



# NSW Legislative Assembly Hansard

## Technical and Further Education Commission Amendment (Staff) Bill

Extract from NSW Legislative Assembly Hansard and Papers Tuesday 8 November 2005.

### Second Reading

**Ms CARMEL TEBBUTT** (Marrickville—Minister for Education and Training) [7.33 p.m.]: I move:

That this bill be now read a second time.

This bill creates a framework under which the Director-General of Education and Training and the Managing Director of TAFE NSW will be able to make appointments to administrative positions within the broader Education and Training portfolio in a more flexible and efficient manner than is presently available. It enhances the mobility of administrative and support staff between the TAFE Commission and the Department of Education and Training [DET] and provides an added resource to assist in meeting specific staffing arrangements. Under current arrangements, administrative and support staff of the TAFE Commission and the department can only apply for jobs in the other respective agency if they are externally advertised in the general community. As not all jobs are advertised externally, a range of potentially worthy applicants are excluded from consideration for positions for which there is an obvious community interest. The current arrangements diminish the field of suitable applicants for positions and potentially extend the time taken to fill positions because TAFE and DET may still need to resort to an external selection after an internal selection process has been unsuccessful in filling positions.

Administrative and support staff working in TAFE are employed under the TAFE Commission Act while those in the Department of Education and Training are employed under the Public Sector Employment and Management Act. The organisations are separate entities but enjoy many similar features. TAFE NSW's corporate services are provided by the department. Many of the department's policies and procedures apply to TAFE NSW. The Director-General of the department is the Managing Director of TAFE. Both agencies were brought under the one portfolio in 1997. Maintaining barriers to promotional opportunities between the agencies is counterproductive. Increased mobility of administrative staff between agencies facilitates cross-fertilisation of staff, ideas and organisational culture. For two significant agencies of government providing education services—DET and TAFE—this is highly desirable.

The bill provides a deeming arrangement for recruitment purposes, which will allow the relevant administrative staff to be considered eligible for appointment based on merit selection to positions in each agency as if they were already employees of that agency and without a requirement for external advertisement. The right to fill positions by way of promotion of public service employees rather than through external recruitment is expressly provided for in both Acts and is available to other public service agencies. The bill does not in any way impinge on or restrict merit selection as being the basis of selection for promotion positions within the department and TAFE. Promotion positions will continue to be filled through a merit selection process. The bill also provides for the transfer of administrative and support staff between agencies with continuity of service and without budgetary implications.

The provisions of the Public Sector Employment and Management Act allows for the head of the public sector agency to approve the transfer of staff to another agency. The bill provides for the continuity of staff transferring from one agency to the other but avoids payment of accrued leave, thereby eliminating the associated budgetary implications if a large number of staff transfer in a short period. These reforms recognise that the public interest requires a framework under which the director-general is able to make appointments to administrative positions within the broader education portfolio without having to advertise externally. I commend the bill to the House.