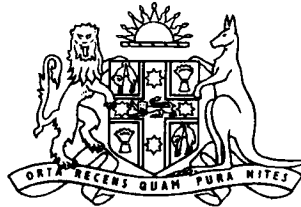


Introduced by the Revd the Hon F J Nile, MLC

First print



New South Wales

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.

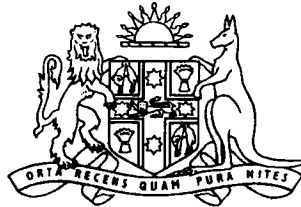
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Explanatory note

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.

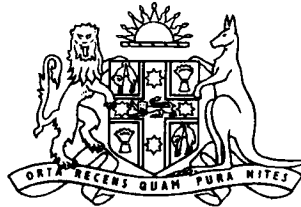


New South Wales

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

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New South Wales

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

No. , 2000

A Bill for

An Act to amend the *Technical and Further Education Commission Act 1990* so as to require consultation and review before any TAFE establishment is closed; 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 (Closure of TAFE Establishments) Act 2000</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	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 7 Miscellaneous functions	3
	Insert after section 7 (1) (a):	4
	(a1) close any TAFE establishment, but only in accordance with Part 3A (if that Part applies), and	5 6
[2]	Part 3A	7
	Insert after section 8:	8
	Part 3A Closure of TAFE establishments	9
	8A Closure of TAFE establishments must be in accordance with this Part	10 11
	(1) The TAFE Commission must not close any TAFE establishment except in accordance with this Part.	12 13
	(2) For the purposes of this Act, a TAFE establishment is closed when it ceases to provide technical and further education.	14 15
	8B Commencement of procedure to close a TAFE establishment	16
	The TAFE Commission may, if it proposes to close a TAFE establishment, commence the procedure set out in this Part by:	17 18
	(a) giving notice of the proposal, in accordance with section 8C, to each person or body, and in each type of newspaper, referred to in that section, and	19 20 21
	(b) establishing a TAFE Establishment Closure Review Committee in accordance with section 8D.	22 23

8C Notice of proposal to close a TAFE establishment	1
(1) Written notice of a proposal to close a TAFE establishment must be given to:	2
	3
(a) the Executive Officer of the TAFE establishment concerned, and	4
	5
(b) the student representative body of the TAFE establishment,	6
	7
(c) the NSW Teachers Federation, and	8
(d) the Public Service Association of NSW, and	9
(e) the Federation of Parents and Citizens' Association of NSW.	10
	11
(2) Notice of such a proposal must also be published in:	12
(a) at least one local newspaper circulating generally in the area in which the TAFE establishment is located, and	13
	14
(b) at least one newspaper circulating throughout the State.	15
8D TAFE Establishment Closure Review Committee	16
(1) The TAFE Commission must establish a TAFE Establishment Closure Review Committee within 28 days after giving public notice under section 8C (2) (a) of any proposal to close a TAFE establishment.	17
	18
	19
	20
(2) A TAFE Establishment Closure Review Committee is to comprise:	21
	22
(a) an independent person appointed by the TAFE Commission, who is to chair the Committee, and	23
	24
(b) the Managing Director or a nominee of the Managing Director, and	25
	26
(c) a nominee of the Local Government Association of New South Wales, and	27
	28
(d) a nominee of the student representative body of the TAFE establishment, and	29
	30
(e) a nominee of the New South Wales Teachers Federation, and	31
	32
(f) a nominee of the TAFE Commission.	33

(3) The procedure of a TAFE Establishment Closure Review Committee is to be as determined by the Minister.	1 2
(4) If the TAFE Commission proposes to close more than one TAFE establishment, a separate TAFE Establishment Closure Review Committee is to be established in relation to each TAFE establishment that is proposed to be closed.	3 4 5 6
8E Conduct of review of proposed closure	7
(1) A TAFE Establishment Closure Review Committee must review the proposal to close the TAFE establishment to which it relates.	8 9 10
(2) In conducting a review in relation to a TAFE establishment, the Committee:	11 12
(a) is to call for submissions and seek expert demographic and educational advice on both the present and possible future use of the TAFE establishment, and	13 14 15
(b) is to seek and have regard to the views of the local community concerned, staff of the TAFE establishment and students attending the TAFE establishment, and	16 17 18
(c) is required to meet with representatives of those local communities, staff and students.	19 20
(3) In making any recommendations concerning the closure of the TAFE establishment, the Committee is to have regard primarily to the educational needs of the local community concerned and of the State.	21 22 23 24
8F Recommendations of TAFE Establishment Closure Review Committee	25 26
(1) A TAFE Establishment Closure Review Committee is to make recommendations to the TAFE Commission concerning the closure of the TAFE establishment to which the Committee relates.	27 28 29 30
(2) Such recommendations must be made no earlier than 18 months after the Committee is established.	31 32

8G	TAFE Commission must not act until Committee makes recommendation	1 2
(1)	The TAFE Commission must not close a TAFE establishment until the TAFE Establishment Closure Review Committee that relates to that proposed closure has made its recommendations under section 8F.	3 4 5 6
(2)	If the TAFE Commission decides not to accept any recommendation of the TAFE Establishment Closure Review Committee, the TAFE Commission must make public the reasons for its decision.	7 8 9 10
8H	Application of this Part	11
	The procedure set out in this Part does not apply to the closure of a TAFE establishment if:	12 13
(a)	the TAFE Commission Board is satisfied that there are exceptional or emergency circumstances that require an earlier closure of the TAFE establishment, or	14 15 16
(b)	a majority of the students attending a particular TAFE establishment have, either before or after the making of an announcement under this Part, expressed their consent to the closure by writing (either individually or collectively) to the Minister or the TAFE Commission.	17 18 19 20 21
[3]	Schedule 4 Savings, transitional and other provisions	22
	Insert after clause 10:	23
	Part 4 Provisions consequent on enactment of amendments	24 25
11	Provision consequent on enactment of Technical and Further Education Commission Amendment (Closure of TAFE Establishments) Act 2000	26 27 28
(1)	The amendments made by the amending Act extend to any proposed closure of a TAFE establishment that was under consideration immediately before the date of assent to the amending Act.	29 30 31 32

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

Amendments

Schedule 1

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- | | |
|---|-------------|
| (2) After the date of assent to the amending Act no TAFE establishment is to be closed otherwise than in accordance with the provisions of Part 3A (if they apply). | 1
2
3 |
| (3) In this clause, amending Act means the <i>Technical and Further Education Commission Amendment (Closure of TAFE Establishments) Act 2000</i> . | 4
5
6 |