

NSW Government Response to Legislative Council Portfolio Committee Report No 3

Termination of the former Managing Director of TAFE NSW, Report 45, May 2022

RECOMMENDATION	NSW GOVERNMENT RESPONSE
<p>Recommendation 1</p> <p>That the NSW Government, in the termination of agency heads for which Ministers have direct managerial responsibility, adopt a practice whereby Ministers have the decency, integrity and professionalism to communicate the termination directly themselves and give also their reasons for the termination.</p>	<p>Noted.</p> <p>The NSW Government notes the recommendation but does not propose any action to limit Minister's powers with respect to these matters.</p> <p>The Government notes that the Committee accepted that the termination of the Managing Director was lawful and consistent with standard operating procedure.</p> <p>The termination of the appointment or employment of NSW Government agency heads is regulated by the relevant applicable legislative provisions and by law. Where section 41 of the <i>Government Sector Employment Act 2013</i> (GSE Act) applies, the employer may terminate the employment of a Public Service senior executive at any time, for any or no stated reason and without notice.</p> <p>In the case of the Managing Director of TAFE, the Minister may terminate the employment of the Managing Director at any time, for any or no stated notice (see Item 3(2)(d), Schedule 1A to the <i>Technical and Further Education Commission Act 1990</i> (TAFE Act)). There is no requirement under either the TAFE Act or the GSE Act for termination to be communicated verbally or in person by a person exercising the function of termination.</p>