



New South Wales

Technical and Further Education Commission (Temporary Staff) Regulation 1997*

under the

Technical and Further Education Commission Act 1990

Gordon Samuels

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Technical and Further Education Commission Act 1990*.

John Aquilina

Minister for Education and Training

Explanatory note

The object of this Regulation is to enable the TAFE Commission to alter the status of certain of its employees from long-term temporary employees to permanent staff members. A similar provision applies under the *Public Sector Management (General) Regulation 1996* in respect of public servants who are long-term temporary employees.

The change of status of a long-term temporary TAFE employee to permanent staff member can only be made with the consent of the employee concerned, and can only be made within the period of 6 months from the commencement of this Regulation.

* The regulation (statutory rule) appointed 26 September 1997 as the date of its commencement. Pursuant to section 39 (2A) of the Interpretation Act 1987, the regulation is not invalid merely because the regulation was published in the Gazette after the day on which one or more of its provisions is or are expressed to take effect, but provides, in that case, for that or those provisions to take effect from the day on which the regulation is published in the Gazette, instead of from the earlier day.

1997 No 533

Technical and Further Education Commission (Temporary Staff) Regulation 1997

Explanatory note

This Regulation is made under the *Technical and Further Education Commission Act 1990*, including sections 17 and 36 (the general regulation making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature, and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Notes	3
4 Change of status of temporary staff members to permanent status	3

Technical and Further Education Commission (Temporary Staff) Regulation 1997

1 Name of Regulation

This Regulation is the *Technical and Further Education Commission (Temporary Staff) Regulation 1997*.

2 Commencement

This Regulation commences on 26 September 1997.

3 Notes

The explanatory note and table of contents do not form part of this Regulation.

4 Change of status of temporary staff members to permanent status

- (1) The TAFE Commission may, by instrument in writing, alter the basis on which a member of the staff of the TAFE Commission is employed so that the person is employed on a permanent basis, but only if
 - (a) the person is, as at the commencement of this Regulation, currently employed as a member of the staff of the TAFE Commission on a temporary basis, and
 - (b) the person has been employed as such a member for a continuous period of at least 2 years before making the instrument.
- (2) Any such instrument:
 - (a) may only be made with the consent of the person concerned, and
 - (b) may not be made with respect to a person who holds an executive position within the meaning of Part 2A of the *Public Sector Management Act 1988*.

1997 No 533

Clause 4 Technical and Further Education Commission (Temporary Staff) Regulation 1997

- (3) The TAFE Commission must, before making an instrument under subclause (1), be satisfied that:
 - (a) the person was initially employed for a specified purpose or for a limited period only, and
 - (b) on-going work is available in respect of the person in the TAFE Commission, and
 - (c) the person has the relevant skills, qualifications, experience, work performance standards and personal qualities to enable the person to perform the duties associated with being employed as a member of staff of the TAFE Commission on a permanent basis.
- (4) Any such instrument:
 - (a) has effect according to its terms, and
 - (b) may only be made within the period of 6 months after the commencement of this Regulation.