

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

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**Bill introduced on motion by Mr Adrian Piccoli.**

**Agreement in Principle**

**Mr ADRIAN PICCOLI** (Murrumbidgee—Minister for Education) [4.41 p.m.]: I move:  
That this bill be now agreed to in principle.

The New South Wales Government is committed to delivering the change called for by the people of New South Wales to rebuild our State and make New South Wales number one. The Government has released its plan "NSW 2021: A Plan to Make NSW Number One", which drives our agenda for change in New South Wales. We are unashamedly focused on rebuilding the economy, returning quality services and strengthening our local environment and communities. We have particularly set out clear goals including improving the performance of the New South Wales economy, driving economic growth in regional New South Wales, strengthening the New South Wales skills base and improving education and learning outcomes for all students.

The New South Wales Government has agreed to a national framework for reform of the vocational education and training system. In reshaping the direction of these reforms we will do what is best for New South Wales. The Department of Education and Communities is currently undertaking a consultation with industry, students, community groups and training organisations and their staffs to provide feedback so we can hear from those using our vocational education and training system. We want New South Wales to lead the country in sustainable economic growth and we can do this by ensuring that we have a smart and skilled workforce to lead us into the future.

The New South Wales Government is committed to supporting a strong and dynamic TAFE NSW as we recognise its critical role in contributing to the growth of the New South Wales economy. TAFE NSW is the leading provider of vocational education and training in this State with a global reputation for excellence and innovation. TAFE NSW makes a substantial contribution to business and community skills needs and has an unparalleled capacity to meet rural and regional skills needs. As members know, I am delighted to acknowledge that contribution and capacity. TAFE NSW is a key lever for our Government in making New South Wales number one.

TAFE NSW is at the heart of our communities and we are proud of its achievements: It has over 550,000 enrolments across 130 campuses. More than 46 per cent of these enrolments are in higher level courses—AQF Certificate III and above. In 2010 it had more than 278,000 students enrolled from regional and remote areas. In addition, this year, TAFE NSW Higher Education started offering its first Bachelor Degree program. We are particularly proud of the achievements of TAFE NSW in supporting Aboriginal and Torres Strait Islander people.

Aboriginal people represent 2.1 per cent of the State's population, but represent 6.3 per cent of TAFE NSW enrolments. TAFE NSW has been responding to the skills needs of our economy since it was first established 120 years ago as the Sydney Technical College.

Ensuring the ongoing success and sustainability of TAFE NSW is as critical to our State's future economic prosperity today as it was all those years ago, and that is the reason that I am introducing this bill today. In 1990 a Coalition Government introduced the Technical and Further Education Commission Bill into this House. When introducing the bill the then Minister for Education, the Hon John Fahey, acknowledged that the transformation of TAFE in New South Wales into a dynamic and competitive education and training provider was vital to improving the economic performance of this State. TAFE NSW was the employer of its staff for more than 15 years, from 1990, when the TAFE Commission was established, to 2006. Independent reviews of TAFE NSW over the years by such bodies as the Independent Pricing and Regulatory Tribunal have identified the need for reforms so that TAFE NSW can deliver on its mandate in an increasingly competitive training environment.

The bill I am introducing today restores the employer power to TAFE NSW as it was originally established in 1990. Staff will once again become TAFE NSW employees. As I have visited TAFE colleges and institutes across the State, it is obvious that staff are proud to be working for TAFE NSW, and rightly so. This change is necessary for TAFE NSW to remain a strong, pre-eminent public provider of vocational education and training.

The bill has three key features: first, the introduction of a specific power to enable TAFE NSW to employ staff; second, 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 that they become employees of TAFE NSW; and third, the maintenance of existing conditions of employment.

The main provision of the bill is the introduction of a proposed new 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 equivalent provisions that existed as part of the Act from its passage through the New South Wales Parliament in 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. Clause 13 of the schedule defines the term "existing staff member" widely, and includes a power for the Director-General of the Department to identify in writing persons who are presently employed primarily to assist the TAFE Commission. Clause 14 sets out the mechanism that 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 the existing core conditions of employment for transferred staff. Clause 15 of schedule 4 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, which is contained in part 5 of schedule 4 to the bill. During this period, the TAFE Commission will endeavour to negotiate one or more enterprise agreements to cover its staff that incorporate, where appropriate, the existing award provisions. I also make it clear that the Government's policies relating to wages and the management of excess employees will continue to apply to TAFE NSW.

As I have indicated, the purpose of the bill is to give TAFE NSW the power to re-employ its own staff. TAFE NSW will then develop fair, equitable and sustainable industrial arrangements for its employees that reflect its unique position within the New South Wales public sector. The bill is an important and positive reform for TAFE NSW and it will support the future success of TAFE. The bill preserves existing conditions of employment for staff to the extent that that is possible. TAFE NSW will remain part of the New South Wales public sector and continue to be subject to New South Wales Government policy. TAFE NSW staff will be covered by the Fair Work Act, as are the staffs of other New South Wales owned corporations, such as RailCorp and Sydney Water. I commend the bill to the House.