



New South Wales

Technical and Further Education Commission Amendment (Staff) Bill 2005

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Technical and Further Education Commission Act 1990* to facilitate the movement of administrative and support staff between the TAFE Commission and the Department of Education and Training.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Technical and Further Education Commission Act 1990* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [3] makes special provision to deal with the movement of administrative and support staff between the TAFE Commission and the Department of Education and Training. Under proposed section 18A, staff in either agency who apply for appointment as, or who are appointed as, a member of staff of the other agency will be treated as being a member of staff of the other agency. Among other things, the proposed scheme will enable positions in either agency to be filled by members of staff of either agency without the need for external advertising.

Schedule 1 [1], [2] and [4]–[6] update references relating to the *Public Sector Employment and Management Act 2002*.

Schedule 1 [7] and [8] enable regulations of a savings and transitional nature to be made as a consequence of the enactment of the proposed Act.

First print



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New South Wales

Technical and Further Education Commission Amendment (Staff) Bill 2005

No. , 2005

A Bill for

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.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Technical and Further Education Commission Amendment (Staff) Act 2005</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6
3 Amendment of Technical and Further Education Commission Act 1990 No 118	7 8
The <i>Technical and Further Education Commission Act 1990</i> is amended as set out in Schedule 1.	9 10

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 13 Managing Director	3
	Omit “Part 2A of the <i>Public Sector Management Act 1988</i> , but is not subject to Part 2” from section 13 (2).	4 5
	Insert instead “Part 3.1 of the <i>Public Sector Employment and Management Act 2002</i> , but is not subject to Chapter 2”.	6 7
[2]	Section 17 Regulations relating to staff	8
	Omit “Part 2A of the <i>Public Sector Management Act 1988</i> ” from section 17 (2) (c).	9 10
	Insert instead “Part 3.1 of the <i>Public Sector Employment and Management Act 2002</i> ”.	11 12
[3]	Section 18A	13
	Insert after section 18:	14
18A	Special arrangements for staff mobility between TAFE Commission and Department of Education and Training	15 16
	(1) In this section:	17
	<i>appointment</i> includes appointment by way of promotion, transfer or otherwise.	18 19
	<i>Department</i> means the Department of Education and Training.	20
	<i>TAFE administrative staff</i> means TAFE Commission staff other than the teaching or educational staff or the staff comprising institute managers.	21 22 23
	(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 <i>Public Sector Employment and Management Act 2002</i> , the <i>Government and Related Employees Appeal Tribunal Act 1980</i> and the <i>Industrial Relations Act 1996</i> , or for any other purpose, to be a member of staff of the Department in relation to the application or the appointment.	24 25 26 27 28 29 30 31

(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 <i>Government and Related Employees Appeal Tribunal Act 1980</i> and the <i>Industrial Relations Act 1996</i> , or for any other purpose, to be a member of staff of the TAFE Commission in relation to the application or the appointment.	1 2 3 4 5 6 7
(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.	8 9 10 11 12 13 14
(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 <i>Public Sector Employment and Management Act 2002</i> .	15 16 17 18
(6)	This section has effect despite any other provision of this Act or the <i>Public Sector Employment and Management Act 2002</i> .	19 20
[4]	Section 22 Extended or long service leave	21
	Omit “Schedule 5 to the <i>Public Sector Management Act 1988</i> ” from section 22 (3).	22 23
	Insert instead “Schedule 3 to the <i>Public Sector Employment and Management Act 2002</i> ”.	24 25
[5]	Schedule 1 Provisions relating to members and procedure of the TAFE Commission Board	26 27
	Omit “Part 8 of the <i>Public Sector Management Act 1988</i> ” from clause 6 (1) (d).	28 29
	Insert instead “Chapter 5 of the <i>Public Sector Employment and Management Act 2002</i> ”.	30 31
[6]	Schedule 1, clause 9 (1)	32
	Omit “Part 2 of the <i>Public Sector Management Act 1988</i> ”.	33
	Insert instead “Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> ”.	34 35

[7] Schedule 4 Savings, transitional and other provisions	1
Omit clause 1 (1). Insert instead:	2
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	3 4 5
this Act	6
<i>Technical and Further Education Commission Amendment (Staff) Act 2005</i>	7 8
[8] Schedule 4, clause 1 (2)	9
Omit “this Act”. Insert instead “the Act concerned”.	10