

TECHNICAL AND FURTHER EDUCATION COMMISSION

BILL 1990*

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Board of Adult and Community Education Bill 1990 is cognate with this Bill.

The objects of this Bill are:

- (a) to constitute the Technical and Further Education Commission (TAFE Commission)—it is to be a corporate body which replaces the former Department of Technical and Further Education;
- (b) to charge the TAFE Commission with the principal function of providing technical and further education services and to set out the objectives of the Commission;
- (c) to provide for the management of the TAFE Commission by a Managing Director subject to the control and direction of the Minister and to constitute a TAFE Commission Board to report to the Minister on policies and management of the TAFE Commission;
- (d) to abolish the TAFE Teaching Service and transfer that staff (and public servants employed in the former Department of Technical and Further Education) to the TAFE Commission; and
- (e) to make provision with respect to the control and management and acquisition of property by the TAFE Commission;
- (f) to make other provision with respect to technical and further education services provided by the TAFE Commission.

PART 1—PRELIMINARY

The Part (**clauses 1-3**) deals with the short title, commencement and definitions. In particular, "technical and further education" is defined to make it clear that the expression includes basic and pre-vocational education in addition to vocational education and training.

* Amended in committee — see table at end of volume.

PART 2 — CONSTITUTION OF THE TECHNICAL AND FURTHER EDUCATION COMMISSION

Clause 4 constitutes the TAFE Commission as a body corporate which represents the Crown.

PART 3 - FUNCTIONS AND OBJECTIVES OF THE TAFE COMMISSION

Clause 5 declares that the principal function of the TAFE Commission is to provide technical and further education services.

Clause 6 sets out the objectives of the TAFE Commission. The proposed objectives include the following:

- * the provision of services to meet the skill needs of the workforce as well as the basic and pre-vocational education needs of individuals
- * the provision of new work-skills and re-training
- * the articulation of courses and programs
- * services for educationally or vocationally disadvantaged groups
- * consultation with relevant agencies.

Clause 7 confers miscellaneous functions on the TAFE Commission, including the following:

- * establishment and operation of TAFE colleges
- * student support services
- * the imposition of fees and charges on students and others
- * commercial arrangements with employers and others for the provision of services
- * the conduct of related businesses.

Clause 8 provides for the delegation of the TAFE Commission's functions.

PART 4 — THE MINISTER AND TAFE COMMISSION BOARD

Clause 9 places the TAFE Commission under general Ministerial control.

Clause 10 deals with the preparation and submission to the Minister of the TAFE Commission's annual corporate plan.

Clause 11 establishes a TAFE Commission Board comprising 13 members, being:

- (a) 5 ex-officio members (the Managing Director; a senior TAFE Commission staff member; the Director-General of the Department of Further Education, Training and Employment; the Chairperson of the proposed Board of Adult and Community Education; and a nominee of the Minister for School Education and Youth Affairs); and
- (b) 8 members appointed by the Minister with particular qualifications and experience.

Clause 12 provides that the functions of the TAFE Commission Board are to review and make recommendations to the Minister on specified matters relating to the policies and management of the TAFE Commission. The Minister is to have

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regard to those recommendations when giving any directions to the Managing Director.

PART 5 — THE MANAGING DIRECTOR OF THE TAFE COMMISSION

Clause 13 provides for the appointment by the Governor of a Managing Director as a member of the Chief Executive Service under the Public Sector Management Act 1988.

Clause 14 provides for the affairs of the TAFE Commission to be managed and controlled by the Managing Director, subject to any directions of the Minister.

PART 6—STAFF

The Part (**clauses 15-22**) provides for the employment of the staff of the Commission. Existing teaching staff and public service staff are to be employed by the TAFE Commission. In particular clause 18 declares that appointments and promotions for staff are to be based on merit and promotional appeals to the Government and Related Employees Appeal Tribunal are to be limited to any irregularity or unfairness in the selection procedures.

PART 7 —PROVISIONS RELATING TO PROPERTY

The Part (**clauses 23-29**) deals with the control and management of property and the acquisition of property by the TAFE Commission. The provisions are similar to those applying to schools under the Education Reform Act 1990.

PART 8—MISCELLANEOUS

The Part (**clauses 30-39**) contains miscellaneous provisions, including:

- * investment of funds
- * personal liability of members etc.
- * the seal of the TAFE Commission regulations.

SCHEDULE 1 contains standard provisions relating to the members and procedure of the TAFE Commission Board.

SCHEDULE 2 repeals the Technical and Further Education Act 1974 and certain other Acts and instruments.

SCHEDULE 3 makes consequential amendments to other Acts.

SCHEDULE 4 contains savings and transitional provisions, in particular for the transfer of existing staff to the TAFE Commission.