

Remit to Constitution

It is proposed to make an addition to Clause 15 of the Constitution.

Rationale

The changes to the Education Act in 2020 changes Industry Training Organisations into Transitional Industry Training Organisations until 31 December 2022 when they will be disestablished. It is proposed that as the current Chair and the Board have the experience and understanding of requirements of the Reform of the Vocational Education (ROVE) then they are best placed govern the organisation through the transition period.

Further details to aid understanding of the proposed Remit

Clauses from the HITO Constitution currently state

15.3 Chairperson: The Chairperson shall be independent of HITO which means he/she cannot while in office have, or in the preceding four years prior to commencement of office have had, any material interest or material involvement in an Industry. The Chairperson shall also not be a Member of HITO. The Board Appointments Panel shall determine if an applicant for the position of Chairperson, or the person holding office as Chairperson, meets the requirements in this Rule. The role of the Chairperson is to chair meetings of the Board and to represent the Board. The Chairperson, or his or her nominee, shall have the right to attend any meeting of any Board subcommittee, advisory or other group (including consultative groups) or forum.

15.10 Term of Office: The term of office for all Board Members (excluding the Employee Representative) and any Co-opted member shall be three years, commencing at the conclusion of the General Meeting at which their appointment or election is made or effective, and expiring at the conclusion of the third AGM after their appointment or election. All Board Members shall be eligible to serve a maximum of three consecutive terms of office. This Rule is subject to Rule 15.4 (Employee Representative), Rule 15.5 (Co-opted Board member) Rule 15.13 (Casual Vacancy), Rule 15.14 (Removal of Board Member), and the schedule of rotation under Rule 15.11.

15.11 Schedule of Rotation: Prior to each AGM, the Board shall determine the schedule of rotation so that there is a rotation of two Board Members annually (excluding the Employee Representative and any Co-opted Members) and advise the Chief Executive (who will in turn advise the Members) of the schedule of rotation and the vacancies arising in Board Member positions at the AGM

It is proposed to add a new subsection to Clause 15.10

Remit

Clause 15.10 b to be added

15.10b Extension to the Term of Office: *The Chairperson role can be extended for a further three years exceeding the maximum three consecutive terms detailed in Clause 15.10 while the legislative changes made in 2020 as part of the Education (Vocational Education and Training Reform) Amendment Act 2020 are in place. The Act provides for*

existing ITOs to be recognised by the Minister as transitional ITOs so that their activities can continue during transition. The extension of the Chair's term of office will be for three years or until the organisation no longer is in existence which ever is the shorter period.

Other elected and appointed Board members who have reached their maximum term of office may by a majority vote of the Board also extend their term of office by a further three years or until the organisation is no longer in existence, which ever is the shorter period.