



New South Wales

Technical and Further Education Commission Amendment (Staff) Act 2005 No 99

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Technical and Further Education Commission Act 1990 No 118	2
Schedule 1 Amendments	3



New South Wales

Technical and Further Education Commission Amendment (Staff) Act 2005 No 99

Act No 99, 2005

An Act to amend the *Technical and Further Education Commission Act 1990* to make special provision for the movement of staff between the TAFE Commission and the Department of Education and Training; and for other purposes. [Assented to 28 November 2005]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Technical and Further Education Commission Amendment (Staff) Act 2005*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Technical and Further Education Commission Act 1990
No 118**

The *Technical and Further Education Commission Act 1990* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 13 Managing Director

Omit “Part 2A of the *Public Sector Management Act 1988*, but is not subject to Part 2” from section 13 (2).

Insert instead “Part 3.1 of the *Public Sector Employment and Management Act 2002*, but is not subject to Chapter 2”.

[2] Section 17 Regulations relating to staff

Omit “Part 2A of the *Public Sector Management Act 1988*” from section 17 (2) (c).

Insert instead “Part 3.1 of the *Public Sector Employment and Management Act 2002*”.

[3] Section 18A

Insert after section 18:

18A Special arrangements for staff mobility between TAFE Commission and Department of Education and Training

(1) In this section:

appointment includes appointment by way of promotion, transfer or otherwise.

Department means the Department of Education and Training.

TAFE administrative staff means TAFE Commission staff other than the teaching or educational staff or the staff comprising institute managers.

(2) If a person who is a member of the TAFE administrative staff applies for appointment as, or is appointed as, a member of staff of the Department, the person is taken, for the purposes of the *Public Sector Employment and Management Act 2002*, the *Government and Related Employees Appeal Tribunal Act 1980* and the *Industrial Relations Act 1996*, or for any other purpose, to be a member of staff of the Department in relation to the application or the appointment.

- (3) If a person who is a member of staff of the Department applies for appointment as, or is appointed as, a member of the TAFE administrative staff, the person is taken, for the purposes of this Act, the *Government and Related Employees Appeal Tribunal Act 1980* and the *Industrial Relations Act 1996*, or for any other purpose, to be a member of staff of the TAFE Commission in relation to the application or the appointment.
- (4) If a person is, as referred to in subsection (2) or (3), appointed as a member of staff of the TAFE Commission or as a member of staff of the Department, the person is not entitled to elect to be paid the money value of any extended or annual leave that the person has accrued as a member of staff of the TAFE Commission or as a member of staff of any Department of the Public Service.
- (5) This section does not apply to or in respect of an application for, or an appointment to, an executive position within the meaning of section 63 of the *Public Sector Employment and Management Act 2002*.
- (6) This section has effect despite any other provision of this Act or the *Public Sector Employment and Management Act 2002*.

[4] Section 22 Extended or long service leave

Omit “Schedule 5 to the *Public Sector Management Act 1988*” from section 22 (3).

Insert instead “Schedule 3 to the *Public Sector Employment and Management Act 2002*”.

[5] Schedule 1 Provisions relating to members and procedure of the TAFE Commission Board

Omit “Part 8 of the *Public Sector Management Act 1988*” from clause 6 (1) (d).

Insert instead “Chapter 5 of the *Public Sector Employment and Management Act 2002*”.

[6] Schedule 1, clause 9 (1)

Omit “Part 2 of the *Public Sector Management Act 1988*”.

Insert instead “Chapter 2 of the *Public Sector Employment and Management Act 2002*”.

[7] Schedule 4 Savings, transitional and other provisions

Omit clause 1 (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:
this Act
Technical and Further Education Commission Amendment (Staff) Act 2005

[8] Schedule 4, clause 1 (2)

Omit “this Act”. Insert instead “the Act concerned”.

[Second reading speech made in—
Legislative Assembly on 8 November 2005
Legislative Council on 16 November 2005]

BY AUTHORITY