Digest of Bill

Purpose

To establish a new advisory structure within the Ministry of Employment, Education and Training.

Background

Following the establishment of the Department of Employment, Education and training (DEET) in July 1987, the new Minister (Hon. J.S. Dawkins) set up a task force under the chairmanship of Mr Charles Halton, CBE to examine program delivery arrangements and advisory structures within the portfolio. On 15 October 1987 the Minister announced the results of this review. The Commonwealth Tertiary Education Schools Commission (CSC) were to be abolished and replaced by a National Board of Employment Education and Training (NBEET), which was to be purely an advisory body. The first step in this process was the transfer of responsibility for program delivery to the Department at the end of November 1987. Following further consultations the form of the proposed NBEET structure was finalised and interim appointments announced on 23 December 1987.

As well as the CSC and the ATEC, the NBEET will subsume the advisory functions of the Australia Council for Employment and Training (ACET) and the National Advisory Committee on the Commonwealth Employment Service (NACCES). The NBEET structure will also incorporate the Australian Research Council (ARC), whose establishment was announced at the time of the 1987–88 Budget. The ARC is responsible for advice on the distribution of research grants (except health research grants) and postgraduate awards. It replaced the Australian Research Grants Committee (ARGC) and a number of other committees responsible for providing advice on research grants and fellowships. Both the ARGC and the ACET were non–statutory advisory bodies while the CTEC, CSC and NACCES are statutory authorities whose abolition will require the repeal of legislation.
The essential features of the NBEET are as follows:

- There will be a Board with four subsidiary Councils, i.e., Schools Council, Higher Education Council, Employment and Skills Format Council, Australian Research Council.

- The Board will be responsible for providing advice on matters referred to it by the Minister concerning education, youth affairs, employment and training, and research policy;

- The Board will also be able to provide advice on these matters of its own volition, providing that such activity does not prejudice its performance with regard to ministerial references;

- The Councils will provide advice to the Board in response to matters referred to them by the Board or Minister;

- The Board will have power to give directions or guidelines to the Councils;

- The Board will be obliged to reveal any advice it receives from the Councils;

- The Board’s powers of direction over the Councils will not apply to the ARC with respect to its recommendations on the distribution of resources under research grants schemes. Such recommendations of the ARC will be made directly to the Minister, not the Board.

Unlike the CSC and the CTEC, the NBEET and its Councils will not control their own staff, but will be dependent on the Department for administrative and research support.

The Bill also provides for the establishment of a Commonwealth/State Consultative Committee to advise the Board and Councils. The Committee will comprise the Secretary of DEET, and an appointee of each State Education Minister.

The Bill will also establish a Commonwealth Employment Service within the DEET, consistent with Australia’s obligation under ILO Convention 88.

Main Provisions

For a detailed description of the clauses of the Bill, see the Explanatory memorandum circulated by the Minister.
Part II, Division I of the Bill provides for the establishment of the NBEET, and defines its functions, powers and reporting responsibilities. Clause 7(1)(a) and (b) state that the Board will inquire into and provide advice to the Minister, or on its own motion. Clause 7(2) provides that the Board will not act upon its own motion if such action prejudices its work in respect of a Ministerial referral.

Clause 8 provides that the Minister may issue directions and guidelines to the Board, and that such directions are to be laid before each House of Parliament.

Clause 9 specifies the reporting responsibilities of the Board. Under Clause 9(6) the Board will be obliged to include a copy or summary of any advice received from a Council or any matter which is the subject of a report by the Board. Such reports are required to be presented to Parliament, unless the Board is of the opinion that they should not be disclosed because of their confidential nature (Clause 9(8 – 11)).

Part II, Division 2 of the Bill provides for the Constitution and meetings of the Board. Under Clause 11(1) the Board shall have a maximum of 13 members of whom no more than five will be full-time.

Clause 11(2) stipulates that certain members of the Board will have expertise in given areas, namely:

- 2 in trade union matters;
- 2 in business and industry;
- 7 in education and training.

Part III of the Bill deals with the Councils. With the exception of the ARC, each Council will be required to limit its activities to matters referred to it by the Board or Minister (Clauses 24(1), 25, 26 and 27), and be subject to direction from the Board (Clause 29(1)). The ARC will also be subject to these controls except with regard to its recommendation on research grants schemes (Clauses 27(1) and 29(2)).

Part V of the Bill provides for the establishment a Commonwealth/State Consultative Committee to provide advice to the Board and Councils.

Part VII will enable the Minister to make grants for innovative and curriculum projects.

Clause 61 stipulates that the Minister shall have a review of the operations of NBEET conducted after five years.