

1985

THE PARLIAMENT OF THE  
COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

COMMONWEALTH TERTIARY EDUCATION COMMISSION  
AMENDMENT BILL 1985

EXPLANATORY MEMORANDUM

(Circulated by authority of the  
Minister for Education, Senator the Hon. Susan Ryan)

November 1985



Commonwealth Tertiary Education Commission  
Amendment Bill 1985

OUTLINE

The purpose of this Bill is to amend relevant Sections of the Commonwealth Tertiary Education Commission Act 1977 to reflect Government decisions taken following consideration of the Hudson Report on the Review of the structure of the Commonwealth Tertiary Education Commission and arrangements for co-ordination and consultation with States and institutions.

The Government has largely endorsed the recommendations in the Report. These are aimed at reducing the costs and complexities of existing arrangements while supporting a more efficient and effective process of advising the Government on the development of tertiary education.

As well as the legislative changes embodied in this Bill it is proposed to improve arrangements for the formal consultation processes between CTEC and the States and institutions, for the triennial planning processes and for the consideration of new teaching developments.

The changes proposed under this Bill will -

- . extend the charter of the Commission to include in its functions the promotion of developments across the various sectors of tertiary education, (The Report concluded that the present structure impedes the promotion of the Government's participation and equity objectives, as it acts as a barrier to cross-sectoral developments);
- . extend the part-time membership of the Commission from five to six including three members with expertise in sectoral matters who would also be appointed to the relevant Advisory Council;

- . re-designate the sectoral Councils as Advisory Councils with the function of advising the Commission on needs and new policies in their sectors (the Report concluded that the existing system of sectoral Councils advising the Minister, with the Commission in turn developing its advice to Government, results in excessive report writing, considerable duplication and leads to unrealistic resource bids);
- . reduce the part-time membership of each Council from 8 to 6 in the case of the Universities and Advanced Education Councils and from 8 to 7 in the case of the TAFE Council;
- . provide that each Advisory Council will publish a triennial report on the state of its sector, its problems and priorities for future development.

#### FINANCIAL IMPACT

Savings of approximately \$100,000 per annum will result from the changes arising from this legislation, in particular the reduction from 29 to 22 in the part-time membership of the CTEC and its Councils.

NOTES ON CLAUSES

- Clause 1 : Short Title.
- Clause 2 : Commencement: provides for legislation to come into operation on a day to be proclaimed.
- Clause 3 : Interpretation: Alters definitions in the Act or inserts definitions and terms used in the Bill and in particular those changes arising from decisions on the changes to the roles and functions of the Councils and Commission, eg; the creation of "Advisory Councils" and the definition of an "institute of tertiary education" reflecting the inclusion of cross-sectoral developments in the Commission's charter.
- Clause 4 : Declarations: Provides for the Minister to declare a specified institution or proposed institution or body, authority or instrumentality to be an "institute of tertiary education" for the purposes of the CTEC Act.
- Clauses 5 and 6 : Commission Functions: These clauses provide for the inclusion of "institutes of tertiary education" in the references to the various types of tertiary institution contained in Sections of the Act relating to the Commission's functions. Clause 6 also adds to the two stated objectives of the Commission the additional objective of promoting closer cooperation and association between the various kinds of tertiary institution.

Clause 7 : This clause changes references to a "Council" to an "Advisory Council".

Clause 8 : Commission Membership. This clause provides for an increase in part-time membership from five to six, including three members with expertise in the university, advanced education and TAFE sectors (these members will also serve on the respective Advisory Councils).

Clauses 8, 14, 19 and 24 change the reference to "Chairman" in Section 10 of the Act to "Chairperson" and provide for the option to refer to the chairperson as "Chairman" or "Chairwoman" as appropriate. In addition, these Clauses provide for the continuation of existing appointments of Commissioners until the expiry dates of current terms, following the commencement of the amending Act.

Clause 9 : This clause mainly effects consequential changes to the section dealing with the number of Commissioners required for a quorum at Commission meetings.

Clauses 10 to 12 : As for Clause 7.

Clauses 13 and 15 : Functions of Universities Advisory Council. These clauses give effect to the decisions to (a) make the Council advisory to CTEC rather than to the Minister and (b) require the Advisory Council to produce

triennial reports (to CTEC) on needs and new policies in the universities sector but without detailed financial recommendations, as is done under the present system of reporting.

- Clause 14 : Membership of Universities Advisory Council: This clause gives effect to the decision to change the part-time membership of the Council to six persons, (including the part-time Commissioner with universities expertise appointed under Clause 8). See also notes on Clause 8 re. title of "Chairperson" and continuation of existing appointments.
- Clauses 16 and 17 : As for Clause 7.
- Clauses 18 and 20 : As for Clauses 13 and 15 but for the Advanced Education Advisory Council.
- Clause 19 : As for Clause 14 but for the Advanced Education Advisory Council.
- Clauses 21 and 22 : As for Clause 7.
- Clauses 23: and 25 : As for Clauses 13 and 15 but for the TAFE Advisory Council.
- Clause 24 : As for Clause 14 but for the TAFE Advisory Council except that the part-time membership is to be seven persons (including the part-time Commissioner with TAFE expertise).

- Clauses 26 : As for Clause 7.  
to 31
- Clause 32 : Acting Arrangements: This clause provides for non-sexist terminology in Section 33 of the Act.
- Clauses 33 : As for Clause 7.  
and 34
- Clause 35 : Meetings: This clause relates to arrangements for convening Advisory Council meetings and provides for a reduction of one in the size of the quorum.
- Clauses 36 : As for Clause 7.  
to 38
- Clause 39 : This clause replaces the Schedule which lists the institutions recognised as Colleges of Advanced Education for the purposes of the Principal Act. The new Schedule is a consolidated list reflecting name changes in a number of institutions and also incorporates the new Gold Coast College of Advanced Education.
- Clause 40 : Consequential and formal amendments: This clause provides changes to the Principal Act to remove sexist language generally and provide non-sexist terminology through the Act.