

**Department of Education, Training and Employment response to submissions received on TAFE Queensland (Dual Sector) Amendment Bill 2014**

	<b>Submission</b>	<b>Support</b>	<b>Issues Raised</b>	<b>Departmental response</b>
<b>1</b>	Central Queensland University	<b>Yes</b>	Nil	
<b>2</b>	Queensland Teachers' Union	<b>Yes</b>	Responses to specific recommendations	
			1. Amendment of s 55 <i>TAFE Queensland Act 2013</i> to preserve rights of transferred employees.	<p>Central Queensland Institute of TAFE (CQIT) employees are currently employed in the State industrial relations jurisdiction and are covered by the <i>Industrial Relations Act 1999</i>. As a result of the transfer of employees from the State to Central Queensland University (CQU), the employees will be employed under the national industrial relations system and their employment will be regulated by the <i>Fair Work Act 2009</i> (Cwlth).</p> <p>The <i>Fair Work Act 2009</i> (Cwlth) provides when a transfer of business occurs, State public sector employees who transfer with the business have their industrial instruments and entitlements transferred with them.</p> <p>Neither this Bill nor the <i>TAFE Queensland Act 2013</i> can alter the operation of the <i>Fair Work Act 2009</i> (Cwlth) in relation to these transferred employees.</p> <p>The Department of Education, Training and Employment intends that the rights and entitlements of transferred employees will be preserved and CQU has agreed to ensure that this occurs.</p>

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				<p>Section 55 only applies to staff transferring from the Department to TAFE Queensland not staff transferring to CQU as part of the merger.</p> <p>Section 55 protects the key conditions of a person's employment such as a person's total remuneration, leave entitlements and superannuation. It is considered that no amendments are required to section 55 as it already provides sufficient protection of conditions.</p>
			2. Clarification of industrial relations jurisdiction for transferred employees	Employees transferred to CQU will be covered by the national industrial relations system.
			3. Bill should restrict designation of dual sector entities to those combining TAFE and universities.	<p>The Bill is intentionally flexible in that it allows for various entities to be prescribed as dual sector entities. It is a matter for Government to decide whether it is appropriate for an institution to become a dual sector entity.</p> <p>The Department is not aware of any other proposals for a dual sector merger at this time.</p>
			4. Requirement that both TAFE Queensland and dual sector entities outline their roles as public providers in operational plans	The operational plans for TAFE Queensland and dual sector entities must include the information specified in the <i>TAFE Queensland Act 2013</i> and this Bill. It is anticipated that their operational plans will recognise their unique roles as public providers. It is not necessary to make an amendment to ensure that this occurs. The content

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				of the operational plans will be agreed by the entity and the Minister in accordance with relevant legislative provisions.
			5. Establishment of formal process for consultation and cooperation between dual sector entities and TAFE Queensland.	Dual sector entities will be recognised as part of the broader TAFE network by the use of the term TAFE. However, dual sector entities are independent of TAFE Queensland and will be competing with TAFE Queensland in the vocational education and training sector. It is therefore not appropriate to impose an obligation for these entities to consult and cooperate.
			6. VET qualified person on TAFE Queensland Board	<p>This recommendation is not supported as the <i>TAFE Queensland Act 2013</i> already provides for persons with experience in education and training to be appointed to the Board.</p> <p>The <i>TAFE Queensland Act 2013</i> already enables the TAFE Queensland Board to include persons with experience in VET. Section 14(1)(b) of the <i>TAFE Queensland Act 2013</i> provides that persons are eligible for appointment to the Board if they have either (i) direct industry experience or direct experience in the education, training or employment sectors; or (ii) skills, experience or expertise in commerce, corporate governance, economics, finance, law or management. This allows for the appointment of persons with VET experience.</p>

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				<p>In the case of CQU there was no such provision in the <i>Central Queensland University Act 1998</i> so the Bill amends that Act to include a requirement that a person with VET experience must be appointed to the University Council.</p>
			<p>7. Interaction between this Bill and the Queensland Training Assets Management Authority Bill 2014 (QTAMA Bill), in particular:</p> <ul style="list-style-type: none"> <li>• are the assets to be transferred to CQU exempted from the provisions of the proposed QTAMA legislation?</li> <li>• If not, what is the relationship between CQU and QTAMA?</li> <li>• Can assets transferred to a future dual sector entity be exempted?</li> </ul>	<p>The submission seeks clarification of the interaction between the QTAMA Bill and this Bill. Assets used by CQIT will be transferred to CQU in accordance with the Merger Agreement between the State and CQU under a transfer regulation made under the <i>TAFE Queensland Act 2013</i>.</p> <p>The QTAMA Bill will not apply to the assets that are transferred to CQU under the <i>TAFE Queensland Act 2013</i>.</p> <p>The assets being transferred to CQU under the proposed Bill will be exempt from the QTAMA Bill. If a future dual sector entity was to be established with assets transferred from the State that dual sector entity would be responsible for management of those assets.</p>
			<p>Responses to other matters raised in the submission, not already covered by responses to specific recommendations</p>	
			<p>That the VET provided by the amalgamated institution continues to be of the broad</p>	<p>The Government's expectations are that the quality of education provided by the dual sector is not only preserved but enhanced through the</p>

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			<p>nature and high standard that has marked TAFE Queensland as the quality benchmark for the delivery of VET.</p>	<p>merger. This is because the dual sector will enable:</p> <ul style="list-style-type: none"> <li>• better integration of VET and higher education courses;</li> <li>• increased capacity to deliver a wider range of courses;</li> <li>• increased efficiency in the use of resources; and</li> <li>• an organisational culture that draws on the strengths of both sectors (i.e. research and industry needs).</li> </ul>
			<p>That the amalgamated institution operates in a way that is consistent with the role of a public VET provider.</p>	<p>The proposed amendments will enable dual sector entities to use the term 'TAFE'.</p> <p>The term Technical and Further Education, or TAFE, has a special meaning in the VET sector. It represents the delivery of VET by the public provider in Queensland as opposed to delivery of VET by a private registered training organisation.</p> <p>In recognition of this, the Bill provides for a number of protections that will provide Government with the necessary oversight to ensure the institutions operate in a way that is consistent with the role of a public VET provider. These include:</p> <ul style="list-style-type: none"> <li>• the requirement to report to the Minister about its operations quarterly;</li> <li>• the requirement to prepare an annual</li> </ul>

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				<p>operational plan; and</p> <ul style="list-style-type: none"> <li>the capacity for TAFE Queensland to advise the Minister on matters relevant to the performance of its functions.</li> </ul> <p>As a dual sector entity, CQU is receiving a transfer of CQIT's assets and operations and will continue to operate the former CQIT as part of the University's broader operations.</p>