

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN NATIONAL TRAINING AUTHORITY AMENDMENT BILL 1993

EXPLANATORY MEMORANDUM

(Circulated by the authority of the
Minister for Employment, Education and Training,
the Honourable Kim C. Beazley MP)



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OUTLINE

This Bill amends the *Australian National Training Authority Act 1992* to allow for the Chief Executive Officer of the Authority to be a person seconded from a Commonwealth, State or Territory public service or authority.

Where the Authority proposes to enter into a secondment arrangement with a State/Territory or State/Territory authority for the Chief Executive Officer, the Authority must consult with the Ministerial Council, which oversees the Authority. The arrangement would be subject to any guidelines determined by the Council.

The amendments provide that any secondment arrangement for the Chief Executive Officer would not be subject to the existing provisions of the Act dealing with remuneration, allowances, other benefits, leave entitlements and other terms and conditions applying to the Chief Executive Officer. This provision is intended to ensure that a seconded Chief Executive Officer could take up the position with the Authority without any loss of the entitlements applying to his or her 'home' position in the Commonwealth or State.

The Act already provides for secondment arrangements for all other staff of the Authority. However, the current provisions permit the Authority to make secondment arrangements with the Commonwealth or Commonwealth authorities or 'States'. The amendments would also permit the Authority to make arrangements to second officers or employees of State authorities.

FINANCIAL IMPACT STATEMENT

The Commonwealth provides the Authority's operating funds.

Remuneration and other entitlements for a Chief Executive Officer seconded under the amended provisions could be higher or lower than those which would apply under the existing provisions of the Act.

It is not possible to estimate the additional cost or saving involved as this would depend on the terms of individual secondment arrangements.

The extension of arrangements for the secondment of other staff to include State authorities is not expected to have any financial impact.

NOTES ON CLAUSES

Clause 1 - Short Title, etc

1. Provides for the Act to be cited as the Australian National Training Authority Amendment Act 1993. Provides that the words 'Principal Act' in the Act mean the Australian National Training Authority Act 1992.

Clause 2 - Commencement

2. Provides that the Act shall come into operation on the day it receives the Royal Assent.

Clause 3 - Secondment of Chief Executive Officer

3. This clause inserts a new section 40(A).

4. It allows the Australian National Training Authority (the Authority) to appoint a person as Chief Executive Officer who is seconded from the Australian Public Service, a Commonwealth authority, a State/Territory or an authority of a State/Territory. The intention of this clause is to facilitate the movement of senior executives between the Authority and other Commonwealth and State bodies.

5. Secondment of the Authority's Chief Executive Officer from a Department of the Australian Public Service or a Commonwealth authority would be under the usual arrangements for secondments to Commonwealth statutory authorities.

6. The Authority could only make an arrangement to second its Chief Executive Officer from a State/Territory or State/Territory authority after consulting with the Ministerial Council on the proposed arrangement. The arrangement would have to be consistent with any guidelines determined by the Council which are in force at the time it is made. This will ensure that the Ministerial Council is able to scrutinise and, if necessary, prescribe the terms of any proposed arrangement with a non-Commonwealth agency.

7. Sections 41 to 44 of the Principal Act deal with the setting of remuneration, allowances, other benefits and leave entitlements for the Chief Executive Officer and make these matters subject to determination by the Remuneration Tribunal and/or the Ministerial Council. The amendments provide that sections 41 to 44 of the Principal Act would not apply to a seconded Chief Executive Officer. These matters would be covered by the terms of the secondment arrangement.

8. The intention is to ensure that a person taking up a secondment as Chief Executive Officer could retain entitlements, in terms of their remuneration and employment 'package', which are similar to those they would have received from the body which makes them available for secondment.

Clause 4 - Staff seconded to the Authority

9. This clause amends subsection 46(2) of the Principal Act to permit the Authority to make secondment arrangements with State or Territory authorities. The Principal Act already provides for the Authority to second staff from the Australian Public Service, a Commonwealth authority or a 'State' (which includes a Territory).

10. The amendment is intended to ensure that the Authority could make secondment arrangements with appropriate State authorities which may not fall within the strict meaning of the term 'State'. Such authorities could include, for example, certain State/Territory statutory authorities with responsibilities in relation to vocational education and training.