs of providers of vocational education and training, and of higher education, in developing their own accredited

training courses and higher education courses.

24C. Committees

- (1) The Secretary of the Department may establish such committees as he or she considers appropriate to advise him or her in relation to the undertaking, performance and exercise of his or her responsibilities, functions and powers under this Act.
- (2) A committee consists of such persons as the Secretary of the Department appoints after consulting with all organisations that represent all, or any group of, registered schools.
- (3) The Secretary of the Department may be a member of a committee.
- (4) A member of a committee holds office as a member for the term, and on the conditions, specified in his or her instrument of appointment.
- (5) The Secretary of the Department may abolish a committee at any time.

24D. Procedure of committees

- (1) The Secretary of the Department, in writing provided to a committee established under section 24C, may provide for the regulation of its proceedings.

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- (2) A committee established under section 24C must keep accurate minutes of its proceedings.
- (3) Except as otherwise provided by the Secretary of the Department or by this Act, a committee established under section 24C may regulate its own proceedings.

24E. Development and review of senior secondary accreditation framework

- (1) The Board is to –
 - (a) develop a draft framework relating to the accreditation of senior secondary courses; and
 - (b) at the request of the Minister or from time to time on its own discretion, review the senior secondary accreditation framework.
- (2) In developing the draft framework, providing a substitute 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.

- (3) After a review of the senior secondary accreditation framework, the Board is to, as it considers appropriate, prepare –
- (a) a draft amendment to the senior secondary accreditation framework; or
 - (b) a draft framework to be substituted for the senior secondary accreditation framework; or
 - (c) a report stating that the senior secondary accreditation framework does not need amendment or replacement and the reasons supporting that conclusion.

24F. Senior secondary accreditation framework

- (1) After completing under section 24E(1) or (3) –
- (a) a draft framework; or
 - (b) a draft amendment to the senior secondary accreditation framework; or
 - (c) a substitute draft framework to replace the senior secondary accreditation framework; or
 - (d) a report stating that the senior secondary accreditation framework does not need amendment or replacement –

the Board is to provide it to the Minister.

- (2) On receipt of a draft framework, the Minister may –

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- (a) approve the draft framework; or
 - (b) require the Board to amend the draft framework and provide the amended draft framework for approval; or
 - (c) require the Board to provide a substitute draft framework for approval.
- (3) The framework is to include –
- (a) priorities for the accreditation of senior secondary courses; and
 - (b) the processes for determining whether or not to accredit any senior secondary course; and
 - (c) the standards which must be met by a senior secondary course for it to be accredited as a senior secondary course.
- (4) The framework may include any other matters the Minister considers appropriate.
- (5) If the Minister is provided by the Board with a draft amendment to the senior secondary accreditation framework, or a substitute draft framework for the senior secondary accreditation framework together with a recommendation that the senior secondary accreditation framework be rescinded and substituted, the Minister may –
- (a) approve the draft amendment of the framework or rescind the framework and substitute the substitute draft framework; or

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- (b) require the Board to amend the draft amendment or substitute draft framework and provide the amended draft amendment or substitute draft framework for approval.
- (6) If the Minister is provided by the Board with a report stating that the senior secondary accreditation framework does not need amendment or replacement, the Minister may –
 - (a) accept that report and neither amend nor rescind and substitute the senior secondary accreditation framework; or
 - (b) require the Board to provide a draft amendment to the senior secondary accreditation framework or a substitute draft framework for the senior secondary accreditation framework.
- (7) The Minister is to provide a copy of the senior secondary accreditation framework, and any amendment to the senior secondary accreditation framework or substitute senior secondary accreditation framework, to the Board and, so as to assist the Secretary of the Department in undertaking his or her responsibilities under section 24B, to the Secretary.
- (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.

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

- (9) The senior secondary accreditation framework, an amendment to it, and a substitute senior secondary accreditation framework are not statutory rules for the purposes of the *Rules Publication Act 1953*.

24G - 24I.

Division 1A – Accredited senior secondary courses

25. Application for accreditation of senior secondary course

- (1) A person who provides, or proposes to provide, a senior secondary course in Tasmania or elsewhere may apply to the Board for accreditation of that course.
- (2) An application is to be in a form approved by the Board.
- (3) The Board may require the applicant to provide any further information it considers relevant to the application.

26. Accreditation of senior secondary course

- (1)
- (2) On receipt of an application under section 25, the Board may –
 - (a) accredit the senior secondary course; or
 - (b) refuse to accredit the senior secondary course.
- (3) The Board must accredit a senior secondary course if satisfied –
 - (a) that each of the following matters is adequately provided for and of sufficient standard to allow the granting of a

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qualification to a person successfully completing the course:

- (i) the aims and learning outcomes of the course;
 - (ii) the scope of the studies involved in the course;
 - (iii) the assessment processes used, or to be used, to determine whether a student has achieved the learning outcomes of the course; and
- (ab) that the course has been developed in accordance with the senior secondary accreditation framework; and
 - (b) that the course and the methods of delivering the course are likely to achieve the purposes, aims and learning outcomes of the course; and
 - (c) that the contents and standards of the course, and the methods of delivering the course, are consistent with any relevant national standards.
- (4) When accrediting a senior secondary course, the Board may determine –
- (a) that the course is an accredited course of a particular class or level; and
 - (b) the qualification that will be conferred on the successful completion of the course.

- (5) If on considering an application under section 25 the Board accredits, or refuses to accredit, a senior secondary course, the Board is to provide written notice of that decision to the applicant.

27. Term of accreditation of accredited senior secondary course

An accredited senior secondary course is accredited for the period determined by the Board.

28. Renewal of accreditation as accredited senior secondary course

- (1) A person who applied for the accreditation of an accredited senior secondary course may apply for the renewal of the accreditation of that course not less than 6 calendar months before the accreditation ceases to have effect.
- (2) The Board may require the applicant to provide any further information it considers relevant to the application.
- (3) On receipt of an application, the Board may –
- (a) renew the accreditation of the senior secondary course; or
 - (b) refuse to renew the accreditation of the senior secondary course.
- (4) The Board may only renew the accreditation of the senior secondary course if satisfied that the

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course complies with the senior secondary accreditation framework.

- (5) The Board may only refuse to renew the accreditation of the senior secondary course if satisfied that –
 - (a) the course and the methods of delivering the course are no longer achieving the purposes, aims and learning outcomes of the course; or
 - (b) the contents and standards of the course, and the methods of delivering the course are no longer consistent with any relevant national standards.
- (6) If the Board renews the accreditation of a senior secondary course –
 - (a) the course is accredited for the period determined by the Board; and
 - (b) the qualification that is conferred on the successful completion of the course remains the same qualification as was conferred before the renewal.
- (7) If on considering an application the Board renews, or refuses to renew, the accreditation of a senior secondary course, the Board is to provide written notice of that decision to the applicant.

29. Cancellation of accreditation as accredited senior secondary course

- (1) The Board may, at any time in writing, cancel the accreditation of an accredited senior secondary course if the Board is no longer satisfied of the matters specified in section 26(3).
- (2) A cancellation takes effect on the day specified in it.

30. Offence of falsely claiming to provide accredited course

A person who provides a course must not claim, or otherwise represent in any manner, that it is an accredited senior secondary course unless the course is an accredited senior secondary course.

Penalty: Fine not exceeding 200 penalty units.

31. Assessment of accredited senior secondary courses

The Board may determine procedures and arrangements, and may set, conduct or arrange for the conduct of and mark examinations and assessments, for the assessment of persons undertaking accredited senior secondary courses.

32. Conferral or issue of approved qualification

Subject to section 33(4), the Board, by written statement or otherwise, is to recognise the successful completion of an accredited senior

secondary course by the conferral or issue of the approved qualification for that course.

33. Standards for provision and assessment of accredited senior secondary courses

- (1) The Board may set or adopt standards for the provision and assessment of accredited senior secondary courses.
- (2) For the purpose of ensuring that the provision and assessment of an accredited senior secondary course meets standards set under subsection (1), the Board may give to a person providing or proposing to provide that course a written direction to do anything the Board considers appropriate.
- (3) A person must comply with a direction given under subsection (2).
- (4) If an accredited senior secondary course provided by any person fails to meet standards set or adopted for the provision or assessment of that course, the Board may refuse to confer or issue an approved qualification to a student completing that course.

Division 2 – Senior secondary education otherwise than by completion of accredited senior secondary course

33A. Examination or assessment of senior secondary education

The Board may determine procedures and arrangements, and may set, conduct or arrange

for the conduct of and mark examinations and assessments, for the assessment of persons in respect of senior secondary education that has been obtained by those persons otherwise than by the successful completion of an accredited senior secondary course.

33B. Senior secondary education qualification

If a person meets the standards required by the Board for success in an examination or assessment of the person's senior secondary education that was obtained otherwise than by the successful completion of an accredited senior secondary course, the Board is to issue to the person the approved qualification for that examination or assessment.

33C. Standards and qualifications for senior secondary education

The Board may –

- (a) set or adopt standards for examinations and assessments of the senior secondary education obtained by a person otherwise than by the successful completion of an accredited senior secondary course; and
- (b) determine qualifications for the successful completion of such examinations and assessments.

Division 3 – Registration of student exchange organisations

33D. Application for registration of student exchange organisation

- (1) An organisation or other person that proposes to oversee or manage a student exchange program may apply to the Board for registration as a registered student exchange organisation.
- (2) An application is to be –
 - (a) in a form approved by the Board; and
 - (b) accompanied by any prescribed fee.
- (3) The Board may require the applicant to provide any further information, and any permissions for the release of information, it considers relevant to the application.

33E. Registration as registered student exchange organisation

- (1) On receipt of an application under section 33D, the Board may –
 - (a) register the applicant as a registered student exchange organisation; or
 - (b) refuse to so register the applicant.
- (2) In determining whether or not to register an applicant, the Board is to have regard to –
 - (a) any relevant national guidelines; and

- (b) the aims of the proposed student exchange program; and
 - (c) the reciprocal arrangements between Tasmania and the other country under the proposed student exchange program; and
 - (d) the organisational and financial structure of the applicant; and
 - (e) the support offered under the proposed student exchange program to students in the program and the families accommodating those students; and
 - (f) the arrangements for health insurance for students in the proposed student exchange program; and
 - (g) the processes established by the proposed student exchange program for resolution of problems; and
 - (h) any other matter the Board considers relevant.
- (3) On registering or refusing to register an applicant, the Board is to notify the applicant, in writing, of that decision.

33F. Registration (student exchange organisation) certificate

- (1) On registering an organisation or other person as a registered student exchange organisation, the Board is to issue a registration (student exchange organisation) certificate to that organisation.

- (2) A registration (student exchange organisation) certificate is to specify –
- (a) the period for which the registered student exchange organisation is registered; and
 - (b) any other matter the Board considers appropriate.

33G. Term of registration

- (1) The registration of a registered student exchange organisation has effect for the period not exceeding 5 years specified in the registration (student exchange organisation) certificate.
- (2) Registration of a person as a registered student exchange organisation takes effect on the day the registration (student exchange organisation) certificate is issued or on a later day specified in that certificate.

33H. Registration fee

A registered student exchange organisation must pay any prescribed registration fee.

33I. Amendment of registration

- (1) The Board may amend the registration of a registered student exchange organisation on the request of the registered student exchange organisation or at its own discretion.

- (2) If the Board amends a registration under subsection (1), the Board is to –
 - (a) notify the registered student exchange organisation, in writing, of that amendment; and
 - (b) either endorse that amendment on the registration (student exchange organisation) certificate or provide the registered student exchange organisation with a replacement registration (student exchange organisation) certificate.
- (3) The amendment of the registration of a registered student exchange organisation takes effect on the day specified in the notice provided to that organisation under subsection (2)(a).

33J. Renewal of registration

- (1) A registered student exchange organisation may apply for the renewal of the registration not less than 6 calendar months before the registration ceases to have effect.
- (2) This Division applies in respect of an application for renewal of registration as a registered student exchange organisation, and that renewal, as if the application were an application for a first registration as a registered student exchange organisation.
- (3) A registered student exchange organisation must comply with the written requirement of the Board that the registration (student exchange

organisation) certificate be surrendered to the Board for the purpose of amending it, or replacing it, as the Board determines appropriate on the renewal of the registration.

33K. Registration not transferable

The registration of an organisation or other person as a registered student exchange organisation may not be transferred to any other organisation or person.

33L. Guidelines

The Board may issue guidelines in respect of –

- (a) the accommodation, education and wellbeing of students in a student exchange program; and
- (b) the processes for making complaints and dealing with problems and complaints under a student exchange program; and
- (c) any other matter the Board considers relevant to a student exchange program.

33M. Direction to registered student exchange organisation

- (1) The Board may direct a registered student exchange organisation to take any action the Board considers appropriate or refrain from doing any act if the Board is of the opinion that –

- (a) the registered student exchange organisation has contravened this Act or guidelines issued under section 33L; or
 - (b) it is appropriate to give the direction having taken into account the matters specified in section 33E(2).
- (2) A direction is to be in writing provided to the registered student exchange organisation.
- (3) A registered student exchange organisation must comply with a direction provided under this section.

33N. Cancellation or suspension of registration

- (1) The Board may cancel or suspend the registration of a registered student exchange organisation if, after allowing the organisation an opportunity to make submissions in respect of the matter, the Board is satisfied that –
- (a) the organisation has contravened this Act or guidelines issued under section 33L; or
 - (b) it is appropriate to so cancel or suspend the registration having taken into account the matters specified in section 33E(2); or
 - (c) it is in the public interest to so cancel or suspend the registration; or

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- (d) the organisation has not complied with a direction under section 33M within the time specified in the direction.
- (2) The Board is to cancel the registration of a registered student exchange organisation if it has surrendered the registration (student exchange organisation) certificate and requested that the registration be cancelled.

PART 4 – HIGHER EDUCATION

Division 1 – Preliminary

34. When person may provide higher education course or higher education award

- (1) A person may provide a higher education course if –
 - (a) the person is a registered higher education provider, approved overseas higher education provider or self-accrediting higher education provider; and
 - (b) the course is an accredited higher education course, or approved overseas higher education course, that the provider is authorised under this Act to provide.
- (2) A person may confer or issue a higher education award if –
 - (a) the person conferring or issuing the award is a registered higher education provider, approved overseas higher education provider or self-accrediting higher education provider; and
 - (b) the course for which the award is to be conferred or issued is an accredited higher education course, or approved overseas higher education course, which the provider is authorised under this Act to provide; and

- (c) the award is an approved qualification which the provider is authorised under this Act to confer or issue.

Division 2 – Accreditation of higher education courses

35. Application for accreditation of course

- (1) A person who proposes to provide –
 - (a) in Tasmania or elsewhere a local higher education course; or
 - (b) in Tasmania an interstate higher education course or overseas higher education course –

may apply to the Board for accreditation of that course.

- (2) An application is to be –
 - (a) in a form approved by the Board; and
 - (b) accompanied by any prescribed fee; and
 - (c) if the application relates to an interstate higher education course, accompanied by –
 - (i) either evidence that the course is accredited, registered, licensed or otherwise approved under a corresponding law or the application for the course to be so accredited, registered, licensed or otherwise approved; and

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- (ii) permission in writing for the person or authority that accredits, registers, licenses or otherwise approves higher education courses under that corresponding law to provide to the Board details of that accreditation, registration, licence or other approval or of that application; and
- (d) if the application relates to an overseas higher education course, accompanied by –
 - (i) if the course is provided in a country other than Australia, information on the provision of the course in that country and, if applicable, evidence that the course is accredited, registered, licensed or otherwise approved under a law of that country; and
 - (ii) permission in writing for the person or authority that accredits, registers, licenses or otherwise approves higher education courses under the law of that country to provide to the Board details of that accreditation, registration, licence or other approval.
- (3) The Board may require the applicant to provide any further information, and permissions for the

release of information, it considers relevant to the application.

36. Accreditation of higher education course

- (1) On receipt of an application under section 35, the Board may –
 - (a) accredit the higher education course; or
 - (b) refuse to accredit the higher education course.
- (2) In determining whether to accredit a local higher education course, the Board is to have regard to –
 - (a) any relevant national standards in relation to the principles, process or other matters to be applied in accrediting higher education courses; and
 - (b) whether each of the following matters is adequately provided for and of sufficient standard to allow the granting of a higher education award to a person successfully completing the course:
 - (i) the aims and learning outcomes of the course;
 - (ii) the scope of the studies involved in the course;
 - (iii) the assessment processes to be used to determine whether a

student has achieved the learning outcomes of the course; and

- (c) whether the contents and standards of the course, and the methods of delivering the course, are consistent with any relevant national standards in relation to the principles, process or other matters to be applied in accrediting courses; and
 - (d) the views of relevant industrial or professional bodies submitted to the Office; and
 - (e) any other matter the Board considers relevant.
- (2A) In determining whether to accredit an interstate higher education course or overseas higher education course, the Board is to have regard to –
- (a) local issues that may impact on delivery of the course in Tasmania; and
 - (b) any of the matters specified in subsection (2); and
 - (c) any other relevant matter.
- (2B) The Board may accredit an interstate higher education course without having regard to the matters specified in subsection (2) if satisfied that –

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- (a) the course is accredited, registered, licensed or otherwise approved under a corresponding law; and
 - (b) the course is to be delivered in Tasmania in substantially the same manner as in the jurisdiction where it is so accredited, registered, licensed or otherwise approved.
- (3) On accrediting a local higher education course or overseas higher education course, the Board is to determine the higher education award that will be conferred or issued on the successful completion of the course.
- (3A) On accrediting an interstate higher education course, the Board is to determine that the qualification that may be conferred or issued in respect of the course under the relevant corresponding law is the higher education award that will be conferred on the successful completion of the course.
- (4) The Board is to provide written notice of whether it has accredited or refused to accredit a higher education course to the applicant.

37. Term of accreditation of accredited higher education course

- (1) An accredited higher education course that is a local higher education course or overseas higher education course is accredited for the period, not exceeding 5 years, determined by the Board.

- (2) An accredited higher education course that is an interstate higher education course is accredited for the period for which it is accredited, registered, licensed or otherwise approved under the relevant corresponding law.

38. Accredited higher education course subject to conditions

- (1) The accreditation of a higher education course is subject to any condition determined by the Board and notified in writing to the provider of the course.
- (2) The Board may at any time impose a condition on the accreditation of a higher education course or amend the conditions to which an accredited higher education course is subject by notifying the provider of the course in writing.

39. Renewal of accreditation as accredited higher education course

- (1) A person who applied for the accreditation of an accredited higher education course may apply for the renewal of the accreditation of that course not less than 6 calendar months before the accreditation ceases to have effect.
- (2) This Part applies in respect of an application for renewal of the accreditation of an accredited higher education course, and that renewal, as if the application were an application for a first accreditation as an accredited higher education course.

40. Cancellation of accreditation as accredited higher education course

- (1) The Board, at any time by written notice provided to the registered higher education provider providing an accredited higher education course, may cancel the accreditation of the accredited higher education course if the Board is satisfied that it is no longer appropriate for the course to be accredited.
- (2) A cancellation takes effect on the day specified in it.

41.

Division 3 – Registration of higher education providers

42. Application for registration

- (1) A person who proposes to provide, in Tasmania or elsewhere, an accredited higher education course may apply to the Board for registration as a registered higher education provider.
- (2) An application is to be –
 - (a) in a form approved by the Board; and
 - (b) made not less than 9 calendar months before the accredited higher education course that the person is proposing to provide is due to commence; and

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- (ba) if the applicant is registered, accredited, licensed or otherwise approved for the purposes of providing a higher education course under a corresponding law or has made an application for such registration, accreditation, licence or approval, accompanied by –
 - (i) either evidence of that registration, accreditation, licence or other approval under the corresponding law or the application for such registration, accreditation, licence or approval; and
 - (ii) permission in writing for the person or authority that registers, accredits, licenses or otherwise approves providers of higher education courses under that corresponding law to provide to the Board details of that registration, accreditation, licence or other approval or of that application; and
 - (c) accompanied by any prescribed fee.
- (3) The Board may require the applicant to provide any further information, and permissions for the release of information, it considers relevant to the application.

43. Registration as registered higher education provider

- (1) On receipt of an application under section 42, the Board may –
 - (a) register a person as a registered higher education provider; or
 - (b) refuse to so register the person.
- (2) In determining whether or not to register a person who is not registered, accredited, licensed or otherwise approved by a corresponding law in relation to the provision of a higher education course, the Board is to have regard to –
 - (a) any national standards relating to the recognition of providers of higher education courses; and
 - (b) the processes proposed to be provided by the applicant in respect of quality assurance; and
 - (c) the delivery and assessment methods proposed to be used in respect of the accredited higher education course to be provided by the applicant; and
 - (d) the premises, equipment, materials, staff and resources proposed to be used in respect of the accredited higher education course to be provided by the applicant; and

- (e) the applicant's compliance with, or ability to comply with, the rules; and
 - (f) the financial viability of the applicant; and
 - (g) any other matter the Board considers relevant.
- (2A) In determining whether or not to register a person who is registered, accredited, licensed or otherwise approved by a corresponding law in relation to the provision of a higher education course, the Board is to have regard to –
- (a) local issues that may impact on delivery by the person of a higher education course in Tasmania; and
 - (b) any of the matters specified in subsection (2); and
 - (c) any other relevant matter.
- (2B) The Board may register a person who is registered, accredited, licensed or otherwise approved by a corresponding law in relation to the provision of higher education courses without having regard to the matters specified in subsection (2) if satisfied that –
- (a) the person is so registered, accredited, licensed or otherwise approved under a corresponding law; and
 - (b) the person is to deliver the higher education courses in Tasmania, once they

are accredited higher education courses, in substantially the same manner as in the jurisdiction where he, she or it is so registered, accredited, licensed or otherwise approved.

- (3) On registering or refusing to register a person, the Board is to notify the applicant in writing of that decision.

44. Registration subject to conditions

- (1) On registering a person as a registered higher education provider and at any other time, the Board may –
 - (a) impose conditions to which the registration as a registered higher education provider is subject; and
 - (b) amend any such conditions.
- (2) A condition imposed under this section, or the amendment under this section of such a condition, takes effect on the day on which the registered higher education provider receives written notice of the condition, or amendment, or on a later day specified in that notice.

45. Registration certificate

- (1) On registering a higher education provider, the Board is to issue a registration certificate to the registered higher education provider.
- (2) A registration certificate is to specify –

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- (a) which accredited higher education courses, or the classes of accredited higher education courses, the registered higher education provider is authorised to provide; and
 - (b) which higher education awards the registered higher education provider is authorised to confer or issue; and
 - (c) any conditions imposed in respect of the registration under section 44; and
 - (d) the period for which the higher education provider is registered; and
 - (e) any other matter the Board considers appropriate.
- (3) If the Board under section 44 imposes conditions on the registration of a registered higher education provider otherwise than on the grant of that registration, or amends any such conditions, the Board is to amend the registration certificate or issue a replacement registration certificate.
- (4) Conditions to which the registration of a registered higher education provider is subject may be specified in a registration certificate by –
- (a) specifying those conditions in or on the certificate; or
 - (b) attaching those conditions to the certificate; or

- (c) providing to the registered higher education provider a written notice containing those conditions.

46. Term of registration

- (1) The registration of a registered higher education provider who, immediately before being registered, was not registered, accredited, licensed or otherwise approved under a corresponding law in relation to the provision of a higher education course has effect for the period not exceeding 5 years specified in the registration certificate unless sooner cancelled.
- (1A) The registration of a registered higher education provider who, immediately before being registered, was registered, accredited, licensed or otherwise approved under a corresponding law in relation to the provision of a higher education course has effect for the period for which the provider is so registered, accredited, licensed or otherwise approved under the corresponding law.
- (2) Registration of a person as a registered higher education provider takes effect on the day the registration certificate is issued or on a later day specified in the registration certificate.

47. Registration fee

A registered higher education provider must pay any prescribed registration fee.

48. Amendment of registration

- (1) On the request of a registered higher education provider or at its own discretion, the Board may amend the registration of a registered higher education provider.
- (2) If the Board amends a registration under subsection (1), the Board is to –
 - (a) notify the registered higher education provider of that amendment; and
 - (b) either endorse that amendment on the registration certificate or provide the registered higher education provider with a replacement registration certificate.
- (3) The amendment of the registration of a registered higher education provider takes effect on the day specified in the notice provided to that provider under subsection (2)(a).

49. Renewal of registration

- (1) A registered higher education provider may apply for the renewal of the registration not less than 6 calendar months before the registration ceases to have effect.
- (2) This Division applies in respect of an application for renewal of registration as a registered higher education provider, and that renewal, as if the application were an application for a first registration as a registered higher education provider.

- (3) A registered higher education provider must comply with the written requirement of the Board that the registration certificate be surrendered to the Board for the purpose of amending it or replacing it as the Board determines appropriate on the renewal of the registration.

50. Registration not transferable

The registration of a person as a registered higher education provider may not be transferred to any other person.

51. Direction to registered higher education provider

- (1) The Board may direct a registered higher education provider to take any action the Board considers appropriate or refrain from doing any act if the Board is of the opinion that –
- (a) the registered higher education provider has contravened this Act; or
 - (b) the registered higher education provider has contravened a condition to which the registration is subject; or
 - (c) it is appropriate to give the direction having taken into account the matters specified in section 43(2) and (2A); or
 - (d) the standards relating to the provision and assessment of an accredited higher education course by the registered higher education provider fail to meet any

relevant national standards or the standards proposed by that provider in his, her or its application for accreditation of the course.

- (2) A direction is to be in writing provided to the registered higher education provider.
- (3) A registered higher education provider must comply with a direction provided under this section.

52. Cancellation or suspension of registration

- (1) The Board may cancel or suspend the registration of a registered higher education provider if, after allowing the registered higher education provider an opportunity to make submissions in respect of the matter, the Board is satisfied that –
 - (a) the registered higher education provider has contravened this Act; or
 - (b) the registered higher education provider has contravened a condition to which the registration is subject; or
 - (c) it is appropriate to so cancel or suspend the registration having taken into account the matters specified in section 43(2), (2A) and (2B); or
 - (d) the registered higher education provider has not complied with a direction under

section 51 within the time specified in the direction.

- (2) The Board is to cancel the registration of a registered higher education provider if the provider has surrendered the registration certificate and requested that the registration be cancelled.

53 - 54.

55. Conferral or issue of approved qualification

If a person successfully completes an accredited higher education course provided by a registered higher education provider, that provider, by written statement or otherwise, must recognise that completion by the conferral or issue of the approved qualification for that course.

Division 4 – Approval of overseas higher education provider

55A. Application for approval

- (1) An overseas higher education institution that proposes to provide in Tasmania a higher education course may apply to the Board for approval as an approved overseas higher education provider.
- (2) An application is to be –
 - (a) in a form approved by the Board; and

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- (b) if the overseas higher education institution is accredited, registered, licensed or otherwise approved under a law of the country in which it was originally established, accompanied by –
 - (i) evidence of that accreditation, registration, licence or other approval; and
 - (ii) permission for the person or body responsible for that accreditation, registration, licence or other approval to provide information relating to the applicant to the Board; and

- (c) if the applicant is authorised under a corresponding law that corresponds to this Division to provide in another State or a Territory a higher education course by reason of its registration, accreditation, licence or other approval under that corresponding law or has made an application for such registration, accreditation, licence or approval, accompanied by –
 - (i) either evidence of that registration, accreditation, licence or other approval under the corresponding law or the application for such registration, accreditation, licence or approval; and

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- (ii) permission in writing for the person or authority that registers, accredits, licenses or otherwise approves overseas higher education institutions under that corresponding law to provide to the Board details of that registration, accreditation, licence or other approval or of that application; and
- (d) accompanied by any prescribed fee.
- (3) The Board may require the applicant to provide any further information, and any further permissions for the release of information, it considers relevant to the application.

55B. Approval as approved overseas higher education provider

- (1) On receipt of an application under section 55A, the Board may –
 - (a) approve the applicant as an approved overseas higher education provider; or
 - (b) refuse to so approve the applicant.
- (2) In determining whether or not to approve an overseas higher education institution that is not registered, accredited, licensed or otherwise approved by a corresponding law in relation to the provision of a higher education course, the Board is to have regard to –

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- (a) any national standards relating to the approval of overseas higher education institutions; and
- (b) the international standing and standards of the person or body responsible for the accreditation, registration, licensing or other recognition of the institution in the country in which it was originally established; and
- (c) the standing and standards of the institution and the higher education courses it provides; and
- (d) the processes provided by the applicant in respect of quality assurance; and
- (e) the delivery and assessment methods used in respect of the higher education course to be provided by the applicant; and
- (f) the premises, equipment, materials, staff and resources proposed to be used in Tasmania in respect of the higher education course to be provided by the applicant; and
- (g) the manner in which the proposed course is to be provided in Tasmania and the local issues that may impact on delivery of the course; and
- (h) any other matter the Board considers relevant.

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- (3) In determining whether or not to approve an overseas higher education institution that is registered, accredited, licensed or otherwise approved by a corresponding law in relation to the provision of a higher education course, the Board is to have regard to –
- (a) local issues that may impact on delivery by the institution of a higher education course in Tasmania; and
 - (b) any of the matters specified in subsection (2); and
 - (c) any other relevant matter.
- (4) The Board may approve an overseas higher education institution that is registered, accredited, licensed or otherwise approved by a corresponding law in relation to the provision of a higher education course without having regard to the matters specified in subsection (2) if satisfied that –
- (a) the institution is so registered, accredited, licensed or otherwise approved under a corresponding law; and
 - (b) the institution is to deliver that higher education course in Tasmania in substantially the same manner as in the jurisdiction where it is so registered, accredited, licensed or otherwise approved under a corresponding law.
- (5) On approving an overseas higher education institution, the Board is to –

- (a) specify the title the institution may use in Tasmania having regard to the National Protocols for Higher Education Approval Processes; and
 - (b) approve the higher education courses, not being accredited higher education courses, that the institution is authorised to provide to students in Tasmania; and
 - (c) approve the qualifications that the institution is authorised to confer or issue for the successful completion of those approved overseas higher education courses.
- (6) On approving or refusing to approve an overseas higher education institution, the Board is to notify the applicant, in writing, of that decision.

55C. Approval subject to conditions

- (1) On approving an overseas higher education institution as an approved overseas higher education provider and at any other time, the Board may –
 - (a) impose conditions to which the approval as an approved overseas higher education provider is subject; and
 - (b) amend any such conditions.
- (2) Without limiting the conditions that the Board may impose, the Board may impose conditions relating to –

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- (a) the use of its title in Tasmania; and
 - (b) the manner of and arrangements for the delivery of an approved overseas higher education course.
- (3) A condition imposed under this section, or the amendment under this section of such a condition, takes effect on the day on which the approved overseas higher education provider receives written notice of the condition, or amendment, or on a later day specified in that notice.

55D. Approval certificate

- (1) On approving an overseas higher education institution as an approved overseas higher education provider, the Board is to issue an approval certificate to that provider.
- (2) An approval certificate is to specify –
 - (a) which approved overseas higher education courses and accredited higher education courses, or the classes of such higher education courses, the approved overseas higher education provider is authorised to provide; and
 - (b) which approved overseas higher education qualification the approved overseas higher education provider is authorised to confer or issue in respect of those courses; and

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- (c) any conditions imposed under section 55C; and
 - (d) the period for which the overseas higher education provider is approved; and
 - (e) any other matter the Board considers appropriate.
- (3) If the Board under section 55C imposes conditions on the approval of an approved overseas higher education provider otherwise than on the grant of that approval, or amends any such conditions, the Board is to amend the approval certificate or issue a replacement approval certificate.
- (4) Conditions to which the approval of an approved overseas higher education provider is subject may be specified in an approval certificate by –
- (a) specifying those conditions in or on the certificate; or
 - (b) attaching those conditions to the certificate; or
 - (c) providing to the approved overseas higher education provider a written notice containing those conditions.

55E. Term of approval

- (1) The approval of an approved overseas higher education provider that, immediately before being approved, was not registered, accredited, licensed or otherwise approved under a

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corresponding law in relation to the provision of a higher education course has effect for the period not exceeding 5 years specified in the approval certificate.

- (2) The approval of an approved overseas higher education provider that, immediately before being approved, was registered, accredited, licensed or otherwise approved under a corresponding law in relation to the provision of a higher education course has effect for the period for which the provider is so registered, accredited, licensed or otherwise approved under the corresponding law unless sooner cancelled.
- (3) Approval of an overseas higher education institution as an approved overseas higher education provider takes effect on the day the approval certificate is issued or on a later day specified in that certificate.

55F. Approval fee

An approved overseas higher education provider must pay any prescribed approval fee.

55G. Amendment of approval

- (1) The Board may amend the approval of an approved overseas higher education provider on the request of the approved overseas higher education provider or at its own discretion.
- (2) If the Board amends a registration under subsection (1), the Board is to –

- (a) notify the approved overseas higher education provider, in writing, of that amendment; and
 - (b) either endorse that amendment on the approval certificate or provide the approved overseas higher education provider with a replacement approval certificate.
- (3) The amendment of the approval of an approved overseas higher education provider takes effect on the day specified in the notice provided to that provider under subsection (2)(a).

55H. Renewal of approval

- (1) An approved overseas higher education provider may apply for the renewal of the approval not less than 6 calendar months before the approval ceases to have effect.
- (2) This Division applies in respect of an application for renewal of approval as an approved overseas higher education provider, and that renewal, as if the application were an application for a first approval as an approved overseas higher education provider.
- (3) An approved overseas higher education provider must comply with the written requirement of the Board that the approval certificate be surrendered to the Board for the purpose of amending it, or replacing it, as the Board determines appropriate on the renewal of the approval.

55I. Approval not transferable

The approval of an overseas higher education institution as an approved overseas higher education provider may not be transferred to any other person.

55J. Direction to approved overseas higher education provider

- (1) The Board may direct an approved overseas higher education provider to take any action the Board considers appropriate or refrain from doing any act if the Board is of the opinion that –
 - (a) the approved overseas higher education provider has contravened this Act; or
 - (b) the approved overseas higher education provider has contravened a condition to which the approval is subject; or
 - (c) it is appropriate to give the direction having taken into account the matters specified in section 55B(2) and (3); or
 - (d) the standards relating to the provision and assessment of an accredited higher education course or an approved overseas higher education course by the approved overseas higher education provider fail to meet any relevant standards or the standards proposed by that provider in its application for accreditation of the course or approval of the course as an approved overseas higher education course.

- (2) A direction is to be in writing provided to the approved overseas higher education provider.
- (3) An approved overseas higher education provider must comply with a direction provided under this section.

55K. Cancellation of approval of higher education course

- (1) The Board may, at any time in writing, cancel the approval of a higher education course that the approved overseas higher education provider is authorised to provide in Tasmania if the Board is satisfied that it is no longer appropriate for the course to be so approved.
- (2) A cancellation takes effect on the day specified in it.

55L. Cancellation or suspension of approval of approved overseas higher education provider

- (1) The Board may cancel or suspend the approval of an approved overseas higher education provider if, after allowing the provider an opportunity to make submissions in respect of the matter, the Board is satisfied that –
 - (a) the provider has contravened this Act; or
 - (b) the provider has contravened a condition to which the approval is subject; or
 - (c) it is appropriate to so cancel or suspend the approval having taken into account

the matters specified in section 55B(2), (3) and (4); or

(d) the provider has not complied with a direction under section 55J within the time specified in the direction.

(2) The Board is to cancel the approval of an approved overseas higher education provider if the provider has surrendered the approval certificate and requested that the approval be cancelled.

55M. Conferral or issue of approved qualification

If a person successfully completes an accredited higher education course or an approved overseas higher education course provided by an approved overseas higher education provider, that provider, by written statement or otherwise, must recognise that completion by the conferral or issue of the approved qualification or approved overseas higher education qualification for that course.

Division 5 – Self-accrediting higher education providers

55N. Application to be self-accrediting higher education provider

(1) A person that provides, or proposes to provide, in Tasmania a higher education course may apply to the Board for the grant of the status of self-accrediting higher education provider.

(2) An application is to be –

- (a) in a form approved by the Board; and
 - (b) accompanied by any prescribed fee.
- (3) The Board may require the applicant to provide any further information, and any permissions for the release of information, it considers relevant to the application.

55O. Grant of status of self-accrediting higher education provider

- (1) On receipt of an application under section 55N, the Board may –
- (a) grant to the applicant the status of self-accrediting higher education provider; or
 - (b) refuse to so grant the status of self-accrediting higher education provider.
- (2) The grant of the status of self-accrediting higher education provider may relate to any field of study at any qualification level offered or to be offered by the applicant, or to a particular field of study or a particular qualification level, or both, as specified by the Board.
- (3) In determining whether or not to grant the status of self-accrediting higher education provider to an applicant, the Board is to have regard to –
- (a) any national standards relating to the processes for awarding self-accrediting status to providers of higher education courses that are not universities; and

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- (b) the effectiveness and level of governance, decision-making processes, teaching, learning, scholarship and, if relevant, research; and
 - (c) the compliance with, or ability to comply with, the National Protocols for Higher Education Approval Processes; and
 - (d) the structures and processes proposed to be used by the applicant in setting standards for the qualifications to be conferred or issued that are equivalent to qualifications under the Australian Qualifications Framework or, if relevant, internationally recognised qualifications; and
 - (e) how long the applicant has been providing higher education courses; and
 - (f) the premises, equipment, materials, staff and resources proposed to be used in Tasmania in respect of the higher education courses to be provided by the applicant; and
 - (g) any other matter the Board considers relevant.
- (4) The Board may refuse, but is not obliged to refuse, to grant to an applicant the status of self-accrediting higher education provider if the applicant has less than 10 years experience in providing higher education courses.

- (5) The Board may only grant to an applicant the status of self-accrediting higher education provider if satisfied that the applicant meets, or will meet on being granted that status, the standards required of a self-accrediting higher education institution under the National Protocols for Higher Education Approval Processes.
- (6) On granting or refusing to grant to the applicant the status of self-accrediting higher education provider, the Board is to notify the applicant, in writing, of that decision.

55P. Grant of status subject to conditions

- (1) On granting to a person the status of self-accrediting higher education provider and at any other time, the Board may –
 - (a) impose conditions to which the grant is subject; and
 - (b) amend any such conditions.
- (2) A condition imposed under this section, or the amendment under this section of such a condition, takes effect on the day on which the self-accrediting higher education provider receives written notice of the condition, or amendment, or on a later day specified in that notice.

55Q. Certificate of self-accrediting status

- (1) On granting to a person the status of self-accrediting higher education provider, the Board is to issue a certificate of self-accrediting status to the person.
- (2) A certificate of self-accrediting status is to specify –
 - (a) whether the status of self-accrediting higher education provider applies to any field of study at any qualification level offered or to be offered by the applicant, or to a particular field of study or a particular qualification level, or both; and
 - (b) if the status of self-accrediting higher education provider applies only to a particular field of study or a particular qualification level, or both, the fields of study and qualifications levels to which it applies; and
 - (c) any conditions imposed under section 55P; and
 - (d) the period for which the status of self-accrediting higher education provider is granted; and
 - (e) any other matter the Board considers appropriate.
- (3) If the Board under section 55P imposes conditions on the grant of the status of self-accrediting higher education provider otherwise

than on the grant of that status, or amends any such conditions or the grant of status, the Board is to amend the certificate of self-accrediting status or issue a replacement certificate of self-accrediting status.

- (4) Conditions to which the grant of the status of self-accrediting higher education provider is subject may be specified in a certificate of self-accrediting status by –
 - (a) specifying those conditions in or on the certificate; or
 - (b) attaching those conditions to the certificate; or
 - (c) providing to the self-accrediting higher education provider a written notice containing those conditions.

55R. Term of grant of status

- (1) The grant of the status of self-accrediting higher education provider has effect for the period not exceeding 5 years specified in the certificate of self-accrediting status.
- (2) The grant of the status of self-accrediting higher education provider takes effect on the day the certificate of self-accrediting status is issued or on a later day specified in that certificate.

55S. Self-accreditation fee

A self-accrediting higher education provider must pay any prescribed self-accreditation fee.

55T. Amendment of grant of status

- (1) The Board may amend the grant of the status of a self-accrediting higher education provider on the request of the self-accrediting higher education provider or at its own discretion.
- (2) Without limiting the amendments that may be made to the grant of the status of a self-accrediting higher education provider, the grant may be amended to expand, or limit or further limit, the fields of study or qualification levels to which that status applies.
- (3) If the Board amends a grant of the status of self-accrediting higher education provider under subsection (1), the Board is to –
 - (a) notify the self-accrediting higher education provider, in writing, of that amendment; and
 - (b) either endorse that amendment on the certificate of self-accrediting status or provide the self-accrediting higher education provider with a replacement certificate of self-accrediting status.
- (4) The amendment of the grant of the status of self-accrediting higher education provider takes

effect on the day specified in the notice provided to that provider under subsection (3)(a).

55U. Renewal of grant of status

- (1) A self-accrediting higher education provider may apply for the renewal of the grant of the status of self-accrediting higher education provider not less than 6 calendar months before the grant ceases to have effect.
- (2) This Division applies in respect of an application for renewal of the grant of the status of self-accrediting higher education provider, and that renewal, as if the application were an application for a first grant of that status.
- (3) A self-accrediting higher education provider must comply with the written requirement of the Board that the certificate of self-accrediting status be surrendered to the Board for the purpose of amending it, or replacing it, as the Board determines appropriate on the renewal of the grant of status.

55V. Grant of status not transferable

The grant of the status of self-accrediting higher education provider may not be transferred to any other person.

55W. Direction to self-accrediting higher education provider

- (1) The Board may direct a self-accrediting higher education provider to take any action the Board considers appropriate or refrain from doing any act if the Board is of the opinion that –
 - (a) the self-accrediting higher education provider has contravened this Act; or
 - (b) the self-accrediting higher education provider has contravened a condition to which the grant of status is subject; or
 - (c) it is appropriate to give the direction having taken into account the matters specified in section 55O(3); or
 - (d) the self-accrediting higher education provider fails to meet the standards for a self-accrediting higher education institution set out in the National Protocols for Higher Education Approval Processes.
- (2) A direction is to be in writing provided to the self-accrediting higher education provider.
- (3) A self-accrediting higher education provider must comply with a direction provided under this section.

55X. Cancellation or suspension of grant of status

- (1) The Board may cancel or suspend the grant of status of self-accrediting higher education

provider if, after allowing the self-accrediting higher education provider an opportunity to make submissions in respect of the matter, the Board is satisfied that –

- (a) the provider has contravened this Act; or
 - (b) the provider has contravened a condition to which the grant of status is subject; or
 - (c) it is appropriate to so cancel or suspend the grant of status having taken into account the matters specified in section 55O(3) and (5); or
 - (d) the provider fails to meet the standards for a self-accrediting higher education institution set out in the National Protocols for Higher Education Approval Processes; or
 - (e) the provider has not complied with a direction under section 55W within the time specified in the direction.
- (2) The Board is to cancel the grant of the status of self-accrediting higher education provider if the provider has surrendered the certificate of self-accrediting status and requested that the grant of status be cancelled.

55Y. Conferral or issue of qualification

If a person successfully completes a higher education course accredited and provided by a self-accrediting higher education provider, that

provider, by written statement or otherwise, must recognise that completion by the conferral or issue of the approved qualification for that course.

55Z. Standards for provision and assessment of higher education courses

A self-accrediting higher education provider is to –

- (a) set or adopt standards for the provision and assessment of the higher education courses he, she or it provides; and
- (b) determine the qualifications that are to be conferred or issued on the successful completion of such courses.

Division 6 – Offences

55ZA. Offences relating to provision of higher education course

A person must not provide a higher education course in Tasmania unless –

- (a) that course is an accredited higher education course or approved overseas higher education course; and
- (b) that person is –
 - (i) a registered higher education provider authorised under this Act to provide that course; or

(ii) an approved overseas higher education provider authorised under this Act to provide that course; or

(iii) a self-accrediting higher education provider.

Penalty: Fine not exceeding 200 penalty units.

55ZB. Offences relating to conferral or issue of higher education award

(1) In this section –

higher education award giver means –

(a) a registered higher education provider; or

(b) an approved overseas higher education provider; or

(c) a self-accrediting higher education provider; or

(d) a person who is otherwise lawfully able to confer or issue a higher education award.

(2) A person must not –

(a) confer or issue a higher education award;
or

(b) claim, or otherwise represent in any manner, that he, she or it is authorised or

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able to confer or issue a higher education award; or

- (c) provide or offer to provide, or claim or otherwise represent in any manner that he, she or it is authorised or able to provide, a course the successful completion of which leads to the conferral or issue of a higher education award by the person –

unless the person is a higher education award giver lawfully able to confer or issue that award, or a person acting on behalf of such a higher education award giver.

Penalty: Fine not exceeding 200 penalty units.

- (3) A person must not claim, or otherwise represent in any manner, that he, she or it is authorised or able to provide a course of study the successful completion of which leads to the conferral or issue of a higher education award by another person knowing that the other person is not lawfully able to confer or issue that higher education award.

Penalty: Fine not exceeding 200 penalty units.

55ZC. Offences relating to claim to be registered, approved overseas or self-accrediting higher education provider

- (1) A person who is not a registered higher education provider must not claim, or otherwise

represent in any manner, that he, she or it is a registered higher education provider.

Penalty: Fine not exceeding 200 penalty units.

- (2) A person who is not an approved overseas higher education provider must not claim, or otherwise represent in any manner, that he, she or it is an approved overseas higher education provider.

Penalty: Fine not exceeding 200 penalty units.

- (3) A person who is not a self-accrediting higher education provider must not claim, or otherwise represent in any manner, that he, she or it is a self-accrediting higher education provider.

Penalty: Fine not exceeding 200 penalty units.

55ZD. Offences by registered higher education providers

A registered higher education provider must not –

- (a) confer or issue in respect of the successful completion of an accredited course a qualification other than the approved qualification for that course; or
- (b) contravene the conditions to which the registration is subject.

Penalty: Fine not exceeding 200 penalty units.

55ZE. Offences by approved overseas higher education provider

An approved overseas higher education provider must not –

- (a) use a title other than one it is authorised to use under this Act; or
- (b) confer or issue in respect of the successful completion of an accredited course or an approved overseas higher education course a qualification other than the approved qualification or approved overseas higher education qualification for that course; or
- (c) contravene the conditions to which the approval is subject.

Penalty: Fine not exceeding 200 penalty units.

55ZF. Offences by self-accrediting higher education provider

A self-accrediting higher education provider must not claim, or otherwise represent in any manner that he, she or it has the status of a self-accrediting higher education provider in a field of study or qualification level in which he, she or it does not have that status.

Penalty: Fine not exceeding 200 penalty units.

55ZG. Offences relating to use of “university”, &c.

(1) In this section –

overseas university means a provider of higher education that –

- (a) is an overseas higher education institution; and
- (b) is declared by the Board to be an overseas university for the purposes of this definition.

(2) A person who provides education must not use the word “university” or “universities” in his, her or its title or description, or in any other way represent that the person is a university or part of a university, unless the person is –

- (a) an Australian university or part of an Australian university; or
- (b) an overseas university or part of an overseas university; or
- (c) the organisation known as “U3A” or the University of the Third Age; or
- (d) a prescribed person; or
- (e) otherwise authorised to do so by this Act or by or under another Act.

Penalty: Fine not exceeding 200 penalty units.

PART 4A – OTHER EDUCATION

Division 1 – Accredited other education courses

55ZH. Application for accreditation of other education course

- (1) A person who provides, or proposes to provide, an other education course in Tasmania or elsewhere may apply to the Board for accreditation of that course.
- (2) An application is to be –
 - (a) in a form approved by the Board; and
 - (b) accompanied by any prescribed fee.
- (3) The Board may require the applicant to provide any further information it considers relevant to the application.

55ZI. Accreditation of other education course

- (1) On receipt of an application under section 55ZH, the Board may –
 - (a) accredit the other education course; or
 - (b) refuse to accredit the other education course.
- (2) In determining whether or not to accredit the other education course, the Board is to have regard to –

- (a) the aims and learning outcomes of the course; and
 - (b) the processes provided, or proposed to be provided, by the applicant in respect of quality assurance; and
 - (c) the delivery and assessment methods used, or proposed to be used, in respect of the course, or to be provided; and
 - (d) any other matter the Board considers relevant.
- (3) When accrediting an other education course, the Board is to determine the qualification that will be conferred or issued on the successful completion of the course.
- (4) The Board is to notify the applicant, in writing, of its decision under this section.

55ZJ. Term of accreditation of other education course

An accredited other education course is accredited for the period, not exceeding 5 years, determined by the Board.

55ZK. Renewal of accreditation as other education course

- (1) A person who applied for the accreditation of an other education course may apply for the renewal of the accreditation of that course not less than 6 calendar months before the accreditation ceases to have effect.

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- (2) This Part applies in respect of –
- (a) an application for renewal of the accreditation of an other education course as if the application were an application for a first accreditation as an accredited other education course; and
 - (b) the renewal of an other education course as if the renewal were a first accreditation as an other education course.

55ZL. Cancellation of accreditation as accredited other education course

- (1) The Board may, at any time in writing, cancel the accreditation of an accredited other education course if –
- (a) the person providing the course fails to meet standards set or adopted for the provision and assessment of the course under section 55ZN; or
 - (b) the Board, having regard to the matters specified in section 55ZI(2), is no longer satisfied that the course should be accredited.
- (2) A cancellation takes effect on the day specified in it.

55ZM. Conferral or issue of approved qualification

If a person successfully completes an accredited other education course provided by another person, that other person, by written statement or otherwise, must recognise that completion by the conferral or issue of the approved qualification for that course.

55ZN. Standards for provision and assessment of accredited other education courses

- (1) The Board may set or adopt standards for the provision and assessment of an accredited other education course.
- (2) For the purpose of ensuring that the provision and assessment of an accredited other education course meets standards set under subsection (1), the Board may give to a person providing or proposing to provide that course a written direction to do anything the Board considers appropriate.
- (3) A person must comply with a direction given under subsection (2).

55ZO. Offence of falsely claiming to provide accredited other education course

A person who provides a course must not claim, or otherwise represent in any manner, that it is an accredited other education course unless the course is an accredited other education course.

Penalty: Fine not exceeding 200 penalty units.

***Division 2 – Other education otherwise than by completion of
accredited other education course***

55ZP. Examination or assessment of other education

The Board may determine procedures and arrangements, and may set, conduct or arrange for the conduct of and mark examinations and assessments, for the assessment of persons in respect of other education that has been obtained otherwise than by the successful completion of an accredited other education course.

55ZQ. Other education qualification

If a person meets the standards required by the Board for success in an examination or assessment of the person's other education that was obtained otherwise than by the successful completion of an accredited other education course, the Board is to issue to the person the approved qualification for that examination or assessment.

55ZR. Standards and qualifications for other education

The Board may –

- (a) set or adopt standards for examinations and assessments of the other education obtained by a person otherwise than by the successful completion of an accredited other education course; and

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- (b) determine qualifications for the successful completion of such examinations and assessments.

PART 4B – EDUCATION FOR OVERSEAS STUDENTS

Division 1 – Prohibitions relating to provision of education to overseas students, &c.

55ZS. Prohibitions relating to provision of education to overseas students, &c.

- (1) A person must not –
- (a) enrol an overseas student in an education program; or
 - (b) offer to, or enter into an agreement to, enrol an overseas student in an education program; or
 - (c) advertise an education program provided, or to be provided, to overseas students; or
 - (d) provide an education program to overseas students –

unless the person is a registered education (overseas students) provider or is registered as a provider under the *Education Services for Overseas Students Act 2000* of the Commonwealth.

Penalty: Fine not exceeding 200 penalty units.

- (2) A registered education (overseas students) provider must not –
- (a) enrol an overseas student for an education program that is not an

accredited education program he, she or it is authorised to provide under this Act;
or

- (b) offer to, or enter into an agreement to, enrol an overseas student for an education program that is not an accredited education program he, she or it is authorised to provide under this Act;
or
- (c) advertise for overseas students an education program that is not an accredited education program he, she or it is authorised to provide under this Act;
or
- (d) provide for overseas students an education program that is not an accredited education program he, she or it is authorised to provide under this Act.

Penalty: Fine not exceeding 200 penalty units.

Division 2 – Accreditation of education programs

55ZT. Application for accreditation of education program

- (1) A person who proposes to provide an education program to overseas students may apply to the Board for accreditation of that program for provision to overseas students.
- (2) An application is to be –
 - (a) in a form approved by the Board; and

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- (b) accompanied by any prescribed fee; and
 - (c) if the application relates to an accredited course or accredited training course, accompanied by details of that accreditation; and
 - (d) if the application relates to an education program that is accredited, registered or otherwise approved under a corresponding law for provision to overseas students, accompanied by –
 - (i) either evidence that the program is accredited, registered or otherwise approved under a corresponding law or the application for the course to be so accredited, registered or otherwise approved; and
 - (ii) permission in writing for the person or authority that accredits, registers or otherwise approves education programs under that corresponding law to provide to the Board details of that accreditation, registration or other approval.
- (3) The Board may require the applicant to provide any further information and permissions for the release of information it considers relevant to the application.

55ZU. Accreditation of education program

- (1) On receipt of an application under section 55ZT, the Board may –
 - (a) accredit the education program for provision to overseas students; or
 - (b) refuse to so accredit the education program.
- (2) In determining whether to accredit a proposed education program for provision to overseas students, the Board is to have regard to –
 - (a) any relevant national standards in relation to the principles, process or other matters to be applied in accrediting education programs for overseas students; and
 - (b) whether each of the following matters is adequately provided for and of sufficient standard to allow the conferral or issue of a qualification on the successful completion of the proposed education program:
 - (i) the aims and learning outcomes of the proposed education program;
 - (ii) the scope of the studies involved in the proposed education program;

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- (iii) the manner in which the proposed education program is to be delivered;
 - (iv) the processes to be used to monitor the progress and attendance of a student;
 - (v) the assessment processes to be used to determine whether a student has achieved the learning outcomes of the proposed education program; and
- (c) whether the contents and standards of the proposed education program, and the methods of delivering the proposed education program, are consistent with any relevant national standards in relation to the principles, process or other matters to be applied in accrediting or otherwise authorising education programs for overseas students; and
 - (d) the place in which the proposed education program will be delivered; and
 - (e) the maximum number of overseas students that may undertake the proposed education program; and
 - (f) the duration of the proposed education program; and
 - (g) any other matter the Board considers relevant.

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- (3) In determining whether to accredit a proposed education program for provision to overseas students, if that program is accredited, registered or otherwise approved under a corresponding law for provision to overseas students, the Board is to have regard to –
- (a) local issues that may impact on delivery of the program in Tasmania; and
 - (b) any of the matters specified in subsection (2); and
 - (c) any other relevant matter.
- (4) The Board may accredit a proposed education program that is accredited, registered or otherwise approved under a corresponding law for provision to overseas students without having regard to the matters specified in subsection (2) if satisfied that –
- (a) the program is accredited, registered or otherwise approved under a corresponding law; and
 - (b) the program is to be delivered in Tasmania in substantially the same manner as in the jurisdiction where it is so accredited, registered or otherwise approved.
- (5) On accrediting a proposed education program for provision to overseas students, the Board is to determine the qualification that will be conferred or issued on the successful completion of the program.

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- (6) The Board is to notify the applicant, in writing, as to whether it has accredited or refused to accredit the proposed education program.

55ZV. Term of accreditation of accredited education program

- (1) An accredited education program that consists of an accredited course or accredited training course is accredited for the period for which it is accredited as an accredited course or accredited training course.
- (2) If an accredited education program is accredited on the basis that it was already accredited, registered or otherwise approved under a corresponding law for provision to overseas students, the accredited education program is accredited for the period for which it is accredited, registered or otherwise approved under the corresponding law.
- (3) Any other accredited education program is accredited for the period, not exceeding 5 years, determined by the Board.

55ZW. Accredited education program subject to conditions

- (1) The accreditation of an accredited education program is subject to any condition determined by the Board and notified in writing to the registered education (overseas students) provider providing the accredited program.

- (2) The Board may at any time impose a condition on the accreditation of an accredited education program or amend the conditions to which an accredited education program is subject by notifying, in writing, the registered education (overseas students) provider providing the accredited education program.

55ZX. Renewal of accreditation as accredited education program

- (1) A person who applied for the accreditation of an education program for provision to overseas students may apply for the renewal of the accreditation of the accredited education program not less than 6 calendar months before the accreditation ceases to have effect.
- (2) This Division applies in respect of an application for renewal of the accreditation of an accredited education program, and that renewal, as if the application were an application for a first accreditation as an accredited education program.

55ZY. Cancellation of accreditation as accredited education program

- (1) The Board, at any time by written notice provided to the registered education (overseas students) provider providing an accredited education program, may cancel the accreditation of the accredited education program if the Board is satisfied that it is no longer appropriate for the

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program to be accredited for provision to overseas students.

- (2) A cancellation takes effect on the day specified in it.
- (3) On cancelling the accreditation of an accredited education program, the Board may –
 - (a) arrange for an overseas student being provided with the accredited education program to be provided with a similar education program by that or another registered education (overseas students) provider or an education provider in another State or a Territory; and
 - (b) require the registered education (overseas students) provider who was providing that accredited education program to an overseas student to make such refund in relation to a fee paid for the provision of that accredited education program to the overseas student as the Board determines to be appropriate.
- (4) A registered education (overseas students) provider must comply with a requirement made under subsection (3)(b).

Penalty: Fine not exceeding 200 penalty units.

***Division 3 – Registration of education (overseas students)
provider***

55ZZ. Application for registration

- (1) A person who proposes to provide an education program to overseas students in Tasmania or elsewhere may apply to the Board for registration as a registered education (overseas students) provider.
- (2) An application is to be –
 - (a) in a form approved by the Board; and
 - (b) accompanied by any prescribed fee.
- (3) The Board may require the applicant to provide any further information, and any permissions for the release of information, it considers relevant to the application.

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

- (1) On receipt of an application under section 55ZZ, the Board may –
 - (a) register the applicant as a registered education (overseas students) provider; or
 - (b) refuse to so register the applicant.
- (2) In determining whether or not to register an applicant, the Board is to have regard to –

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- (a) any national standards relating to –
 - (i) the registration, licensing, approval or other recognition of persons who provide education programs to overseas students; or
 - (ii) the provision of education programs to overseas students; and
- (b) the processes proposed to be provided by the applicant in respect of quality assurance; and
- (c) the delivery and assessment methods proposed to be used in respect of the education programs to be provided by the applicant; and
- (d) the premises, equipment, materials, staff and resources proposed to be used in respect of the education programs proposed to be provided by the applicant; and
- (e) the financial viability of the applicant; and
- (f) the provisions proposed to be made for overseas students should the applicant be unable to provide the education program for which they are enrolled; and
- (g) any other matter the Board considers relevant.

- (3) On registering or refusing to register an applicant, the Board is to notify the applicant, in writing, of that decision.

55ZZB. Registration subject to conditions

- (1) On registering a person as a registered education (overseas students) provider and at any other time, the Board may –
- (a) impose conditions to which the registration as a registered education (overseas students) provider is subject; and
 - (b) amend any such conditions.
- (2) Without limiting the conditions that the Board may impose, the Board may impose one or more of the following conditions:
- (a) that the registered education (overseas students) provider must hold a policy of indemnity insurance, or a guarantee, approved by the Board;
 - (b) that the registered education (overseas students) provider must participate in an indemnity scheme approved by the Board.
- (3) A condition imposed under this section, or the amendment under this section of such a condition, takes effect on the day on which the registered education (overseas students) provider receives written notice of the condition, or

amendment, or on a later day specified in that notice.

55ZZC. Registration (overseas students) certificate

- (1) On registering a person as a registered education (overseas students) provider, the Board is to issue a registration (overseas students) certificate to the person.
- (2) A registration (overseas students) certificate is to specify –
 - (a) which accredited education programs the registered education (overseas students) provider is authorised to provide; and
 - (b) which qualifications, if any, the registered education (overseas students) provider is authorised to confer or issue in respect of those programs; and
 - (c) any conditions imposed under section 55ZZB; and
 - (d) the period for which the registered education (overseas students) provider is registered; and
 - (e) any other matter the Board considers appropriate.
- (3) If the Board under section 55ZZB imposes conditions on the registration of the registered education (overseas students) provider otherwise than on the grant of that registration, or amends any such conditions, the Board is to amend the

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registration (overseas students) certificate or issue a replacement registration (overseas students) certificate.

- (4) Conditions to which the registration of a registered education (overseas students) provider is subject may be specified in a registration (overseas students) certificate by –
- (a) specifying those conditions in or on the certificate; or
 - (b) attaching those conditions to the certificate; or
 - (c) providing to the registered education (overseas students) provider a written notice containing those conditions.

55ZZD. Term of registration

- (1) The registration of a registered education (overseas students) provider has effect for the period not exceeding 5 years specified in the registration (overseas students) certificate.
- (2) Registration of a person as a registered education (overseas students) provider takes effect on the day the registration (overseas students) certificate is issued or on a later day specified in that certificate.

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55ZZE. Registration fee

A registered education (overseas students) provider must pay any prescribed registration fee.

55ZZF. Amendment of registration

- (1) The Board may amend the registration of a registered education (overseas students) provider on the request of the registered education (overseas students) provider or at its own discretion.
- (2) If the Board amends a registration under subsection (1), the Board is to –
 - (a) notify the registered education (overseas students) provider, in writing, of that amendment; and
 - (b) either endorse that amendment on the registration (overseas students) certificate or provide the registered education (overseas students) provider with a replacement registration (overseas students) certificate.
- (3) The amendment of the registration of a registered education (overseas students) provider takes effect on the day specified in the notice provided to that provider under subsection (2)(a).

55ZZG. Renewal of registration

- (1) A registered education (overseas students) provider may apply for the renewal of the registration not less than 6 calendar months before the registration ceases to have effect.
- (2) This Division applies in respect of an application for renewal of registration as a registered education (overseas students) provider, and that renewal, as if the application were an application for a first registration as a registered education (overseas students) provider.
- (3) A registered education (overseas students) provider must comply with the written requirement of the Board that the registration (overseas students) certificate be surrendered to the Board for the purpose of amending it, or replacing it, as the Board determines appropriate on the renewal of the registration.

55ZZH. Registration not transferable

The registration of a person as a registered education (overseas students) provider may not be transferred to any other person.

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

- (1) The Board may direct a registered education (overseas students) provider to take any action the Board considers appropriate or refrain from doing any act if the Board is of the opinion that –

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- (a) the registered education (overseas students) provider has contravened this Act; or
 - (b) the registered education (overseas students) provider has contravened a condition to which the registration is subject; or
 - (c) it is appropriate to give the direction having taken into account the matters specified in section 55ZZA(2); or
 - (d) the standards relating to the provision and assessment of an accredited education program by the registered education (overseas students) provider fail to meet any relevant standards or the standards proposed by that provider in his, her or its application for accreditation of the education program.
- (2) A direction is to be in writing provided to the registered education (overseas students) provider.
- (3) A registered education (overseas students) provider must comply with a direction provided under this section.

55ZZJ. Cancellation or suspension of registration

- (1) The Board may cancel or suspend the registration of a registered education (overseas students) provider if, after allowing the provider

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an opportunity to make submissions in respect of the matter, the Board is satisfied that –

- (a) the provider has contravened this Act; or
 - (b) the provider has been found guilty of an offence under any law of Tasmania or any other place in relation to the provision of an education program to, or a dealing relating to, a person who is an overseas student or is not a citizen or permanent resident of that place; or
 - (c) the provider has contravened a condition to which the registration is subject; or
 - (d) it is appropriate to so cancel or suspend the registration having taken into account the matters specified in section 55ZZA(2); or
 - (e) it is in the public interest to so cancel or suspend the registration; or
 - (f) the provider has not complied with a direction under section 55ZZI within the time specified in the direction.
- (2) The Board is to cancel the registration of a registered education (overseas students) provider if the provider has surrendered the registration (overseas students) certificate and requested that the approval be cancelled.
- (3) If the Board cancels the registration of a registered education (overseas students) provider, the Board may –

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- (a) arrange for an overseas student being provided with a registered education program or an accredited course by that provider to be provided with that registered education program or accredited course, or a similar education program or course of study, by another registered education (overseas students) provider or a person in another State or a Territory who is authorised under a corresponding law to provide education programs to overseas students; and
 - (b) require the registered education (overseas students) provider whose registration is cancelled to make such refund in respect of any fees paid in relation to an overseas student as the Board determines appropriate.
- (4) A registered education (overseas students) provider must comply with a requirement under subsection (3)(b) to make a refund.

Penalty: Fine not exceeding 200 penalty units.

55ZZK. Conferral or issue of approved qualification

If a person successfully completes an accredited education program provided by a registered education (overseas students) provider, that provider, by written statement or otherwise, must recognise that completion by the conferral or issue of the approved qualification for that program.

**PART 4C – RECOGNITION OF OTHER
QUALIFICATIONS**

55ZZL. Application for recognition of other qualifications

- (1) A person who provides, or is proposing to provide, formal education may apply to the Board for a qualification he, she or it confers or issues, or will confer or issue, in respect of that education to be recognised by the Board.
- (2) An application is to be –
 - (a) in a form approved by the Board; and
 - (b) accompanied by any prescribed fee.
- (3) The Board may require the applicant to provide any further information it considers relevant to the application.

55ZZM. Recognition of other qualification

- (1) On receipt of an application under section 55ZZL, the Board may –
 - (a) recognise the qualification conferred or issued, or to be conferred or issued, by the applicant; or
 - (b) refuse to so recognise that qualification.
- (2) In determining whether or not to recognise the qualification, the Board may have regard to –
 - (a) the aims and learning outcomes of the formal education; and

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- (b) the processes provided, or proposed to be provided, by the applicant in respect of quality assurance; and
 - (c) the delivery and assessment methods used, or proposed to be used, in respect of the formal education provided, or to be provided; and
 - (d) any other matter the Board considers relevant.
- (3) The Board is to notify the applicant, in writing, of its decision under this section.

55ZZN. Cancellation of recognition

- (1) The Board may cancel its recognition of a recognised qualification –
- (a) at any time; and
 - (b) for any reason it considers appropriate.
- (2) Before cancelling its recognition of a recognised qualification, the Board is to –
- (a) notify the person who confers or issues that qualification, in writing, that it is considering cancelling the recognition of that qualification; and
 - (b) allow that person reasonable opportunity to make submissions to the Board in respect of the matter.

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- (3) The Board is to notify the person who confers or issues the recognised qualification, in writing, of its decision under this section.

PART 4D – ESTABLISHING NEW UNIVERSITY

Division 1 – Application for establishment of new university

55ZZO. Application for recommendation for establishment of new university

- (1) A person who proposes to provide higher education courses to students, whether in Tasmania or elsewhere, at or from premises situated in Tasmania may apply to the Board for a recommendation that a new university be established by an Act.
- (2) An application is to be –
 - (a) in a form approved by the Board; and
 - (b) made not less than 30 months before the proposed commencement date of the higher education courses to which the application relates; and
 - (c) accompanied by any prescribed fee.
- (3) The Board may require the applicant to provide any further information it considers relevant to the application.

55ZZP. Initial assessment of application

- (1) On receipt of an application for an assessment recommendation, the Board is to assess the application to determine whether or not the applicant may be able to meet the relevant requirements set out in the National Protocols

for Higher Education Approval Processes in relation to the establishment of new universities.

- (2) In assessing the application, the Board may make such inquiries, and inform itself in such manner, as it considers appropriate.
- (3) The Board is to notify the applicant, in writing, of its decision under this section.

Division 2 – Investigation of application

55ZZQ. Investigation of application

- (1) If the Board decides under section 55ZZP that an applicant for an assessment recommendation may be able to meet the relevant requirements set out in the National Protocols for Higher Education Approval Processes in relation to the establishment of new universities, the Board is to conduct an investigation for the purposes of making the assessment recommendation.
- (2) In conducting the investigation, the Board must give notice of the application, and invite written submissions in relation to it, in 3 daily newspapers published and circulating generally in Tasmania.
- (3) In conducting the investigation, the Board must –
 - (a) allow the applicant a reasonable opportunity to make written submissions in relation to other submissions received by the Board; and

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- (b) obtain advice from persons it considers expert in university administration and the fields of study which the proposed university would offer to students; and
 - (c) take into consideration all submissions received by the Board.
- (4) In conducting the investigation, the Board may inform itself of any matter in any manner it considers appropriate including, but not limited to –
 - (a) holding hearings; and
 - (b) accepting oral submissions; and
 - (c) establishing a committee to advise and assist the Board in undertaking the investigation.
- (5) In conducting the investigation, the Board is not bound by rules of evidence.

Division 3 – Recommendation of Board

55ZZR. Recommendation of Board

- (1) After conducting an investigation in respect of an application under section 55ZZQ, the Board is to recommend to the Minister that the new university to which the application for the recommendation relates should or should not be established.
- (2) In making the recommendation, the Board is to consider –

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- (a) the advice obtained from persons it considers expert in university administration and the fields of study which the proposed university would offer to students; and
- (b) the submissions received; and
- (c) all other evidence obtained; and
- (d) the National Protocols for Higher Education Approval Processes; and
- (e) any other relevant national standards in respect of higher education and the establishment of Australian universities; and
- (f) the processes proposed to be provided in respect of quality assurance; and
- (g) the delivery and assessment methods proposed to be used in respect of the higher education courses to be provided; and
- (h) the processes proposed to be used in respect of course accreditation; and
- (i) the premises, equipment, materials, staff and resources proposed to be used in respect of the higher education courses to be provided; and
- (j) the financial viability of the applicant for the recommendation; and

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- (k) any other matter the Board considers relevant.
- (3) An assessment recommendation –
- (a) is to set out the reasons for, and the evidence on which, the recommendation is based; and
 - (b) is to include any views or statements of a member of the Board which are contrary to the views and statements of the Board; and
 - (c) if the recommendation supports the establishment of a new university –
 - (i) is to include a recommendation in respect of the title of the new university taking into account the relevant provisions of the National Protocols for Higher Education Approval Processes; and
 - (ii) may include other recommendations in respect of matters to be included in the legislation establishing the new university as the Board considers appropriate.
- (4) Before including a recommendation in respect of the title of the new university in an assessment recommendation, the Board is to consult with each authority, board or other person that has responsibility under a corresponding law for

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recommending or approving the name of a new provider of higher education that includes the term “university” or “university college”.

- (5) On making an assessment recommendation, the Board is to notify the applicant, in writing, of that recommendation.

PART 5 – INVESTIGATIONS AND INSPECTIONS

56. Investigations

(1) The Board may conduct an investigation –

(a) to determine whether or not –

(i) a course or education program should be accredited, or the accreditation of that course or education program renewed, under section 26, 36, 55ZI or 55ZU; or

(ii) the accreditation of an accredited course or accredited education program should be cancelled under section 29, 40, 55ZL or 55ZY; or

(b) to determine –

(i) under section 43 or 55ZZA, an application by a person to be registered as a registered higher education provider or registered education (overseas students) provider, or an application for the renewal of such registration; or

(ii) under section 55B, an application by an overseas higher education institution to be an approved overseas higher education

- provider, or an application for the renewal of such approval; or
- (iii) under section 55O, an application by a person for the grant of the status of self-accrediting higher education provider, or an application for the renewal of such grant of status; or
 - (iv) under section 33E, an application by an institution or other person to be registered as a registered student exchange organisation or for the renewal of such registration; or
 - (v) under section 55ZZM, an application by a person for the Board to recognise a qualification the person confers or issues or proposes to confer or issue; or
 - (vi) under section 55ZZO, an application for an assessment recommendation; or
 - (vii)
- (c) to determine whether or not conditions should be imposed on –
- (i) the accreditation of a higher education course, or of an education program; or

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- (ii) the registration of a person as a registered higher education provider or registered education (overseas students) provider; or
 - (iii) the approval of an overseas higher education institution as an approved overseas higher education provider; or
 - (iv) the grant to a person of the status of self-accrediting higher education provider –
- and whether or not any such conditions should be amended; or
- (d) to determine whether or not to amend –
 - (i) the registration of a registered higher education provider or registered education (overseas students) provider; or
 - (ii) the approval of an approved overseas higher education provider; or
 - (iii) the grant to a person of the status of self-accrediting higher education provider; or
 - (iv) the registration of a registered student exchange organisation; or
 - (e) to determine whether or not the conditions to which the provision of an

accredited course or accredited education program is subject are being complied with by the person providing that course or program; or

- (f) to determine whether or not a registered higher education provider, registered education (overseas students) provider, approved overseas higher education provider or self-accrediting higher education provider is complying with the conditions to which the registration, approval or grant of status is subject; or
- (g) to determine whether or not a registered student exchange organisation is complying with any guidelines issued under section 33L; or
- (ga) to monitor the standard of an accredited course or accredited education program being provided by a person; or
- (gb) to determine or approve a qualification under section 26(4)(b), section 33C(b), section 36(3), section 55B(5)(c), section 55ZI(3), section 55ZR(b) and section 55ZU(5); or
- (gc) to determine whether or not to recognise a qualification under section 55ZZM(1); or
- (gd) to monitor the appropriateness of an approved qualification, a qualification in respect of an accredited training course or a recognised qualification conferred or

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- issued, or proposed to be conferred or issued; or
- (h) to determine whether this Act is being or has been contravened; or
 - (i) for any prescribed purpose.
- (2) In an investigation, the Board may make such inquiries, and may carry out such inspections, as it considers appropriate.
- (3) The Board, by written notice provided to a registered higher education provider, registered education (overseas students) provider, approved overseas higher education provider, self-accrediting higher education provider, registered student exchange organisation or person who confers or issues a recognised qualification, may require that provider, organisation or person to pay a fee in respect of an investigation under this section, other than an investigation relating to an application for –
- (a) the registration or approval as such a provider or organisation; or
 - (b) the grant of status as such a self-accrediting higher education provider; or
 - (c) the recognition of a qualification as a recognised qualification.
- (4) A fee under subsection (3) must not exceed the reasonable costs of conducting the investigation.

- (5) A registered higher education provider, registered education (overseas students) provider, approved overseas higher education provider, self-accrediting higher education provider, registered student exchange organisation or person who confers or issues a recognised qualification must pay any fee he, she or it is required to pay under subsection (3).

57. Inspections

- (1) If the Board is carrying out an investigation referred to in section 56, an authorised officer may do any or all of the following for the purposes of that investigation subject to any written direction of the Board:
- (a) at any reasonable time, enter any place which the authorised officer knows or reasonably believes is used, or is intended to be used, by a person in relation to –
 - (i) the provision of an accredited course or accredited education program; or
 - (ii) the conferral or issue of an approved qualification or a recognised qualification; or
 - (iii) a student exchange program;
 - (b) in any place lawfully entered, search for, examine, take possession of, make copies

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of or take extracts from any documents relating or relevant to –

- (i) the provision of accredited courses, accredited education programs or other higher education courses; or
- (ii) the conferral or issue of approved qualifications, recognised qualifications or qualifications in respect of accredited training courses; or
- (iia) a student exchange program; or
- (iii) an application under this Act; or
- (iiia) a contravention of a condition to which the accreditation of an accredited course or accredited education program is subject; or
- (iiib) a contravention of a condition to which the registration of a registered higher education provider or registered education (overseas students) provider, the approval of an approved overseas higher education provider or the grant of the status of self-accrediting higher education provider is subject; or
- (iiic) a contravention of guidelines issued under section 33L; or

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- (iv) a contravention of this Act;
 - (c) in any place lawfully entered, require any person who is in charge of or employed in that place to open any container or answer any question;
 - (d) in any place lawfully entered, take photographs, films, audio recordings, video recordings and other recordings;
 - (e) in any place lawfully entered, operate electric and electronic equipment.
- (2) An authorised officer is to produce his or her identity card for inspection –
- (a) by a person apparently in charge of a place referred to in subsection (1)(a) before exercising a power under this section in respect of that place; and
 - (b) by a person in a place in which the officer is exercising powers under subsection (1) if the person requests it.
- (3) In the exercise of powers under this section, an authorised officer may be accompanied and assisted by such assistants as he or she considers appropriate.
- (4) An authorised officer who has not obtained a warrant under subsection (7) must not forcibly enter any place referred to in subsection (1).

Penalty: Fine not exceeding 20 penalty units.

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- (5) An authorised officer is not entitled to use force to enter a place referred to in subsection (1)(a) unless a warrant has been issued under subsection (7) authorising an authorised officer to enter that place.

Penalty: Fine not exceeding 20 penalty units.

- (6) An authorised officer who does not have the authority of a warrant under subsection (7) or does not have the permission of the occupier to enter any premises which are, or any part of premises which is, used as a dwelling must not enter those premises or that part of premises.

Penalty: Fine not exceeding 20 penalty units.

- (7) If a justice of the peace is satisfied by the evidence on oath of an authorised officer that there is reasonable cause to permit entry to any place referred to in subsection (1) for a purpose specified in section 56(1), the justice may issue a warrant authorising an authorised officer to enter the place specified in the warrant for the purpose of exercising in that place the powers conferred on the authorised officer by this Act.

- (8) A warrant issued under this section is sufficient authority, for a period of one month from its issue –

- (a) to an authorised officer, and to all persons acting in aid of the authorised officer, to enter the place specified in the warrant using such force as is necessary; and

- (b) to an authorised officer to exercise in respect of the place specified in the warrant all the powers conferred on an authorised officer by this Act.

58. Documents

- (1) If the Board or an authorised officer has reason to believe that a person has possession of any information or document which is relevant to an investigation under this Act, the Board or authorised officer may require that person to provide the information or document, or a copy of the document, as specified in the requirement.
- (2) If an authorised officer has taken possession of a document for the purposes of this Act, the Board has taken possession of that document.
- (3) If the Board has taken possession of a document for the purposes of this Act, the Board may retain the document for so long as is necessary for those purposes.
- (4) A person otherwise entitled to possession of a document retained by the Board under this Act is entitled to be provided at his or her request with a copy of that document certified by the Registrar to be a true copy.
- (5) A certified copy of a document referred to in subsection (4) is to be received in all courts and elsewhere as if it were the original document.

59. Use of document or information obtained

If a document or information is obtained by the Board or an authorised officer under this Part, evidence of that document or information or the obtaining of that document or information is not admissible against any person in any civil or criminal proceedings other than proceedings against that person for an offence under this Act.

PART 6 – REVIEW OF DECISIONS

60. Review of decisions

A person aggrieved by any of the following decisions of the Board may apply to the Magistrates Court (Administrative Appeals Division) for a review of that decision:

- (a) a refusal under section 26 to accredit a course as an accredited senior secondary course or to renew the accreditation of such a course;
- (b) a refusal under section 36 to accredit a course as an accredited higher education course or to renew the accreditation of such a course;
- (ba) a refusal under section 55B(5)(b) to approve a course as an approved overseas higher education course or to renew the approval of such a course;
- (bb) a refusal to accredit a course of study as an accredited other education course or to renew the accreditation of such a course of study;
- (bc) a refusal under section 55ZI to accredit an education program as an accredited education program or to renew the accreditation of such a program;
- (c)
- (d) the cancellation –

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- (i) under section 29 of the accreditation of an accredited senior secondary course; or
- (ii) under section 40 of the accreditation of an accredited higher education course; or
- (iia) under section 55K of the approval of an approved overseas higher education course; or
- (iib) under section 55ZL of the accreditation of an accredited other education course; or
- (iic) under section 55ZY of the accreditation of an accredited education program;
- (iii)
- (e) a refusal under section 43 to register a person as a registered higher education provider or to renew the registration of a registered higher education provider;
- (ea) a refusal under section 55B to approve an overseas higher education institute as an approved overseas higher education provider or to renew the approval of an approved overseas higher education provider;
- (eb) a refusal to grant to a person the status of a self-accrediting higher education provider or to renew the grant of status of

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-
- a self-accrediting higher education provider;
- (ec) a refusal under section 55ZZA to register a person as a registered education (overseas students) provider or to renew the registration of a registered education (overseas students) provider;
- (f)
- (g) the cancellation or suspension –
- (i) under section 52 of the registration of a registered higher education provider; or
 - (ii) under section 55L of the approval of an approved overseas higher education provider; or
 - (iii) under section 55X of the grant of status as self-accrediting higher education provider of a self-accrediting higher education provider; or
 - (iv) under section 55ZZJ of the registration of a registered education (overseas students) provider;
- (h)
- (i) a decision of the Board under this Act or any other Act that is prescribed by the

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regulations to be a decision which may be reviewed.

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.

PART 7 – REGISTERS

61. Registers

- (1) The Board must establish and maintain one or more registers as it considers appropriate to record details in respect of the following matters:
 - (a) accredited courses and the approved qualifications for those courses;
 - (b) registered higher education providers, the accredited higher education courses that such providers may provide and the approved qualifications for those courses;
 - (c) registered education (overseas students) providers, the accredited courses and accredited education programs that such providers may provide and the approved qualifications for those courses and programs;
 - (d) approved overseas higher education providers, the approved overseas higher education courses that such providers may provide and the approved qualifications for those courses;
 - (e) self-accrediting higher education providers, the accredited higher education courses that such providers may provide and the approved qualifications for those courses;

- (f) registered student exchange organisations;
 - (g) any other approved qualifications;
 - (h) recognised qualifications;
 - (i) any other matter the Board considers appropriate.
- (2) In establishing and maintaining a register under this Part, the Board is to comply, where appropriate, with –
- (a)
 - (b) the National Protocols for Higher Education Approval Processes.

62. Manner of keeping registers

- (1) The Board may establish and maintain a register under this Part in any form it considers appropriate.
- (2) The Board may combine any register established and maintained under this Part with any other such register.

63. Access to registers

- (1) The Board is to make a register established and maintained under this Part available for inspection by any person during office hours at the office of the Board.

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- (2) On payment of any prescribed fee, a person may obtain a copy of, or extract from, a register established and maintained under this Part.
- (3) The Board is to publish a register established and maintained under this Part on its website.
- (4) The Board may make a register established and maintained under this Part available to the public, or publish it, in any other manner the Board considers appropriate.

PART 8 – RULES

64. Rules

- (1) The Board may make rules for the purposes of the performance and exercise of its functions and powers.
- (2) Without limiting the generality of subsection (1), the rules may make provision in relation to –
 - (a) the assessment procedures for –
 - (i) an accredited course, accredited education program, approved overseas higher education course or other course of study; and
 - (ii) an examination or assessment in senior secondary education or other education under Division 2 of Part 3 or Division 2 of Part 4A; and
 - (b) the eligibility of a person –
 - (i) to take an examination or assessment in an accredited course, accredited education program, approved overseas higher education course or other course of study; and
 - (ii) to take an examination or assessment in senior secondary education or other education

under Division 2 of Part 3 or
Division 2 of Part 4A; and

- (c) the conduct of a person during –
 - (i) an examination or assessment in an accredited course, accredited education program, approved overseas higher education course or other course of study; and
 - (ii) an examination or assessment in senior secondary education or other education under Division 2 of Part 3 or Division 2 of Part 4A; and
 - (d) the conferral or issue of an approved qualification; and
 - (e) any matter relating to the functions and powers of the Board under any other Act; and
 - (f) the action to be taken if a person contravenes a rule; and
 - (g) the review of decisions of the Board or any other person made under the rules.
- (3) The rules may be made so as to apply differently according to such factors as are specified in the rules.
 - (4) The rules may not provide that a contravention of the rules is an offence.

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- (5) The rules may authorise any matter to be from time to time determined, applied or regulated by the Board or the Registrar.
- (6) The Board –
 - (a) is to make the rules available for inspection by any person during its normal business hours; and
 - (b) on the request of any person and payment of any prescribed fee, is to provide a copy of the rules or a part of rules to the person; and
 - (c) is to publish the rules on its website; and
 - (d) may make the rules available to the public, or publish them, in any other manner the Board considers appropriate.
- (7) The rules –
 - (a) are not a statutory rule for the purposes of the *Rules Publication Act 1953*; and
 - (b) are not subject to section 47(3)(c) or (11) of the *Acts Interpretation Act 1931*; and
 - (c) may not be declared under section 3(2) of the *Subordinate Legislation Act 1992* to be subordinate legislation for the purposes of that Act.
- (8) A court or person acting judicially must –
 - (a) take judicial notice of the rules, as amended from time to time; and

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- (b) admit as evidence a copy of the rules, as amended from time to time, if the copy is certified as a true copy by the Registrar.

PART 9 – MISCELLANEOUS

64A. Consolidated statements of qualifications

- (1) On the request of a person and payment of any prescribed fee, the Board is to provide to the person a statement specifying –
 - (a) all the approved qualifications conferred on or issued to the person; and
 - (b) all the recognised qualifications conferred on or issued to the person; and
 - (c) any other qualifications conferred on or issued to the person that the Board considers appropriate to be specified in the statement.
- (2) On the request of a person and payment of any prescribed fee, the Board may provide to the person a statement that compares qualifications conferred on or issued to the person for completion of formal education or training in another State, a Territory or a country other than Australia with qualifications that may be conferred or issued under this Act for similar formal education or training.

64B. Providing information to authorities, &c., under corresponding laws

- (1) In this section –

interstate authority means an authority, body or other person responsible under a corresponding law for –

- (a) the accreditation, registration, licensing or other approval of a course of study or another education program; or
 - (b) the registration, accreditation, licensing or other approval of a provider of education.
- (2) The Board may provide to an interstate authority any information it has or obtains in the performance and exercise of its functions and powers in relation to –
- (a) a course of study or another education program provided or proposed to be provided in Tasmania or elsewhere; and
 - (b) a person who provides, or has made an application under this Act in relation to a proposal to provide, a course of study or another education program; and
 - (c) a person who has been found guilty of an offence against this Act or who has had his, her or its registration, approval or grant of self-accrediting status under this Act cancelled or suspended.
- (3) The Board may provide to a person responsible for the registration, licensing, approval or other recognition of an organisation or other person that proposes to oversee or manage a student

exchange program in another State or a Territory any information that it has or obtains in the performance and exercise of its functions and powers in relation to –

- (a) the registration, and the application for registration, of an organisation or other person as a registered student exchange organisation; and
- (b) the suspension or cancellation of such registration.

64C. Registered training organisations to provide information to Board

A registered training organisation conducting operations in this State must provide returns of its client records of attainment of units of competency and qualifications, as are determined by the Board, to the Board at such times and in such manner as the Board determines.

Penalty: Fine not exceeding 10 penalty units.

65. Offences relating to exercise of powers by Board or authorised officer

- (1) A person must not –
 - (a) assault, resist, impede or obstruct an authorised officer exercising powers under this Act or attempt to do so; or

- (b) use threatening, abusive or insulting language to an authorised officer exercising powers under this Act; or
- (c) fail to open a container when required to do so under this Act by an authorised officer; or
- (d) fail to answer a question or to provide a document or other information when required to do so under this Act by the Board or an authorised officer; or
- (e) provide a document or other information that is false or misleading in a material particular to the Board or an authorised officer; or
- (f) impersonate an authorised officer.

Penalty: Fine not exceeding 50 penalty units.

- (2) If a person is convicted of an offence under subsection (1)(c), the court may order the person to open the container which was the subject of the offence in the presence of, and for the inspection of, an authorised officer.
- (3) If a person is convicted of an offence under subsection (1)(d) or (e), the court may order the person to provide the document or information which was the subject of the offence to the Board or an authorised officer.

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.

66. Offences by body corporate and director, &c.

- (1) If a body corporate commits an offence against this Act, a director or other person concerned in the management of the body corporate is taken to have committed that offence also.
- (2) It is a defence in proceedings under subsection (1) for the director or person to show that –
 - (a) the body corporate contravened the provision without the knowledge of the director or person; or
 - (b) the director or person was not in a position to influence the conduct of the body corporate in relation to its contravention of the provision; or
 - (c) the director or person, if in that position, used all due diligence to prevent the contravention by the body corporate.
- (3) A director or person may be proceeded against and convicted in relation to an offence against this Act by reason of this section whether or not

the body corporate has been proceeded against or convicted.

67. *Land Acquisition Act 1993* does not apply

The Board is not a public authority for the purposes of the *Land Acquisition Act 1993*.

68. Judicial notice of certain signatures

All courts and persons acting judicially must take judicial notice of –

- (a) the official signature of a person who is or has been the Registrar; and
- (b) the fact that the person holds or has held the office of Registrar.

69. Presumptions

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

- (a) the constitution of the Board; or
- (b) any resolution of the Board; or
- (c) the appointment of the Registrar; or
- (d)
- (e) the appointment of a member of a committee or an authorised officer.

70. Evidentiary matters

- (1) In any proceedings under this Act, a certificate signed or purporting to be signed by the Registrar and relating to one or more of the following matters is evidence of the matters specified in it:
- (a) whether or not at the specified time a course of study or education program was an accredited course, approved overseas higher education course or accredited education program;
 - (b) whether or not at the specified time –
 - (i) a person, institution or organisation was a registered higher education provider, approved overseas higher education provider, self-accrediting higher education provider, registered education (overseas students) provider or registered student exchange organisation; and
 - (ii) such registration or approval was suspended;
 - (c) whether or not at the specified time a person was authorised or able under this Act to confer or issue a specified approved qualification;

- (d) whether or not at the specified time any of the following was subject to a specified condition:
- (i) an accredited course;
 - (ii) an accredited education program;
 - (iii) a registration as a registered higher education provider;
 - (iv) an approval as an approved overseas higher education provider;
 - (v) a grant of the status of self-accrediting higher education provider;
 - (vi) a registration as a registered education (overseas students) provider;
- (e) whether or not at the specified time a qualification was an approved qualification or recognised qualification.

(2) In subsection (1),

specified means specified in the certificate referred to in that subsection.

71. Service of documents

- (1) A document may be served on or provided to the Board by –

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- (a) leaving it at, or sending it by post to, the address of the Board; or
 - (b) faxing it or emailing it to the Board's fax number or email address.
- (2) The Board may serve on or provide to a person a document required to be provided or given under this Act –
- (a) in the case of a natural person, by –
 - (i) giving it to the person; or
 - (ii) leaving it at, or sending it by post to, the person's postal or residential address, or place or address of business or employment, last known to the Board; or
 - (iii) faxing it to the person's fax number; or
 - (iv) emailing it to the person's email address; and
 - (b) in the case of any other person, by –
 - (i) leaving it at, or sending it by post to, the person's principal or registered office or principal place of business; or
 - (ii) faxing it to the person's fax number; or

- (iii) emailing it to the person's email address.

72. Regulations

- (1) The Governor may make regulations –
 - (a) for the purposes of this Act; and
 - (b) in relation to the performance and exercise of the functions and powers of the Board under any other Act.
- (2) Without limiting the generality of subsection (1), the regulations may provide for fees payable under this Act.
- (3) Regulations may be made so as to apply differently according to such factors as are specified in the regulations.
- (4) The regulations may –
 - (a) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and
 - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.
- (5) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Board or Registrar.

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- (6) The regulations may contain provisions of a savings or transitional nature consequent on any of the following:
- (a) the enactment of this Act;
 - (b) the amendments to the *Education Act 1994* effected by this Act;
 - (c) the enactment of the *Education Legislation Amendments (Education Regulation) Act 2022*;
 - (d) the repeal of the *Universities Registration Act 1995*;
 - (da) the repeal of the *Education Providers Registration (Overseas Students) Act 1991* by the *Tasmanian Qualifications Authority Amendment Act 2007*;
 - (e) the amendment of this Act.
- (7) A provision referred to in subsection (6)(a), (b), (c), (d) or (da) may take effect on and from the day on which this Act commences or a later day.
- (8) A provision referred to in subsection (6)(e) may take effect on and from the day on which the amendment to this Act takes effect or a later day.

73. Savings and transitional provisions

The savings and transitional provisions set out in Schedule 3 have effect.

**73A. Savings and transitional provisions consequent on
*Tasmanian Qualifications Authority Amendment Act 2015***

(1) In this section –

commencement day means the day on which the *Tasmanian Qualifications Authority Amendment Act 2015* commences;

previous Act means this Act as in force immediately before the commencement day.

(2) If a person, immediately before the commencement day, held the office of chief executive officer of the Authority, within the meaning of the previous Act, under an appointment made under section 16 of the previous Act –

(a) that person is taken to have been appointed under the *State Service Act 2000* as the Director of Education and Training Research within the Department for the term, and on the conditions, specified in his or her instrument of appointment as such chief executive officer; and

(b) a reference in that instrument of appointment to the office or position of chief executive officer of the Tasmanian Qualifications Authority is taken to be a reference to the office of Director of Education and Training Research in the Department.

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- (3) Persons appointed under section 18 of the previous Act who held that appointment immediately before the commencement day are taken to have been appointed subject to and in accordance with the *State Service Act 2000* for the purposes of the Department.
- (4) The State Service officer or State Service employee –
 - (a) employed in the Department; and
 - (b) who, immediately before the commencement day and in compliance with the direction of the Premier under section 21A of the *Acts Interpretation Act 1931*, is performing and exercising the duties, obligations, rights and powers of the office of Director of Equity Services –

is taken to hold the office of Executive Officer under this Act until such time as an Executive Officer is appointed under section 16.

- (5) Despite section 24, the report that the Office is required to provide to the Secretary of the Department under that section for the financial year ending on 30 June 2015 need relate only to the period of 6 months ending on that day.
- (6) Despite section 36 of the *State Service Act 2000*, the report that the Secretary of the Department is required to provide to the Minister under that section for the financial year ending on 30 June 2015 need relate only to the period of 6 months ending on that day in so far as it relates

to the performance and exercise of the functions and powers of the Authority and the Office.

(7) If –

- (a) the accreditation of an accredited senior secondary course would cease to have effect after the commencement day but before the Minister has approved the senior secondary framework; and
- (b) an application for the renewal of that course has been, or is, made to the Authority in accordance with section 28 of the previous Act or to the Office under section 28 of this Act –

the Office may process and determine that application under section 28 of this Act and, for that purpose, section 28(4) of this Act does not apply.

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;

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

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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.
- (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.

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- (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 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

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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.
- (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
- (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.

74. Administration of Act

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

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- (a) the administration of this Act is assigned to the Minister for Education; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Education.

75. *See Schedule 4.*

76. Acts repealed

The Acts specified in Schedule 5 are repealed.

77. Statutory Rules rescinded

The Statutory Rules specified in Schedule 6 are rescinded.

**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
- (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.

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 –
 - (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.

(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 –

- (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.

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.

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 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.

- (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.

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

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SCHEDULE 2 –

**SCHEDULE 3 – SAVINGS AND TRANSITIONAL
PROVISIONS**

Section 73

PART 1 – PRELIMINARY

1. Interpretation

In this Schedule –

Assessment Board means the Tasmanian Secondary Assessment Board established under section 73 of the Education Act;

Authority means the Tasmanian Qualifications Authority established by section 7 of this Act as in force before the day on which the *Tasmanian Qualifications Authority Amendment Act 2015* commenced and, where appropriate, includes the Office;

commencement day means the day on which this Act commences;

Council means the Universities Registration Council established under section 5 of the repealed Act;

Education Act means the *Education Act 1994* as in force immediately before the commencement day;

repealed Act means the *Universities Registration Act 1995* as in force

immediately before the commencement day.

PART 2 – PROVISIONS RELATING TO EDUCATION ACT

2. Abolition of Assessment Board

The Assessment Board is abolished.

3. Syllabuses, assessments and attainments

If, immediately before the commencement day, a determination by the Assessment Board under section 74(1)(a) of the Education Act relating to a syllabus for provision to students has effect –

- (a) that syllabus is to be taken to be accredited as an accredited course under this Act for the period ending on the day on which the determination of that syllabus would have ceased to have effect if this Act had not commenced; and
- (b) any certificate or other qualification that the Assessment Board determined would be issued or awarded on the successful completion of the syllabus is taken to be the approved qualification for the accredited course that the syllabus is taken to be by reason of paragraph (a).

4. Rules of Assessment Board

Rules made by the Assessment Board under section 74(2) of the Education Act and in force immediately before the commencement day continue and are taken to be rules made under section 64.

5. Committees of Assessment Board

All committees established by the Assessment Board under section 76 of the Education Act are abolished.

6. Documents

- (1) If appropriate, a document issued or made by the Assessment Board under the Education Act is taken to have been issued or made by the Authority under this Act.
- (2) If appropriate, a reference in a document to the Assessment Board in an Act or other document is taken to be, or to include, a reference to the Authority.
- (3) If appropriate, a document served on or by, or provided to or by, the Assessment Board is taken to have been served on or by, or provided to or by, the Authority.

**PART 3 – PROVISIONS RELATING TO *UNIVERSITIES*
*REGISTRATION ACT 1995***

7. Abolition of Council

The Council is abolished.

8. Registered university or registered institution

A person that, immediately before the commencement day, was a registered university or registered institution, within the meaning of the repealed Act, is taken to be a registered higher education provider under this Act –

- (a) subject to the same conditions as the registration was subject to under the repealed Act; and
- (b) until the earlier of the following occurs:
 - (i) the period specified in the certificate of registration issued under the repealed Act ends; or
 - (ii) if the registration is cancelled under this Act, that cancellation takes effect.

9. Certificate of registration

A certificate of registration issued under section 15 of the repealed Act and in force immediately before the commencement day is taken to be a

registration certificate issued under section 45 of this Act.

10. Applications

- (1) An application under section 13, 18A or 18D of the repealed Act for registration as a registered university or registered institution, or for the renewal or variation of such registration, made to the Council and accompanied by any required fee before the commencement day but not determined before that day is taken to be an application under section 42, 49 or 48 of this Act for registration as a registered higher education provider or for the renewal or amendment of such registration made to the Authority and accompanied by any appropriate prescribed fee.
- (2) Any thing done by the Council in relation to an application referred to in subclause (1) is taken to have been done by the Authority.

11. Inspections, examinations and reviews

- (1) If immediately before the commencement day an inspection, examination or review has been authorised under section 9 of the repealed Act but not completed before that day, that inspection, examination or review is taken to be an investigation under section 56 of this Act.
- (2) Any thing done by a person authorised under section 9 of the repealed Act in relation to an inspection, examination or review referred to in

subclause (1) is taken to have been done by the Authority or an authorised officer under this Act.

- (3) The Authority may charge a person a fee in respect of both that part of an inspection or examination referred to in subclause (1) conducted before the commencement day and the completion of the inspection or examination as an investigation under this Act.
- (4) The fee under subclause (3) may not exceed the amount that could have been charged under section 12 of the repealed Act if this Act had not been enacted.
- (5) If a fee is due and payable immediately before the commencement day under section 12 of the repealed Act in relation to an inspection or examination completed under section 9 of the repealed Act, that fee is due and payable on and after that day to the Authority.

12. Reviews of decisions

- (1) If, immediately before the commencement day, a person could have applied to the Magistrates Court (Administrative Appeals Division) for a review of a decision of the Council under section 18H of the repealed Act, that person can apply to that Court for a review of that decision as if the decision were a decision of the Authority, and the Authority is bound by the determination of that Court.
- (2) If, immediately before the commencement day, an application for a review of a decision of the

Council under section 18H has been made but not determined –

- (a) that review may be continued; and
- (b) the decision being reviewed is taken to be a decision of the Authority; and
- (c) the Authority is bound by the determination of the Magistrates Court (Administrative Appeals Division).

13. Documents

- (1) If appropriate, a certificate or other document issued or made by the Council under the repealed Act is taken to have been issued or made by the Authority.
- (2) If appropriate, a reference to the Council in an Act, certificate or other document is taken to be, or to include, a reference to the Authority.
- (3) If appropriate, a document served on or by, or provided to or by, the Council is taken to have been served on or by, or provided to or by, the Authority.

PART 4 – MISCELLANEOUS

14. Minister's actions before enactment valid

- (1) In this clause,

notice means notice, in at least 3 daily newspapers published and circulating in

the State, that persons interested in being members of the Authority may provide written expressions of interest to the Minister.

- (2) Notice given by the Minister before this Act has received the Royal Assent is taken to have been given under section 8(2) and any thing done by the Minister in relation to, or in connection with, such notice is taken to have been done under this Act.

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SCHEDULE 4

The amendments effected by Section 75 and this Schedule have been incorporated into authorised versions of the following Acts and Statutory Rules:

- (a) *Education Act 1994;*
- (b) *Ombudsman Act 1978;*
- (c) *Proclamation under the Duties Act 2001.*

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SCHEDULE 5 – ACTS REPEALED

Section 76

Universities Registration Act 1995 (No. 92 of 1995)

Universities Registration Amendment Act 2001 (No. 24 of
2001)

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SCHEDULE 6 – STATUTORY RULES RESCINDED

Section 77

Universities Registration Regulations 1996 (No. 12 of 1996)

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NOTES

The foregoing text of the *Tasmanian Assessment, Standards and Certification Act 2003* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2023 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Tasmanian Qualifications Authority Act 2003</i>	No. 62 of 2003	1.1.2004
<i>Tasmanian Qualifications Authority Amendment Act 2007</i>	No. 59 of 2007	1.1.2008
<i>Education and Training (Further Consequential Amendments) Act 2008</i>	No. 45 of 2008	1.1.2009
<i>Vocational Education and Training (Commonwealth Powers) Act 2011</i>	No. 50 of 2011	15.2.2012
<i>Training and Workforce Development (Repeals and Consequential Amendments) Act 2013</i>	No. 11 of 2013	1.7.2013
<i>Tasmanian Qualifications Authority Amendment Act 2015</i>	No. 15 of 2015	29.5.2015
<i>Education (Consequential Amendments) Act 2016</i>	No. 47 of 2016	10.7.2017
<i>Financial Management (Consequential and Transitional Provisions) Act 2017</i>	No. 4 of 2017	1.7.2019
<i>Education Legislation Amendments (Education Regulation) Act 2022</i>	No. 9 of 2022	1.7.2023

TABLE OF AMENDMENTS

Provision affected	How affected
The long title	Amended by No. 15 of 2015, s. 4 and No. 9 of 2022, s. 21
Section 1	Amended by No. 15 of 2015, s. 5 and No. 9 of 2022, s. 22
Section 3	Amended by No. 59 of 2007, s. 4, No. 45 of 2008, Sched. 1, No. 50 of 2011, Sched. 1, No. 11 of 2013, Sched. 1, No. 15 of 2015, s. 6, No. 47 of 2016, s. 15, No. 4 of

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Provision affected	How affected
	2017, Sched. 1 and No. 9 of 2022, s. 23
Section 5	Substituted by No. 59 of 2007, s. 5
Section 6	Repealed by No. 50 of 2011, Sched. 1 Inserted by No. 9 of 2022, s. 24
Part 2	Amended by No. 15 of 2015, s. 7 and No. 9 of 2022, s. 25
Division 1 of Part 2	Amended by No. 15 of 2015, s. 8 and No. 9 of 2022, s. 26
Section 7	Subsection (1) substituted by No. 15 of 2015, s. 9 Amended by No. 15 of 2015, s. 9 Substituted by No. 9 of 2022, s. 27
Section 8	Substituted by No. 15 of 2015, s. 10 and No. 9 of 2022, s. 27
Section 9	Amended by No. 15 of 2015, s. 11 and No. 9 of 2022, s. 28
Section 10	Amended by No. 59 of 2007, s. 6, No. 50 of 2011, Sched. 1 Substituted by No. 15 of 2015, s. 12 Amended by No. 9 of 2022, s. 29
Section 11	Amended by No. 59 of 2007, s. 7, No. 50 of 2011, Sched. 1, No. 15 of 2015, s. 13 and No. 9 of 2022, s. 30
Section 11A	Inserted by No. 9 of 2022, s. 31
Section 12	Amended by No. 50 of 2011, Sched. 1, No. 15 of 2015, s. 14 Substituted by No. 9 of 2022, s. 32
Section 13	Subsection (1) substituted by No. 15 of 2015, s. 15 Amended by No. 15 of 2015, s. 15 Substituted by No. 9 of 2022, s. 32
Section 13A	Inserted by No. 9 of 2022, s. 32
Section 14	Amended by No. 15 of 2015, s. 16 Substituted by No. 9 of 2022, s. 32
Section 14A	Inserted by No. 9 of 2022, s. 32
Division 2 of Part 2	Repealed by No. 15 of 2015, s. 17
Section 15	Repealed by No. 15 of 2015, s. 17
Division 3 of Part 2	Amended by No. 15 of 2015, s. 18 Substituted by No. 9 of 2022, s. 33
Section 16	Substituted by No. 15 of 2015, s. 19 and No. 9 of 2022, s. 33
Section 17	Substituted by No. 15 of 2015, s. 19 and No. 9 of 2022, s. 33
Section 18	Repealed by No. 15 of 2015, s. 19 Substituted by No. 9 of 2022, s. 33
Section 19	Subsection (1) substituted by No. 15 of 2015, s. 20 Amended by No. 15 of 2015, s. 20 Substituted by No. 9 of 2022, s. 33
Section 20	Amended by No. 50 of 2011, Sched. 1, No. 15 of 2015, s. 21 and No. 9 of 2022, s. 34
Section 22	Amended by No. 15 of 2015, s. 22 and No. 9 of 2022, s. 35
Section 23	Amended by No. 15 of 2015, s. 23 and No. 9 of 2022, s. 36
Section 24	Substituted by No. 59 of 2007, s. 8, No. 15 of 2015, s. 24

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Provision affected	How affected
	and No. 9 of 2022, s. 37
Section 24AA	Inserted by No. 9 of 2022, s. 37
Division 1 of Part 3	Heading inserted by No. 59 of 2007, s. 9 Amended by No. 15 of 2015, s. 25
Section 24A	Inserted by No. 15 of 2015, s. 25
Section 24B	Inserted by No. 15 of 2015, s. 25 Amended by No. 47 of 2016, s. 16
Section 24C	Inserted by No. 15 of 2015, s. 25
Section 24D	Inserted by No. 15 of 2015, s. 25
Section 24E	Inserted by No. 15 of 2015, s. 25 Amended by No. 9 of 2022, s. 38
Section 24F	Inserted by No. 15 of 2015, s. 25 Amended by No. 9 of 2022, s. 39
Section 24G	Inserted by No. 15 of 2015, s. 25 Repealed by No. 9 of 2022, s. 40
Section 24H	Inserted by No. 15 of 2015, s. 25 Repealed by No. 9 of 2022, s. 40
Section 24I	Inserted by No. 15 of 2015, s. 25 Repealed by No. 9 of 2022, s. 40
Division 1A of Part 3	Heading inserted by No. 15 of 2015, s. 26
Section 25	Amended by No. 15 of 2015, s. 27 and No. 9 of 2022, s. 41
Section 26	Amended by No. 15 of 2015, s. 28 and No. 9 of 2022, s. 42
Section 27	Amended by No. 15 of 2015, s. 29 and No. 9 of 2022, s. 43
Section 28	Substituted by No. 15 of 2015, s. 30 Amended by No. 9 of 2022, s. 44
Section 29	Amended by No. 15 of 2015, s. 31 and No. 9 of 2022, s. 45
Section 31	Amended by No. 59 of 2007, s. 10, No. 15 of 2015, s. 32 and No. 9 of 2022, s. 46
Section 32	Amended by No. 15 of 2015, s. 33 and No. 9 of 2022, s. 47
Section 33	Amended by No. 15 of 2015, s. 34 and No. 9 of 2022, s. 48
Section 33A	Amended by No. 15 of 2015, s. 35
Section 33A of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33A	Amended by No. 9 of 2022, s. 49
Section 33B	Amended by No. 15 of 2015, s. 36
Section 33B of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33B	Amended by No. 9 of 2022, s. 50
Section 33C	Amended by No. 15 of 2015, s. 37
Section 33C of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33C	Amended by No. 9 of 2022, s. 51
Section 33D of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33D	Amended by No. 15 of 2015, s. 38 and No. 9 of 2022, s. 52
Section 33E of Part 3	Inserted by No. 59 of 2007, s. 11

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Provision affected	How affected
Section 33E	Amended by No. 15 of 2015, s. 39 and No. 9 of 2022, s. 53
Section 33F of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33F	Amended by No. 15 of 2015, s. 40 and No. 9 of 2022, s. 54
Section 33G of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33H of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33I of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33I	Amended by No. 15 of 2015, s. 41 and No. 9 of 2022, s. 55
Section 33J of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33J	Amended by No. 15 of 2015, s. 42 and No. 9 of 2022, s. 56
Section 33K of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33L	Amended by No. 15 of 2015, s. 43
Section 33L of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33L	Amended by No. 15 of 2015, s. 43 and No. 9 of 2022, s. 57
Section 33M of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33M	Amended by No. 15 of 2015, s. 44 and No. 9 of 2022, s. 58
Section 33N of Part 3	Inserted by No. 59 of 2007, s. 11
Section 33N	Amended by No. 15 of 2015, s. 45 and No. 9 of 2022, s. 59
Section 34	Substituted by No. 59 of 2007, s. 12
Section 35	Amended by No. 59 of 2007, s. 13, No. 15 of 2015, s. 46 and No. 9 of 2022, s. 60
Section 36	Amended by No. 59 of 2007, s. 14, No. 15 of 2015, s. 47 and No. 9 of 2022, s. 61
Section 37	Substituted by No. 59 of 2007, s. 15
Section 38	Amended by No. 15 of 2015, s. 48 and No. 9 of 2022, s. 62
Section 40	Amended by No. 15 of 2015, s. 49 and No. 9 of 2022, s. 63
Section 41	Amended by No. 15 of 2015, s. 50 and No. 9 of 2022, s. 64
Section 42	Repealed by No. 59 of 2007, s. 16
Section 42	Amended by No. 59 of 2007, s. 17, No. 15 of 2015, s. 51 and No. 9 of 2022, s. 65
Section 43	Amended by No. 59 of 2007, s. 18, No. 15 of 2015, s. 52 and No. 9 of 2022, s. 66
Section 44	Amended by No. 15 of 2015, s. 53 and No. 9 of 2022, s. 67
Section 45	Amended by No. 59 of 2007, s. 19, No. 15 of 2015, s. 54 and No. 9 of 2022, s. 68
Section 46	Amended by No. 59 of 2007, s. 20
Section 48	Amended by No. 15 of 2015, s. 55 and No. 9 of 2022, s. 69
Section 49	Amended by No. 15 of 2015, s. 56 and No. 9 of 2022, s. 70
Section 51	Amended by No. 59 of 2007, s. 21, No. 15 of 2015, s. 57 and No. 9 of 2022, s. 71

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Provision affected	How affected
Section 52	Amended by No. 59 of 2007, s. 22, No. 15 of 2015, s. 58 and No. 9 of 2022, s. 72
Section 53	Repealed by No. 59 of 2007, s. 23
Section 54	Repealed by No. 59 of 2007, s. 23
Section 55A of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55A	Amended by No. 15 of 2015, s. 59 and No. 9 of 2022, s. 73
Section 55B of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55B	Amended by No. 15 of 2015, s. 60 and No. 9 of 2022, s. 74
Section 55C of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55C	Amended by No. 15 of 2015, s. 61 and No. 9 of 2022, s. 75
Section 55D of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55D	Amended by No. 15 of 2015, s. 62 and No. 9 of 2022, s. 76
Section 55E of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55F of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55G of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55G	Amended by No. 15 of 2015, s. 63 and No. 9 of 2022, s. 77
Section 55H of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55H	Amended by No. 15 of 2015, s. 64 and No. 9 of 2022, s. 78
Section 55I of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55J of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55J	Amended by No. 15 of 2015, s. 65 and No. 9 of 2022, s. 79
Section 55K of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55K	Amended by No. 15 of 2015, s. 66 and No. 9 of 2022, s. 80
Section 55L of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55L	Amended by No. 15 of 2015, s. 67 and No. 9 of 2022, s. 81
Section 55M of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55N of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55N	Amended by No. 15 of 2015, s. 68 and No. 9 of 2022, s. 82
Section 55O of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55O	Amended by No. 15 of 2015, s. 69 and No. 9 of 2022, s. 83
Section 55P of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55P	Amended by No. 15 of 2015, s. 70 and No. 9 of 2022, s. 84

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Provision affected	How affected
Section 55Q of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55Q	Amended by No. 15 of 2015, s. 71 and No. 9 of 2022, s. 85
Section 55R of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55S of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55T of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55T	Amended by No. 15 of 2015, s. 72 and No. 9 of 2022, s. 86
Section 55U of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55U	Amended by No. 15 of 2015, s. 73 and No. 9 of 2022, s. 87
Section 55V of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55W of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55W	Amended by No. 15 of 2015, s. 74 and No. 9 of 2022, s. 88
Section 55X of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55X	Amended by No. 15 of 2015, s. 75 and No. 9 of 2022, s. 89
Section 55Y of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55Z of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55ZA of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55ZB of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55ZC of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55ZD of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55ZE of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55ZF of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55ZG of Part 4	Inserted by No. 59 of 2007, s. 24
Section 55ZG	Amended by No. 15 of 2015, s. 76 and No. 9 of 2022, s. 90
Division 1	Inserted by No. 59 of 2007, s. 25
Section 55ZH	Amended by No. 15 of 2015, s. 77 and No. 9 of 2022, s. 91
Section 55ZI	Amended by No. 15 of 2015, s. 78 and No. 9 of 2022, s. 92
Section 55ZJ	Amended by No. 15 of 2015, s. 79 and No. 9 of 2022, s. 93
Section 55ZL	Amended by No. 15 of 2015, s. 80 and No. 9 of 2022, s. 94
Section 55ZN	Amended by No. 15 of 2015, s. 81 and No. 9 of 2022, s. 95
Division 2	Inserted by No. 59 of 2007, s. 25
Section 55ZP	Amended by No. 15 of 2015, s. 82 and No. 9 of 2022, s. 96

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Section 55ZQ	Amended by No. 15 of 2015, s. 83 and No. 9 of 2022, s. 97
Section 55ZR	Amended by No. 15 of 2015, s. 84 and No. 9 of 2022, s. 98
Division 1	Inserted by No. 59 of 2007, s. 25
Section 55ZS	Amended by No. 50 of 2011, Sched. 1
Division 2	Inserted by No. 59 of 2007, s. 25
Section 55ZT	Amended by No. 15 of 2015, s. 85 and No. 9 of 2022, s. 99
Section 55ZU	Amended by No. 15 of 2015, s. 86 and No. 9 of 2022, s. 100
Section 55ZV	Amended by No. 15 of 2015, s. 87 and No. 9 of 2022, s. 101
Section 55ZW	Amended by No. 15 of 2015, s. 88 and No. 9 of 2022, s. 102
Section 55ZY	Amended by No. 15 of 2015, s. 89 and No. 9 of 2022, s. 103
Division 3	Inserted by No. 59 of 2007, s. 25
Section 55ZZ	Amended by No. 15 of 2015, s. 90 and No. 9 of 2022, s. 104
Section 55ZZA	Amended by No. 15 of 2015, s. 91 and No. 9 of 2022, s. 105
Section 55ZZB	Amended by No. 15 of 2015, s. 92 and No. 9 of 2022, s. 106
Section 55ZZC	Amended by No. 15 of 2015, s. 93 and No. 9 of 2022, s. 107
Section 55ZZF	Amended by No. 15 of 2015, s. 94 and No. 9 of 2022, s. 108
Section 55ZZG	Amended by No. 15 of 2015, s. 95 and No. 9 of 2022, s. 109
Section 55ZZI	Amended by No. 15 of 2015, s. 96 and No. 9 of 2022, s. 110
Section 55ZZJ	Amended by No. 15 of 2015, s. 97 and No. 9 of 2022, s. 111
Section 55ZZL	Inserted by No. 59 of 2007, s. 25 Amended by No. 15 of 2015, s. 98 and No. 9 of 2022, s. 112
Section 55ZZM	Inserted by No. 59 of 2007, s. 25 Amended by No. 15 of 2015, s. 99 and No. 9 of 2022, s. 113
Section 55ZZN	Inserted by No. 59 of 2007, s. 25 Amended by No. 15 of 2015, s. 100 and No. 9 of 2022, s. 114
Division 1	Inserted by No. 59 of 2007, s. 25
Section 55ZZO	Amended by No. 15 of 2015, s. 101 and No. 9 of 2022, s. 115
Section 55ZZP	Amended by No. 15 of 2015, s. 102 and No. 9 of 2022, s. 116
Division 2	Inserted by No. 59 of 2007, s. 25
Section 55ZZQ	Amended by No. 15 of 2015, s. 103 and No. 9 of 2022, s. 117

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Provision affected	How affected
Division 3 of Part 4D	Amended by No. 15 of 2015, s. 104 and No. 9 of 2022, s. 118
Division 3	Inserted by No. 59 of 2007, s. 25
Section 55ZZR	Amended by No. 15 of 2015, s. 105 and No. 9 of 2022, s. 119
Section 56	Amended by No. 59 of 2007, s. 26, No. 50 of 2011, Sched. 1, No. 15 of 2015, s. 106 and No. 9 of 2022, s. 120
Section 57	Amended by No. 59 of 2007, s. 27, No. 50 of 2011, Sched. 1, No. 15 of 2015, s. 107 and No. 9 of 2022, s. 121
Section 58	Amended by No. 15 of 2015, s. 108 and No. 9 of 2022, s. 122
Section 59	Amended by No. 15 of 2015, s. 109 and No. 9 of 2022, s. 123
Section 60	Amended by No. 59 of 2007, s. 28, No. 50 of 2011, Sched. 1, No. 15 of 2015, s. 110 and No. 9 of 2022, s. 124
Section 60A	Inserted by No. 9 of 2022, s. 125
Section 61	Amended by No. 59 of 2007, s. 29, No. 50 of 2011, Sched. 1, No. 15 of 2015, s. 111 and No. 9 of 2022, s. 126
Section 62	Amended by No. 15 of 2015, s. 112 and No. 9 of 2022, s. 127
Section 63	Amended by No. 15 of 2015, s. 113 and No. 9 of 2022, s. 128
Section 64	Amended by No. 59 of 2007, s. 30, No. 50 of 2011, Sched. 1, No. 15 of 2015, s. 114 and No. 9 of 2022, s. 129
Section 64A	Inserted by No. 59 of 2007, s. 31 Amended by No. 15 of 2015, s. 115 and No. 9 of 2022, s. 130
Section 64B	Inserted by No. 59 of 2007, s. 31 Amended by No. 15 of 2015, s. 116 and No. 9 of 2022, s. 131
Section 64C	Inserted by No. 50 of 2011, Sched. 1 Amended by No. 15 of 2015, s. 117 and No. 9 of 2022, s. 132
Section 65	Amended by No. 15 of 2015, s. 118 and No. 9 of 2022, s. 133
Section 65A	Inserted by No. 9 of 2022, s. 134
Section 67	Amended by No. 15 of 2015, s. 119 and No. 9 of 2022, s. 135
Section 68	Amended by No. 15 of 2015, s. 120 and No. 9 of 2022, s. 136
Section 69	Amended by No. 15 of 2015, s. 121 and No. 9 of 2022, s. 137
Section 70	Amended by No. 59 of 2007, s. 32, No. 15 of 2015, s. 122 and No. 9 of 2022, s. 138
Section 71	Amended by No. 15 of 2015, s. 123 and No. 9 of 2022, s. 139
Section 72	Amended by No. 59 of 2007, s. 33, No. 50 of 2011, Sched. 1, No. 15 of 2015, s. 124 and No. 9 of 2022, s. 140

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Provision affected	How affected
Section 73A	Inserted by No. 59 of 2007, s. 34 Substituted by No. 15 of 2015, s. 125
Section 73B	Inserted by No. 9 of 2022, s. 141
Section 73C	Inserted by No. 9 of 2022, s. 141
Schedule 1	Repealed by No. 15 of 2015, s. 126 Inserted by No. 9 of 2022, s. 142
Part 1 of Schedule 1	Amended by No. 9 of 2022, s. 142
Part 2 of Schedule 1	Amended by No. 9 of 2022, s. 142
Part 3 of Schedule 1	Amended by No. 9 of 2022, s. 142
Schedule 2	Repealed by No. 15 of 2015, s. 126
Part 1 of Schedule 3	Amended by No. 15 of 2015, s. 127
