

**TECHNICAL AND FURTHER EDUCATION COMMISSION AMENDMENT
(STAFF EMPLOYMENT) BILL 2011**

Page: 3

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.08 a.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Government is pleased to introduce the Technical and Further Education Commission Amendment (Staff Employment) Bill 2011. This bill represents an opportunity to ensure that TAFE NSW, the pre-eminent provider of vocational education and training in this State, is sustainable into the future.

The New South Wales Government was elected on a platform to rebuild our State and make New South Wales number one.

We have announced that to do this we will rebuild the economy, drive economic growth in our regions, and strengthen this State's skills base.

We know that we need a smart and skilled workforce to take us forward.

We know that we need strong, dynamic and sustainable communities.

The New South Wales Government recognises that TAFE NSW is critical to our plans.

In 1990, the New South Wales TAFE Commission was established as a ministerially controlled New South Wales statutory authority. At that time the Parliament, in passing the legislation, recognised the need to position this new authority—the New South Wales Technical and Further Education Commissioner TAFE NSW as we knew it—so it could prepare the workforce for the future.

How right members were!

Today we are all conscious of the need for skills development and TAFE NSW is playing a vital role in this area.

The Government recognises the contribution TAFE NSW is making, the way it is connecting with industry and the benefits this brings to our communities.

I am proud to inform members of the great work that TAFE is doing in our regions. In regional TAFE institutes, staff have to consider their customers over a broad area. The North Coast Institute recognised this in its innovative response to skills development for hairdressing salon proprietors and hairdressing students.

In developing its response, the institute researched the views of employers. One of the things it discovered was that salons were seeking significant flexibility from the institute. It found that different salons wanted a much more flexible approach to training. Some wanted on-the-job assessment and training and others wanted it on-campus so the institute looked at how it

could service a diverse range of needs and fit in with the national standards for training.

Part of the North Coast Institute's response was to provide apprentices with glasses that have mini cameras attached that enabled students to be filmed as they worked in their employers salons. The students were then able to download the video and send it to their teacher. The teacher then analyses it and talks to the student. Also, the institute provides the salon proprietors with a skills check book so they can monitor the progress of their apprentice.

This is proving to be a win-win for employers and students. The institute is reporting that salon owners are pleased and appreciate seeing more clearly the connections between what they are doing in their salon and the expectations in the national training package. The students have responded well, too. One of the features of the glasses that has been commented on is that the student is also able to view the recorded video and to have a discussion with their teacher. The two can watch the video at the same time but at different locations—the teacher in a TAFE college and the student at home or in the salon. This is a way of giving and receiving feedback.

Another example of innovation is in TAFE NSW Illawarra Institute where they have developed a pioneering program for workers in the potentially dangerous but vital field of industrial blasting and painting.

In response to feedback from industry nationally, the institute recognised that this is an area with a significant skill issue. People in this industry are scattered around Australia; many do not have a background in formal study and many are from non-English speaking backgrounds.

Industry was prepared to support a new approach.

The institute responded to this need by designing an appropriate program. The program is available online but there are design features included for people for whom online learning is not suitable.

Recognising that people from a non-English speaking background may have difficulty reading some of the theory content, many visual aspects were included—graphics, pictorials and videos. An online translator containing 40 languages was built into the course. This converts the text into different languages to suit each user's needs. The program is also available in paper-based form. This means that people who cannot use computers can work through the booklets. Assessment tasks can be answered either on paper or online.

It is this flexibility and responsiveness that the Government is seeking to foster because we recognise that TAFE NSW is the pre-eminent public vocational education and training provider.

The New South Wales Government is introducing this bill to restore the employer power to TAFE NSW.

We are restoring TAFE to the position envisaged in 1990 when the Technical and Further Education Commission Act was passed.

This bill has three key features:

- The introduction of a specific power to enable TAFE NSW to employ staff;

- The transfer of all existing employees, including TAFE teachers, institute managers, administrative staff, and educational support staff from their existing employment (under the Public Sector Employment and Management Act 2002) so they become employees of TAFE NSW;
- As far as possible, the maintenance of existing conditions of employment.

I will now outline to members key parts of this bill.

The main provision of the bill is the introduction of a proposed new section (section 15) which will grant TAFE NSW (referred to as the TAFE Commission) the power to employ staff. The terms of this section are identical to the provision which existed as part of the Act from 1990 until 2006.

The mechanism for transferring staff to the employment of TAFE NSW is set out in the proposed new Part 5 of schedule 4 to the bill. Proposed clause 13 of the schedule defines the term "existing staff member" in wide terms, and includes a power for the Director General of the Department to identify in writing those persons who are presently employed primarily to assist the TAFE Commission.

Proposed clause 14 sets out the mechanism which will result in the transfer of existing staff members to become employees of TAFE. The clause becomes operative on the commencement date, which is defined to be the date on which the amending Act is proclaimed to commence.

The bill preserves, as far as possible, the existing conditions of employment for transferred staff.

Proposed clause 15 to schedule 4 (of the Act) makes clear that the TAFE Commission is to take such action as is available to it as an employer to ensure that the core conditions of employment are maintained for its staff. These core conditions are set out in subclause (2) to be hours of work, salary, shift, overtime and penalty rates, allowances, and leave.

The bill establishes a 12-month transition period—this will be contained in part 5 of schedule 4 to the Act. During this period, TAFE NSW will negotiate one or more enterprise agreements to cover its staff which will incorporate existing Award conditions were permitted under the Fair Work Act.

TAFE NSW staff are being briefed on these changes. Already, the Deputy Director General is updating staff about the bill and what it means for them. Regular communications will continue.

Also, when TAFE NSW commences preparing these enterprise agreements, this will be done in negotiation with staff and their unions.

The introduction of this bill will not impact on the salary negotiations of TAFE NSW staff.

TAFE will remain part of the New South Wales public sector. New South Wales Government policies will continue to apply to TAFE including the Government's wages policy.

The bill is intended to return employment powers to TAFE NSW.

TAFE NSW is operating in a very competitive vocational education and training market. There are over 2,000 registered training organisations operating in New South Wales alone.

TAFE NSW is in a unique situation within the New South Wales public sector.

The Government recognises this and wants TAFE to prosper in this environment and make a major contribution to this State's skill needs.

This is why the Government is introducing this bill.

I commend the bill to the House.