

Technical and Further Education Commission Amendment (Closure of TAFE Establishments) Bill 2000

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* so as to require consultation and review before any TAFE establishment is closed.

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 the date of assent.

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

Schedule 1 Amendments

Schedule 1 [1] specifically empowers the TAFE Commission to close a TAFE establishment, but only in accordance with the procedure set out in proposed Part 3A.

Schedule 1 [2] inserts proposed Part 3A (Closure of TAFE establishments). That Part includes the following proposed sections:

Proposed section 8A prevents the TAFE Commission from closing a TAFE establishment except in accordance with the proposed Part.

Proposed section 8B provides that the TAFE Commission may commence the procedure for closing a TAFE establishment by giving notice of the proposed closure and establishing a TAFE Establishment Closure Review Committee.

Proposed section 8C lists the people and bodies who must be given written notice of the proposed closure of any TAFE establishment and provides for public notice to be given by way of newspaper advertisements.

Proposed section 8D provides for the TAFE Commission to establish a TAFE Establishment Closure Review Committee within 28 days of announcing any proposal to close a TAFE establishment. The proposed section also provides for the composition of such a Committee, which is to be chaired by an independent person appointed by the TAFE Commission.

Proposed section 8E requires a TAFE Establishment Closure Review Committee to conduct a review of a proposed closure and provides for that review to include public consultation.

Proposed section 8F provides for a TAFE Establishment Closure Review Committee to make recommendations to the TAFE Commission. The section also provides that the Committee must not make its recommendations less than 18 months after being established.

Proposed section 8G requires the TAFE Commission to wait for the recommendation of the TAFE Establishment Closure Review Committee before making a final decision regarding the closure of a TAFE establishment and requires the TAFE Commission to make public the reasons for any decision that departs from those recommendations.

Proposed section 8H limits the application of the proposed Part. The proposed Part does not apply if the majority of students attending the TAFE establishment approve of the proposed closure or if the Board of the TAFE Commission is satisfied that there are exceptional or emergency circumstances that require an earlier closure of the TAFE establishment.

Schedule 1 [3] applies the amendments made by the proposed Act to a closure that is under consideration.