

Training and Further Education Acts (Amendment) Bill

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EXPLANATORY MEMORANDUM

General

The main purposes of this Bill are to amend the **Adult, Community and Further Education Act 1991** to provide for the establishment of adult education institutions and their governing boards. The Bill establishes Adult Multicultural Education Services (AMES) and the Centre for Adult Education as the first two adult education institutions.

It transfers the staff employed in the Department of Education, Employment and Training in the administration or provision of adult multicultural education services to AMES. AMES is to be governed by a body corporate to be known as the Board of Adult Multicultural Education Services.

The Bill establishes the Centre for Adult Education and transfers the staff, property and liabilities of the Council of Adult Education to the new education institution known as the Centre for Adult Education. The new Centre will be governed by a body corporate to be known as the Board of the Centre for Adult Education.

Clause Notes

- Clause 1 sets out the main purposes of the Bill.
- Clause 2 provides for the commencement of the various provisions of the Bill. Under clause 2(3), any provision that has not come into operation before 31 December 2001 will come into operation on that date.
- Clause 3 defines the **Adult, Community and Further Education Act 1991** as "the Principal Act" for the purposes of the Bill.
- Clause 4 amends the Principal Act to insert new purposes of the Act in relation to the establishment of adult education institutions.

- Clause 5 makes consequential amendments to the Principal Act.
- Clause 6 amends section 10 of the Principal Act to provide for Ministerial guidelines or directions relating to the operations of adult education institutions.
- Clause 7 amends section 9(d) of the Principal Act to empower the Adult, Community and Further Education Board to enter into a performance agreement with the governing board of an adult education institution.
- Clause 8 makes further consequential amendments to the Principal Act.
- Clause 9 amends section 21 of the Principal Act to repeal references to the Deputy Chairperson of the Adult, Community and Further Education Board.
- Clause 10 amends the Principal Act to confirm that the Chairperson of a Regional Council of Adult, Community and Further Education is to be elected by the members of the Council from among the members appointed by the Minister.
- Clause 11 inserts a new Part 4 into the Principal Act to provide for the establishment, powers and functions of adult education institutions and their governing boards. The proposed new sections in that Part are as follows—

Division 1—Adult Multicultural Education Services

Section 44 establishes Adult Multicultural Education Services as an adult education institution.

Division 2—Centre for Adult Education

Section 45 establishes the Centre for Adult Education as an adult education institution.

Section 46 empowers the Governor in Council, by order made on the recommendation of the Minister, to create, abolish, amalgamate or change the names of adult education institutions.

Section 47 empowers the Governor in Council, by order made on the recommendation of the Minister, to establish, amalgamate, abolish, change the names of, or make further provision in respect of the governing boards of adult education institutions.

Section 48 specifies the functions of boards of adult education institutions.

Section 49 specifies the powers of boards of adult education institutions.

Section 49A makes provision in respect of the accountability of boards of adult education institutions.

Section 49B provides for the composition of the governing boards of adult education institutions.

Section 49C specifies the circumstances in which the office of a member of a board becomes vacant, the duties of board members and the circumstances in which board members can be removed by the Minister.

Section 49D empowers boards to regulate their own proceedings and to meet by means such as closed circuit television.

Section 49E gives the Minister certain reserve powers over governing boards that can be exercised in the circumstances specified in that section.

Section 49F specifies the procedure that the Minister must follow before exercising reserve powers.

Section 49G provides for the appointment by the Minister of an administrator to the affairs of a governing board.

Section 49H provides that nothing done by a board is affected by the dismissal of the board or the appointment of an administrator under section 49F or 49G.

Section 49I requires a board to employ an institution director and empowers it to employ other staff needed to perform its functions and exercise its powers. In employing staff, a board does not represent the Crown.

Section 49J requires a board to notify the Minister of a proposal to appoint an institution director, empowers the Minister to object to the appointment and prohibits a board from appointing, as an institution director, a person to whom the Minister has objected.

Section 49K empowers boards to determine terms and conditions of employment for their staff.

Section 49L specifies the role and duties of an institution director.

Clause 12 inserts a new Part 6 into the Principal Act entitled—

PART 6—TRANSITIONAL PROVISIONS FOR NEW ADULT EDUCATION INSTITUTIONS

Division 1—Preliminary

Section 53 provides for Part 6 of the Principal Act to operate outside Victoria and Australia.

Division 2—Transfer of staff of AMES

Section 54 defines the 'relevant date' for the purposes of Division 2. This is the date the Board of Adult Multicultural Education Services is established by order of the Governor in Council.

Section 55 empowers the Minister to designate the teaching and administrative staff employed in the Department of Education, Employment and Training in the administration or provision of adult multicultural education services who are to become employees of the Board of Adult Multicultural Education Services under section 56.

Section 56 provides for staff designated by the Minister under section 55 to become employees of the Board of Adult Multicultural Education Services with the same terms and conditions to which they were entitled immediately before transfer.

Section 57 provides for staff who become employees of the Board of Adult Multicultural Education Services under section 56 to retain any State superannuation fund memberships and entitlements.

Section 58 makes provision in respect of the future terms and conditions of transferred employees.

Section 59 provides for the present Director of Adult Multicultural Education Services to be the first Director of the new Adult Multicultural Education Services.

Division 3—Transfer of property, rights and liabilities of Council of Adult Education

Section 60 defines the 'relevant date' for the purposes of Division 3. This is the date the Board of the Centre for Adult Education is established by order of the Governor in Council.

Section 61 provides for the transfer of the property, rights and liabilities of the Council of Adult Education to the Board of the Centre for Adult Education.

Section 62 provides for gifts, dispositions or trusts made in favour of the Council of Adult Education to operate in favour of the Centre for Adult Education.

Section 63 provides for staff of the Council of Education to become employees of the Board of the Centre for Adult Education on the same terms and conditions as they were employed by the Council.

Sections 64 provides for the transfer of land owned by the Council of Education to the Board of the Centre for Adult Education.

Section 65 requires the Registrar of Titles to make any amendments to the Register required because of the operation of this Division.

Section 66 provides that no stamp duty or other taxes are payable by reason of the operation of this Division.

Clause 13 inserts a new Schedule listing the current adult education institutions.

Clause 14 repeals the **Council of Adult Education Act 1981** and the **Employment Agents Act 1983**.

