

Technical and Further Education Commission Amendment (Consultation Procedures) 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 require public consultation to occur before a TAFE establishment (such as a TAFE college) 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

Amendments relating to closure of TAFE establishments

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. (Section 9 of the Act provides that the TAFE Commission is, in the exercise of its functions, subject to the control and direction of the Minister for Education and Training.)

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 requires the TAFE Commission to make an announcement regarding the proposed closure of any TAFE establishment and prevents the closure of a TAFE establishment until the end of the year following an announcement.

Proposed section 8C provides for the TAFE Commission to establish a TAFE Closure Review Committee within 21 days of announcing any proposal to close a TAFE establishment. The proposed section also provides for the composition of the Committee, which is to be chaired by an independent person appointed by the TAFE Commission.

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

Proposed section 8E provides for a TAFE Closure Review Committee to report to the TAFE Commission and provides that, if the TAFE Commission does not accept any recommendation of the Committee, the TAFE Commission is to make public the reasons for its decision.

Proposed section 8F 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.

Amendments relating to property

Schedule 1 [3]–[5] impose limits on the powers of the TAFE Commission in relation to property, where the exercise of those powers relates to the proposed closure of a TAFE establishment or part of a TAFE establishment.

At present, section 23 (2) of the *Technical and Further Education Commission Act 1990* provides that the TAFE Commission must not alienate, mortgage, charge or demise any of its land except with the approval of the Minister.

Schedule 1 [3] provides that if the TAFE Commission proposes to alienate, mortgage, charge

or demise any of its land as part of the closure of a TAFE establishment, or any part of a TAFE establishment, the Minister must not give his or her approval unless the procedure set out in proposed Part 3A has been completed in relation to that closure or partial closure.

Schedule 1 [4] provides that the TAFE Commission must not lease land in connection with the closure of a TAFE establishment, or part of a TAFE establishment, except with the approval of the Minister (which, as discussed above, cannot be given unless the procedure set out in proposed Part 3A has been completed in relation to that closure or partial closure).

Section 27 of the Act provides for the Minister to acquire land for the purposes of the Act or jointly for those purposes and purposes of or associated with technical and further education or recreation. Section 27 (5) (b) provides that the Minister may grant a lease or licence of, or sell or exchange, land that is no longer required for the purposes for which it was acquired.

Schedule 1 [5] provides that the Minister may not grant a lease or licence of land, or sell or exchange land, under section 27 (5) (b) as part of the closure of a TAFE establishment, or any part of a TAFE establishment, unless the procedure set out in proposed Part 3A has been completed in relation to that closure or partial closure.

Transitional provision

Schedule 1 [6] applies the amendments made by the proposed Act to a closure that is underway.