



2024

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## Parliament of Tasmania

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### LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION COMMITTEE "A"

# SHORT INQUIRY PROCESS REPORT

ON

## THE FINANCIAL AND OPERATIONAL PERFORMANCE OF TASTAFE

#### Members of the Committee Inquiry:

Hon Ruth Forrest MLC (Chair)

Hon Dean Harriss MLC

Hon Sarah Lovell MLC

Hon Bec Thomas MLC (from 21 May 2024)

Hon Kerry Vincent MLC (from 21 May 2024)

Hon Luke Edmunds MLC (until 14 February 2023)

Hon Mike Gaffney MLC (until 14 February 2023)

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# ABBREVIATIONS

<b>BOOT</b>	Better off overall test
<b>FTE</b>	Full-time equivalent
<b>MoUs</b>	Memoranda of Understanding
<b>PCBU</b>	Person conducting business or undertaking
<b>RTO</b>	Registered training organisations
<b>SIP</b>	Short Inquiry Process
<b>TWD Act</b>	<i>Training and Workforce Development Act 2013</i>
<b>VET</b>	Vocational education and training

# BACKGROUND

1. The Committee has included the following contextual information in relation to the legislative changes impacting TasTAFE sourced from the TasTAFE (Skills and Training Business) Act 2021 Report: Six-Month Legislative Review, 21 March 2023.<sup>1</sup>
  - a) The *TasTAFE (Skills and Training Business) Act 2021* (the TasTAFE Act) commenced on 1 July 2022. From 1 July 2022, TasTAFE ceased to be an Agency under the *State Service Act 2000* and all TasTAFE employees became employees of TasTAFE under the national Fair Work framework.
  - b) TasTAFE transitioned to the Fair Work framework under the transfer of business provisions of the *Fair Work Act 2009* to ensure that employees continued with their existing terms and conditions under copied state instruments.
  - c) All new employees commencing from 1 July 2022 are covered by the relevant Fair Work instruments of employment. At 5 December 2023 42 staff have been employed under the new instruments.
  - d) TasTAFE has developed its own policies and procedures to cover the scope of State Service Employment Directions that do not form part of the copied state instruments.
  - e) The TasTAFE Act established a bespoke not-for-profit business model for TasTAFE, tailored to the role and function of TasTAFE as a modern educational training provider. The model recognises that TasTAFE, as the public provider, is substantially resourced by Government to deliver services of critical importance to Tasmanian learners, business, industry and the broader community.
  - f) As a not-for-profit Government business, TasTAFE continues to be funded via the Deed of Purchasing Arrangement with Skills Tasmania. This funding is supplemented by additional revenue including commercial course offerings and student fees.
  - g) The TasTAFE Act does not establish TasTAFE as a Government Business Enterprise under the *Government Business Enterprises Act 1995*.
  - h) The *Training and Workforce Development Act 2013* (TWD Act) sets out the framework for training and development within Tasmania, including the establishment of ministerial priorities for the sector, the purchase of vocational education and training (VET) from registered training organisations (RTOs) and the framework for apprenticeships and

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<sup>1</sup>

[https://www.stategrowth.tas.gov.au/about/divisions/business\\_and\\_jobs/skills\\_tasmania/tastafe\\_transition](https://www.stategrowth.tas.gov.au/about/divisions/business_and_jobs/skills_tasmania/tastafe_transition)

traineeships. Part 5 of the TWD Act that related to the operation of TasTAFE was repealed on commencement of the TasTAFE Act. Other parts of the TWD Act continue to apply to TasTAFE as well as other training providers.

- i) TasTAFE continues as a General Government Sector Entity under the *Financial Management Act 2016*, with exemptions to enhance financial flexibility. This includes TasTAFE having borrowing powers from the Tasmanian Public Finance Corporation under section 25 of the TasTAFE Act.
- j) A Ministerial Statement of Expectations to the TasTAFE Board in relation to the strategic objectives and policy expectations for TasTAFE replaces the Ministerial Policy Expectations previously issued to TasTAFE under the TWD Act.
- k) The TasTAFE: Statement of Expectations (August 2022) was developed in consultation with the TasTAFE Board and tabled in both Houses of Parliament in September 2022.

# SHORT INQUIRY OVERVIEW

2. The legislative changes related to TasTAFE resulted in limited opportunities for scrutiny of the financial and operational performance of TasTAFE through the Budget Estimates process. As TasTAFE was not established as a Government Business Enterprise (GBE) under the *Government Business Enterprises Act 1995*, it was also not included in the GBE scrutiny hearings.
3. On 16 November 2023, Government Administration Committee A (the Committee) resolved to initiate a Short Inquiry Process (SIP) into the financial and operational performance of TasTAFE.
4. The Committee resolved to accept the following as SIP terms of reference:

*That the Legislative Council Government Administration Committee A review and report on the matters related to TasTAFE with particular reference to:*

- 1. Financial and operational performance of TasTAFE; and*
- 2. Transition of TasTAFE under the TasTAFE (Skills and Training Business) Act 2021;*

*And that –*

*Mr Edmunds;  
Ms Forrest;  
Mr Gaffney;  
Mr Harriss; and  
Ms Lovell -  
be of the Committee.*

5. This Report should be read in conjunction with the attached documents.

# CONDUCT OF INQUIRY

6. On 17 November 2023, the Committee wrote to the Hon Felix Ellis MP, Minister for Skills, Training and Workforce Growth, advising the Committee's resolution to commence the Short Inquiry Process (SIP) into TasTAFE, and to invite the Minister, accompanied by the Chair and Chief Executive Officer (CEO) of TasTAFE to a public hearing of the Committee on 5 December 2023.
7. A public hearing was held on 5 December 2023 at Parliament House, Hobart, attended by Minister Ellis, accompanied by Tim Gardner, Chair and Grant Dreher, CEO of TasTAFE.
8. The minutes of the Committee meetings are attached to this report as **Appendix A**.
9. On 14 February 2024, the Parliament of Tasmania was prorogued due to the State election, with the prorogation being effective from 2:10 pm on 14 February 2024 until the reopening of the new Parliament on 14 May 2024.
10. The Legislative Council Government Administration Committee A was re-established on Tuesday 21 May 2024, with the following Members: Ms Forrest, Mr Harriss, Ms Lovell, Ms Thomas and Mr Vincent.
11. The first meeting of the Committee was held on 18 June 2024. The Committee resolved to prepare a report summarising the evidence received to date, and refer the Inquiry to Government Administration Committee B where the Ministry for Skills and Training now sits, for further consideration.

# SUMMARY OF EVIDENCE

12. The transcript of evidence from the hearing held on 5 December 2023 is attached as **Appendix B**.
13. The Committee considered the administrative changes related to staff employment and the commitment made during the parliamentary debate on the TasTAFE (Skills and Business Training) Bill 2021 that no employee be worse off under the new arrangements.
14. The Leader of Government Business in the Legislative Council stated: *"The Government has committed that TasTAFE employees will be no worse off through the TasTAFE transition."*<sup>2</sup>

**CHAIR** - ... We've had significant representation from unions to say that's not the case and they're losing a lot of inherent benefits that they had under their current awards, the ones they were on. Since the transition a lot of those have been lost to the point that there was a hearing in the Industrial Commission that found in favour of them. Can you outline how you've met that commitment to the parliament and to the members that no worker would be worse off?

**Mr ELLIS** - Yes, sure and thank you, Chair. I'll pass to the TasTAFE team shortly to provide a further update that I mentioned around the recent vote that we've had with employees, and this is really important. Can I say from the outset that our Government is committed to ensuring that there's a strong future for TasTAFE. We've always said we want to see our hardworking teachers and staff paid more and deliver more training. That's the cornerstone of our reforms: to deliver a better training system for the next generation of Tassie workers. TAFE is going to continue to negotiate in good faith with the workforce and we're continuing to focus on delivering through TasTAFE just as we said that we would for our \$118 million plan to put the learner at the centre.

*The other part of that is to make sure that TasTAFE looks more at the businesses that it serves as well. I'll pass to the team at TasTAFE, as I said, to provide an update on that employee vote because this is a really important and exciting part of the transition which has just occurred.*

**Mr GARDNER** - Thank you, minister. I will make a couple of headline comments in response to the comments and questions earlier. Firstly, that the determination of the Fair Work Commission was not in any way any acknowledgement or direction that suggested that any of our employees were worse off. What it sought through the union representations was consolidation of agreements - something that we were in no legal position to do, nor do we think that was the best path for the organisation. In the end, the Fair Work Commission ruled in favour of the unions and so those agreements were consolidated and we acted according to directions. It was nothing to do with anyone being any worse off.

*For the balance of things, we have three enterprise agreements on foot. Two of those remain in bargaining and we continue to bargain in good faith on those. Noting that we are now operating under the Fair Work Act and in accordance with the requirements of the Act and the rulings of the commission. Ultimately, any agreement we put up will be subjected to the Better Off Overall Test and we will work in accordance with that. We have one, as the minister indicated. We have the employee support for the first of the three agreements and employees voted in the majority to support an agreement for general employees. We have two to go. We will continue to bargain in good faith and to seek an outcome that is in the*

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<sup>2</sup> Hon Leonie Hiscutt MLC, 24 November 2021, Legislative Council, p. 104.

*interests of our teachers and our organisation. That's what we need to serve the needs of our students.*

**CHAIR** - *In regard to the Fair Work Act, Better Off Overall Test, or BOOT, as it's better known, does that mean that the existing terms and conditions will automatically transfer. ... Is that how it works?*

**Mr GARDNER** - *No.*

**CHAIR** - *So, can you explain how it works?*

**Mr GARDNER** - *Well, there is a simple principle; the principle is 'better-off overall'. The Fair Work Commission looks at the entirety of the agreements struck and assesses as to whether that is, in its entirety, better off overall from the starting position -*

**CHAIR** - *The starting position being? What's the starting position? This is the contentious thing.*

**Mr GARDNER** - *We don't see it as contentious because there was no requirement and, in fact, no point in us negotiating to replicate exactly what we've got. What we are seeking to do, and to the minister's point we were charged with, is to transform TasTAFE into a form that could better serve our learners, our industry, our community. That's what we are doing.*

*'Better off overall' doesn't mean the same. 'Better off overall' means in the entirety of agreement, the terms and conditions under agreement, that every employee will be better off overall. It doesn't in any way bind us to transferring the same conditions. The conditions that we have not sought to carry over are those that are specifically public service aligned and not aligned with the strategy and direction of TasTAFE.*

**CHAIR** - *Can you outline those ones that you have chosen not to carry over?*

**Mr GARDNER** - *I may look to my CEO.*

**Mr DREHER** - *Yes, I wouldn't be able to sit here and outline each one.*

**Ms LOVELL** - *So the Better Off Overall Test, just to clarify, that's assessed against a modern award, not the existing or copied state instrument, correct? That's your understanding?*

**Mr GARDNER** - *Ultimately, they will assess as to whether our employees are better off overall than the position that they were in. We cannot go backwards.*

**Ms LOVELL** - *No, I don't think that's correct. My understanding is they assess it - the Better Off Overall Test is assessed against the modern award. That's the starting position: the instrument that would exist were there not another agreement in place. Those conditions are significantly different from what was in that copied state instrument.*

**Mr GARDNER** - *Our requirement is to meet the Better Off Overall Test and to ensure that we provide and negotiate the best terms and conditions that we can with our workforce because we want to retain and attract people. To start with the premise that we're seeking to run down terms and conditions is flawed. That's a union position that they want to continue to argue that position to us. It is not the principle of good-faith bargaining.*

**Ms LOVELL** - *I want to be clear, though, that when you're relying on saying the Better Off Overall Test means that those workers will be better off than they were, that's not necessarily the case. That test means they're better off overall than they would be if there wasn't an agreement negotiated in place which would put them back on the modern award, which is quite significantly different from the agreement that they were employed under when they came across.*

**Mr DREHER** - You have outlined how Fair Work operates. Yes, it would use a modern award to conduct a test. However, the agreement we put to our staff and that we will put to the other two groups of staff is nothing like the modern award. It is significantly better.

**Ms LOVELL** - No, I would hope not.

**Mr DREHER** - Whilst I can't articulate off the top of my head the differences that we put forward from the copied state instrument, I think the recent vote we had and the turnout we had, without the union support, shows that our staff are very interested because 80 per cent of staff turned out to vote. I have worked under Fair Work for a very long time; that's the highest I have ever seen. We had almost 59 per cent of staff vote yes, who turned out to vote.

We put all the conditions on the table. We were very open about the minor changes that would go through. I can remember one being the triennium approach to personal leave, which is very much a Tasmanian State Service approach. We've gone to an accumulated leave approach and we have made sure that people weren't worse off in that particular component.<sup>3</sup>

15. Mr Dreher provided an example of a benefit provided in the new agreement that was not included in the previous agreement, noting that both primary and non-primary carers are eligible for leave after the birth of a child, being 18 weeks of paid parental leave.<sup>4</sup>

16. The Committee explored the matter of the 'yes vote' campaign to encourage staff to ratify the new agreement:

**Ms LOVELL** - Is it true that - and understanding you had a 59 per cent yes vote - is it correct that workers were advised that they would only receive pay increases in January if the agreement was accepted, if there was a yes vote? Also, the three close-down days between Christmas and New Year, was that part of the communication to staff around negotiations?

**Mr DREHER** - I wouldn't word it like that. The discussion from staff was that it may take, if we vote yes, it may take a significant period of time for Fair Work to ratify the agreement and they would miss getting, if their agreement is not ratified then you're not covered by the new agreement. We took a decision that if there was a 'yes' vote, we would honour those things.

**Ms LOVELL** - Was there a discussion about back pay if that takes longer? It's not unusual if an agreement takes longer to be ratified, that those pay increases can be applied retrospectively?

**Mr DREHER** - We offered to the staff that we would pay them from 1 January whether it's ratified or not, and earlier if it's ratified earlier.

**Ms LOVELL** - Only if they voted 'yes'?

**Mr DREHER** - You can't give a pay rise for an agreement that is not voted 'yes'.

**Ms LOVELL** - You can continue negotiations.

**Mr DREHER** - Yes.

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<sup>3</sup> Mr Dreher and Mr Gardner, *Transcript of Evidence*, 5 December 2023, pp. 2-4.

<sup>4</sup> Mr Dreher, *Transcript of Evidence*, 5 December 2023, pp. 52-55.

**Ms LOVELL** - Were they told they would only get the pay increase from 1 January if they voted 'yes', or if the agreement was accepted in this vote?

**Mr DREHER** - If there was a 'yes' vote, we would not wait for it to be ratified in Fair Work to start paying the pay increase.

**Ms LOVELL** - Thank you.

**Mr ELLIS** - It's a clear demonstration of the case in point that we want to pay our people more, and we want to be able to work through this process in good faith.

As far as the bargaining arrangements, TasTAFE is doing a good job on that. There has been really strong support as a part of the vote that came through and it demonstrates that this is a really good deal for people who work within the business and as part of that, that will again help us to deliver the broad reforms that we all know are necessary: that we need to deliver more training for trainees and apprentices in Tasmania, that we want the opportunity to pay our teachers more as part of this process and we can pay our staff more for the amazing work that they do.

That's what this transition is enabling, and it's meaning that we're able to step things up in Tasmanian training, which we know, coming back to some of your initial remarks, Chair, is at the bedrock of being able to deliver economic opportunities for our state. Rural and regional parts of Tasmania, in particular, have a strong focus on practical vocational skills so that we can grow our economy. This change is helping to enable more training in that space so that we can not only provide more opportunities for individual students, but provide more opportunities for our state more broadly.<sup>5</sup>

17. The Committee explored the issue of some entitlements being a matter of policy rather than remaining a condition of the workplace agreement:

**Ms LOVELL** - I want to go back to some of those items that you mentioned there that have gone from being part of an agreement to a policy essentially, a number of them: communicable diseases leave and other things. Do you accept that having something as a policy, rather than having it as a condition, in the workplace agreement is not the same thing?

...

**Mr ELLIS** - Whether a policy is different to a condition?

**Ms LOVELL** - That's right.

**Mr ELLIS** - I think that's inherent in the question. Does it necessarily mean that one's a bad outcome? Not necessarily but I will pass over to the team in terms of why we are bargaining around this approach if there's anything further to add?

**Ms LOVELL** - Further to that, my question is, why would they not be included in the agreement if they were in the previous agreement? What's the reason for not having them in the agreement any more if they are an existing policy?

**Mr GARDNER** - Because in terms of contemporary agreement and policy framework, it's better suited to the organisation and the people who work there. It gives us flexibility. We can continue to evolve and develop all our policy suite on an ongoing basis to better support our people as we go.

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<sup>5</sup> Mr Dreher and Minister Ellis, *Transcript of Evidence*, 5 December 2023, pp. 4-6.

*To keep the breadth of issues across every enterprise agreement doesn't serve anybody to have those simply to be addressed through enterprise negotiations. We want to be able to work with our organisation and our staff directly all the time to improve the way that we employ and support them.*

**Mr ELLIS** - *Again, the staff have been really strong in endorsing the approach that TasTAFE has taken as part of the agreement. That's why there was such a strong majority vote in favour of the general agreement that's just passed in the last week or so. It's really important to acknowledge as well that that's a vote of every staff member who wants to take part of it under that particular award -*

**CHAIR** - *Which award is that one?*

**Mr ELLIS** - *As part of that particular agreement, I should say.*

**CHAIR** - *Which staff?*

**Mr GARDNER** - *General employees.*

**Mr ELLIS** - *Then, as mentioned previously by TAFE, we have the two others that we are currently negotiating. We're not negotiating at this table. We're negotiating with our employees, as appropriate, because they're the ones who vote for it or not.*

*....*

**Ms LOVELL** - *Do you accept that by having some things in a policy rather than in an agreement means that they can be altered by the organisation without necessarily consulting with staff?*

**Mr ELLIS** - *As I say, I think the Chair has already covered these arrangements -*

**Ms LOVELL** - *My question was to you. Do you accept that that's the case?*

**Mr ELLIS** - *As I say, the Chair has already covered it. Ultimately, there's an ongoing bargaining negotiation process that's under way -*

**Ms LOVELL** - *So you do or you don't accept that policies can be changed by an organisation?*

**Mr ELLIS** - *We are not going to be negotiating at the table.*

**Ms LOVELL** - *I am not asking you to negotiate.*

**Mr ELLIS** - *I will pass back to TasTAFE if there is anything further they want to add.*

**Mr GARDNER** - *I am happy to say that the important thing for us, firstly, the premise that we were working on was we were charged with making our organisation more like the organisations that we serve and the industries that we serve. We have to be more dynamic and contemporary. We need to be able to work directly with our workforce on an ongoing basis to develop the most fit-for-purpose policy framework. If we were reliant on going through enterprise negotiations and bargaining every time we wanted to make changes, then we are not going to achieve the job, the task that we were charged with. We have very singularly focused on doing that and making TasTAFE the best public provider of vocational education and training services for the Tasmanian community.*

**Ms LOVELL** - *I understand that and I understand that the minister is not going to answer that question. My point is that there is a number of organisations that would contain and continue to include some of those provisions in an agreement that is protected by their staff and protected by the processes to have those agreements negotiated. By taking them out of an agreement, having them as a policy, it means they have a lower level of protection in terms*

*of those entitlements being maintained. It is a policy that can be altered by the organisation, not a condition of employment in an agreement that has to be agreed to by both parties....*<sup>6</sup>

18. The Chair observed that a reduction in revenue from grants in the state budget was noted by the Committee. The Committee sought further information regarding any impact that reduction may have on the operations of TasTAFE:

**CHAIR** - *Just go back to the state budget and the grants which we were looking at earlier, to the breakdown. ... The revenue from grants does drop away. It goes up a little bit in 2026-27 financial year but there is some concern that that may negatively impact on TasTAFE's operations. ...*

**Mr ELLIS** - *... A couple of points to make: we have just been working through with the Commonwealth Government around the National Skills Agreement. That's a five-year agreement and that's effectively the cornerstone of how we fund vocational education training in the state. That includes TAFE. There are other matters relating to, for example, capital investment, the decision of government potentially in the future. We have seen a huge capital investment program for TAFE in recent years - \$27 million Water and Energy Trades Centre of Excellence and we're really pleased to be able to show that off to ministers from around the country just last month.*

*Can I say, absolutely nation-leading for our sparkies, our plumbers, gas-fitters, fridgies, others. Got major investments in terms of our Alanvale Health Hub and things like Freer Farms, \$6.5 million in terms of major investment to agricultural education in the north-west. Cyber security hub, which points to a new direction for TAFE as well and a path that vocational education can play in that emerging part of our economy as well.*

*We think that there are more opportunities in how we invest in capital facilities for TAFE and we'll have more to say about that in future budgets. We certainly have seen this budget reflect huge capital investment and we're going to be really excited to sign off on the national skills agreement when we have reached a landing with the Commonwealth for funding over the next five-years. We've had a great partnership with the Commonwealth as well. Fee-free TAFE has already been canvassed. That's thousands of new places for learners across a range of critical industries for our state -*

**CHAIR** - *They are funded through the grants?*

**Mr ELLIS** - *Yes, in terms of the partnership that we have with the Commonwealth around that. We will continue to work with the Commonwealth on that future funding partnership and should have more to say on that pretty soon.*

**CHAIR** - *Back to the question: It is a bit of an uptake as you have identified and it says in the annual report as well about the fee-free places. One would expect that some of the downturn here relates to projects finishing - like capital projects finishing - and then you look at the employee benefits. They don't go down. That's good.*

**Mr ELLIS** - *That is right because we want to employ more teachers and we're having a great record with that.*

**CHAIR** - *If providing more grant funding to support the fee-free places, then we must be seeing quite a significant downturn in the capital grants space.*

**Mr ELLIS** - *I think I've outlined this, but let me go through it again. We have our upcoming national skills agreement; that is an agreement between the state and the Commonwealth*

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<sup>6</sup> Mr Gardner and Minister Ellis, *Transcript of Evidence*, 5 December 2023, pp. 10-12.

*that we are encouraged that will mean greater investment in this space. That is not covered in the last year's budget - sorry, the budget that's been handed down.*

**CHAIR** - *It's not picked up in forward Estimates?*

**Mr ELLIS** - *No because we have to sign the agreement, right? We're still negotiating.*

**CHAIR** - *We may see this change, and that is what you are saying to me?*

**Mr ELLIS** - *That is right, yes. When the next budget comes out, likely to see different numbers in that. Also, we think that there are big opportunities in the capital space. We haven't identified those specifically as part of that budget but we're really encouraged with the work that TAFE has done delivering major capital projects and we'll be working through that budget process in the usual way.<sup>7</sup>*

19. On the matter of fee-free TAFE, the Committee explored the proportion of those in Tasmania going to private registered training organisations (RTOs):

**Mr ELLIS** - *... we have some really critical sectors in Tasmania's economy that are not covered by TAFE because we have a strong industry of private RTOs. Seafood and maritime is a great example. SMT [Seafood and Maritime Training] is a leading trainer nationally and there are other private RTOs that do amazing work across our state. We have worked closely with the Commonwealth around fee-free vocational education, generally speaking. Fee-free TAFE means thousands of new TAFE places. I might look to Grant if you have the number of fee-free places that have been provided to TAFE.*

**Mr DREHER** - *Yes. In this current year, we have delivered just over 3300 fee-free TAFE places, and there's 3500 allocated for 2024.*

**Mr ELLIS** - *As part of that, TAFE has the lion's share, so there will be some more in terms of the numbers that we will provide. TAFE has the vast majority of those fee-free places.*

**Mr EDMUNDS** - *Are you able to give a breakdown when you provide that number of the ones that they could be provided by TasTAFE rather than an RTO?*

**Mr ELLIS** - *When you say 'they could be' -*

**Mr EDMUNDS** - *As, if they're courses that are offered in both settings, if they exist?*

**Mr ELLIS** - *We can have a look to see what's available, but the other strong point is we want to put the learner at the centre of vocational education and training. TAFE is a really strong component of the education that we provide in this state, but it's not necessarily just about who's providing the education; it's about who's doing the learning and the choices that they make around their education. They might want to go to different educational providers. That might be an industry-led provider, for example, in the childcare space. We have some amazing industry and private childcare training providers.*

*We also provide childcare at TAFE. Respecting learners' choices with the funding that we provide is a key principle in this. I'm the Minister for Skills and Training, not just the minister for TAFE and proudly so. We have a great partnership with TAFE. They're our public provider and they provide the majority of training across the economy and it's important that we have that strong public provider. It's also important that we're supporting others who might bring different expertise and different business models to those challenges so that we can support learners.<sup>8</sup>*

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<sup>7</sup> Minister Ellis, *Transcript of Evidence*, 5 December 2023, pp. 16-17.

<sup>8</sup> Mr Dreher and Minister Ellis, *Transcript of Evidence*, 5 December 2023, pp. 16-17

20. Minister Ellis clarified the proportion of fee-free places in the response to questions taken on notice, dated 15 December 2023:

*Fee-Free TAFE is being delivered in two tranches. The 12-Month Skills Agreement allocated 3,800 Fee-Free TAFE places to Tasmania for 2023, comprising both existing and new places.*

*These Fee-Free training places are committed to TasTAFE and to private registered training organisations (RTOs) who were successful in applying for training subsidies through Skills Tasmania's Building a Skilled Workforce - Jobseeker Fund (12-Month Skills Agreement stream).*

*A total of 3,942 places across both full qualifications and skill sets are committed, with 29.3 per cent of the places allocated to private RTOs.*

*The Deed of Variation to the 12-Month Skills Agreement allocates a further 4,600 existing Fee-Free TAFE places to Tasmania for delivery across three years commencing 1 January 2024 to 31 December 2026. All of these places will be provided by TasTAFE.<sup>9</sup>*

21. In a further response from Minister Ellis dated 5 January 2024 the Minister provided a breakdown by LGA of Government funded (fee-free) courses in 2023 to 30 September. Data provided showed total enrolments of 2675.<sup>10</sup>

22. The following evidence was received on the matter of course fees:

**CHAIR** - *Can you just tell me how course fees are established and how decisions are made around course fee increases?*

**Mr ELLIS** - *Sure. Look, I might pass to the TAFE team shortly around course fee establishment, but other than to note that we want to be supporting Tasmanians, particularly around providing cost-of-living relief. That's part of the reason why fee-free TAFE has been an important investment as well as other probably lesser-known investments that we have in things like travel support, which are important for rural and regional students. I'll pass to TAFE to maybe talk around the methodology that comes with pricing.*

**Mr GARDNER** - *Thank you, minister. We have been consistent over the years that I've been involved in increasing fees in line with CPI on an annual basis. That is often not the level - it doesn't necessarily reflect the level of cost increase that we have to absorb given educational costs is not directly matched to the CPI. We work off the Hobart CPI on an annual basis but we've also - as part of the process of our working through our transformation and through our strategy, the strategic plan - committed ourselves to undertake a more thorough review of that pricing and just to make a more in-depth assessment around that.*

**CHAIR** - *With a view to what?*

**Mr GARDNER** - *Well, just a bit better understanding of what drives our cost and how we best price the - rather than just taking a blanket CPI approach, which is just a very blunt instrument. We just do it to try to keep on top of our cost. Again, keep in mind our commitment here is to deliver as much affordable training as possible to as many Tasmanians as possible. So, it's incumbent on us to look at the way we've built up that pricing and we've committed to do that.*

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<sup>9</sup> Letter dated 15 December 2023 from Minister Ellis in relation to questions taken on notice at the public hearing held on 5 December 2023 (Appendix D).

<sup>10</sup> Letter dated 5 January 2024 from Minister Ellis in relation to questions taken on notice at the public hearing held on 5 December 2023 (Appendix E).

**CHAIR** - In terms of making that open and transparent, how will you communicate that to the broader public? Obviously the fee-paying courses are a matter that does impact on people's capacity to do them, so how will you undertake that?

**Mr GARDNER** - We're not anywhere in that process at the moment, so I honestly couldn't answer you in any detail on that, Chair, other than to say that up until now we've passed on the CPI increase and we're very clear about that. That's how we do it.

**CHAIR** - So you're confident in the last, say, four or five years you've only passed on the Hobart CPI for every course that you've offered?

**Mr GARDNER** - The last three years in terms of deed-funded courses. Yes.

**CHAIR** - What other courses are there?

**Mr GARDNER** - Well, we have, outside of that the diploma courses.

**Mr DREHER** - VET student loans, which are courses that are funded via student loans from the federal government.

**CHAIR** - You don't charge for -

**Mr DREHER** - No, the last two years they have gone up by Hobart CPI.

**CHAIR** - The feds have put them up that much?

**Mr DREHER** - No, we do, but there's a range that they have to fall within from the federal government.

**CHAIR** - In terms of doing this - I know it's early days but I'm trying to understand what you're trying to achieve - is it possible that we might see some courses have less than CPI increases based on the cost it takes to deliver. Surely that would be one parameter, and some may go up higher than CPI to cover the cost to deliver? ...

**Mr GARDNER** - We haven't undertaken the process yet, Chair. We need to work through that and understand, like we are in every part of our business, trying to truly understand our business and the cost of delivering our business to make sure that we make the very best use of the taxpayers' funds we're given. And match those the best we can to ensure that our courses reflect that cost. We also need to make sure it's accessible. That's our job. It is incumbent on us to do that and to truly understand that, because that is part of the transition. I'm trying to frame it in terms of the transitional process. We've come out of state service and we're working through every part of our business and that's part of that.

**CHAIR** - From a policy perspective, is it your expectation that the courses are delivered on a cost-recovery basis, or how do you see the provision of TAFE courses?

**Mr ELLIS** - We have a range of different models that we are working through, broadly speaking, as part of the review process. I mentioned previously around fee-free TAFE. That's obviously, when it comes to the cost to learners, very low, and recognising that there are some real strategic and opportunity benefits that we can spread across our economy.

**CHAIR** - That's a policy decision to offer fee-free courses.

**Mr ELLIS** - Of course.

**CHAIR** - For those that are not fee-free, is your benchmark cost recovery?

**Mr ELLIS** - No, not necessarily. For example, an area that I'm aware of that Tasmania is supporting learners is in the childcare space. The diploma that TAFE offers in childcare

*compares very favourably in terms of cost to other providers. One of the reasons for that is that there's a really strategic benefit in making sure that the childcare workforce is able to access that pivotal training course so that we're able to deliver the care that's needed for young children, but also the economic facilitation that comes from more families being able to get back to work as well or other training and a range of different things.*

**CHAIR** - Consider broader benefits in assessing the cost, is that what you're saying?

**Mr ELLIS** - Yes, it's not as simple as how much does it cost us to deliver, although it's important work to understand how much it does cost to deliver things. There's also really strategic thinking that happens around what's the benefit to the economy, where are important emerging needs. How can we continue to deliver on some of those mission-driven challenges as a community? How do we make sure that we look after older Tasmanians in a dignified and proper way? That means we need to build a much bigger care workforce than we have now so we don't take a backwards step when it comes to investing strategically.

*Price is one of those signals. It's why we are working closely with the federal government around fee-free learning. We think that for some people cost is a barrier. We also have a huge concession program in this space as well. We recognise that not everyone comes at training with the same means or the same opportunities in life, so, thinking how best we can support people through pricing mechanisms and signals is an important way that we spread the massive benefit that comes from getting vocational education to more parts of our economy and society.<sup>11</sup>*

23. The Committee did not inquire into matters related to completion rate of fee-free or fee-charging courses or other outcomes.

24. Having regard to the commitment made at the last election to employ 100 new TasTAFE teachers, the Committee sought an update on recruitment of new teaching staff:

**Mr ELLIS** - ... At the last election we committed to 100 new teachers and at about the halfway mark we're about halfway through. At the end of this term, that's when our commitment to that growth will be fulfilled so we're on -

**CHAIR** - What was the anticipated time frame to get the 100 on board?

**Mr ELLIS** - Over the term of this Government, so committed at the last election and then delivered by the end of this term. We think that there's great opportunity for us in Tasmania. It reflects -

**CHAIR** - We're halfway and looming large towards the next election. Who knows when that might be?

**Mr ELLIS** - In 2025, Chair.

**Ms LOVELL** - Is that a net increase?

**Mr ELLIS** - It's a net increase of 40 teachers, so it's about 10 per cent of our entire teaching workforce, which is great news for learners in Tasmania. It means we are able to bring more courses online. It means we're able to bring new people in as well. One of the issues with TAFE prior to the transition was, say, teachers that didn't necessarily have industry currency. Bringing in more people from industry who have recent experience is a wonderful

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<sup>11</sup> Minister Ellis, Mr Dreher and Mr Dreher, *Transcript of Evidence*, 5 December 2023, pp. 27-29.

opportunity as well for our learners because you're able to learn with people who are operating using the latest technology and the latest techniques. ...

...

**Ms LOVELL** - Can I just ask a follow-up on the number of teachers?

**CHAIR** - Yes, just on the number of teachers before we do.

**Mr ELLIS** - Yes, we've got 40 FTE more than we had. ....

**Ms LOVELL** - Yes, my question was going to be how many have you had to employ to get the - how many have left in that same period of time? So, you've got 40 more than you had. How many did you need to employ to get there?

**CHAIR** - The staff turnover is what we're looking at, yes.

**Mr ELLIS** - So, I'll pass to the team. Obviously, we have significant interest right across our economy for trained and skilled people so that's a matter that we work through just as every other organisation in Tasmania, but I'll pass to the team if they want to add further.

**Mr GARDNER** - Thank you, minister. Firstly, to note that we have very low staff turnover, in the order of - and I was just looking to see we had the figure here - of around 1.5 per cent.

....

**Mr GARDNER** - We are actively in the market all the time for new teachers. We have a partnership with Harrison McMillan recruitment. We are recruiting in the middle of one of the most difficult employment markets for this generation and we are competing with industry for people to teach industry. We're competing with people for people who have contemporary experience in industry to bring them in to teach. It's a very difficult market. From our point of view, we absolutely took the commitment of 100 new teachers, but it was never a linear path. It wasn't 25, 25, 25 and 25. It was over the period that we would recruit 100 teachers.

We continue to - we've had the Be a Life Changer campaign out there - and we continue to campaign and recruit very actively to find the very best people to come and join our workforce and to make a difference.

**Mr ELLIS** - It's also part of the reason why we're making large capital investments as well. The Water and Energy Trades Centre of Excellence effectively doubles our capacity for training in some of those industries in Tasmania. By investing in new capital and new space, new classrooms, that means we can find a place for all those new teachers as well. It's all part of our plan to invest in TAFE and deliver more training because we've certainly got more demand.<sup>12</sup>

25. Mr Dreher clarified the teacher turnover rate:

**Mr DREHER** - ... To answer your question, I don't have the exact number but we've had 6 per cent of teaching staff leave in the last 12 months.<sup>13</sup>

26. The Committee sought detail regarding the gender pay gap:

**CHAIR** - In terms of the staff, do you have a gender breakdown of your staff?

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<sup>12</sup> Minister Ellis, Mr Dreher and Mr Gardner, *Transcript of Evidence*, 5 December 2023, pp. 19-20.

<sup>13</sup> Mr Dreher, *Transcript of Evidence*, 5 December 2023, p. 21.

**Mr GARDNER** - We do.

**CHAIR** - Do you have that by award within the organisation and have you assessed your gender pay gap?

**Mr GARDNER** - Males make up 46 per cent of our workforce and females make up 54 per cent of our total workforce and gender plays no role in determining pay. In any given role people are paid accordingly.

**CHAIR** - I accept that. I want a breakdown of male and females across diverse levels within the organisation to help you identify your gender pay gap. The gender pay gap is not paying the person in the same job the same amount. It's how it falls across the broader organisation.

**Mr GARDNER** - I understand the nature of your question, chair, and we don't have that information available to us right here but we could -

**CHAIR** - Are you able to provide it?

**Mr GARDNER** - Yes. It's a gender split across the levels of the organisation.

....

**Ms LOVELL** - Does TasTAFE do an analysis of the gender pay gap?

**Mr DREHER** - Not at this stage, no. To clarify, what you want is the three agreements with the levels in the three agreements?

**CHAIR** - Yes, otherwise it's a bit difficult to compare because they're quite different structures. We are happy to take that on notice.

**Mr ELLIS** - Broadly speaking as well, at the highest level of TAFE, particularly at the board and executive level, there is a really good gender diversity and it is a really strong strength of TAFE.

**Ms LOVELL** - Is a gender pay gap analysis something you'd consider for future years?

**Mr DREHER** - Part of the cultural change program is to implement an employer-of-choice model, which will take a little while because there's a lot to do at once and that would be within that.<sup>14</sup>

27. The following detail regarding the gender balance in the TasTAFE workforce was provided in a response to questions taken on notice, dated 15 December 2023 (Appendix D).<sup>15</sup>

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<sup>14</sup> Minister Ellis and Mr Dreher, *Transcript of Evidence*, 5 December 2023, pp. 24-25.

<sup>15</sup> Letter dated 15 December 2023 from Minister Ellis in relation to questions taken on notice at the public hearing held on 5 December 2023.

Stream	Female		Male		Oct 2023
Teaching	212	(43%)	283	(57%)	495
General	245	(66%)	127	(34%)	372
Facility Attendant	26	(52%)	24	(48%)	50
TasTAFE Executive #	4	(50%)	4	(50%)	8
<b>Total</b>	<b>487</b>	<b>(53%)</b>	<b>438</b>	<b>(47%)</b>	<b>925</b>

# Includes Chief Executive Officer

28. In response to questioning in relation to an efficiency dividend in the next budget process, Minister Ellis responded:

**Ms LOVELL** - Efficiencies were raised in the last budget and I understand that that's part of the next budget process. What work has been done so far on that?

**Mr ELLIS** - The Government is working through that as part of the budget process in the usual way and I'm sure the Treasurer will have more to release at a whole-of-government level as part of the budget process.<sup>16</sup>

29. The Committee sought information regarding the psychosocial risks in the TasTAFE workplace. Mr Dreher and Mr Gardner provided the following comments:

**Ms LOVELL** - Minister, you would be aware that there's been new provisions under the Work Health and Safety Act around psychosocial risk and a new code of practice earlier this year. Has TasTAFE undertaken a risk assessment and worked to identify psychosocial risks in the workplace?

**Mr ELLIS** - I will pass that on to the team at TasTAFE around that.

**Mr GARDNER** - Yes.

**Ms LOVELL** - What did that show you?

**Mr GARDNER** - They showed that it's a risk that we have to continue to work on. Sorry, I should have a little more colour around that.

**Ms LOVELL** - I was going to ask you to elaborate but anyway.

**Mr GARDNER** - It's clearly part of our governance obligations for the organisation. We are very committed to the health and wellbeing of our people. No less around psychosocial health than any other ailment of health. We note that the legislation has changed, federal legislation has changed, so we are well aware of that. We only just in recent months undertook a refresher PCBU (person conducting business or undertaking) training so that we are reminded and reinforced around our obligations in relation to that.

In relation to risk assessments, what we are doing at the moment in more detail is, as part of our organisational transformation, bolstering our capability in the organisation around work health and safety. We have a new work, health and safety manager who has just commenced with the organisation. We've also lifted the profile of and focus around risk management for the entire organisation. Psychosocial health and wellbeing forms a part of

<sup>16</sup> Minister Ellis, *Transcript of Evidence*, 5 December 2023, p. 26.

that. What we did do specifically when right on the point of transition, the board commissioned a report by IPM Safety to undertake an overall review of our safety culture in our organisation and that has resulted in a series of recommendations. The people, performance and culture team, with the help of the bolstered WHS Team, are working their way progressively through those, and that includes how we deal with and respond to psychosocial health and wellbeing.

**Ms LOVELL** - In terms of the assessment or the risk assessment that you've undertaken, what was involved specifically with that? Who was involved in that? Was there consultation with staff or what was that process?

**Mr GARDNER** - Probably need to put that question to Grant, in terms of what we do in terms of our risk assessment processes in our organisation.

**Mr DREHER** - The report you are specifically talking about was undertaken at the start of the year roughly and there were interviews with staff, but they were staff in positions that related specifically to WHS issues to get the overarching. Then part of the action out of that is the health and safety component specifically that Tim talked about. The other part is what a cultural awareness and change program might look like at TasTAFE which we're currently developing. That will pick up a lot of the psychosocial health stuff that you're talking about.

**Ms LOVELL** - The report by IPM Safety at the start of the year, so that would have been before the new code of practice for psychosocial risk?

**Mr DREHER** - I think it picked it up so -

**Ms LOVELL** - It might have come in June or something?

**Mr DREHER** - You'd hardly get the dates as we're sitting here but it is part of the cultural awareness and cultural change plan that we're putting in - the psychosocial health component of it due to the legislative changes.

**Ms LOVELL** - So, specifically, has there been a survey of staff or any consultation with staff around assessing psychosocial risk?

**Mr DREHER** - Not at this stage.

**Ms LOVELL** - Is that in the plans? Because that's part of the code of practice that's come in now.

**Mr DREHER** - Yes, that's in the plan.

**Ms LOVELL** - In terms of identifying psychosocial hazards, that was done as part of that IPM Safety report or separately to that? Has that work been done?

**Mr GARDNER** - What the IPM Safety report pointed us to was that we needed to do more in the organisation in terms of hazard identification, so we're working through that process right now. It effectively identified in it every teaching space, every workplace at TAFE - and you can appreciate there's a lot of them. We're working our way through the team - and note that the team only just formed in recent months. In fact, the WHS manager only started a matter of weeks ago but we are progressively as an organisation working through all our workplaces and documenting hazards in those workplaces. This includes physical and psychosocial hazards.

**Ms LOVELL** - Do you have a time line for that work to be completed?

**Mr GARDNER** - There is a time line for that to be completed, but not off the top of my head but it's certainly something that as a board we are very focused on, very interested in and it

*is brought to us every month. I'd have to take some advice around the time line because at the top of my head I wouldn't know.*<sup>17</sup>

30. The Committee requested further information by way of a question on notice: What is the timeline for work being undertaken in relation to psychosocial risk? The following information regarding psychosocial risks was provided in a response to questions taken on notice, dated 5 January 2024 (Appendix E). However, a direct response to the question regarding timelines was not answered (refer to Appendix C and Appendix E).

*TasTAFE takes the wellbeing and safety of staff extremely seriously. Psychosocial risks are managed in the workplace through a combination of supports and controls that include, but are not limited to:*

- Proving adequate support, for example employees have the right equipment, systems and resources, information systems, promotion of a culture that values connection and cooperation.*
- The provision of health and wellbeing support and resources including Mental Health First Aid trained officers.*
- Ensuring role clarity, for example position descriptions that clearly outline key tasks and responsibilities and undertaking integrated induction processes.*
- Controlling harmful behaviours, for example training and procedures on bullying and harassment, performance, and behaviour.*
- Proactively managing workload and job demands, for example flexibility provisions, process review, ensuring right number of people with the right skills.*
- Managing low job control, for example approval processes that balance risk and efficiency, employee control over workflow, consultation on change.*

*TasTAFE's Staff Code of Conduct also includes elements relating to psychosocial wellbeing, including Values statements that inspire and guide behaviours, and sections on how to speak up and maintaining a safe and healthy workplace.*

*As part of the TasTAFE Cultural Change Plan, in 2024 TasTAFE will develop additional supports, including the Blue Bus Revolution Program that will provide training and support to leaders and employees on engaging more constructive, collaborative and psychologically safe behaviours.*<sup>18</sup>

31. The following evidence was received regarding staff satisfaction surveys conducted by TasTAFE:

**Ms LOVELL** - .... Do you undertake any regular staff satisfaction surveys at all?

**Mr GARDNER** - Our focus so far - we undertook a staff pulse check just after the legislative transition - that was the last point that we checked in, then we -

**CHAIR** - Before you go on, when was that and what was the outcome of that? And then we can go on to the next one.

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<sup>17</sup> Minister Ellis, Mr Dreher and Mr Dreher, *Transcript of Evidence*, 5 December 2023, pp. 29-31.

<sup>18</sup> Question on Notice Response, 5 January 2024, p. 2.

**Mr GARDNER** - That was undertaken in the second half of the last calendar year, if I'm correct, Grant?

...

**Mr DREHER** - February, March of this year.

....

**Ms LOVELL** - What were the results of that?

**Mr DREHER** - That check was around the transition out of the State Service to become a government business that TasTAFE is now, and the result was that 58 per cent of staff were satisfied, as compared to 59 per cent in the previous year when our staff were in the State Service.

**Ms LOVELL** - To clarify, a similar pulse check was undertaken in the previous year?

**Mr DREHER** - Yes.

**Ms LOVELL** - And that showed 59 per cent satisfaction, and then the second one was done this year and it was 58 per cent - fairly similar. You said it was around the transition. Was that the questions, was it specifically around, or was it just the timing that you were referring to then?

**Mr DREHER** - The pulse check was to see how staff were feeling after the transition, so the questions were not all exactly the same but some of them were the same.

**Ms LOVELL** - You describe it as a 'pulse check'. How in depth is it? Is it a five or 10 question check-in, ratings or -

**Mr DREHER** - It's a bit longer than that. You are testing me to remember the number of questions we had, but it was more than five or 10 questions but I can't remember it exactly -

**CHAIR** - Was 'satisfied' or 'not satisfied', that's the only answer you could provide?

**Mr DREHER** - No, it was a Likert chart.

**Ms LOVELL** - Do you have plans for a more in-depth employee satisfaction survey?

**Mr DREHER** - Yes, part of the cultural plan that we're building includes staff surveys and we haven't determined the regularity of them yet but it does include staff surveys.

**Ms LOVELL** - How regularly do you do the pulse checks?

**Mr DREHER** - We've been government business for less than a year and we've done one.

**Ms LOVELL** - Do you know how often they were done prior to that?

**Mr DREHER** - No, not really. No. They were driven then by the State Service, not by TasTAFE. It was a different -

**Ms LOVELL** - I understand that, but just in terms of how often staff are checked in with. Okay.

**Mr DREHER** - I think it's every 12 months but I can't, I wouldn't want to be held to that.

**Ms LOVELL** - In that transition, were you provided with any of that data from previous staff check-ins that were undertaken as the State Service?

**Mr DREHER** - Yes, whenever that was undertaken in State Service, TasTAFE was a kind of little entity within the broader survey so we would get that information.

**Mr EDMUNDS** - Just while you're reading, with the survey, what areas were identified as sort of room for improvement, perhaps, might be the way to put it.

**Mr DREHER** - I don't have that information in front of me.

**Mr ELLIS** - Chair, if it assists, we've actually provided this in response to the budget estimates committee A (Refer to Figure 1). So, your question was around the questions in the survey, was it -

...

So, broadly speaking there was pretty strong support. This is a question that's tabled as part of the response to committee A for the budget this year, but one of the things I'll say generally is that this pulse was taken reasonably early in the transition, coincided around the six-month review that we did as part of our statutory obligations. It demonstrates that not only is the transition important but that TAFE needs to do, as part of that, some significant growing in terms of its organisation, as well in terms of its capability, bringing staff along with the journey. Over the course of the last year TAFE has done a really good job with that.

There's always more that we can do, particularly when we're talking about a large workforce. We are seeing more and more people wanting to become TAFE teachers, TAFE employees, the strong support that we had around the enterprise bargaining agreement, which has been canvassed at this table. That journey is one that TAFE is really committed to and one that the Government is really committed to as well.<sup>19</sup>

**Figure 1: Tabled Document: Response to the Budget Estimates Committee A**

	Strongly Agree %	Agree %	Neither Agree nor Disagree %	Disagree %	Strongly Disagree %	Not Sure or Not Applicable %	Not Answered
I am clear about the reasons why TasTAFE transitioned to a government business.	4.3	21.9	20.7	29.1	18.9	3.7	1.4
I feel I was consulted about changes that impacted my salary/conditions, prior to and during the transition before they happened.	3.5	26.6	19.1	22.8	19.5	7.9	0.6
My input to the transition was sought, acknowledged, and valued.	3	16.5	25.2	25.2	19.9	8.9	1.4
The consultation and communication process was effective and efficient.	2.4	20.9	27.4	24.6	15.6	6.9	2.4
I see positive changes happening already in the workplace as a result of the transition.	3.3	9.3	26.8	28	26.2	4.5	2
I am clear about where to find more information about TasTAFE's future direction.	6.5	44.5	21.1	17.7	6.1	1	3.1
I am confident that TasTAFE has a positive and successful future.	9.1	26.4	30.3	16.5	13	1.8	3
I am satisfied working at TasTAFE.	15	41.3	21.3	10.8	8.5	0.2	3

32. In relation to the participation rate and the timing for the next survey, Mr Gardner and Mr Dreher provided the following comments:

**Ms LOVELL** - I also note that only 55 per cent of staff responded to the survey so I'd question whether 59 per cent of the satisfaction rating is a particularly reliable figure, given that only 55 per cent of staff responded, so two questions:

<sup>19</sup> Minister Ellis, Mr Gardner and Mr Dreher, *Transcript of Evidence*, 5 December 2023, pp. 31-33.

*When will the next pulse check be done, and*

*What specifically will you do as an organisation to encourage more people to respond to that survey so you can get a better, probably more accurate understanding of people's level of engagement and satisfaction?*

**Mr GARDNER** - *There is no specific time line at this stage. We are putting a cultural plan together right now which will frame all of those things.*

**Ms LOVELL** - *Do you think it would be prudent to do one, given the amount of work that's happened over this last year. The transition was a big thing and these results are not great.*

**Mr DREHER** - *Stepping through this process is really important for us. We have to, at any point we're engaging with our workforce, know that, not only are we seeking feedback but we can deal with it and we have a lot of things that we're working our way through and making sure we're executing those as we go.*

*To note that we were only in a position to recruit a senior director of people, performance and culture after the transition. We didn't get someone to come and lead that. We couldn't get someone to come and lead that work until he started in October last year. We have been trying to work and build momentum from there and the new senior director has been doing a lot of work within his team to get to that place, which now involves putting a culture plan together.*

*We need to make sure that at the point we're engaging, we're asking the right questions and we are in a position to respond. We don't want to be asking questions and getting feedback on things and not deal with the things. It is worse than not asking at all so we have to -*

**Ms LOVELL** - *I do not know if I agree with that.*

**Mr GARDNER** - *I am absolutely clear on that. You should never ask and never go and engage without being absolutely ready to do that and be ready to deal with things. Just to go and ask questions just for the sake of it - I have seen many organisations where every year you go out and you keep asking and it builds lists of things that don't get done.*

*Our commitment is to do these things for our organisation, for our people - that's what we're most committed to doing and we want to be stepping through and getting our plan right and then we ask the questions of our people.*

*I don't mean to say that it's not important to get feedback. We just have to be ready to do that and we are ready to respond and we can make sure it adds value to our people.*

**Ms LOVELL** - *I'd be really interested to hear if you have an expected time line for that work to be done. I understand what you're saying but also I would argue that you don't want to not ask any questions for two years or longer. It has already been nearly a year since the last survey and you will leave that unknown.*

**Mr GARDNER** - *I know what you are saying. There is a time frame and I am not sure that with this we have a time frame at the moment.*

**Mr DREHER** - *We don't have a time frame at the moment. At the moment, we're building that cultural piece.*

**Ms LOVELL** - *What would be the point in time where you would say that's taking too long and we need to check in with staff regardless of that piece of work? Is there a point in time where that might be a consideration?*

**Mr GARDNER** - I think it's reasonable to expect that over this next 12 months we will be checking in with our staff, it is fair to say.<sup>20</sup>

33. The Committee sought detail of linkages with industry and requested details of the eight Memoranda of Understanding (MoUs):

**CHAIR** - Going back to the transition, part of the reasons behind it, according to the debate at the time and the consultation I undertook, was this desire to work more collaboratively with industry to understand what their needs are. Can you tell us how you are doing that and what evidence have you got to show around that?

**Mr ELLIS** - This is a really important part of the transition as you identified, Chair, because one of the issues that TAFE had - particularly the perception of TAFE from industry - was that there was not a strong enough link, that they were not taking on board enough feedback. Even the trainers and teachers who were working there did not have the industry currency to say that 'I have worked on the latest technology. I have worked using the latest techniques.' More broadly, we are working through an industry skills compact process as part of our whole-of-government works that we are working with. Different industries around the state, we just signed the building and construction industry skills compact the other day.

TAFE is a key component. We are doing key things in terms of improving the training workforce, improving the pathways into industry and also improving, for example, awareness at a schools level. We are also working really closely around facilities design. The Water and Energy Trades Centre of Excellence is a great example of this where industry has been involved right through the process.

Another example in our shared electorate, the Freer Farm Agricultural Training Centre of Excellence had an industry steering committee that helped as key part of the design work there. We end up with building and capital and facilities that are aligned with what industries' expectations are and learners' needs. I might pass to the team at TAFE as far as adding further to the comments around working with industry. It is a key part of our transition.

**CHAIR** - Not just the capital facilities but the skills.

**Mr ELLIS** - Yes, exactly. Bringing more people in as part of that teaching workforce et cetera.

**Mr GARDNER** - Firstly, this is a key element of our strategic plan. This is a really critical part for our success. In terms of direct resourcing, TasTAFE directly employs two full-time staff who work on industry engagement across the state. That is their job. Just a number of specific things: During the period of 2022-23 TasTAFE staff were involved with a range of industry and community and regional groups that focus on training skills and workforce development. Eight memorandums of understanding have been formalised between TasTAFE and key stakeholders.

TasTAFE also partnered with a range of organisations to deliver bespoke training solutions, such as the new Bridgewater Bridge pre-employment program, the industry training hub at Burnie, agricultural learning resources technology project, the hi-vis army project and the Diverse Leadership Program just to name a few.

...

**CHAIR** - Did you have a list of those, who the eight MOUs are with and the key stakeholders who you've actually been directly engaging with.

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<sup>20</sup> Mr Gardner and Mr Dreher, *Transcript of Evidence*, 5 December 2023, pp. 40-41.

**Mr GARDNER** - I'm sure we can provide a list of the MOUs. A review of the diaries of senior people in the organisation would show a lot of stakeholder engagement. It's a key part of what we're doing.

**CHAIR** - On that then, the question is, did they meet with just like - in the minerals and energy centre they just meet with TMEC (Tasmanian Minerals, Manufacturing & Energy Council) - or do they go around to all the individual businesses that are involved in that sector for example?

**Mr DREHER** - The answer is both. We don't want to leave out peak bodies when it comes to talking about industries. We work with peak bodies and have some memorandums of understanding with those peak bodies. If we look at the example the minister gave around Freer Farm, that was an industry representative body, so that was with employers as well as with peak bodies. When it comes to the steering committee we had on board for the Water and Energy Trade Centre of Excellence, again peak bodies and individual employers, because individual employers are critical to engage with. The same with Drysdale, where we have employers as well as peak bodies involved in that.

Most of the work we do engaging with industry is through individual employers because the state undertakes the industry-compact model, which picks up a lot of the peak bodies, so it is with industry employers. As Tim alluded to or said, we've got two permanent staff who do that. We've just put a third person on who's focused on the south of the state.

**CHAIR** - Those are three FTEs?

**Mr DREHER** - Those are three FTE, plus, in preparation for the change we have a new director for future students and industry, which has a focus on liaising with industry. That's their role.

**CHAIR** - Where are these three, you said one's based in Hobart?

**Mr DREHER** - One in Hobart, one in Sorell and one in Launceston.

**CHAIR** - How much time will they spend on the north-west?

**Mr DREHER** - The person in Launceston picks up the north-west. If you ask constituents on the north-west, they would know his name quite well. He's up there quite a bit.

**Mr ELLIS** - Can I say as well, and pay a compliment to our Chair and CEO and team at TAFE around their strong focus on the north-west. I've been really encouraged as a minister -

**CHAIR** - It just makes me wonder why you haven't got someone based there?

**Mr ELLIS** - More in terms of, it's less about even just an individual being based there and more the whole organisation taking a strong ownership around the needs and opportunities of the north-west. Grant and I regularly speak about the incredible opportunity in agriculture, mining and manufacturing in particular for the north-west being a real driver of our innovation for this state and for the ability for us as a state to compete globally. A lot of that comes from the work of people based in the north-west. TAFE is starting to have a whole-of-state focus that really acknowledges the north-west and some major work in terms of facilities up there is a key part of TAFE's priorities. I can see the Chair has a list of MOUs.

**Mr GARDNER** - Thank you, I do. Just two things, some more detail around the groups that we've specifically been involved with around the focus on training skills and workforce development. A number, just examples here: Tasmanian Government's Tasmanian Energy and Infrastructure Workforce Advisory Committee, Tasmanian Government's Tasmanian ICT Workforce Advisory Committee, Circular Head Education and Training Consultative Committee, West Coast Education Training Consultative Committee and Tasmanian

*Minerals and Manufacturing and Energy Council Advanced Manufacturing Advisory Committee.*

*In terms of the MOUs that we've entered: TasTAFE and Master Builders Tasmania, to support growth and productivity in the building and construction sector; Keystone Tasmania to continue to help support the building and construction sector; the Skilled Workforce; University of Tasmania's Tasmanian Institute of Agriculture, to support a collaborative approach regarding agricultural education and training pathways; Tasmanian Council of Social Services; Civil Contractors Federation Tasmania, Tasmanian Minerals, Manufacturing & Energy Council, Foton Mobility and The Smith Family.<sup>21</sup>*

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<sup>21</sup> Minister Ellis, Mr Gardner and Mr Dreher, *Transcript of Evidence*, 5 December 2023, pp. 36-38.

# FINDINGS

The Committee makes the following key findings:

1. As a result of the legislative changes related to TasTAFE there are limited opportunities for scrutiny of the financial and operational performance of TasTAFE through the Budget Estimates process.
2. TasTAFE was not established as a Government Business Enterprise (GBE) under the *Government Business Enterprises Act 1995*, and therefore is not included in the GBE scrutiny hearings.
3. The Government's commitment that no employees would be worse off through the TasTAFE transition does not guarantee that employees will not be worse off in future. Future entitlements will be subject to negotiation and assessed against the Modern Award through Fair Work Australia.
4. Some entitlements that were previously contained in the state instrument are now contained in TasTAFE policy, which can be changed without employee agreement.
5. The Commonwealth National Skills Agreement was being negotiated during the transition period with updated revenue projections to be detailed in the 2024-25 state budget.
6. In the 2023 calendar year, 3800 fee-free places were allocated to Tasmania to be delivered by TasTAFE and private registered training organisations. In 2023, to 30 September, 2675 students were enrolled in fee-free TasTAFE courses.
7. The Committee did not inquire any further into matters related to total take-up or completion rates of fee-free or fee-charging courses or other student outcomes.
8. TasTAFE are yet to fully assess the cost of the business and course delivery. This assessment will inform future course fees and availability.
9. At the 2021 election, the Government made a commitment to recruit 100 new TasTAFE teachers during the following term of Government, which Minister Ellis confirmed during the hearing was to end in 2025.
10. As at 5 December 2023, a net increase of 40 TasTAFE teachers had been recruited.
11. The Premier called an early election for March 2024 and it is now unclear if and when the commitment of 100 new TasTAFE teachers will be fully delivered.

12. The gender pay gap is not currently assessed by TasTAFE against the principles outlined by the Workplace Gender Equality Agency.<sup>22</sup>
13. TasTAFE has undertaken one 'pulse check' staff satisfaction survey since the transition to the new arrangements.
14. TasTAFE advised it was undertaking work on a cultural plan which would include regular surveys of staff. It was unable to provide a timeline for either the completion of that work or the next staff satisfaction survey.
15. To improve linkages with industry, TasTAFE has entered into Memoranda of Understanding with eight key stakeholders.

## RECOMMENDATIONS

The Committee makes the following recommendations:

1. At a minimum, scrutiny of TasTAFE be undertaken annually by a parliamentary committee.
2. Scrutiny of TasTAFE may inquire into matters relating to the financial and operational performance of TasTAFE, including but not limited to the findings of this report.



**Hon Ruth Forrest MLC**  
**Committee Chair**  
**18 July 2024**

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<sup>22</sup> <https://www.wgea.gov.au/pay-and-gender/how-to-calculate-gender-pay-gap>

## **APPENDIX A – Meeting Minutes**

LEGISLATIVE COUNCIL SESSIONAL COMMITTEE  
GOVERNMENT ADMINISTRATION COMMITTEE 'A'  
MINUTES OF MEETING

THURSDAY 16 NOVEMBER 2023

The Committee met at 9:04 am in Committee Room 1, Parliament House, Hobart.

**Members Present:**

*Mr Edmunds*  
*Ms Forrest*  
*Mr Gaffney*  
*Mr Harriss*  
*Ms Lovell*

**Apologies**

Nil

**In Attendance**

Julie Thompson (Committee Secretary)  
Ali Scott (Committee Secretariat)

**Confirmation of Minutes**

The **Minutes of the Meeting** held on Wednesday 23 August 2023 were confirmed as a true and accurate record.

**Correspondence**

**Outgoing**

Nil

**Incoming**

1. Letter dated 14 November 2023 from Hon Mike Gaffney MLC seeking withdrawal as a member of the Government Administration 'A' Energy Prices in Tasmania inquiry

The Committee received the incoming correspondence.

**Business**

**Energy Prices in Tasmania Inquiry – Mr Gaffney resignation**

Mr Gaffney advised of his wishes to be discharged from the Energy Prices in Tasmania Inquiry due to his inability to attend public hearing dates scheduled in February 2024.

A discussion took place.

The Committee **RESOLVED** that Mr Gaffney not be discharged from the Energy Prices in Tasmania Inquiry.

The following alternative dates for public hearings were **AGREED** to as follows: Tuesday 27 February 2024, Thursday 7 and Friday 8 March 2024. For the purpose of report deliberations, the Committee **AGREED** to the following dates for report deliberations as follows: Monday 15 and Tuesday 16 April 2024.

### Other Business

#### Possible Inquiry TasTAFE

Ms Lovell proposed to establish an inquiry in relation to TasTAFE.

A discussion took place.

The Committee **RESOLVED** to establish a short inquiry process inquiry into TasTAFE to inquire into the Financial and operational performance of TasTAFE and the transition of TasTAFE under the *TasTAFE (Skills and Training Business) Act 2021*.

The Committee **RESOLVED** to write to the relevant Minister (cc Chair and CEO of TasTAFE) advising of the above resolution and inviting their attendance at a public hearing on Tuesday, 5 December 2023 from 1:30 pm – 4:30 pm.

The Committee **RESOLVED** to prepare a media release advising of the Committee's resolution to commence an inquiry.

#### Next Meeting

Tuesday 5 December 2023.

#### Adjournment:

At 9:45 am the Committee adjourned.

DATE 27/11/23

CONFIRMED



CHAIR

LEGISLATIVE COUNCIL SESSIONAL COMMITTEE  
GOVERNMENT ADMINISTRATION COMMITTEE 'A'

MINUTES OF MEETING

MONDAY 27 NOVEMBER 2023

The Committee met at 12:30 pm in Committee Room 2, Parliament House, Hobart.

**Members Present:**

*Mr Edmunds (via Webex)*

*Ms Forrest*

*Mr Gaffney (via Webex)*

*Mr Harriss*

*Ms Lovell (via Webex)*

**Apologies**

Nil

**In Attendance**

Jenny Mannering (Committee Secretary)

Ali Scott (Committee Secretariat)

**Confirmation of Minutes**

The **Minutes of the Meeting** held on Thursday 16 November 2023 were confirmed as a true and accurate record.

**Correspondence**

**Incoming**

1. Letter received 20 November 2023 from Hon Felix Ellis MP, Minister for Skills, Training and Workforce Growth accepting invitation to attend a public hearing to be held on Tuesday 5 December 2023
2. Letter dated 24 November 2023 from Dean Winter MP, in relation to proposed short inquiry into Racing Participant Safety (amended letter sent 25 November 2023)

**Outgoing**

1. Letter dated 17 November 2023 to Hon Felix Ellis MP, Minister for Skills, Training and Workforce Growth regarding invitation to attend a public hearing to be held on Tuesday 5 December 2023

The Committee received the incoming correspondence and endorsed the outgoing correspondence.

**Business**

- Potential SIP into Tasracing workers compensation

A discussion took place.

The Committee **RESOLVED** to establish a short inquiry process inquiry into to workers compensation insurance within the racing industry.

The Committee **RESOLVED** to write to the Minister for Racing, Tasracing, WorkSafe Tasmania (through the Minister) and the Office of Racing Integrity advising of the above resolution and inviting their attendance at a public hearing on Tuesday, 5 December 2023 from 9:00 pm – 12:00 pm.

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**Other Business**

Nil

**Next Meeting**

Tuesday 5 December 2023.

**Adjournment:**

At 12:51 pm the Committee adjourned.

DATE 5/12/23

CONFIRMED

A handwritten signature in blue ink, appearing to be 'Jona', is written over the word 'CHAIR'.

CHAIR

**LEGISLATIVE COUNCIL SESSIONAL COMMITTEE**  
**GOVERNMENT ADMINISTRATION COMMITTEE 'A'**  
**MINUTES OF MEETING**

**TUESDAY 5 DECEMBER 2023**

The Committee met at 9:20 am in Committee Room 2, Parliament House, Hobart.

**Members Present:**

*Mr Edmunds*

*Ms Forrest*

*Mr Gaffney*

*Mr Harriss*

*Ms Lovell*

**Apologies**

Nil

**In Attendance**

Jenny Mannering (Committee Secretary)

Ali Scott (Committee Secretariat)

**Confirmation of Minutes**

The **Minutes of the Meeting** held on Monday 27 November 2023 were confirmed as a true and accurate record.

**Correspondence**

**Incoming**

1. **Tasracing SIP** - Email dated 28 November 2023 from Office of Hon Felix Ellis MP, Minister for Racing accepting invitation to attend a public hearing to be held on Tuesday 5 December 2023
2. **Tasracing SIP** - Email dated 29 November 2023 from Justin Helmich, General Manager, Office of Racing Integrity accepting invitation to attend a public hearing to be held on Tuesday 5 December 2023
3. **Tasracing SIP** - Letter dated 29 November 2023 from Hon Madeleine Ogilvie MP, Minister for Workplace Safety and Consumer Affairs accepting invitation to attend a public hearing to be held on Tuesday 5 December 2023
4. **Tasracing SIP** – Email dated 30 November 2023 from Melissa Fraser, President, Tasmanian Dog Walking Clubs providing information to SIP
5. **Tasracing SIP** - Email dated 30 November 2023 from Tasracing accepting invitation to attend a public hearing to be held on Tuesday 5 December 2023

**Outgoing**

1. **Tasracing SIP** - Letter dated 28 November 2023 to Hon Felix Ellis MP, Minister for Racing in relation to invitation to attend a public hearing to be held on Tuesday 5 December 2023
2. **Tasracing SIP** - Letter dated 28 November 2023 to Hon Madeleine Ogilvie, Minister for Workplace Safety and Consumer Affairs in relation to invitation to attend a public hearing to be held on Tuesday 5 December 2023
3. **Tasracing SIP** - Letter dated 28 November 2023 Tasracing in relation to invitation to attend a public hearing to be held on Tuesday 5 December 2023
4. **Tasracing SIP** - Letter dated 28 November 2023 to Justin Helmich, General Manager, Office of Racing Integrity in relation to invitation to attend a public hearing to be held on Tuesday 5 December 2023

The Committee received the incoming correspondence and endorsed the outgoing correspondence.

#### **Business arising from incoming correspondence**

6. **Tasracing SIP** – Email dated 30 November 2023 from Melissa Fraser, President, Tasmanian Dog Walking Clubs providing information to SIP

The Committee **RESOLVED** to write back to Melissa Fraser in relation to advise the matters raised were outside the scope of the current SIP, but may be considered by a potential future inquiry with broader terms of reference.

#### **TasTAFE extract from Budget Paper 2 Volume 2**

The Committee noted the TasTAFE extract.

#### **Other Business**

A discussion took place regarding a potential inquiry into Tasports in 2024.

The Committee **RESOLVED** to establish a short inquiry process to further scrutinise TasPorts with the following terms of reference.

*That the Legislative Council Government Administration Committee 'A' review and report on matters related to the operations of Tasmanian Ports Corporation Pty Ltd (TasPorts) with particular reference to:*

- 1) The engagement undertaken in collaboration with Menzies Institute and University of Tasmania, regarding psychosocial safety, including the findings of this work, and the proposed actions responding to those findings;*
- 2) Workforce related matters;*
- 3) Capital expenditure, asset management and maintenance; and*
- 4) Ongoing financial management including consideration of TasPorts' half-yearly financial results.*

The Committee **RESOLVED** to write to TasPorts advising of the above resolution and inviting their attendance at a public hearing on Wednesday, 27 February 2024 from 2:00 pm – 5:00 pm.

The Committee suspended at 9:37 am

The Committee resumed at 10:05 am

#### **PUBLIC HEARING – TASRACING SIP**

At 10:05 am Justin Helmich, General Manager, Office of Racing Industry and Jason Jacobi, Secretary, Department of Natural Resources and Environment were called, made the statutory declaration and were examined.

#### **Questions on Notice**

1. Please provide a record of conversations between ORI and Tasracing and Tas Police regarding TasPOL ref 704642, specifically:
  - a. Did Mr Helmich speak to Inspector Greenwood about Constable Hanson's email? And if so;
  - b. When did these conversations occur, that is did this conversation occur before or after 15 February when Greenwood advised that Constable Hanson had handed over the investigation? (LE)

#### **PRIVATE HEARING – TASRACING SIP**

At 10:40 am the Committee considered a request for evidence to be taken in-camera.

The Committee **RESOLVED** to take evidence in-camera.

At 10:44 am the Committee proceeded to take evidence in-camera.

#### **Questions on Notice**

1. IN CAMERA: Could it be a breach of the licensing conditions that an employee of Mr Yole was under the influence of drugs while driving a vehicle and horse float to transport horses to a race meet? (SL)

The witnesses withdrew at 10:53 am

The Committee suspended at 10:53 am

The Committee resumed at 11:00 am

#### **PUBLIC HEARING – TASRACING SIP**

At 11:00 am the Hon Madeleine Ogilvie MP, Minister for Workplace Safety and Consumer Affairs and was called and was examined and Damian Davidson, Department of Justice and Robyn Pearce, Worksafe Tasmania were called, made the statutory declaration and were examined.

#### **Questions on Notice**

1. Please provide a copy of the letter from ORI related to concern that employers in the racing industry may not be aware of the requirement for Workers Compensation Insurance. (RF)
2. For what length of time (dates) is it believed that Mr Yole has been operating without workers compensation insurance? (SL)
3. Please provide detail of the Minister/Minister's office contact with Police, Tasracing and ORI related to TasPOL ref 704642.

The witnesses withdrew at 11:50 am

The Committee suspended at 11:50 am

The Committee resumed at 12:18 pm

#### **PUBLIC HEARING – TASRACING SIP**

At 12:18 pm the Hon Felix Ellis MP, Minister for Racing and Jason Jacobi, Secretary, Department of Natural Resources and Environment were called and were examined and Dave Manshanden, Chief Operating Officer and Daron Heald, Chief Financial Officer, TasRacing were called, made the statutory declaration and were examined.

#### **Questions on Notice**

1. Why did Mr Jenkins proactively contact Inspector Greenwood; and
  - a. what matters were discussed in this or these conversation(s)? (SL).
2. The Committee requests Mr Jenkins provide detail of conversations and other communication between the Minister, ORI, Mr Jenkins and TasPolice in relation to TasPOL ref 704642.
3. Did anyone from Tasracing check whether Mr Yole had workers compensation in place when there was an email exchange about cost of premiums in March/April 2023; and if so
  - a. Who made this enquiry and what action was taken? (SL)

The witnesses withdrew at 1:14 pm

The Committee suspended at 1:14 pm

The Committee resumed at 1:30 pm

## **PUBLIC HEARING – TASTAFE SIP**

At 1:30 pm the Hon Felix Ellis MP, Minister for Skills, Training and Workforce was called and was examined and Tim Gardner, Chair and Grant Dreher, Chief Executive Officer, TasTAFE were called, made the statutory declaration and were examined.

The Committee suspended at 2:55 pm

The Committee resumed at 3:06 pm

### **Questions on Notice**

1. How many (percentage) of the fee free places are going to private RTO's? (LE)
2. How many fee free places are going to RTOs that could be or are provided by TasTAFE? (LE)
3. Please provide:
  - a. student enrolments by Local Government Area (LGA)
  - b. fee free student enrolments broken down by LGA (MG)
4. Where are the additional 40 positions located by geographical area? (MG)
5. Please provide a list of the workforce by gender by level/award across the three employment areas within TasTAFE (RF)
6. What is the timeline for work being undertaken in relation to psychosocial risk? (SL)
7. Over the last twelve months, what is the age breakdown and number of students under the age of 18 who have resided in the residences? (SL)
8. How many students are currently in the residences? (SL)

### **Tabled Document:**

- TasTAFE Staff Survey results

The witnesses withdrew at 4:22 pm

### **Other Business**

The Committee **RESOLVED** to meet on 27 February 2024.

The Committee **RESOLVED** to publish the Hansard transcripts and Parliamentary broadcasts to the GAA webpage.

### **Next Meeting**

tbc

### **Adjournment:**

At 4:43 pm the Committee adjourned.

**DATE**

18/6/24

**CONFIRMED**



**CHAIR**

**LEGISLATIVE COUNCIL SESSIONAL COMMITTEE**  
**GOVERNMENT ADMINISTRATION COMMITTEE 'A'**

**MINUTES OF MEETING**

**TUESDAY 18 JUNE 2024**

The Committee met at 9:01 am in Committee Room 1, Parliament House, Hobart.

**Members Present:**

*Ms Forrest*  
*Mr Harriss*  
*Ms Lovell*  
*Ms Thomas*  
*Mr Vincent*

**Apologies**

Nil

**In Attendance**

Julie Thompson (Acting Committee Secretary)  
Ali Scott (Committee Secretariat)

**Order of the Council**

The Committee noted the Order of Council dated 23 May 2024.

**Election of Chair**

The Committee Secretary called for nominations for the *Chair*. *Ms Lovell* nominated *Ms Forrest*.

There being no other nominations, the Committee Secretary declared *Ms Forrest* to be duly elected *Chair*. The Committee Secretary yielded the Chair and *Ms Forrest* took the *Chair*.

**Election of Deputy Chair**

The Chair called for nominations for *Deputy Chair*. *Mr Harriss* nominated *Ms Lovell*.

There being no other nominations, the Chair declared *Ms Lovell* to be duly elected *Deputy Chair*.

**Confirmation of Minutes**

The **Minutes of the Meeting** held on Tuesday 5 December 2023 were confirmed as a true and accurate record.

**Correspondence**

**Incoming**

1. **GAA** Letter dated 7 December 2023 from Hon Tania Rattray, MLC, Chair, Legislative Council Sessional Committee Government Administration 'B' in relation to potential SIP inquiry into UTAS
2. **CONFIDENTIAL SIP/Tasracing** Letter dated 11 December 2023
3. **SIP/TasTAFE** Letter dated 15 December 2023 from Hon Felix Ellis MP, Minister for Skills, Training and Workplace Growth responding to questions taken on notice at the hearing and requesting a short extension to respond to Questions 3 and 6
4. **SIP/Tasracing** Letter dated 18 December 2023 from Hon Madeleine Ogilvie MP, Minister for Workplace Safety and Consumer Affairs, responding to questions taken on notice at the hearing
5. **SIP/Tasracing** Letter dated 19 December 2023 from Andrew Jenkins, CEO Tasracing responding to questions taken on notice during the public hearing

6. **SIP/Tasracing** Letter dated 20 December 2023 from Justin Helmich, General Manager ORI responding to questions taken on notice during the public hearing
7. **SIP/TasTAFE** Letter dated 5 January 2024 from Hon Felix Ellis MP, Minister for Skills, Training and Workplace Growth responding to questions taken on notice (questions 3 and 6) at the hearing following request for a short extension
8. **SIP/TasPorts** Letter dated 24 January 2024 from Hon Michael Ferguson MP, Minister for Infrastructure and Transport declining invitation to attend public hearing on 27 February 2024 due to Cabinet related commitments
9. **SIP/Tasracing** Email dated 4 February 2024 from Hon Dean Winter MP providing additional information relating to the Tasracing SIP

#### **Outgoing**

1. **SIP/Tasracing** Letter dated 5 December 2023 to Melissa Fraser, President, Tasmanian Dog Walking Club in response to a potential inquiry
2. **SIP/Tasracing** Letter dated 7 December 2023 to Hon Felix Ellis MP, Minister for Racing providing questions taken on notice at hearings on Tuesday 5 December 2023
3. **SIP/Tasracing** Letter dated 7 December 2023 to Hon Madeleine Ogilvie MP, Minister for Workplace Safety and Consumer Affairs providing questions taken on notice at hearings on Tuesday 5 December 2023
4. **SIP/Tasracing** Letter dated 7 December 2023 to Justin Helmich, General Manager, Office of Racing Integrity providing questions taken on notice at hearings on Tuesday 5 December 2023
5. **SIP/Tasracing** Letter dated 7 December 2023 to Justin Helmich, General Manager, Office of Racing Integrity providing questions taken on notice IN CAMERA at hearings on Tuesday 5 December 2023
6. **SIP/TasTAFE** Letter dated 7 December 2023 to Hon Felix Ellis MP, Minister for Skills, Training and Workforce Growth providing questions taken on notice at hearings on Tuesday 5 December 2023
7. **SIP/TasPorts** Letter dated 11 December 2023 to Hon Michael Ferguson, MP, Minister for Infrastructure and Transport advising resolution to commence SIP into Tasports
8. **SIP/TasPorts** Letter dated 31 January 2014 to Hon Michael Ferguson MP Minister for Infrastructure and Transport regarding scheduled public hearing on 27 February 2024
9. **SIP/TasPorts** – Letter dated 6 February 2024 to Anthony Donald, CEO and Stephen Bradford, Chairman, TasPorts regarding public hearing preparation for 27 February 2024

The Committee **RECEIVED** the incoming correspondence and **ENDORSED** the outgoing correspondence.

#### **Business**

1. Consideration of the Short Inquiry Process into TasTAFE

The *Chair* advised that due to the ministerial reshuffles on the Government Administration Committees, TasTAFE no longer comes under GAA's terms and now comes under GAB's terms.

The Committee **RESOLVED** to re-establish the SIP into TasTAFE and the *Secretary* provide a draft report for the Committee's consideration. Further, a copy of the tabled final report be forwarded to GAB for their possible further consideration.

2. Consideration of the Short Inquiry Process into Tasracing

The *Chair* advised that due to the ministerial reshuffles on the Government Administration Committees, Tasracing no longer comes under GAA's terms and now comes under GAB's terms.

The Committee **RESOLVED** to re-establish the SIP into Tasracing and the *Secretary* provide a draft report for the Committee's consideration. Further, a copy of the tabled final report be forwarded to GAB for their possible further consideration.

3. Consideration of the Short Inquiry Process into TasPorts

The Committee **RESOLVED** to re-establish the Short Inquiry Process into TasPorts and proceed with public hearings.

4. GAA Energy Prices in Tasmania Inquiry (GAA/EPR) (established in previous session)

The Chair reminded Members of the Motion (still under consideration) to establish a Joint Select Committee on Energy Prices and Related Matters Committee which combines the two energy inquiries agreed to in the previous session of the Fiftieth Parliament. The Motion includes the following wording:

*'... be authorised to receive all submission received by the Legislative Council Sessional Committee Government Administration 'A' Inquiry into Energy Prices in Tasmania from the Third Session of the Fiftieth Parliament.'*

The Committee **RESOLVED** that the Secretary forward all submissions received by GAA/EPR during the Third Session of the Fiftieth Parliament to the Joint Select Committee on Energy Prices and Related Matters Committee (if agreeance from both Houses for establishment is resolved in the affirmative).

5. Short Inquiry Process into the *Financial Management Act*

The *Chair* advised the above SIP was completed in 2023 and the formal Government response has not been received and was due in December 2023 as required under Sessional Order 28(2).

The Committee **RESOLVED** to write to the Treasurer to follow-up on the government response.

## Other Business

### Future Meeting Dates

The Committee **AGREED** to meet on the following dates:

- |    |                         |                  |
|----|-------------------------|------------------|
| 1. | Thursday, 4 July 2024   | 3:00pm – 5:00pm  |
| 2. | Wednesday, 17 July 2024 | 9:30am – 1:00pm  |
| 3. | Thursday, 18 July 2024  | 9:00am – 12:00pm |
| 4. | Monday, 12 August 2024  | 12:00pm – 4:30pm |
| 5. | Friday, 23 August 2024  | 9:00am – 2:30pm  |
| 6. | Friday, 30 August 2024  | 9:00am – 2:30pm  |

### Next Meeting

At 3:00 pm Thursday 4 July 2024

### Adjournment:

At 9:26 am the Committee adjourned.

DATE

4 July 2024

CONFIRMED

A handwritten signature in black ink, appearing to read 'F. Jones' or similar, written in a cursive style.

CHAIR

LEGISLATIVE COUNCIL SESSIONAL COMMITTEE  
GOVERNMENT ADMINISTRATION COMMITTEE 'A'

MINUTES OF MEETING

THURSDAY 4 JULY 2024

The Committee met at 3:00 pm in Committee Room 2, Parliament House, Hobart and via Webex.

**Members Present:**

*Ms Forrest (via Webex)*

*Mr Harriss*

*Ms Lovell*

*Ms Thomas*

*Mr Vincent*

**Apologies**

Nil

**In Attendance**

Julie Thompson (Acting Committee Secretary)

**Confirmation of Minutes**

The **Minutes of the Meeting** held on Tuesday 18 June 2024 were confirmed as a true and accurate record.

**Correspondence**

**Outgoing**

1. Letter dated 25 June 2024 to Hon Michael Ferguson MP, Minister for Infrastructure (Cc to TasPorts Chair and CEO) regarding re-establishment of the Short Inquiry Process into TasPorts and inviting attendance at public hearings.
2. *Letter dated 2 July 2024 to Hon Michael Ferguson MP, Treasurer regarding outstanding formal response to the Short Inquiry Process into the Operations and Application of the Financial Management Act 2016.*

The Committee **ENDORSED** the outgoing correspondence.

The *Chair* advised she had spoken with the Minister, who advised that TasPorts are not available on the dates proposed in July. The Minister advised of their availability on the 2 August 2024 as the earliest date. Discussion ensued.

The Committee **AGREED** the *Chair* will contact the Minister and advise of the Committee's preference to schedule public hearings with TasPorts on or after Friday, 2 August 2024.

**Business**

1. The Committee considered the draft report in relation to the SIP into TasRacing.

*Ms Lovell* left the table at 4:26 pm  
*Ms Lovell* took her place at 4:27 pm

Mr Vincent left the table at 4:27 pm  
Mr Vincent took his place at 4:42 pm

**Other Business**

Nil

**Next Meeting**

At 9:30 am Wednesday 17 July 2024

**Adjournment:**

At 4:53 pm the Committee adjourned.

DATE

17/7/24

CONFIRMED

A handwritten signature in blue ink, appearing to be 'P. Anse', written over the word 'CHAIR'.

CHAIR

**LEGISLATIVE COUNCIL SESSIONAL COMMITTEE**  
**GOVERNMENT ADMINISTRATION COMMITTEE 'A'**  
**MINUTES OF MEETING**

**WEDNESDAY 17 JULY 2024 TO THURSDAY 18 JULY 2024**

The Committee met at 9:32 am in Committee Room 2, Parliament House, Hobart.

**Members Present:**

*Ms Forrest (Chair)*

*Mr Harriss*

*Ms Lovell*

*Ms Thomas*

*Mr Vincent*

**Apologies**

Nil

**In Attendance**

Ramona Long (Acting Committee Secretary)

**Confirmation of Minutes**

The **Minutes of the Meeting** held on Thursday 4 July 2024 were confirmed as a true and accurate record.

**Correspondence**

**Outgoing**

1. Letter dated 5 July 2024 to Anthony Donald, CEO, TasPorts confirming details for appearance at a public hearing in Monday 12 August 2024

The Committee **ENDORSED** the outgoing correspondence.

**Business**

1. The Committee considered the draft report in relation to the SIP into TasRacing.

The Committee **RESOLVED** that the Report be the Report of the Committee and be published and tabled at the Quorum Call on Friday 2 August 2024.

2. The Committee considered the draft report in relation to the SIP into TasTAFE.

The Committee suspended at 10:38 am and resumed at 10.53 am.

*Ms Thomas* took her place, after the Committee resumed, at 10.55 am

**Suspend**

The Committee suspended at 1:01 pm.

**THURSDAY 18 JULY 2024**

The Committee resumed at 9:02 am in Committee Room 2, Parliament House, Hobart.

**Members Present:**

*Ms Forrest (Chair)*

*Mr Harriss*

*Ms Lovell*

*Ms Thomas*

*Mr Vincent*

**Apologies**

Nil

**In Attendance**

Ramona Long (Acting Committee Secretary)

**Business**

1. The Committee considered the draft report in relation to the SIP into TasTAFE

The Committee **RESOLVED** that the Report be the Report of the Committee and be published and tabled at the Quorum Call on Friday 2 August 2024.

The Committee suspended at 10:32 am and resumed at 10.50 am.

The Committee directed the Secretary to draft letters to Government Administration Committee B regarding the Report on Tasracing and the Report on TasTAFE.

**Next Meeting**

At 12:30 pm Monday 12 August 2024

**Adjournment:**

At 11.11 am the Committee adjourned.

**DATE**

**CONFIRMED**

**CHAIR**

## **APPENDIX B – Transcript of Evidence (5/12/2023)**

# PUBLIC

## THE LEGISLATIVE COUNCIL SESSIONAL COMMITTEE GOVERNMENT ADMINISTRATION 'A' MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, ON 5 DECEMBER 2023

### SHORT INQUIRY INTO TASTAFE

**The Committee met at 1.30 p.m.**

**CHAIR** (Ms Forrest) - Welcome back, minister, to you and we've got new people who are fresh at the table. This is Government Administration Committee 'A' Short Inquiry into TasTAFE. As was identified during the debate establishing the new arrangements under TasTAFE, that Government Administration Committees have the power to call these entities in as well as other budget scrutiny processes, so here we are. This is a matter of quite significant interest to a number of members of our House.

Thank you for coming. I will ask you to invite members of your table to make the statutory declaration in a moment and you can introduce them, but just to inform them, I'm sure most of them are aware, that this is a public hearing, that all matters here raised in the committee are covered by parliamentary privilege. That may not extend beyond the hearing. If there's anything of a confidential nature you wish to discuss with the committee, you can make that request. Otherwise, it's all public.

In terms of what a short inquiry process looks like from our perspective, it's basically like a GBE-type hearing where we collect the evidence and then report on it with the *Hansard*, effectively. We don't call in other parties at this stage. If it became apparent a further inquiry was needed, that may form part of it. At this stage it's just looking at TasTAFE, your annual report and matters related to the new arrangements. I hope that's fairly clear. I'll get you to introduce your team and get them to take the statutory declaration.

**Mr ELLIS** - Thank you. Great to be here. Tim Gardner, Chair, Grant Dreher, CEO and my Chief of Staff, Elaina Deayton, who won't be taking questions.

**Hon FELIX ELLIS MP**, MINISTER FOR SKILLS, TRAINING AND WORKFORCE GROWTH, WAS CALLED AND WAS EXAMINED

**Mr TIM GARDNER**, CHAIR, and **Mr GRANT DREHER**, CHIEF EXECUTIVE OFFICER, TASTAFE, WERE CALLED AND WERE EXAMINED.

**CHAIR** - Minister, do you want to make any opening comments?

**Mr ELLIS** – Yes, thanks, Chair. I thank the committee for the opportunity to appear at today's short inquiry. It's been another big year for TasTAFE as we continue to progress the transition process. The new act has been active since July 2022 and we're proud of what has been achieved so far. While we're still in the early stages of what is a long-term vision for a sustainable transition into an organisation that's fit for the future, what is clear to me is that vocational education has an exciting future here in Tasmania and TasTAFE is key as part of this.

As a Government, we're committed to putting the student at the centre of our training system and this is especially so with TasTAFE. The community can see that TasTAFE is an

organisation that's going places. It's supporting students with new services, new courses and new facilities on campus. As an organisation, it's working more closely with industry, listening to what employers and stakeholders are saying and responding to feedback.

Importantly, TasTAFE is committed to responding to the needs of staff as we go on this journey, whether they're teachers, admin or other staff. In the last 12 months, we've seen some huge milestones for TasTAFE. We finished the Water and Energy Trades Centre of Excellence, the Agricultural Centre of Excellence, the new Cyber Security Training Hub delivered in partnership with the Commonwealth and the first of a series of new student services and learning hubs.

The fee-free TAFE program has been a huge success, with thousands of Tasmanian students taking the opportunity to get their start or to try something new. We've seen last month TasTAFE's first agreement with staff under the Fair Work system. We're going to keep on building on this work throughout with more investment in our students, staff and campuses as well as new programs that will help us take TasTAFE to the next level. Thank you, Chair.

**CHAIR** - Thank you. We will go first to the matter that has been sort of exercising the minds of employees, acknowledging the focus on the student at the centre of this, which is rightly the case. Obviously, the student can't be served if you don't have the teaching staff and that. When we debated the bill to establish this transition arrangement that you've referred to, certain commitments were made - I don't think you were the minister then, were you?

**Mr ELLIS** - No.

**CHAIR** - No. - by the minister at the time and the Government broadly that no teacher or staff of TasTAFE would be worse off. We've had significant representation from unions to say that's not the case and they're losing a lot of inherent benefits that they had under their current awards, the ones they were on. Since the transition a lot of those have been lost to the point that there was a hearing in the Industrial Commission that found in favour of them. Can you outline how you've met that commitment to the parliament and to the members that no worker would be worse off?

**Mr ELLIS** - Yes, sure and thank you, Chair. I'll pass to the TasTAFE team shortly to provide a further update that I mentioned around the recent vote that we've had with employees, and this is really important. Can I say from the outset that our Government is committed to ensuring that there's a strong future for TasTAFE. We've always said we want to see our hardworking teachers and staff paid more and deliver more training. That's the cornerstone of our reforms: to deliver a better training system for the next generation of Tassie workers. TAFE is going to continue to negotiate in good faith with the workforce and we're continuing to focus on delivering through TasTAFE just as we said that we would for our \$118 million plan to put the learner at the centre.

The other part of that is to make sure that TasTAFE looks more at the businesses that it serves as well. I'll pass to the team at TasTAFE, as I said, to provide an update on that employee vote because this is a really important and exciting part of the transition which has just occurred.

**Mr GARDNER** - Thank you, minister. I will make a couple of headline comments in response to the comments and questions earlier. Firstly, that the determination of the Fair Work

Commission was not in any way any acknowledgement or direction that suggested that any of our employees were worse off. What it sought through the union representations was consolidation of agreements - something that we were in no legal position to do, nor do we think that was the best path for the organisation. In the end, the Fair Work Commission ruled in favour of the unions and so those agreements were consolidated and we acted according to directions. It was nothing to do with anyone being any worse off.

For the balance of things, we have three enterprise agreements on foot. Two of those remain in bargaining and we continue to bargain in good faith on those. Noting that we are now operating under the Fair Work Act and in accordance with the requirements of the act and the rulings of the commission. Ultimately, any agreement we put up will be subjected to the Better Off Overall Test and we will work in accordance with that. We have one, as the minister indicated. We have the employee support for the first of the three agreements and employees voted in the majority to support an agreement for general employees. We have two to go. We will continue to bargain in good faith and to seek an outcome that is in the interests of our teachers and our organisation. That's what we need to serve the needs of our students.

**CHAIR** - In regard to the Fair Work Act, Better Off Overall Test, or BOOT, as it's better known, does that mean that the existing terms and conditions will automatically transfer under the - or they do. Is that how it works?

**Mr GARDNER** - No.

**CHAIR** - So, can you explain how it works?

**Mr GARDNER** - Well, there is a simple principle; the principle is 'better-off overall'. The Fair Work Commission looks at the entirety of the agreements struck and assesses as to whether that is, in its entirety, better off overall from the starting position -

**CHAIR** - The starting position being? What's the starting position? This is the contentious thing.

**Mr GARDNER** - We don't see it as contentious because there was no requirement and, in fact, no point in us negotiating to replicate exactly what we've got. What we are seeking to do, and to the minister's point we were charged with, is to transform TasTAFE into a form that could better serve our learners, our industry, our community. That's what we are doing.

'Better off overall' doesn't mean the same. 'Better off overall' means in the entirety of agreement, the terms and conditions under agreement, that every employee will be better off overall. It doesn't in any way bind us to transferring the same conditions. The conditions that we have not sought to carry over are those that are specifically public service aligned and not aligned with the strategy and direction of TasTAFE.

**CHAIR** - Can you outline those ones that you have chosen not to carry over?

**Mr GARDNER** - I may look to my CEO.

**Mr DREHER** - Yes, I wouldn't be able to sit here and outline each one.

## PUBLIC

**Ms LOVELL** - So the Better Off Overall Test, just to clarify, that's assessed against a modern award, not the existing or copied state instrument, correct? That's your understanding?

**Mr GARDNER** - Ultimately, they will assess as to whether our employees are better off overall than the position that they were in. We cannot go backwards.

**Ms LOVELL** - No, I don't think that's correct. My understanding is they assess it - the Better Off Overall Test is assessed against the modern award. That's the starting position: the instrument that would exist were there not another agreement in place. Those conditions are significantly different from what was in that copied state instrument.

**Mr GARDNER** - Our requirement is to meet the Better Off Overall Test and to ensure that we provide and negotiate the best terms and conditions that we can with our workforce because we want to retain and attract people. To start with the premise that we're seeking to run down terms and conditions is flawed. That's a union position that they want to continue to argue that position to us. It is not the principle of good-faith bargaining.

**Ms LOVELL** - I want to be clear, though, that when you're relying on saying the Better Off Overall Test means that those workers will be better off than they were, that's not necessarily the case. That test means they're better off overall than they would be if there wasn't an agreement negotiated in place which would put them back on the modern award, which is quite significantly different from the agreement that they were employed under when they came across.

**Mr DREHER** - You have outlined how Fair Work operates. Yes, it would use a modern award to conduct a test. However, the agreement we put to our staff and that we will put to the other two groups of staff is nothing like the modern award. It is significantly better.

**Ms LOVELL** - No, I would hope not.

**Mr DREHER** - Whilst I can't articulate off the top of my head the differences that we put forward from the copied state instrument, I think the recent vote we had and the turnout we had, without the union support, shows that our staff are very interested because 80 per cent of staff turned out to vote. I have worked under Fair Work for a very long time; that's the highest I have ever seen. We had almost 59 per cent of staff vote yes, who turned out to vote.

We put all the conditions on the table. We were very open about the minor changes that would go through. I can remember one being the triennium approach to personal leave, which is very much a Tasmanian State Service approach. We've gone to an accumulated leave approach and we have made sure that people weren't worse off in that particular component.

**CHAIR** - On that, for example, Grant, if I might, how did you ensure that people weren't worse off, or they are better off?

**Mr DREHER** - There are not very many people on the triennium sick leave because it is a historical thing. We met with each individual person and went through what their entitlements would be and what we would carry forward.

**CHAIR** - You are saying that there are individuals on individual different arrangements?

## PUBLIC

**Mr DREHER** - No, it's how you calculate a leave going forward because a triennium leave calculates different to an accumulated leave. It's different based on each individual whereas accumulated leave, really, you only need your anniversary date and it's all the same.

**Ms LOVELL** - Is it true that - and understanding you had a 59 per cent yes vote - is it correct that workers were advised that they would only receive pay increases in January if the agreement was accepted, if there was a yes vote? Also, the three close-down days between Christmas and New Year, what that part of the communication to staff around negotiations?

**Mr DREHER** - I wouldn't word it like that. The discussion from staff was that it may take, if we vote yes, it may take a significant period of time for Fair Work to ratify the agreement and they would miss getting, if their agreement is not ratified then you're not covered by the new agreement. We took a decision that if there was a 'yes' vote, we would honour those things.

**Ms LOVELL** - Was there a discussion about back pay if that takes longer? It's not unusual if an agreement takes longer to be ratified, that those pay increases can be applied retrospectively?

**Mr DREHER** - We offered to the staff that we would pay them from 1 January whether it's ratified or not, and earlier if it's ratified earlier.

**Ms LOVELL** - Only if they voted 'yes'?

**Mr DREHER** - You can't give a pay rise for an agreement that is not voted 'yes'.

**Ms LOVELL** - You can continue negotiations.

**Mr DREHER** - Yes.

**Ms LOVELL** - Were they told they would only get the pay increase from 1 January if they voted 'yes', or if the agreement was accepted in this vote?

**Mr DREHER** - If there was a 'yes' vote, we would not wait for it to be ratified in Fair Work to start paying the pay increase.

**Ms LOVELL** - Thank you.

**Mr ELLIS** - It's a clear demonstration of the case and point that we want to pay up people more, and we want to be able to work through this process in good faith.

As far as the bargaining arrangements, TasTAFE is doing a good job on that. There has been really strong support as a part of the vote that came through and it demonstrates that this is a really good deal for people who work within the business and as part of that, that will again help us to deliver the broad reforms that we all know are necessary: that we need to deliver more training for trainees and apprentices in Tasmania, that we want the opportunity to pay our teachers more as part of this process and we can pay our staff more for the amazing work that they do.

That's what this transition is enabling, and it's meaning that we're able to step things up in Tasmanian training, which we know, coming back to some of your initial remarks, Chair, is at the bedrock of being able to deliver economic opportunities for our state. Rural and regional parts of Tasmania, in particular, have a strong focus on practical vocational skills so that we can grow our economy. This change is helping to enable more training in that space so that we can not only provide more opportunities for individual students, but provide more opportunities for our state more broadly.

**Ms LOVELL** - I've seen some photographs of various methods of communication to staff around the agreement, in particular advocating for a 'yes' vote, including some of those dots on the floor, like we used to have for COVID-19 times in front of the photo copier; that sort of thing. What was the budget, or how much money was spent on that campaign to promote a 'yes' vote?

**Mr DREHER** - About \$400.

**Ms LOVELL** - That was just on those dots?

**Mr DREHER** - No, that was on the whole campaign.

**Ms LOVELL** - Can you give us a breakdown?

**Mr DREHER** - Well the campaign -

**Mr ELLIS** - It's \$400.

**Ms LOVELL** - Yes. I'm interested in what was spent on what items in that.

**Mr ELLIS** - Right, okay.

**Mr DREHER** - I am not sure if I can give you the breakdown on what was spent on what item but I can tell you what was included in \$400. Most of the campaign was electronic, so there was only our internal development of the electronic component. Then there was the printing of the collateral, so the dots and some posters that we put up at all our campuses. That was the extent.

**Ms LOVELL** - Thank you.

**CHAIR** - While we're looking at the cost of things, in your annual report - and there's probably a very simple explanation, I just can't find it - but when you look at the grants, grants and deed of purchasing agreement, the budget for 2023 was \$112 000 277 and the employee benefits were \$91 000 907.

When I go to the budget, the state Budget, the grants - whether it was \$117 million or the \$124 million, I'm not sure which line lines up with this, but there's still a difference, at least \$5 million if not more. I'm interested in, whilst the employer expenses are the same, I'm interested in where the difference is there?

**Mr DREHER** - I think you'll find that was a grant for fee-free TAFE that come on after the deed had already been signed. That's where the difference is.

**CHAIR** - How much of that then relates to the fee-free TAFE?

**Mr DREHER** - I'm not sure. I'm not sure exactly what figure you're quoting there, but if it was around the \$4 million to \$5 million, that would be the fee-free TAFE. This financial year fee-free TAFE came in with new places with which we got additional funding for, whereas -

**CHAIR** - The state Budget says the grants were \$124.5 million, but here in your annual report it says your budget was \$112 million. That's a bit more than a \$5 million difference.

**Mr DREHER** - Well, I was responding to the \$5 million, sorry.

**CHAIR** - I need to know where the extra grant money has gone between the Budget and your budget here.

**Mr GARDNER** - The difference between the state Budget and our income?

**CHAIR** - I'm looking at the line item in comprehensive income statement, grants/deed of purchasing agreement, \$112 million, and note 3.3 does talk somewhat about this. I'm wondering if you could shed a bit more light on it. You've got grants from the Government all broken down underneath this, but it's different from what was budgeted. That is what I am saying. The Government, you are relying on Government funding for grants - you've also got other revenues obviously, sales of goods and services, that is a separate though.

**Mr GARDNER** - Our actual for the year is a \$114 281 000.

**CHAIR** - That is right, yes.

**Mr DREHER** - When I go through this, some of these are not part of the deed. These are government grants that are not part of the deed. Destination Australia scholarships, one of the line items there, federal government initiative, federal government grant, then a government grant. There is not just a state Government deed.

**CHAIR** - Which brings us back to the point, that you would think that the state Government budgeted figure will be less than this amount. Wouldn't you agree? If there's some federal money in this and there's other money in this that is not from the state -

**Mr DREHER** - I don't understand the question, sorry.

**Mr GARDNER** - Are we dealing with what we've received.

**CHAIR** - Yes, so where is all the grant money that has been appropriated by the state of a \$124.5 million? Where do I find that in here, in your financials?

**Mr GARDNER** - What you can see in the financials is what we've actually received. I will then take it on notice, maybe to the minister of -

**CHAIR** - Maybe it's a question for the minister, then. Where's the rest of it gone, minister?

**Mr ELLIS** - Chair, we're just working through to reconcile the question.

**Mr GARDNER** - The actual figure that we've received under the deed of purchasing agreement is \$84 million. If you look at note 3.1 on page 64, so \$84 321 000 million is the actual deed funding received.

**CHAIR** - Yes, but then I take you to the state Budget -

**Mr ELLIS** - Happy to follow-up and get advice on it, Chair. We'll get back to you, hopefully during the course of this hearing and we should be able to shed some light on that one. It doesn't seem like it will be particularly difficult. We'll need to make sure that we are reconciling the numbers correctly so that you've got some accurate information.

**CHAIR** - There is obviously the deed of purchasing agreement there but it seems to me that number one, footnote 1 in the budget paper, talks about grants that predominantly the Freer Farm and the TasTAFE priority infrastructure upgrades. I'm trying to look at where the money is.

**Mr ELLIS** - That is fine. Yes, we'll follow-up.

**Ms LOVELL** - I wanted to go back to the agreement and the Fair Work decision. In that decision -

**Mr ELLIS** - Regarding the copied state instrument, do you mean? When you say the decision?

**Ms LOVELL** - Yes. In the decision there was a comparison of provisions agreed between TasTAFE and the AEU that show there have been some significant changes to conditions. In particular, we have had this discussion - must have been at a GBE, I'm sorry, budget Estimates hearing some time ago around the increased weekly work hours and hourly rate of pay. Can you talk me through what has happened in the new agreement around the hourly rate of pay and the teaching hours or work hours?

**Mr GARDNER** - Grant talked to this, but we are still in bargaining around teaching, with the teachers so -

**Ms LOVELL** - What has been proposed through that bargaining or budget?

**Mr GARDNER** - We are working through a bargaining process on that. We are within the constraints of that bargaining process.

**Ms LOVELL** - Is the position of TasTAFE still the position that was put previously?

**Mr GARDNER** - Put previously as in?

**Ms LOVELL** - When the Fair Work decision was handed down.

**Mr GARDNER** - Is our position - sorry I am just trying to understand the question, Sarah, sorry I do not mean -

## PUBLIC

**Ms LOVELL** - Sorry. I am probably not being very clear. The discussion we had at budget Estimates previously was around - and I do not think you were there, Tim.

**Mr GARDNER** - No, I missed it.

**Ms LOVELL** - It was around the position, at the time, was for a reduction in the hourly rate of pay but an increase in the number of hours worked. There was a differing view between the minister and me around whether that meant somebody would be better off or not. Is that still the position of TAFE? Is that still what you are working towards?

**Mr ELLIS** - I think you could probably be more accurate, Ms Lovell. Our position has been that, ultimately, like any employee agreement, there's a range of different conditions that we work through. We want to make sure that we've got a couple of things in place. People are getting more training in Tasmania. That's really important, particularly for apprentices, for trainees and for businesses. We're helping to deliver a pay rise for our staff. I think your characterisation is a bit off there but I might pass back to the TAFE team to add further on those remarks.

**Ms LOVELL** - On that, my characterisation is the hourly rate of pay: would it be lower or the same or higher?

**Mr ELLIS** - Yes. As I say, we've got to take into account the whole agreement that people have, because there's a range of different conditions and a whole heap of different matters. Coming back to first principles, should we be delivering more training in Tasmania? Absolutely. Do we want our teachers to be paid more? Absolutely. Those are the first principles that we operate from. There's a bargaining process that's under way and we're not going to be bargaining here at the table. I'll pass back to TAFE if they want to provide further information on that.

**Mr DREHER** - We're in bargaining and we're at the bargaining table. We haven't put a formal agreement to the Australian Education Union on what that offer is, but it would be our intention that we would not be paying less per hour to our teachers.

**Ms LOVELL** - Per hour. Thank you.

**CHAIR** - Just to go to some of, perhaps some criticisms - and it's being negotiated, I appreciate that, that there may be some movement in some of these things - but I am interested in the items that TasTAFE [inaudible] particularly matters related to the State Service that they don't want to carry forward into an enterprise or an entity working under the Fair Work Act. Some of the things have been probably raised to some degree are the right to independent arbitration. Some might say that that's - is that a State Service matter that should be scrapped?

**Mr ELLIS** - Yes. Look, I'm happy to work through maybe a few specific ones so that we can give you a bit of a sense of this. As I say, we have -

**CHAIR** - Yes. I'm trying to understand why - if people don't feel like they're worse off, if they -

**Mr ELLIS** - Yes, I understand the question, Chair, and I'm happy to talk it through so we've got some kind of clear examples that we might be able to talk to. Employment directions: Employment directions arise from the State Service Act 2000. Because TasTAFE is no longer a state authority, these employment directions no longer apply and I'm advised they have been replaced with relevant policies.

The right to make applications to the Tasmanian Industrial Commission: TasTAFE employees now have access to the full protections available through Fair Work, including in relation to things like adverse actions, unfair dismissal, bullying and harassment. TasTAFE is no longer within the jurisdiction of the Tasmanian Industrial Commission. There are matters raised around communicable disease leave and communicable disease leave is currently a TasTAFE policy. COVID-19 leave is also currently provided through TasTAFE policy.

Grant touched on training and personal leave, so maybe that gives you a bit of a flavour around - we have different processes under Fair Work and that's a common thing that we see with all of the TAFEs that have transitioned to the Fair Work process, including New South Wales, Victoria, ACT, Northern Territory. TAFEs right around the country operate under these arrangements as do businesses right around the country - the manufacturing plant in Burnie, the mine down the west coast, the café in Salamanca. They all operate under Fair Work with those arrangements.

That might give you a sense that there are some things that have different applications under the different system, but there's still a strong process there. I might pass over to the TasTAFE team if there's anything that they wanted to add to that answer.

**Mr GARDNER** - I've got nothing further to add to that, minister. I think it's absolutely the case. We're seeking to get the best outcome we can to attract teachers and retain the people we've got and get the flexibility we need. The protections of the Fair Work system exist. There is a change. People don't have representation to the Tasmanian Industrial Commission but other than that, there is representation to the Fair Work Commission. If that was the specific area of concern, the employment directions of the State Service no longer apply.

**CHAIR** - I understand, though, some of the others. I'll go to Sarah.

**Mr ELLIS** - Chair, can I just quickly loop back onto your question? If you look at the statement of comprehensive income, Budget 2022-23, it's \$124.527 million. If you then go down to the annual report 2023 Budget, the grant deed of purchasing agreement: \$112 277 million. If you have look to the next line - capital grants - it's \$12 250 million and taken in sum lines up with the grants heading, as listed in the budget. This is split out with a capital grant component. It's a good question; a good pick-up.

**Ms LOVELL** - I want to go back to some of those items that you mentioned there that have gone from being part of an agreement to a policy essentially, a number of them: communicable diseases leave and other things. Do you accept that having something as a policy, rather than having it as a condition, in the workplace agreement is not the same thing?

**Mr ELLIS** - A question for me?

**Ms LOVELL** - Yes.

## PUBLIC

**Mr ELLIS** - Whether a policy is different to a condition?

**Ms LOVELL** - That's right.

**Mr ELLIS** - I think that's inherent in the question. Does it necessarily mean that one's about outcome? Not necessarily but I will pass over to the team in terms of why we are bargaining around this approach if there's anything further to add?

**Ms LOVELL** - Further to that, my question is, why would they not be included in the agreement if they were in the previous agreement? What's the reason for not having them in the agreement any more if they are an existing policy?

**Mr GARDNER** - Because in terms of contemporary agreement and policy framework, it's better suited to the organisation and the people who work there. It gives us flexibility. We can continue to evolve and develop all our policy suite on an ongoing basis to better support our people as we go.

To keep the breadth of issues across every enterprise agreement doesn't serve anybody to have those simply to be addressed through enterprise negotiations. We want to be able to work with our organisation and our staff directly all the time to improve the way that we employ and support them.

**Mr ELLIS** - Again, the staff have been really strong in endorsing the approach that TasTAFE has taken as part of the agreement. That's why there was such a strong majority vote in favour of the general agreement that's just passed in the last week or so. It's really important to acknowledge as well that that's a vote of every staff member who wants to take part of it under that particular award -

**CHAIR** - Which award is that one?

**Mr ELLIS** - As part of that particular agreement, I should say.

**CHAIR** - Which staff?

**Mr GARDNER** - General employees.

**Mr ELLIS** - Then, as mentioned previously by TAFE, we have the two others that we are currently negotiating. We're not negotiating at this table. We're negotiating with our employees, as appropriate, because they're the ones who vote for it or not.

**Ms LOVELL** - Strong majority might be a stretch but -

**Mr ELLIS** - Well, it was stronger than your majority.

**Ms LOVELL** - I'm not putting out an agreement for acceptance by -

**Mr ELLIS** - Well, they voted for it.

**Ms LOVELL** - I haven't had any role in that. That's your agreement, not my agreement.

## PUBLIC

**Mr ELLIS** - I think it's a pretty strong majority, 58 or 59 per cent.

**Ms LOVELL** - We can agree to disagree on that but my question is -

**Mr ELLIS** - And a strong turnout as well. The CEO touched on this as well. It's heartening to see how TAFE employees want to take part in that process. They want to have their voices heard; they want to have a say because previously not everyone got to have a say. That's one of the benefits of the new process and it enables the whole organisation to go on the journey together, which I think is really exciting.

**Ms LOVELL** - Do you accept that by having some of things in a policy rather than in an agreement means that they can be altered by the organisation without necessarily consulting with staff?

**Mr ELLIS** - As I say, I think the Chair has already covered these arrangements -

**Ms LOVELL** - My question was to you. Do you accept that that's the case?

**Mr ELLIS** - As I say, the Chair has already covered it. Ultimately, there's an ongoing bargaining negotiation process that's under way -

**Ms LOVELL** - So you do or you don't accept that policies can be changed by an organisation?

**Mr ELLIS** - We are not going to be negotiating at the table.

**Ms LOVELL** - I am not asking you to negotiate.

**Mr ELLIS** - I will pass back to TasTAFE if there is anything further they want to add.

**Mr GARDNER** - I am happy to say that the important thing for us, firstly, the premise that we were working on was we were charged with making our organisation more like the organisations that we serve and the industries that we serve. We have to be more dynamic and contemporary. We need to be able to work directly with our workforce on an ongoing basis to develop the most fit-for-purpose policy framework. If we were reliant on going through enterprise negotiations and bargaining every time we wanted to make changes, then we are not going to achieve the job, the task that we were charged with. We have very singularly focused on doing that and making TasTAFE the best public provider of vocational education and training services for the Tasmanian community.

**Ms LOVELL** - I understand that and I understand that the minister is not going to answer that question. My point is that there is a number of organisations that would contain and continue to include some of those provisions in an agreement that is protected by their staff and protected by the processes to have those agreements negotiated. By taking them out of an agreement, having them as a policy, it means they have a lower level of protection in terms of those entitlements being maintained. It is a policy that can be altered by the organisation, not a condition of employment in an agreement that has to be agreed to by both parties. I accept that the minister is not going to answer the question so I am happy to move on now that I have made the point.

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**CHAIR** - I know that this is for the teaching staff, which is another one that is currently being negotiated, but I would like you to talk me through some of the concerns they have raised, acknowledging it is still subject to negotiation. Their concern is about a range of things in relation to the overtime rates and rates for work outside ordinary hours. Is this a policy decision? This is not necessarily, as I understand it, a State Service matter. These things can be negotiated whether it is state matter or under the Fair Work Act.

**Mr GARDNER** - I am a little concerned that we are getting into detail on an agreement that we are seeking to negotiate in good faith with our workforce. To prosecute the individual components of that while we are sitting at the bargaining table, I am concerned it is inconsistent with good-faith bargaining that we are doing that legitimately. I do not mean to avoid the question. Draw down a path going through the elements of these things and dealing with the concerns of the employees who are presented to you, the appropriate channel for people to bring their concerns is to the enterprise bargaining table. We deal with those on a case-by-case basis on every item.

**CHAIR** - Can you tell me how many staff there are in the general stream that have just signed on the agreement? How many employees?

**Mr DREHER** - There are 418.

**CHAIR** - Is that staff or FTEs?

**Mr DREHER** - That is staff.

**CHAIR** - All right. How many FTEs?

**Mr DREHER** - I do not have that in front of me.

**Ms LOVELL** - So 418 covered by the agreement that has been signed off on? How many of those staff, 80 per cent of those staff voted -

**Mr DREHER** - Yes, 335 of them voted, 80 per cent, yes.

**Ms LOVELL** - What was the result in numbers terms?

**Mr ELLIS** - I'm sure Google calculator would be able to -

**Ms LOVELL** - Oh well, you can whip it out if you like and work it out for us, minister.

**Mr ELLIS** - I am sure it will be a great use of the committee's -

**Mr DREHER** - (inaudible) voted yes, 138 people voted no.

**Ms LOVELL** - Thank you.

**Mr GARDNER** - More specifically in relation to teaching and non-teaching, so we have at FTE for non-teaching staff 384 and headcount at 23 October, 444.

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**Mr DREHER** - The headcount of who is eligible to vote is taken in the week prior to the vote being held. That is who is eligible to vote.

**Ms LOVELL** - Who was not eligible to vote?

**Mr DREHER** - Anyone who was not paid in that prior pay period.

**Ms LOVELL** - How many would that be? How many new staff have you had in that period of time?

**Mr DREHER** - Can I go back to clarify what I have said, so you know. When it comes to vote, it is general staff. That does not include the education facilities which are included in the non-teaching number. There are about 75 of them. Then when you vote, the pay period prior to the vote is where you establish who is eligible to vote in the agreement. That is where the 418 came from.

**Ms LOVELL** - So the 444 includes the 75-odd EFAs?

**Mr DREHER** - There are some EFAs that were - yes, the answer is yes.

**Ms LOVELL** - Sorry, were you going to say some of those are covered by it. The numbers just do not add up, that is all.

**Mr DREHER** - They do add up because you are taking moment-in-time numbers that change. So, the numbers Tim is quoting are not the same time as when we took the numbers for who is eligible to vote.

**Ms LOVELL** - So, the numbers taken for who is eligible to vote were taken recently, I'm assuming?

**Mr DREHER** - As per the requirements of Fair Work, they were taken -

**Ms LOVELL** - I'm not disputing that. I'm just trying to get -

**Mr DREHER** - The pay period prior to the vote being held.

**Ms LOVELL** - Okay. So, are there a number of new staff who have started since - I'm just trying to get to the bottom of why there's a discrepancy.

**Mr DREHER** - No. This is headcount 418. The 300-odd number Tim quoted is full-time effective which was in answer to -

**Ms LOVELL** - He also said 444 headcount.

**Mr DREHER** - That is just the total non-teaching. We've got a total non-teaching in terms of the 400 which includes - that's non-teaching, that includes educational facilities attendants who are not covered by this agreement.

**Ms LOVELL** - And there's 75 approximately of those?

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**Mr DREHER** - Heads, sorry, not, 75 people not -

**Ms LOVELL** - Yes. So, if we put aside FTE and just look at headcount, sorry, I'm just trying to get to the bottom of the numbers and I'm not -

**Mr ELLIS** - Would you like us to just maybe come back in a few minutes when we've totalled up the exact numbers and then we can provide them to you?

**Ms LOVELL** - That might help.

**Mr GARDNER** - Probably best if we just clarify specifically for you, if that's okay. Just get that -

**Ms LOVELL** - Yes. That would be good. What I'm trying to get to the bottom of is the number of staff who were eligible to vote. It seems like there's quite a big difference between the number of staff now and the number of staff who are eligible to vote.

**Mr GARDNER** - I think it's more about the figures that we're quoting you than whether there was anything else going on.

**Mr ELLIS** - One of the things that is important to acknowledge is that there are more people who are eligible to vote under the Fair Work arrangements, because it's not based on whether you're a member of the union, for example, but just that you are covered by the agreement. It certainly enables our staff to have a strong say in their future, which I think is a great thing.

**CHAIR** - Do you have any others - so just by way of interest - the number of union members in that - you don't -

**Mr DREHER** - No, people don't have to tell us if they're a union member. No.

**CHAIR** - No, that's fair. Just in terms of, we can go back to the budget stuff - I'll come to you then I'll go to budget stuff.

**Mr GAFFNEY** - Mine was more about the transition of TasTAFE under the agreement. We did receive a letter on 15 September from the CPSU and I was interested in one of the comments where Thirza said:

The nature of the negotiation process itself has also been troubling, with TasTAFE representatives left without the support and industrial expertise of the State Service Management Office. As a result, meetings have been lacking structure and professionalism.

And three dot points and I'd see if you could comment on these dot points for me,

- there is no minute taking and no circulation of minutes for the parties to approve
- there is no forward agenda, creating confusion and preventing subject matter experts from presenting at relevant meetings

- pay offers and information is being shared with employees who are not party to negotiations before it is tabled and discussed at bargaining meeting

Would you like to be able to respond to those points for me?

**Mr DREHER** - We certainly have actions come out of it. We don't have comprehensive minutes come out of bargaining because it's a bargaining meeting. We're not required to have comprehensive minutes. The fact that SSMO is not involved is the fact that we're not in the State Service, that's the issue there. With the agenda, we're usually speaking single items at those meetings, so the agenda's happening, 'this is what we're here to bargain on today,' so we're talking about individual items until we get to the full agreement which we've done with the general staff.

As far as pay offers being shared with other members of the bargaining committee, the bargaining committee's not just represented by employee representative groups anymore. We have individuals who are self-nominated or being nominated by other people to be on the bargaining group so they need to know what the pay offers are as well as the employee representative bodies need to know what the pay offers are.

**Mr GAFFNEY** - Thank you.

**CHAIR** - Just go back to the state budget and the grants which we were looking at earlier, to the breakdown. Thanks for that. The revenue from grants does drop away. It goes up a little bit in 2026-27 financial year but there is some concern that that may negatively impact on TasTAFE's operations. Can you - this is one for the minister, it's state Government funding - so you guys can relax for a moment and look at the numbers.

**Mr ELLIS** - That's fine. A couple of points to make: we have just been working through with the Commonwealth Government around the National Skills Agreement. That's a five-year agreement and that's effectively the cornerstone of how we fund vocational education training in the state. That includes TAFE. There are other matters relating to, for example, capital investment, the decision of government potentially in the future. We have seen a huge capital investment program for TAFE in recent years - \$27 million Water and Energy Trades Centre of Excellence and we're really pleased to be able to show that off to ministers from around the country just last month.

Can I say, absolutely nation-leading for our sparkies, our plumbers, gas-fitters, fridgies, others. Got major investments in terms of our Alanvale Health Hub and things like Freer Farms, \$6.5 million in terms of major investment to agricultural education in the north-west. Cyber security hub, which points to a new direction for TAFE as well and a path that vocational education can play in that emerging part of our economy as well.

We think that there are more opportunities in how we invest in capital facilities for TAFE and we'll have more to say about that in future budgets. We certainly have seen this budget reflect huge capital investment and we're going to be really excited to sign off on the national skills agreement when we have reached a landing with the Commonwealth for funding over the next five-years. We've had a great partnership with the Commonwealth as well. Fee-free

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TAFE has already been canvassed. That's thousands of new places for learners across a range of critical industries for our state -

**CHAIR** - They are funded through the grants?

**Mr ELLIS** - Yes, in terms of the partnership that we have with the Commonwealth around that. We will continue to work with the Commonwealth on that future funding partnership and should have more to say on that pretty soon.

**CHAIR** - Back to the question: It is a bit of an uptake as you have identified and it says in the annual report as well about the fee-free places. One would expect that some of the downturn here relates to projects finishing - like capital projects finishing - and then you look at the employee benefits. They don't go down. That's good.

**Mr ELLIS** - That is right because we want to employ more teachers and we're having a great record with that.

**CHAIR** - If providing more grant funding to support the fee-free places, then we must be seeing quite a significant downturn in the capital grants space.

**Mr ELLIS** - I think I've outlined this, but let me go through it again. We have our upcoming national skills agreement; that is an agreement between the state and the Commonwealth that we are encouraged that will mean greater investment in this space. That is not covered in the last year's budget - sorry, the budget that's been handed down.

**CHAIR** - It's not picked up in forward Estimates?

**Mr ELLIS** - No because we have to sign the agreement, right? We're still negotiating.

**CHAIR** - We may see this change, and that is what you are saying to me?

**Mr ELLIS** - That is right, yes. When the next budget comes out, likely to see different numbers in that. Also, we think that there are big opportunities in the capital space. We haven't identified those specifically as part of that budget but we're really encouraged with the work that TAFE has done delivering major capital projects and we'll be working through that budget process in the usual way.

**Mr EDMUNDS** - You were just talking about the fee-free TAFE. What percentage of those in Tasmania are going to private RTOs (Registered Training Organisations)?

**Mr ELLIS** - I am happy to take that on notice, but there are some, for example, we have some really critical sectors in Tasmania's economy that are not covered by TAFE because we have a strong industry of private RTOs. Seafood and maritime is a great example. SMT is a leading trainer nationally and there are other private RTOs that do amazing work across our state. We have worked closely with the Commonwealth around fee-free vocational education, generally speaking. Fee-free TAFE means thousands of new TAFE places. I might look to Grant if you have the number of fee-free places that have been provided to TAFE.

**Mr DREHER** - Yes. In this current year, we have delivered just over 3300 fee-free TAFE places, and there's 3500 allocated for 2024.

**Mr ELLIS** - As part of that, TAFE has the lion's share, so there will be some more in terms of the numbers that we will provide. TAFE has the vast majority of those fee-free places.

**Mr EDMUNDS** - Are you able to give a breakdown when you provide that number of the ones that they could be provided by TasTAFE rather than an RTO?

**Mr ELLIS** - When you say 'they could be' -

**Mr EDMUNDS** - As, if they're courses that are offered in both settings, if they exist?

**Mr ELLIS** - We can have a look to see what's available, but the other strong point is we want to put the learner at the centre of vocational education and training. TAFE is a really strong component of the education that we provide in this state, but it's not necessarily just about who's providing the education; it's about who's doing the learning and the choices that they make around their education. They might want to go to different educational providers. That might be an industry-led provider, for example, in the childcare space. We have some amazing industry and private childcare training providers.

We also provide childcare at TAFE. Respecting learners' choices with the funding that we provide is a key principle in this. I'm the Minister for Skills and Training, not just the minister for TAFE and proudly so. We have a great partnership with TAFE. They're our public provider and they provide the majority of training across the economy and it's important that we have that strong public provider. It's also important that we're supporting others who might bring different expertise and different business models to those challenges so that we can support learners.

**Mr EDMUNDS** - Are you aware of which other jurisdictions in Tasmania or how many states are using private RTOs for the fee-free training. That, you're aware of?

**Mr ELLIS** - I'm not aware off the top of head around other arrangements that states have with the Commonwealth.

**Mr EDMUNDS** - How many courses are currently unavailable at TAFE through staff shortages?

**Mr ELLIS** - I will pass to the TAFE team in terms of providing an operational update. One of the things is we've seen an increase in our staff, so an additional 40 FTE for our teaching through TAFE.

It's important to note as well that we've had a big uplift in terms of training provided in this state over the last five years, and that's encouraging because our state's growing; we've got more than 50 000 new jobs; and we're providing a lot of new opportunities for apprentices and trainees.

That means we need more staff and nationally, Minister O'Connor, the Federal Labor minister, has noted that the skills and training workforce is a national area that we need to address. As part of our national ministers meetings the arrangements around workforce training for our vocational education workforce is a critical item. Potential national reform of those qualification requirements is a big opportunity.

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TAFE is also doing some really outstanding work to bring people in from industry through the TAFE system and becoming a TAFE teacher and a life-changer - as our campaign goes. I will pass over to the team from TAFE to add anything to my answer.

**CHAIR** - Before you go, minister, can I just check - and I hope to hear from them as well - but there was a commitment to 100 new teachers but you said you've got 40?

**Mr ELLIS** - Yes, that's right. At the last election we committed to 100 new teachers and at about the halfway mark we're about halfway through. At the end of this term, that's when our commitment to that growth will be fulfilled so we're on -

**CHAIR** - What was the anticipated time frame to get the 100 on board?

**Mr ELLIS** - Over the term of this Government, so committed at the last election and then delivered by the end of this term. We think that there's great opportunity for us in Tasmania. It reflects -

**CHAIR** - We're halfway and looming large towards the next election. Who knows when that might be?

**Mr ELLIS** - In 2025, Chair.

**Ms LOVELL** - Is that a net increase?

**Mr ELLIS** - It's a net increase of 40 teachers, so it's about 10 per cent of our entire teaching workforce, which is great news for learners in Tasmania. It means we are able to bring more courses online. It means we're able to bring new people in as well. One of the issues with TAFE prior to the transition was, say, teachers that didn't necessarily have industry currency. Bringing in more people from industry who have recent experience is a wonderful opportunity as well for our learners because you're able to learn with people who are operating using the latest technology and the latest techniques.

We're really committed to delivering that commitment that we've made to the Tasmanian people. I note that it was 20 more teachers than Labor committed to at the last election, because we really believe in TAFE. I don't know what your commitments are going to be in the future. Mr Willie hasn't outlined any policy for TAFE so far -

**CHAIR** - Let's not get political.

**Mr EDMUNDS** - You talked about -

**Mr ELLIS** - Sorry, Chair, I digress.

**CHAIR** - You forgot where you were, didn't you?

**Mr EDMUNDS** - You're 60 per cent behind on your target and you said 58 was a strong majority before. We can play this game all afternoon.

**CHAIR** - Order.

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**Mr ELLIS** - I'm sure you won't, because it's not on your right priorities plan.

**CHAIR** - Order. We're going to stop that.

**Mr ELLIS** - I might pass back to TAFE to finish off that -

**Ms LOVELL** - Can I just ask a follow-up on the number of teachers?

**CHAIR** - Yes, just on the number of teachers before we do.

**Mr ELLIS** - Yes, we've got 40 FTE more than we had. So, 444 - 446, I should say.

**Ms LOVELL** - Yes, my question was going to be how many have you had to employ to get the - how many have left in that same period of time? So, you've got 40 more than you had. How many did you need to employ to get there?

**CHAIR** - The staff turnover is what we're looking at, yes.

**Mr ELLIS** - So, I'll pass to the team. Obviously, we have significant interest right across our economy for trained and skilled people so that's a matter that we work through just as every other organisation in Tasmania, but I'll pass to the team if they want to add further.

**Mr GARDNER** - Thank you, minister. Firstly, to note that we have very low staff turnover, in the order of - and I was just looking to see we had the figure here - of around 1.5 per cent.

**Mr DREHER** - It's not high, but we can take that on - yes.

**Mr GARDNER** - We are actively in the market all the time for new teachers. We have a partnership with Harrison McMillan recruitment. We are recruiting in the middle of one of the most difficult employment markets for this generation and we are competing with industry for people to teach industry. We're competing with people for people who have contemporary experience in industry to bring them in to teach. It's a very difficult market. From our point of view, we absolutely took the commitment of 100 new teachers, but it was never a linear path. It wasn't 25, 25, 25 and 25. It was over the period that we would recruit 100 teachers.

We continue to - we've had the Be a Life Changer campaign out there - and we continue to campaign and recruit very actively to find the very best people to come and join our workforce and to make a difference.

**Mr ELLIS** - It's also part of the reason why we're making large capital investments as well. The Water and Energy Trades Centre of Excellence effectively doubles our capacity for training in some of those industries in Tasmania. By investing in new capital and new space, new classrooms, that means we can find a place for all those new teachers as well. It's all part of our plan to invest in TAFE and deliver more training because we've certainly got more demand.

**Mr GAFFNEY** - I would like a breakdown - and you may not be able to provide it now, it might be something you take on notice, minister - on the 3300 fee-free places and the 40 new

staff. Is it possible to get a regional breakdown or LGA breakdown on where those students are from, whether it's north, south, north-west, the islands, west coast?

**CHAIR** - Staff or students?

**Mr GAFFNEY** - Staff and students. I'd be interested in -

**Mr ELLIS** - And specifically for fee-free TAFE?

**Mr GAFFNEY** - I think so. Just to understand where the take-up is in that, but also from a staffing perspective, where those 40 new staff are based now, that sort of thing. If you can take that on notice -

**Mr ELLIS** - We might see if the information is available. We may not collect that data. One of the things I will also commend to the committee is, at a broader level for the training market, Skills Tasmania has developed an excellent online information tool, where you can see a breakdown by LGA of training demand and training delivery based on different areas around our state. It's quite informative for gaining an understanding of the regionalised nature of our economy. Being from the north-west, Mr Gaffney, you understand that the economy up there and the training demands can look quite different to, say, down south. It's certainly something that we're really conscious of at a system-wide level, but I'm not sure if that data is available from TAFE.

**Mr GARDNER** - I'm not sure.

**Mr DREHER** - Firstly, in the planning with Skills Tasmania, there was a lot of emphasis on making sure that the fee-free places were across the state and they weren't centred in Hobart and Launceston, so the planning was there. When it hits the market, then the market drives who enrolls where, but we can - students enrolled by quoting the LGA that they live in. To answer your question, I don't have the exact number but we've had 6 per cent of teaching staff leave in the last 12 months.

**CHAIR** - To follow up, in your annual report you talk about fee-free TasTAFE courses included in the past year, the year the report refers: agriculture, automation, building and construction, information and technology, health, community services, horticulture, cyber security awareness skill set, and hospitality - some you have already referred to, minister. There was an indication of strong demand in Medical Terminology Skill Set Cert 2, automotive vocational preparation and on it goes. Are you able to provide us of a full list of fee-free courses that are available?

**Mr DREHER** - It's publicly available on the website, but if you want us to provide it to you we can do that.

**CHAIR** - Yes, if you could provide that.

**Mr ELLIS** - For those watching who are interested in a great education with TasTAFE, it is available. There are some wonderful choices whether you have a job currently or whether you don't there's opportunities for life-long learning and upskilling.

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**Mr EDMUNDS** - I was just coming back to the question before we digressed a little bit about how many courses fee-free and currently unavailable through staff shortages.

**Mr ELLIS** - Noting the comments from minister O'Connor about the challenges not just for Tasmania, but nationally in terms of teacher workforce, but I'll pass back to the team if there was an update on that.

**Mr GARDNER** - It's fair to say from time to time our ability to deliver the same courses in each region is challenging for us to keep the teaching staff up. All of our programs are available, all of our products, but we may need to consolidate from time to time to have something in one part of the state, not all of them, to deal with the constraints of having teachers available to do that. We always seek to find the best outcomes we can, but at times we are forced to do that.

**Mr EDMUNDS** - How many at the moment are unavailable or can we put that on notice?

**Mr GARDNER** - There's nothing not available.

**Mr EDMUNDS** - Even in specific regions is there anything not available?

**Mr DREHER** - We don't offer every program in every region. We just do not have the population to be able to do that.

**Mr EDMUNDS** - What do you do? Roll through regions?

**Mr DREHER** - Sometimes we roll through, sometimes things are based in a particular region because of the infrastructure cost that goes with running the program.

**Mr EDMUNDS** - But no courses are unavailable at the moment?

**Mr DREHER** - Not due to teacher shortage, no.

**CHAIR** - Does that mean they haven't been taken up by students? Is that why they're not being offered?

**Mr DREHER** - No, they may not be being offered because they're full, so we no longer have any places left.

**CHAIR** - Right.

**Ms LOVELL** - We did digress and I might have missed this. On the question of fee-free places and the use of private RTOs, minister, have there been any instances of private RTOs being used where TasTAFE could have provided that same training?

**Mr ELLIS** - I think I answered this question previously. There are a lot of amazing private RTOs in Tasmania, including industry. I previously gave the example of childcare, which is provided by TasTAFE and other amazing industry RTOs.

It's likely there's some crossover based on learner choice and preference, but ultimately, we are looking to deliver a training system that puts the learner at the centre - not TasTAFE at

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the centre but the learner at the centre. We want to make TasTAFE the best organisation it possibly can be, but we need to remember who is the most important as part of that, and respecting learner choice is really critical and we make no apologies for that.

**Ms LOVELL** - Can you provide the committee with a number?

**Mr ELLIS** - We already committed to doing that. Chair, did you want me to provide the committee with the fee-free TAFE course list?

**CHAIR** - Yes.

**Mr ELLIS** - Sure, based off the website we have: Certificate III, Information Technology; Certificate II, Career Preparation, Assist Clients with Medication Skill Set; Certificate III, Arboriculture; Certificate II, General Education for Adults, Medical Terminology; Certificate III in Horticulture; Certificate IV in Wool Classing; Certificate II in Wine Industry Operations; Certificate II in Horticulture; Certificate III in Early Childhood Education and Care; and Certificate III in Conservation and Ecosystems Management.

I met with the minister, Mr O'Connor just the other day, in Clarence, which was fantastic.

Certificate III in Hospitality; Certificate III in Agriculture; Certificate II in Salon Assistance; Certificate II in Baking; Certificate II in Engineering Pathways; Certificate II in Kitchen Operations; Certificate II in Hospitality; Certificate III in Individual Support; Certificate II in Workplace Skills; Certificate II in Construction Pathways; Cyber Security Awareness Skill Set; Certificate III in Guiding; Certificate III in Wine Industry Operations; Certificate III in Tourism; WHS for Managers and Supervisors Course; and Certificate II in Automotive Vocational Preparation.

I can provide the interim list for 2024. The Language, Literacy and Numeracy Tutor's Skill Set; Certificate II in Cookery; Certificate III in Individual Support (Disability) Certificate III in Individual Support (Ageing); Certificate IV in Community Services; Assist Clients with Medication Skill Set; Certificate III in Hospitality; Certificate II in Engineering Pathways; Certificate II in Electrotechnology (Career Start); Certificate III in Community Services; Certificate II in Hospitality; Certificate III in Conservation and Ecosystem Management; Operate and Maintain Chainsaws; Certificate IV in Information Technology; Certificate II in Community Services; Certificate II in Salon Assistant; Certificate II in Wine Industry Operations; Certificate III in Agriculture; Certificate III in School-based Education Support; Certificate II in Construction Pathways; Certificate IV in Information Technology (Web Development); Certificate IV in Cyber Security; Certificate II in Career Preparation; Certificate III in Horticulture; Certificate IV in Wool Classing; Cyber Security Awareness Skill Set; Certificate III in Guiding; Certificate II in Automotive Vocational Preparation; the Agricultural Chemical Skill Set; Certificate III in Information Technology; Certificate II in Agriculture; Certificate II in Workplace Skills; Certificate II in Baking; WHS for Managers and Supervisors Course; Certificate III -

**CHAIR** - Some of these are being repeated now.

**Mr ELLIS** - Yes, these are for 2024. Certificate III in Early Childhood Education - I was asked about both years, I am pretty sure, Chair. Operate Side-by-Side Utility Vehicles; Certificate II in Horticulture and Certificate III in Tourism.

We also want to be flexible in terms of the changing needs in our economy and different skill shortages and different skill needs may appear from time to time. It is part of the reason why, for example, there's a strong focus on cyber security because we are seeing a shift in the need. We want to be responsive as part of what will be provided in the future. That list may change, depending on demand from industry and also strategic demand. We will keep working with TAFE on that. As you can see, it is a long list that covers important parts of our economy.

**CHAIR** - Just on related matters, how many unfilled teacher positions are there in TasTAFE currently?

**Mr ELLIS** - For those particular courses?

**CHAIR** - No, for the whole -

**Mr ELLIS** - I think that is 446 FTEs as of the most recent data on our -

**Mr GARDNER** - You were asking how many teachers, how many places are - ?

**CHAIR** - Currently unfilled. Vacant positions that are available to be filled but aren't filled.

**Mr DREHER** - We could give you a report. Any vacant positions are advertised on our website. I would not have the numbers straight off the top of my head but it is on the website and usually ranges between five or six through to a dozen at a time.

**CHAIR** - In terms of recruitment then, do you have some positions that are being difficult to fill?

**Mr DREHER** - Some positions have been difficult to fill and when you talk about additional staff, we were caught in COVID and ramping up. Of recent times, we have experienced an uptake in teacher numbers and you would see from the last time we were here that numbers are increasing. The difficult-to-fill positions are minimal now. Usually you will find that they will be in either specialist areas or booming industries, like building and construction.

**CHAIR** - Boom or bust.

**Mr ELLIS** - Booming under a Liberal Government, Chair.

**CHAIR** - In terms of the staff, do you have a gender breakdown of your staff?

**Mr GARDNER** - We do.

**CHAIR** - Do you have that by award within the organisation and have you assessed your gender pay gap?

**Mr GARDNER** - Males make up 46 per cent of our workforce and females make up 54 per cent of our total workforce and gender plays no role in determining pay. In any given role people are paid accordingly.

**CHAIR** - I accept that. I want a breakdown of male and females across diverse levels within the organisation to help you identify your gender pay gap. The gender pay gap is not paying the person in the same job the same amount. It's how it falls across the broader organisation.

**Mr GARDNER** - I understand the nature of your question, chair, and we don't have that information available to us right here but we could -

**CHAIR** - Are you able to provide it?

**Mr GARDNER** - Yes. It's a gender split across the levels of the organisation.

**CHAIR** - By award or by level, depending on how your staff are characterised. Certain awards or levels in your organisation are paid a certain rate and whether they're male or female they're paid the same?

**Mr GARDNER** - I understand.

**Ms LOVELL** - Does TasTAFE do an analysis of the gender pay gap?

**Mr DREHER** - Not at this stage, no. To clarify, what you want is the three agreements with the levels in the three agreements?

**CHAIR** - Yes, otherwise it's a bit difficult to compare because they're quite different structures. We are happy to take that on notice.

**Mr ELLIS** - Broadly speaking as well, at the highest level of TAFE, particularly at the board and executive level, there is a really good gender diversity and it is a really strong strength of TAFE.

**Ms LOVELL** - Is a gender pay gap analysis something you'd consider for future years?

**Mr DREHER** - Part of the cultural change program is to implement an employer-of-choice model, which will take a little while because there's a lot to do at once and that would be within that.

**Mr EDMUNDS** - Is TasTAFE subject to the efficiency dividends embedded in the budget going forward?

**Mr ELLIS** - We're, obviously, working through a process with Treasury around that and we will have more to say as part of that soon. We're strongly committed to continuing to invest in vocational education and training.

As I mentioned, we have a national skills agreement that's under way and we are aware that the Treasurer will be working through that process but, of course, we look broadly across government for areas of savings. It's important to note as well that we're talking about taxpayers' money and it's important that we are always prudent with taxpayers' money and ensuring that we're not seeing wasted expenditure. People, including the people who we train

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and teach, have to work bloody hard to make that money and pay it as taxes through to us so we always need to be responsible stewards.

**Mr EDMUNDS** - I completely agree with you on that front around being responsible with public money.

What are the expected dollar savings for TasTAFE as part of the efficiency dividend?

**Mr ELLIS** - As I mentioned, the Treasurer will have more to say as part of our broader across-government work in this space.

**Mr EDMUNDS** - The number that is being bandied around is 0.6 of a per cent. Is that what's being expected of TasTAFE as well? Is it more or less?

**Mr ELLIS** - As mentioned, we'll work through.

**Mr EDMUNDS** - You're not sure? You don't know?

**CHAIR** - Let him answer.

**Mr EDMUNDS** - Sorry.

**Mr ELLIS** - Thank you, Mr Edmunds.

**Mr EDMUNDS** - We probably owe each other one there.

**Mr ELLIS** - One job, not to interrupt. I'm hopeful that I can answer this.

We will, of course, work through that process and different opportunities to find any waste or inefficiency will be worked through across Government, just as it is prudent when it comes to scarce taxpayer resources and the need to continue to invest to provide great public services as well.

**Ms LOVELL** - Efficiencies were raised in the last budget and I understand that that's part of the next budget process. What work has been done so far on that?

**Mr ELLIS** - The Government is working through that as part of the budget process in the usual way and I'm sure the Treasurer will have more to release at a whole-of-government level as part of the budget process. Again, as I keep coming back to, it's important that we're responsible stewards of taxpayers' money. You just have to look at Victoria at the moment with the absolute disaster that their budget is in to see what happens when you have complete failure of public administration with a Labor government that cannot manage money. So, we'll work through, as is appropriate and prudent, all budget matters and the Treasury will provide a further update on behalf of the whole of government as is appropriate, I'm sure.

**CHAIR** - Their debt per capita is not dissimilar to ours, just saying. Just be careful about slagging off on other governments.

**Mr ELLIS** - Chair, I don't think there are too many people in Australia who would want to be Victorians right now.

**CHAIR** - You finished your question?

**Mr EDMUNDS** - I didn't ask the last question. It was Sarah.

**Mr ELLIS** - You were just interrupting.

**CHAIR** - Can you just tell me how course fees are established and how decisions are made around course fee increases?

**Mr ELLIS** - Sure. Look, I might pass to the TAFE team shortly around course fee establishment, but other than to note that we want to be supporting Tasmanians, particularly around providing cost-of-living relief. That's part of the reason why fee-free TAFE has been an important investment as well as other probably lesser-known investments that we have in things like travel support, which are important for rural and regional students. I'll pass to TAFE to maybe talk around the methodology that comes with pricing.

**Mr GARDNER** - Thank you, minister. We have been consistent over the years that I've been involved in increasing fees in line with CPI on an annual basis. That is often not the level - it doesn't necessarily reflect the level of cost increase that we have to absorb given educational costs is not directly matched to the CPI. We work off the Hobart CPI on an annual basis but we've also - as part of the process of our working through our transformation and through our strategy, the strategic plan - committed ourselves to undertake a more thorough review of that pricing and just to make a more in-depth assessment around that.

**CHAIR** - With a view to what?

**Mr GARDNER** - Well, just a bit better understanding of what drives our cost and how we best price the - rather than just taking a blanket CPI approach, which is just a very blunt instrument. We just do it to try to keep on top of our cost. Again, keep in mind our commitment here is to deliver as much affordable training as possible to as many Tasmanians as possible. So, it's incumbent on us to look at the way we've built up that pricing and we've committed to do that.

**CHAIR** - In terms of making that open and transparent, how will you communicate that to the broader public? Obviously the fee-paying courses are a matter that does impact on people's capacity to do them, so how will you undertake that?

**Mr GARDNER** - We're not anywhere in that process at the moment, so I honestly couldn't answer you in any detail on that, Chair, other than to say that up until now we've passed on the CPI increase and we're very clear about that. That's how we do it.

**CHAIR** - So you're confident in the last, say, four or five years you've only passed on the Hobart CPI for every course that you've offered?

**Mr GARDNER** - The last three years in terms of deed-funded courses. Yes.

**CHAIR** - What other courses are there?

**Mr GARDNER** - Well, we have, outside of that the diploma courses.

**Mr DREHER** - VET student loans, which are courses that are funded via student loans from the federal government.

**CHAIR** - You don't charge for -

**Mr DREHER** - No, the last two years they have gone up by Hobart CPI.

**CHAIR** - The feds have put them up that much?

**Mr DREHER** - No, we do, but there's a range that they have to fall within from the federal government.

**CHAIR** - In terms of doing this - I know it's early days but I'm trying to understand what you're trying to achieve - is it possible that we might see some courses have less than CPI increases based on the cost it takes to deliver. Surely that would be one parameter, and some may go up higher than CPI to cover the cost to deliver? I'm just trying to understand what you're doing. I don't disagree with not using the blunt-instrument CPI because it is pretty blunt.

**Mr GARDNER** - We haven't undertaken the process yet, Chair. We need to work through that and understand, like we are in every part of our business, trying to truly understand our business and the cost of delivering our business to make sure that we make the very best use of the taxpayers' funds we're given. And match those the best we can to ensure that our courses reflect that cost. We also need to make sure it's accessible. That's our job. It is incumbent on us to do that and to truly understand that, because that is part of the transition. I'm trying to frame it in terms of the transitional process. We've come out of state service and we're working through every part of our business and that's part of that.

**CHAIR** - From a policy perspective, is it your expectation that the courses are delivered on a cost-recovery basis, or how do you see the provision of TAFE courses?

**Mr ELLIS** - We have a range of different models that we are working through, broadly speaking, as part of the review process. I mentioned previously around fee-free TAFE. That's obviously, when it comes to the cost to learners, very low, and recognising that there are some real strategic and opportunity benefits that we can spread across our economy.

**CHAIR** - That's a policy decision to offer fee-free courses.

**Mr ELLIS** - Of course.

**CHAIR** - For those that are not fee free, is your benchmark cost recovery?

**Mr ELLIS** - No, not necessarily. For example, an area that I'm aware of that Tasmania is supporting learners is in the childcare space. The diploma that TAFE offers in childcare compares very favourably in terms of cost to other providers. One of the reasons for that is that there's a really strategic benefit in making sure that the childcare workforce is able to access that pivotal training course so that we're able to deliver the care that's needed for young children, but also the economic facilitation that comes from more families being able to get back to work as well as other training and a range of different things.

**CHAIR** - Consider broader benefits in assessing the cost, is that what you're saying?

**Mr ELLIS** - Yes, it's not as simple as how much does it cost us to deliver, although it's important work to understand how much it does cost to deliver things. There's also really strategic thinking that happens around what's the benefit to the economy, where are important emerging needs. How can we continue to deliver on some of those mission-driven challenges as a community? How do we make sure that we look after older Tasmanians in a dignified and proper way? That means we need to build a much bigger care workforce than we have now so we don't take a backwards step when it comes to investing strategically.

Price is one of those signals. It's why we are working closely with the federal government around fee-free learning. We think that for some people cost is a barrier. We also have a huge concession program in this space as well. We recognise that not everyone comes at training with the same means or the same opportunities in life, so, thinking how best we can support people through pricing mechanisms and signals is an important way that we spread the massive benefit that comes from getting vocational education to more parts of our economy and society.

**CHAIR** - We've got until 4.30 p.m. We'll see how we're going. I thought it might be nice to take a short break now. We've been going for a while. A 10-minute break.

**The committee suspended from 2.54 p.m. to 3.06 p.m.**

**Ms LOVELL** - Minister, you would be aware that there's been new provisions under the Work Health and Safety Act around psychosocial risk and a new code of practice earlier this year. Has TasTAFE undertaken a risk assessment and worked to identify psychosocial risks in the workplace?

**Mr ELLIS** - I will pass that on to the team at TasTAFE around that.

**Mr GARDNER** - Yes.

**Ms LOVELL** - What did that show you?

**Mr GARDNER** - They showed that it's a risk that we have to continue to work on. Sorry, I shouldn't have. A little more colour around that.

**Ms LOVELL** - I was going to ask you to elaborate but anyway.

**Mr GARDNER** - It's clearly part of our governance obligations for the organisation. We are very committed to the health and wellbeing of our people. No less around psychosocial health than any other ailment of health. We note that the legislation has changed, federal legislation has changed, so we are well aware of that. We only just in recent months undertook a refresher PCBU (person conducting business or undertaking) training so that we are reminded and reinforced around our obligations in relation to that.

In relation to risk assessments, what we are doing at the moment in more detail is, as part of our organisational transformation, bolstering our capability in the organisation around work health and safety. We have a new work, health and safety manager who has just commenced with the organisation. We've also lifted the profile of and focus around risk management for the entire organisation. Psychosocial health and wellbeing forms a part of that. What we did

do specifically when right on the point of transition, the board commissioned a report by IPM Safety to undertake an overall review of our safety culture in our organisation and that has resulted in a series of recommendations. The people, performance and culture team, with the help of the bolstered WHS Team, are working their way progressively through those, and that includes how we deal with and respond to psychosocial health and wellbeing.

**Ms LOVELL** - In terms of the assessment or the risk assessment that you've undertaken, what was involved specifically with that? Who was involved in that? Was there consultation with staff or what was that process?

**Mr GARDNER** - Probably need to put that question to Grant, in terms of what we do in terms of our risk assessment processes in our organisation.

**Mr DREHER** - The report you are specifically talking about was undertaken at the start of the year roughly and there were interviews with staff, but they were staff in positions that related specifically to WHS issues to get the overarching. Then part of the action out of that is the health and safety component specifically that Tim talked about. The other part is what a cultural awareness and change program might look like at TasTAFE which we're currently developing. That will pick up a lot of the psychosocial health stuff that you're talking about.

**Ms LOVELL** - The report by IPM Safety at the start of the year, so that would have been before the new code of practice for psychosocial risk?

**Mr DREHER** - I think it picked it up so -

**Ms LOVELL** - It might have come in June or something?

**Mr DREHER** - You'd hardly get the dates as we're sitting here but it is part of the cultural awareness and cultural change plan that we're putting in - the psychosocial health component of it due to the legislative changes.

**Ms LOVELL** - So, specifically, has there been a survey of staff or any consultation with staff around assessing psychosocial risk?

**Mr DREHER** - Not at this stage.

**Ms LOVELL** - Is that in the plans? Because that's part of the code of practice that's come in now.

**Mr DREHER** - Yes, that's in the plan.

**Ms LOVELL** - In terms of identifying psychosocial hazards, that was done as part of that IPM Safety report or separately to that? Has that work been done?

**Mr GARDNER** - What the IPM Safety report pointed us to was that we needed to do more in the organisation in terms of hazard identification, so we're working through that process right now. It effectively identified in it every teaching space, every workplace at TAFE - and you can appreciate there's a lot of them. We're working our way through the team - and note that the team only just formed in recent months. In fact, the WHS manager only started a matter of weeks ago but we are progressively as an organisation working through

all our workplaces and documenting hazards in those workplaces. This includes physical and psychosocial hazards.

**Ms LOVELL** - Do you have a time line for that work to be completed?

**Mr GARDNER** - There is a time line for that to be completed, but not off the top of my head but it's certainly something that as a board we are very focused on, very interested in and it is brought to us every month. I'd have to take some advice around the time line because at the top of my head I wouldn't know.

**Ms LOVELL** - If you're happy to take that on notice, you can come back to us with that, thank you.

**Mr GARDNER** - We might even be able to get that one before we're finished here.

**Ms LOVELL** - No problem; thank you. Do you undertake any regular staff satisfaction surveys at all?

**Mr GARDNER** - Our focus so far - we undertook a staff pulse check just after the legislative transition - that was the last point that we checked in, then we -

**CHAIR** - Before you go on, when was that and what was the outcome of that? And then we can go on to the next one.

**Mr GARDNER** - That was undertaken in the second half of the last calendar year, if I'm correct, Grant?

**Mr DREHER** - Yes, in the second half of the last calendar year.

**Mr GARDNER** - We undertook that -

**Mr DREHER** - February, March of this year.

**Mr GARDNER** - Thank you.

**CHAIR** - The overall outcome?

**Ms LOVELL** - What were the results of that?

**Mr DREHER** - That check was around the transition out of the State Service to become a government business that TasTAFE is now, and the result was that 58 per cent of staff were satisfied, as compared to 59 per cent in the previous year when our staff were in the State Service.

**Ms LOVELL** - To clarify, a similar pulse check was undertaken in the previous year?

**Mr DREHER** - Yes.

**Ms LOVELL** - And that showed 59 per cent satisfaction, and then the second one was done this year and it was 58 per cent - fairly similar. You said it was around the transition.

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Was that the questions, was it specifically around, or was it just the timing that you were referring to then?

**Mr DREHER** - The pulse check was to see how staff were feeling after the transition, so the questions were not all exactly the same but some of them were the same.

**Ms LOVELL** - You describe it as a 'pulse check'. How in depth is it? Is it a five or 10 question check-in, ratings or -

**Mr DREHER** - It's a bit longer than that. You are testing me to remember the number of questions we had, but it was more than five or 10 questions but I can't remember it exactly -

**CHAIR** - Was 'satisfied' or 'not satisfied', that's the only answer you could provide?

**Mr DREHER** - No, it was a Likert chart.

**Ms LOVELL** - Do you have plans for a more in-depth employee satisfaction survey?

**Mr DREHER** - Yes, part of the cultural plan that we're building includes staff surveys and we haven't determined the regularity of them yet but it does include staff surveys.

**Ms LOVELL** - How regularly do you do the pulse checks?

**Mr DREHER** - We've been government business for less than a year and we've done one.

**Ms LOVELL** - Do you know how often they were done prior to that?

**Mr DREHER** - No, not really. No. They were driven then by the State Service, not by TasTAFE. It was a different -

**Ms LOVELL** - I understand that, but just in terms of how often staff are checked in with. Okay.

**Mr DREHER** - I think it's every 12 months but I can't, I wouldn't want to be held to that.

**Ms LOVELL** - In that transition, were you provided with any of that data from previous staff check-ins that were undertaken as the State Service?

**Mr DREHER** - Yes, whenever that was undertaken in State Service, TasTAFE was a kind of little entity within the broader survey so we would get that information.

**Mr EDMUNDS** - Just while you're reading, with the survey, what areas were identified as sort of room for improvement, perhaps, might be the way to put it.

**Mr DREHER** - I don't have that information in front of me.

**Mr ELLIS** - Chair, if it assists, we've actually provided this in response to the budget estimates committee A. So, your question was around the questions in the survey, was it -

**Mr EDMUNDS** - The feedback given, what areas were identified as needing work.

**Mr ELLIS** - Yes. So, maybe if I just provide the questions that were asked, so this is a statement, and strongly agree, agree, neither agree nor disagree, disagree strongly, disagree, not sure or not applicable or not answered, so those are the responses:

'I am confident that TasTAFE has a positive and successful future.'

The response to that question or statement:

'I'm satisfied working at TasTAFE.'

'I'm clear about where to find more information about TasTAFE's future direction.'

'I'm clear about the reasons why TasTAFE transitioned to a government business.'

'I feel I was consulted about changes that impact my salary conditions prior to and during the transition before that happened.'

'My input to the transition was sought, acknowledged and valued.'

'The consultation and communication process was effective and efficient and I see positive changes happening already in the workplace as a result of the transition.'

So, broadly speaking there was pretty strong support. This is a question that's tabled as part of the response to committee A for the budget this year, but one of the things I'll say generally is that this pulse was taken reasonably early in the transition, coincided around the six-month review that we did as part of our statutory obligations. It demonstrates that not only is the transition important but that TAFE needs to do, as part of that, some significant growing in terms of its organisation, as well in terms of its capability, bringing staff along with the journey. Over the course of the last year TAFE has done a really good job with that.

There's always more that we can do, particularly when we're talking about a large workforce. We are seeing more and more people wanting to become TAFE teachers, TAFE employees, the strong support that we had around the enterprise bargaining agreement, which has been canvassed at this table. That journey is one that TAFE is really committed to and one that the Government is really committed to as well.

**Ms LOVELL** - Can I just go back to those questions that were provided to the committee, I understand, at Estimates. Were the results provided to the committee as well?

**Mr ELLIS** - Yes.

**Ms LOVELL** - Have you got those - can you give us a breakdown just via category?

**Mr ELLIS** - It might take a little while, because there are seven in each, but I can read -

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**Ms LOVELL** - Seven questions in each?

**Mr ELLIS** - No, seven different types of responses, but we can, as in, strongly agree, agree, neither -

**CHAIR** - Can you just provide a hard copy of it to the committee?

**Mr ELLIS** - Yes. We can print them off and provide them. That's fine.

**Mr EDMUNDS** - I wanted to go back to the overarching commitments around no employee being worse off under the new arrangements. We've been provided with dozens of potential instances where things are being represented as being worse off. I was wondering if we could work through those as to get an explanation.

**CHAIR** - I think we've sort of gone to that where they said that they don't want to negotiate across the table here being not in good faith as I understand the response previously.

**Mr EDMUNDS** - That's stonked a few on the head.

**CHAIR** - There's obviously the teacher's agreement. What's the other group?

**Mr DREHER** - Educational facilities attendants.

**CHAIR** - They're separate, right. What status are both? Are they both progressing from one after the other, they're both being progressed at the same time.

**Mr DREHER** - They're separate negotiations. The teaching negotiations are further advanced than the education facilities attendants because the EWU requested they come out of the general agreement and have their own agreement, which we agreed to do. They're a little bit behind teaching, but teaching has been in negotiation now for about eight or nine months and the education facilities agreement negotiations are probably four months in.

**CHAIR** - Sorry?

**Mr GARDENER** - About four months in.

**CHAIR** - Can you remind me how many EFAs there are?

**Mr DREHER** - There's about 75 individuals, but I'd have to go back to.

**Mr GARDENER** - We don't have a breakdown at that level. We just have teaching and non-teaching. It will depend on the week before the vote's taken, the people on the books at that particular time, is that right?

**Mr DREHER** - When it comes to the vote part, when it comes to who's eligible to vote.

**CHAIR** - I'm not all that familiar with how these people in these positions are paid, are all of these on part-time or casual contracts, or are they on full-time or permanent part-time contracts? I'm just interested in how many people are allowed to vote. Because if you haven't been paid you're not going to vote, that's how it works, isn't it?

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**Mr DREHER** - If you haven't been paid in the pay period prior to the vote being held, yes. There are, as you said, permanent, permanent part time, and then casual.

**CHAIR** - You've got a breakdown?

**Mr DREHER** - I have not got a breakdown of the difference between education facilities attendants and general staff. I've just got non-teaching breakdown. It'll give you an indication. Of the 384, 270 were permanent full-time, 86 were permanent part-time, 26.6 were fixed term and 1.66 were casual.

**Mr GARDENER** - That being FTEs.

**CHAIR** - Notionally, one would expect from that that most of those people would be eligible to vote, because most of them would have been paid.

**Mr DREHER** - Yes.

**CHAIR** - Right.

**Ms LOVELL** - The permanent part-time employees, do they work all year-round? Do they work regular hours throughout the year?

**Mr DREHER** - Yes.

**Ms LOVELL** - And fixed term, are they generally short-term employees or are they 12-month contract, six-month contract?

**Mr DREHER** - It could be a mixture of all of those things. It could be backfilling sick leave, backfilling maternity leave, it could just be an increase per a particular period in time. It's not a huge percentage of the workforce.

**Ms LOVELL** - Thank you. If we've got time, I'd be interested to go back to the result of that survey.

**CHAIR** - We were going to try and get a copy of it to make it easier.

**Mr EDMUNDS** - With regards to the fixed-term contracts, is the transition across meant that the pathway to permanency is harder for those employees.

**Mr GARDNER** - To understand, Luke, that assumes there is a pathway from fixed term to permanent full-time. They are two different things. If you have a look at the statistics in terms of our headcount, the headcount overall in fixed term has reduced. In the last 12 months, our fixed-term headcount is down in non-teaching from 51 to 31 so we are actually reducing those numbers. I want to pick up on Grant's point: People come in to do specific things - not necessarily that there is a particular barrier into permanent full-time work. It is just what we needed in the given time.

**CHAIR** - Going back to the transition, part of the reasons behind it, according to the debate at the time and the consultation I undertook, was this desire to work more collaboratively

with industry to understand what their needs are. Can you tell us how you are doing that and what evidence have you got to show around that?

**Mr ELLIS** - This is a really important part of the transition as you identified, Chair, because one of the issues that TAFE had - particularly the perception of TAFE from industry - was that there was not a strong enough link, that they were not taking on board enough feedback. Even the trainers and teachers who were working there did not have the industry currency to say that 'I have worked on the latest technology. I have worked using the latest techniques'. More broadly, we are working through an industry skills compact process as part of our whole-of-government works that we are working with. Different industries around the state, we just signed the building and construction industry skills compact the other day.

TAFE is a key component. We are doing key things in terms of improving the training workforce, improving the pathways into industry and also improving, for example, awareness at a schools level. We are also working really closely around facilities design. The Water and Energy Trades Centre of Excellence is a great example of this where industry has been involved right through the process.

Another example in our shared electorate, the Freer Farm Agricultural Training Centre of Excellence had an industry steering committee that helped as key part of the design work there. We end up with building and capital and facilities that are aligned with what industries' expectations are and learners' needs. I might pass to the team at TAFE as far as adding further to the comments around working with industry. It is a key part of our transition.

**CHAIR** - Not just the capital facilities but the skills.

**Mr ELLIS** - Yes, exactly. Bringing more people in as part of that teaching workforce et cetera.

**Mr GARDNER** - Firstly, this is a key element of our strategic plan. This is a really critical part for our success. In terms of direct resourcing, TasTAFE directly employees two full-time staff who work on industry engagement across the state. That is their job. Just a number of specific things: During the period of 2022-23 TasTAFE staff were involved with a range of industry and community and regional groups that focus on training skills and workforce development. Eight memorandums of understanding have been formalised between TasTAFE and key stakeholders.

TasTAFE also partnered with a range of organisations to deliver bespoke training solutions, such as the new Bridgewater Bridge pre-employment program, the industry training hub at Burnie, agricultural learning resources technology project, the hi-vis army project and the Diverse Leadership Program just to name a few.

**CHAIR** - What sort of diversity does that focus on?

**Mr DREHER** - If you might have listened to Leon Compton this morning, there was -

**CHAIR** - No I did not. I was in here.

**Mr DREHER** - You were in here? I am sorry to hear that. Leon featured the Diverse Leadership Program, which is being delivered in partnership with the multicultural centre in

Tasmania. We are putting about 20 people through this year. They have just completed and we're out for another 20. That's delivered in partnership with the multicultural centre in Tasmania.

**CHAIR** - Did you have a list of those, who the eight MOUs are with and the key stakeholders who you've actually been directly engaging with.

**Mr GARDNER** - I'm sure we can provide a list of the MOUs. A review of the diaries of senior people in the organisation would show a lot of stakeholder engagement. It's a key part of what we're doing.

**CHAIR** - On that then, the question is, did they meet with just like - in the minerals and energy centre they just meet with TMEC (Tasmanian Minerals, Manufacturing & Energy Council) - or do they go around to all the individual businesses that are involved in that sector for example?

**Mr DREHER** - The answer is both. We don't want to leave out peak bodies when it comes to talking about industries. We work with peak bodies and have some memorandums of understanding with those peak bodies. If we look at the example the minister gave around Freer Farm, that was an industry representative body, so that was with employers as well as with peak bodies. When it comes to the steering committee we had on board for the Water and Energy Trade Centre of Excellence, again peak bodies and individual employers, because individual employers are critical to engage with. The same with Drysdale, where we have employers as well as peak bodies involved in that.

Most of the work we do engaging with industry is through individual employers because the state undertakes the industry-compact model, which picks up a lot of the peak bodies, so it is with industry employers. As Tim alluded to or said, we've got two permanent staff who do that. We've just put a third person on who's focused on the south of the state.

**CHAIR** - Those are three FTEs?

**Mr DREHER** - Those are three FTE, plus, in preparation for the change we have a new director for future students and industry, which has a focus on liaising with industry. That's their role.

**CHAIR** - Where are these three, you said one's based in Hobart?

**Mr DREHER** - One in Hobart, one in Sorell and one in Launceston.

**CHAIR** - How much time will they spend on the north-west?

**Mr DREHER** - The person in Launceston picks up the north-west. If you ask constituents on the north-west, they would know his name quite well. He's up there quite a bit.

**Mr ELLIS** - Can I say as well, and pay a compliment to our Chair and CEO and team at TAFE around their strong focus on the north-west. I've been really encouraged as a minister -

**CHAIR** - It just makes me wonder why you haven't got someone based there?

**Mr ELLIS** - More in terms of, it's less about even just an individual being based there and more the whole organisation taking a strong ownership around the needs and opportunities of the north-west. Grant and I regularly speak about the incredible opportunity in agriculture, mining and manufacturing in particular for the north-west being a real driver of our innovation for this state and for the ability for us as a state to compete globally. A lot of that comes from the work of people based in the north-west. TAFE is starting to have a whole-of-state focus that really acknowledges the north-west and some major work in terms of facilities up there is a key part of TAFE's priorities. I can see the Chair has a list of MOUs.

**Mr GARDNER** - Thank you, I do. Just two things, some more detail around the groups that we've specifically been involved with around the focus on training skills and workforce development. A number, just examples here: Tasmanian Government's Tasmanian Energy and Infrastructure Workforce Advisory Committee, Tasmanian Government's Tasmanian ICT Workforce Advisory Committee, Circular Head Education and Training Consultative Committee, West Coast Education Training Consultative Committee and Tasmanian Minerals and Manufacturing and Energy Council Advanced Manufacturing Advisory Committee.

In terms of the MOUs that we've entered: TasTAFE and Master Builders Tasmania, to support growth and productivity in the building and construction sector; Keystone Tasmania to continue to help support the building and construction sector; the Skilled Workforce; University of Tasmania's Tasmanian Institute of Agriculture, to support a collaborative approach regarding agricultural education and training pathways; Tasmanian Council of Social Services; Civil Contractors Federation Tasmania, Tasmanian Minerals, Manufacturing & Energy Council, Foton Mobility and The Smith Family.

**CHAIR** - Thank you. Did you have something else?

**Ms LOVELL** - I wanted to go back to the pulse check survey. I know you haven't got a hard copy for us yet but I have found the copy that was provided to the Estimates Committee last year. I think you said, Grant, that the result showed a satisfaction rating of 58 per cent satisfied. I'm wondering how that was calculated, given that there are eight questions and -

**Mr DREHER** - I don't have the report in front of me, sorry.

**Mr GARDNER** - It was calculated as the average across the lot. That's my understanding.

**Ms LOVELL** - Average satisfied across agree and strongly agree or what was the -

**Mr ELLIS** - I remember there were some matters that we worked through on these numbers. I'm pretty sure I'm right in saying the question, 'I am satisfied working at TasTAFE', you will see 15 per cent strongly agree plus 41.3 per cent agree. Taken in sum, that's 56.3 per cent. Now, taken in sum as a percentage of total who answered, noting that 3 per cent did not answer, that of the total number that answered, I think that's about 58 or 59 per cent.

**Ms LOVELL** - So, it's just on that particular question?

**Mr ELLIS** - Yes, so the one where it says, 'I am satisfied working at TasTAFE'. That's a pretty good metric for satisfaction.

**Ms LOVELL** - Okay. So, some of the other results are not as positive as that. 'My input to the transition was sought, acknowledged and valued', you've got 3 per cent strongly agree, 16.5 per cent agree, so that's 19.5 per cent. 'I see positive changes happening already in the workplace as a result of the transition', 3.3 per cent and 9.3 per cent. What is being done around some of those questions where there aren't as positive a rating as you could deduct from the, 'I am satisfied working at TasTAFE' question?

**Mr ELLIS** - It's important to note that this is about a year ago, so significant work has been done as part of the transition. We're actually longer since then than when this survey was taken from the transition date.

**Ms LOVELL** - Yes. So, when will the next survey be? That was my other question too.

**Mr ELLIS** - Sure. I'll pass back over to the team at TAFE around that journey that we're on, noting that absolutely the reason why we're doing this transition and this change is because we acknowledge that there's more that TAFE can be doing to support our people and to support our learners in our state.

**Mr GARDNER** - Absolutely. Thank you, minister. Just note, to restate, this was right on the point of transition, which is a very unsettling time and process for people. That is completely understood. Also, to note, in terms of the consultation process coming into the transition, the initiative to undertake the transition was not an initiative that came from the organisation. We acknowledge that. Having joined some of the staff briefings, I do note that there was open acknowledgement that there are areas - that what that points us to is a range of areas that we have to continue to work on and improve. We are absolutely committed to that. The ongoing engagement and communication with our staff is critical.

To the question about what are we doing about it, so we're doing many things but the fundamental underpinning piece in all of this is that we have a plan, we have a strategic plan that lays out our 10-year path. Absolutely the core of that is around our workforce, our teaching workforce and ensuring that we are providing the very best teaching capability through our workforce. Putting the learner at the centre of our organisation, we have to continue to do everything we can in engaging with our workforce to deliver on that. The strategic plan fundamentally guides everything that we're doing and out of that comes a culture plan which we are developing at the moment.

**Ms LOVELL** - You mention the teaching workforce there. What has been done in the strategic plan in relation to the non-teaching workforce? I appreciate that was probably not a deliberate - you know, that's not -

**Mr GARDNER** - Thank you for correcting me on that. It's the entire workforce that matters to us. Everybody is as important as everybody else. Noted.

**Mr ELLIS** - Can I also offer as part of the strategic plan, to set out some examples. It's a strong program and really acknowledges where TAFE wants to get to as an organisation. The CEO mentioned previously completing the Employer of Choice accreditation. That's really important and it's a great example he is setting across our economy; the new implementation of a staff recognition and reward program; recruiting a dedicated people, performance and cultural director; finalising new delegation frameworks so that staff at different levels are

empowered to make more decisions; and delivering a program so that staff can grow professionally and experience leading VET teaching and learning practices.

The work that TAFE has been doing in this space - and that's off the back of the transition, off the back of the survey and off the back of the sense of you know what needs to be done as we take TAFE from where it was to where it needs to be. We can deliver that goal of looking more like the businesses that we serve; putting learners at the centre - that's a big transition that we need to do but one that we're committed to. We've got a strong plan to deliver the short, medium and long-term.

**Ms LOVELL** - I also note that only 55 per cent of staff responded to the survey so I'd question whether 59 per cent of the satisfaction rating is a particularly reliable figure, given that only 55 per cent of staff responded, so two questions:

1. When will the next pulse check be done, and
2. What specifically will you do as an organisation to encourage more people to respond to that survey so you can get a better, probably more accurate understanding of people's level of engagement and satisfaction?

**Mr GARDNER** - There is no specific time line at this stage. We are putting a cultural plan together right now which will frame all of those things.

**Ms LOVELL** - Do you think it would be prudent to do one, given the amount of work that's happened over this last year. The transition was a big thing and these results are not great.

**Mr DREHER** - Stepping through this process is really important for us. We have to, at any point we're engaging with our workforce, know that, not only are we seeking feedback but we can deal with it and we have a lot of things that we're working our way through and making sure we're executing those as we go.

To note that we were only in a position to recruit a senior director of people, performance and culture after the transition. We didn't get someone to come and lead that. We couldn't get someone to come and lead that work until he started in October last year. We have been trying to work and build momentum from there and the new senior director has been doing a lot of work within his team to get to that place, which now involves putting a culture plan together.

We need to make sure that at the point we're engaging, we're asking the right questions and we are in a position to respond. We don't want to be asking questions and getting feedback on things and not deal with the things. It is worse than not asking at all so we have to -

**Ms LOVELL** - I do not know if I agree with that.

**Mr GARDNER** - I am absolutely clear on that. You should never ask and never go and engage without being absolutely ready to do that and be ready to deal with things. Just to go and ask questions just for the sake of it - I have seen many organisations where every year you go out and you keep asking and it builds lists of things that don't get done.

Our commitment is to do these things for our organisation, for our people - that's what we're most committed to doing and we want to be stepping through and getting our plan right and then we ask the questions of our people.

I don't mean to say that it's not important to get feedback. We just have to be ready to do that and we are ready to respond and we can make sure it adds value to our people.

**Ms LOVELL** - I'd be really interested to hear if you have an expected time line for that work to be done. I understand what you're saying but also I would argue that you don't want to not ask any questions for two years or longer. It has already been nearly a year since the last survey and you will leave that unknown.

**Mr GARDNER** - I know what you are saying. There is a time frame and I am not sure that with this we have a time frame at the moment.

**Mr DREHER** - We don't have a time frame at the moment. At the moment, we're building that cultural piece.

**Ms LOVELL** - What would be the point in time where you would say that's taking too long and we need to check in with staff regardless of that piece of work? Is there a point in time where that might be a consideration?

**Mr GARDNER** - I think it's reasonable to expect that over this next 12 months we will be checking in with our staff, it is fair to say.

**Mr ELLIS** - There is also an informal staff check-in that has been done with the vote around the recent enterprise agreement. There is strong support in that space -

**Ms LOVELL** - No, I -

**Mr ELLIS** - I think we just laid out before, Ms Lovell, around some of the doing work that we're doing around that cultural piece. The team at TAFE have really answered this quite extensively. We're keen to ask questions of our staff and survey them. We'll do that at the appropriate time with work under way.

**Ms LOVELL** - Are you saying, minister, that a vote in support of an enterprise agreement is indication of staff satisfaction? Is that what you are suggesting?

**Mr ELLIS** - I think there certainly is strong support for the pay rise that we have offered staff as a part of that. Paying conditions is an important part of that work and some of this other work -

**Ms LOVELL** - So, you take that in lieu of a staff satisfaction survey? You think that is a reliable enough response?

**Mr ELLIS** - Ms Lovell, I offer that in the sense that I think we're going around in circles here. There's significant work that is being done. We remain committed to continuing to ask our staff around their satisfaction and other matters. That work will be done as is appropriate. I think that the TAFE team has answered your question.

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**Ms LOVELL** - Well they had answered my question and then you jumped in to add more. I was not disputing that that answered the question.

**Mr ELLIS** - Great.

**CHAIR** - In the matter of staff feeling safe and respected and all of that, what is the current process for a staff member to raise a grievance, like a safety issue or a psycho-safety issue or other matter? And how well understood is that by the workforce?

**Mr GARDNER** - Do you want to talk to the processes?

**Mr DREHER** - There are many ways they could do that. They could do that through their supervisor, they could do that through another staff member, they could do that through the health and safety representative within their work area or they could do that anonymously, if they wanted to do that anonymously.

**CHAIR** - How would they do it anonymously? Just write a note and leave it in someone's office? I mean, email is not very anonymous, you know?

**Mr DREHER** - You can do it through your health and safety representative without specifically mentioning the person's name who thinks there's an issue there. Once it gets into our system, then there is a process of how it would be investigated or looked into, depending on the severity of what it is.

**CHAIR** - Do you feel that, without having done the piece of work, perhaps, do you feel that currently the staff would feel willing and able and supported to do that if they had a serious - or even not, we can look at a serious claim, maybe, maybe even more difficult - but a claim that showed that they were quite dissatisfied in their workplace for whatever reason or didn't feel safe? Do you feel confident that people have got an avenue to come to the relevant managers in there to have that properly addressed?

**Mr GARDNER** - Yes.

**CHAIR** - I am not asking for details. Have you had any of those matters where people are feeling aggrieved raised in the last six months?

**Mr GARDNER** - We have a range of matters that come forward on an ongoing basis through various channels and we'll deal with those as they arise. Not in any great volume but here and there we get people facing things, yes.

**CHAIR** - What is the spectrum here? I mean, without doing a full survey - and you say you're working on how to do that - it would be quite unfortunate if you did a survey and found out there was some really massive issues going on that people hadn't felt safe to come forward or raise because the current framework wasn't clear enough. So, there has been a range of matters raised -

**Mr GARDNER** - I suppose it is the assumption that if by a survey we solve these things and that we get the answers.

**CHAIR** - It's not about solving it. It is just to identify them.

**Mr GARDNER** - To Grant's point, we have a range of avenues now for people to raise anything that they have -

**CHAIR** - I understand, you said, Tim, that there had been a range of matters raised, and just - the breadth and scope of those sort of things.

**Mr GARDNER** - Just to be clear on that, on a monthly basis we get to sit as a board, we get to see whatever has arisen in the workplace in terms of work, health and safety. We get to see anything that's come up in terms of any matters that have been raised, any incidents, any psychosocial incidents, and we see those things on an ongoing basis and we see the processes by which they are addressed. From that take a view that there are processes that we have in place meeting the needs of the organisation that are consistent with our obligations to provide avenues for people to report their concerns.

**CHAIR** - So, there's not some pattern that you're concerned about or anything?

**Mr GARDNER** - No.

**CHAIR** - That's what I'm just trying to establish here, whether something needs to be done more urgently in the particular area or not.

**Mr GARDNER** - No. There's nothing -

**CHAIR** - Change is difficult for people.

**Mr GARDNER** - It's really difficult. I think it's a good observation and it's certainly not lost on us. This is a difficult time and it's been challenging for any workforce going through organisational transition and this is one on a scale that has not been undertaken for a number of years. To that end, we are not seeing any particular pattern or any high-level or anything that presents any particular concern for us as an organisation and in fact, we think we're on a very good path and we can see things that are coming together. I come back to the minister's opening comments: This is a long journey too and we've got a lot of work to do but we're very focused on the wellbeing of our people.

**Mr ELLIS** - Can I offer as well, Chair, that just as three senior leaders within this space, representing government, the board and the executive, we are absolutely committed to making sure that TAFE is as safe as it can be for its workforce, for students, for others who engage with us. We want anyone out there who feels that they have concerns around their safety to feel free to come forward and provide that information. Becoming an ever-safer organisation is always an evolution. It happens in every business, whether it's mining, construction, or vocational education and training, where we're operating in environments that can potentially be high-risk.

You know, we're talking welding, construction, use of power tools, a whole range of things. That continual journey is a real commitment that we have in our regular meetings. Work health and safety is the number one agenda item when we meet and I think that demonstrates our commitment to safety first in a figurative and literal sense. Any members of TAFE or students or anyone else who is watching this, we really encourage you: If you see

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something, please come forward in the manner that you feel is most appropriate because we really want your feedback.

**CHAIR** - Just in terms of, we talked about staff, how about, I mean, students are obviously a really important cohort here.

**Mr ELLIS** - Yes. So, I mentioned students as part of it.

**CHAIR** - Yes, you did, but what pathways have students got, being that there is a power imbalance here for students?

**Mr ELLIS** - I'll pass to the team in terms of the reporting.

**Mr DREHER** - Thanks. We have a really strong student support area that absolutely advocates for students. They have that formal opportunity face-to-face to engage with someone who is going to advocate for them and we have a presence on all of our campuses and that includes a particular person for Aboriginal students as well.

**CHAIR** - In all campuses, you've got an Aboriginal liaison person?

**Mr DREHER** - In all regions. Okay. They can also write if they've got concerns as a student and also just email. A lot of people email the office of the CEO and we take it from there and then we put it to where it needs to go.

**CHAIR** - Why wouldn't they go straight to the liaison person, being -

**Mr DREHER** - No, I'm giving you the options that are available.

**CHAIR** - Right. Sure.

**Mr DREHER** - There seems to be a lot of people who want the CEO to know and they will come to me but most of our - any issues students have, and they could be anything from not having somewhere to live or having no food to eat, we deal with that at the local level and we have an area within the organisation that's responsible for doing that.

**CHAIR** - Assisting those students?

**Mr DREHER** - Yes.

**CHAIR** - So that's - when they enrol, this information is all provided to them, I assume?

**Mr DREHER** - Yes. The student support services are made aware to students as they enrol.

**CHAIR** - Just going back to the students who may be struggling really, like with being homeless or whatever, how do you actually, I'm just interested with this. How do you actually support those students? It's not really for TasTAFE to build a house for them, though you could help them learn how to build a house. It's interesting what services you connect with to assist them.

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**Mr DREHER** - I wouldn't be able to name specific services, but if people have issues around mental health, well then, we would be able to link them up with services that provide support for mental health. If it's homelessness, if it's lack of money, we would know services in each of the population centres that we work in.

**CHAIR** - So we being, it wouldn't be you doing it?

**Mr DREHER** - Not me, no.

**CHAIR** - People who work with the students?

**Mr DREHER** - People who work with the students, so our student services areas would connect them with that and sometimes with students who might be struggling, we provide additional learner support. The student services area would organise that. They might get more LL&N (language, literacy and numeracy) training, they might get counselling if they're worried about how they're going to get a job at the end of their course. That service has increased over the last three or four years as students become more aware of what we're trying to do and how we can support them to get what they want.

**CHAIR** - How many staff are working in that area across the organisation?

**Mr DREHER** - That's a good question, but I wouldn't know that off the top of my head.

**CHAIR** - They're spread right across the organisation?

**Mr DREHER** - They're spread right across the organisation.

**Mr ELLIS** - Those linkages and partnerships are important so people who are not necessarily employed by TasTAFE, but who we work closely with, say referrals, there's information available online in terms of student services. It's well worth a look because it is really extensive - whether it's disability, whether it's a range of different matters that the CEO has raised. It's really important we're supporting learners on that journey.

I've done a four-year apprenticeship, at times it's bloody tough. Helping people through that journey is really important in terms of the support that we provide for that individual on their learning pathway. It's also important for our broader economy that we're actually helping to facilitate people to go through a learning journey, many of whom maybe don't have a long history of learning in their family, that maybe are doing it for the first time and then doing something quite new. If we're able to support more of those people to stick with it, finish their qualifications, get that education, that's going to be more skilled people across our economy, community and that's a great result for Tasmania.

**Ms LOVELL** - Minister, I know that the matron positions at Alanvale and Clarence campuses were recently made redundant. I just had some questions about those roles. First of all, my question is in relation to the student residences. What's the occupancy rate - I suppose is the word - for those at the moment?

**Mr ELLIS** - I'll pass over to the team, if we have the occupancy rate to hand?

**Ms LOVELL** - Would you be able to take that on notice?

**Mr ELLIS** - Yes, we can follow up around that.

**Ms LOVELL** - And in that I was going to ask the age of the students who are living there, are there any under 18? I can put that on notice as well if you'd like.

**Mr DREHER** - Yes, no, there would be some under 18, but I couldn't give you a number off the top of my head. We're happy to take it on notice, but I would say that if they're apprentices, they may be in there for two weeks and then they're gone, so it's like taking a moment in time. But we can take that on notice.

**Ms LOVELL** - Okay, maybe if I frame it as in over the last 12 months, would that be data you could access? Yes. Those positions were made redundant. I have been advised, though, that there's been an EFA that has been assigned into a supervisor role at the Alanvale campus. Can you describe what that role is and how that's different to the matron role?

**CHAIR** - Aside from the name.

**Mr ELLIS** - It's quite an archaic arrangement. While the team is just working to get some information on that, we did provide a response to a question without notice on this, so maybe just to step through for clarity for the committee.

I'm advised that TasTAFE has taken the decision to progress redundancy for two matron positions, I understand that TasTAFE looked at opportunities for redeployment prior to their final decision, with primary duties for both positions including handing out keys and managing accommodation bookings.

These roles did not have any child safety or supervision duties and TasTAFE is moving towards a technology-based solution that provides greater flexibility. Certainly, for students, TasTAFE will ensure all accommodation meets the Child Safe Code of Conduct and outcomes of the commission of inquiry and TasTAFE has a Child Safe Code of Conduct as required under section 20 of the TasTAFE Skills and Training Business Act 2021.

**Mr DREHER** - The matron roles were really just booking agent roles and they physically took bookings and spoke to people. That provided some concerns from students that they had to be able to get to their accommodation during times when the matrons were available. In 2023 we thought that we probably needed an automated booking system and an automated card system for students to be able to come and go as they need to and book in when they need to. If you're driving from Burnie to do plumbing, it's hard to get there right on the time when the matrons were available so we've moved to an automated booking system which has negated the need for what are being called 'matrons'. The supervisor position is that we still have somebody looking after the student residences but they don't do bookings. It's mainly about the staff who work within those student residences.

**Ms LOVELL** - Is that a new role?

**Mr DREHER** - Yes, it's a new role.

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**Ms LOVELL** - So, it's a different role - a different statement of duties?

**Mr DREHER** - Yes, it's a very different role.

**Ms LOVELL** - And it's supervising the staff that work within the residences?

**Mr DREHER** - And the residences themselves - keeping an eye on how they run, and maintenance and that type of thing.

**CHAIR** - Changing light bulbs.

**Mr DREHER** - Maybe, I'm not sure.

**Mr ELLIS** - How many matrons does it take to change a light bulb?

**Mr GARDNER** - Not two.

**Mr EDMUNDS** - I think it's probably why we're here. When this came through parliament, the promise was made that no existing employee would be worse off and confining my comments to the General Staff Agreement, which is not in negotiations, I will go through the list of things that have been brought up that have been claimed to be a worsening of conditions. So, we have the right to independent arbitration, which is -

**Mr ELLIS** - I think we've discussed that.

**Mr EDMUNDS** - No, we're confined to something that's not in negotiations here.

**Mr ELLIS** - No, as in - we have discussed independent arbitration under the State Service -

**Mr EDMUNDS** - We're even again on the interrupting front by the looks of it.

**Mr ELLIS** - we were part of the Tasmanian Industrial Commission and now under Fair Work.

**Mr EDMUNDS** - Perhaps, the best way would be for me to ask the question and then if you've got commentary, we could do that. That might be the easiest way to do it so we don't end up in a symphony.

To go back, we're here because there was a promise made at the time that no existing employee would be worse off. Again, confining the comments to the General Staff Agreement which is not in negotiations. I will go through a list of potential worsening of conditions and then I might ask a question at the end of that.

We have:

- the right to independent arbitration cut;
- the undermining of ordinary hours with cuts to penalty rates;
- rights to permanency cut;

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- meal allowance rates cut when working evenings and nights;
- lunch break cuts;
- sick leave scheme abolished;
- consultation rights cut;
- work health and safety, positive workplace culture abandoned;
- waiting time payments no longer paid where wages are not paid on time;
- market allowance cut;
- more responsible duties allowance cut from the new agreement;
- district allowances cut;
- workload management protections cut;
- award compliance union matters and workplace delegate rights cut.

That's just some of the ones that have been provided. My question now is: are these cuts to conditions a breaking of that original promise that no worker would be worse off, and what benefits do those cuts provide to the workforce or the students?

**Mr ELLIS** - Obviously, we're talking about an agreement that the majority of staff voted very strongly for, so if that's any indication around the support that our staff actually have for that - I don't know who's provided you the question, but there's a clear vote that's on the record and it clearly demonstrates that our staff view this as a good deal.

What it means as far as delivering more pay, that's clear. You, obviously, right at the start, you are talking about a change regarding the Tasmanian Industrial Commission. We don't go down that path because we're not on the State Service Act, but there are different arrangements under Fair Work with the Fair Work Commission. Things like that are a pretty clear demonstration that we're operating under a different system that enables more flexibility, more training, more opportunities for Tasmanian learners and students and also more and higher pay for TasTAFE staff because that's what we're really committed to: delivering a great deal. That's been resoundingly endorsed by the staff vote, which every staff member who is eligible and wants to have their say, can have their say.

I might see if the team at TAFE have anything to add to that but, as I say, this is a deal that's been clearly endorsed, that means more pay for general staff and taking individual items clearly doesn't take into account the full suite of the offer that was provided and voted for.

**Mr GARDNER** - Nothing further to add; completely agree.

**Mr EDMUNDS** - What if I put to you that because you say that it's under a different system, but that still doesn't necessarily align that person A is better off now than they were in early 2021.

**Mr ELLIS** - It's irrelevant.

**Mr EDMUNDS** - Well I think it is relevant, the whole fundamental thing about the whole process -

**Mr ELLIS** - But you're asking if they are worse off or better off. It's not really a question of worse off or better off whether you're under the Tasmanian Industrial Commission or you're under the Fair Work Commission. There's an independent arbitration process in both cases. So, to say either/or is a question of worse off or better off, it's the same.

**Mr EDMUNDS** - I don't think we should let mechanisms let people wiggle off the hook of what was actually promised -

**Mr ELLIS** - Did we promise that people wouldn't be under the Fair Work Commission, because I'm pretty sure we said we were going to Fair Work.

**Mr EDMUNDS** - The promise was specifically that no existing employee would be worse off. When those promises are made, there's a responsibility to carry that through no matter what rules might apply. Why make the promise in the first place, I guess, is what I'm saying?

**Mr ELLIS** - Being under the Fair Work Commission, which Labor established, is, I think, an infinite arbitration process. I'm not sure anyone watching this would go 'the change from the Tasmanian Industrial Commission to the Fair Work Commission has anything to do with whether an employee is worse off or better off'. When we're talking about whether someone is worse off or better off, are they getting a pay rise? Absolutely. And does it mean, more broadly, strategically for this state, does it enable us to continue our work, to make sure that TasTAFE looks more like the businesses they serve? Absolutely. We make no apology for that and also, that's been resoundingly endorsed by the staff who've had the vote, who have the skin in the game.

**Ms LOVELL** - If you want to use arbitration as an example, yes, they are very different systems, and the Fair Work Commission generally is more expensive, it involves going to court if you want to escalate things to beyond the commission, which is costly, as opposed to the Industrial Commission, which is an independent arbitrator who can hear all of those things. It's a very different system, it costs more, usually, takes longer and is more onerous on the employee, so that, as an example, is one of those areas where, yes, there's still independent arbitration but it's not the same as it was.

**Mr ELLIS** - So why did staff vote for the deal.

**Ms LOVELL** - That's not the question here. The question here -

**Mr ELLIS** - It's because it's a good deal -

**Ms LOVELL** - No, no, that's not the question.

**Mr ELLIS** - When it comes to people's priorities we've delivered a deal that is supported by staff; it was supported by a vote and also helps TasTAFE and the people of Tasmania deliver on those strategic priorities, which are delivering more training for apprentices and trainees and making sure that our teachers are getting a pay rise that's fair and affordable.

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**Ms LOVELL** - I want to put aside the vote, because the commitment was made that people wouldn't be worse off.

**Mr ELLIS** - You can't really put aside a vote because they're the people with the skin in the game who have made a decision around it.

**Ms LOVELL** - You've used the independent arbitrator as an example of why they're not worse off. I'm trying to explain as to - so people can make their own assessment, you are asking them to make their own assessment - you should give them more information.

**Mr ELLIS** - They already have made their own assessment; there's a vote which you're trying to politicise.

**Ms LOVELL** - Another example is around cuts to penalty rates. In the new agreement there's a change to the way work on weekends is paid. Can you explain that change?

**Mr ELLIS** - Yes, I might pass over to the team to add to my answer. I've already a number of times mentioned that the whole agreement has to be taken as a whole.

**Ms LOVELL** - Yes, but specifically, I'm asking about this position.

**Mr ELLIS** - Your question is specific, and my answer is the whole agreement needs to be taken into account. That's the nature of people's employment relations with their employer. There's a range of different areas they might view as priority or that they might be willing to work around.

**Ms LOVELL** - Specifically, can you talk me through the change to the wage paid on weekends.

**Mr ELLIS** - I'll pass over to the team shortly. One of the things to remember is that a lot of learners are looking for flexibility in their training and to be able to access training at times to suit them. Working with our staff on how we can deliver some of those arrangements is important, while also noting we want to deliver them a fair and affordable pay rise. I don't know if the team has anything they want to add around a specific provision like that?

**Mr GARDNER** - No, minister. I would concur with all of that. Our obligation was to come up with a deal that our workforce supported, and they did and they voted it up. The message from our organisation, from our people, was that this was a good deal. We have gone down that path and we've got the support in the interests of progressing this organisation to deliver the services we need to deliver for industry.

**Ms LOVELL** - I understand that. But my question specifically -

**Mr ELLIS** - So, would Labor rip up this deal?

**Ms LOVELL** - My question specifically was can you explain - we're not here to answer questions, you are. My question is -

**CHAIR** - Order.

**Ms LOVELL** - Can you explain -

**Mr ELLIS** - You would or you wouldn't?

**Ms LOVELL** - Can you explain, minister, the change in the way that weekend work is paid under the new agreement? It's a very simple question.

**Mr ELLIS** - It's obviously a publicly available agreement as part of the arrangement.

**Ms LOVELL** - Can you explain that now?

**Mr ELLIS** - I'm happy to look to the team if there is anything they want to add or provide around the documentation.

**Ms LOVELL** - If they're not going to explain it, I will ask them to confirm the information that I've got here. That's what I'm trying to get to the bottom of. It's a simple question.

**Mr ELLIS** - Feel free to ask the question.

**Ms LOVELL** - Can you confirm that previously work conducted outside the hours of 7 a.m. to 7 p.m. Monday to Friday, was paid a rate of 150 per cent of the hourly rate? And work conducted on Saturdays was paid at 200 per cent under the previous agreement?

**Mr GARDNER** - To deal with this in any form I'd have to prosecute every line of this enterprise agreement.

**Ms LOVELL** - Well, not really. It's a question about a specific provision in the agreement.

**Mr GARDNER** - It's an overall package. The agreement has been published. You can see it all and go through every line of the agreement.

**Ms LOVELL** - Can you confirm or not? If you can say you're not willing to confirm it -

**Mr ELLIS** - We can confirm that whatever's already been published is the thing that it is.

**Ms LOVELL** - So, you're not willing to say that that's what people used to be paid under their -

**Mr ELLIS** - I'm willing to say that if people want to find publicly available documents, whether they're in this committee or they're not, or they work as part of that agreement and voted for it -

**Ms LOVELL** - It seems very obstructive that you're not answering the question. It's a simple question.

**Mr ELLIS** - It's a publicly available document. You're asking me - is the thing in the publicly available document the thing that it is?

**Ms LOVELL** - Yes, is it?

**Mr ELLIS** - Go ahead and check it.

**Ms LOVELL** - Minister, come on.

**Mr ELLIS** - I'm not sure what you're asking, Ms Lovell.

**Ms LOVELL** - Okay. I will just take it that you're not going to answer the question.

**Mr ELLIS** - Everything that's published is what staff have agreed to in a democratic vote of staff who are eligible. If Labor wants to rip up the agreement that the staff voted for, that's a question for you.

**Ms LOVELL** - This is not a constructive way to answer questions that are put to you by a parliamentary committee.

**Mr ELLIS** - This is not a constructive question. It's a publicly available document.

**CHAIR** - Order. We'll call it there.

**Mr ELLIS** - Are there other publicly available documents you would like me to recite?

**Ms LOVELL** - You think you're being clever -

**CHAIR** - Order.

**Mr EDMUNDS** - There's been a reference a couple of times to this 58 per cent vote being an endorsement - let me phrase it this way: the promise was no existing employee will be worse off. You're claiming a vote for a workplace agreement is endorsement of that statement? Can't both those things be true?

**Mr ELLIS** - Along with the fact that teachers are getting paid more and that the other broader strategic goals that we have about making sure that we've got the flexibilities, that TAFE looks more like the businesses that it serves, so that we're delivering more training for Tasmanian students. I think the committee is going around in circles a little bit if Labor -

**Mr EDMUNDS** - I think the reason why we're coming back to it is because it's sort of answered with different data, I suppose.

**Mr ELLIS** - Data like people are getting paid more?

**Mr EDMUNDS** - I'm asking you -

**Mr ELLIS** - People voted for it. It means more training and more flexibility.

**Mr EDMUNDS** - A 58 per cent vote on that topic doesn't necessarily indicate, 'No existing employee would be worse off'.

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**Mr ELLIS** - But demonstrates clearly that there is strong support for the deal. The deal, in substance, is enabling people to be better off. There are higher rates of pay. There's greater opportunity.

**Mr EDMUNDS** - Can I ask one more question on this? In your opinion, as the responsible minister, do you believe that you have met your promised target that no existing employee would be worse off?

**Mr ELLIS** - Absolutely.

**Mr EDMUNDS** - Every single one of them?

**Mr ELLIS** - This is the agreement that we've signed. As I say, we're very strongly supportive of the agreement, as is our staff. We'll work through with our other staff who are not covered by this agreement around enterprise bargaining negotiations. We're not going to go into the specifics of that, but the overall agreement is a strong one. That's why people voted for it.

**CHAIR** - Can I just ask what the - it has been brought to our attention there are some areas where there are distinct negative differences to what some staff were currently getting in terms of penalty rates or other allowances, for example, to what they are now and you're saying there has been a pay rise that offsets that?

**Mr ELLIS** - That's right.

**CHAIR** - Is it just a pay rise that has improved their situation or were there other benefits that have been included that would actually help swing the balance so that no-one's worse off overall, which is what you seem to be saying?

**Mr ELLIS** - I'll pass over to the team to provide more information about the specific deal, but it's had strong endorsement. Pay is a key factor. The Chair outlined well before that if it was to keep every single item the same as it was before the transition, there'd be no point in doing the transition because there were key matters -

**CHAIR** - I'm trying to understand how they're better off overall.

**Mr ELLIS** - Sure. There are key matters within the way TAFE was employing people that held the organisation back. That's in terms of flexibility, but even more than that, that's in terms of the ability to be responsive to student and learner needs -

**CHAIR** - Which is great but -

**Mr ELLIS** - And it is great. I will pass over to the team to provide -

**CHAIR** - I'm interested in how you can demonstrate it. The question is how do you demonstrate that an individual worker is no worse off overall in terms of paying conditions now than they were before? Ones who transitioned, that is.

**Mr GARDNER** - Our obligation was to negotiate the best deal we could with our staff, and we did that and -

**CHAIR** - But what measures made them -

**Mr GARDNER** - I suppose the challenge is, Chair, that we have to go through every line of the agreement to see what's up, what's down, and what's compared and, for starters, there was no cut to weekend penalty rates. There was no cut to weekend penalty rates, it's unchanged. So, just on that one -

**Ms LOVELL** - The penalty rates are still 150 per cent?

**Mr GARDNER** - It is unchanged from what is was prior to the agreement. The challenge is on everyone. There are ups and downs across the board and so we are very confident that we've met our obligation to the state. The state made a commitment that no-one would be worse off. Things are different. That was our job.

**CHAIR** - I understand that things are different and that was - otherwise there's no point doing anything - and change is difficult. Let's draw the line there. Other than a pay rise, were there other benefits that were provided in this agreement that any of these people didn't have prior to the new agreement that you can recall?

**Mr GARDNER** - Grant, I might ask you if you've got any specific examples out of the many things that are in there?

**Mr DREHER** - Off the top of my head they got the three days Christmas shutdown as pay without coming off their annual leave. There was a quantum, I believe, provided that included leave for cultural reasons that wasn't in the current agreement. I can't think of anything else but plus they got the pay increase.

**Ms LOVELL** - How many days leave for cultural leave?

**Mr DREHER** - A total of 30 days leave for a number of different types of leave including the cultural leave.

**Ms LOVELL** - What other types of leave did that include?

**Mr DREHER** - That could include their sick leave, that could include carers leave and the other thing that we put into the agreement was that both primary and non-primary care givers are eligible for leave after the birth of a child, which I think is significant, up to 16 weeks paid leave.

**CHAIR** - The non-birthing partner can get 16 weeks paid leave?

**Mr DREHER** - Yes.

**CHAIR** - Congratulations, that is fantastic, thank you. That wasn't there before?

**Mr DREHER** - No.

**Mr ELLIS** - Again, it's often that question around what is priority and where we can deliver a great outcome for our people, and also TAFE and the state of Tasmania, working

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intentionally around what are the matters that we're focused on and exactly something like that's really important to people.

**CHAIR** - Any other questions, members? Did you want to make any closing comments minister? Or say something you haven't said, preferably.

**Mr ELLIS** - That is a different question. Can I - maybe just with the Chair's indulgence - reiterate how important that this transition and making sure that we have the best possible public training provider in this state for our whole state.

Vocational education is an area of hope and opportunity. The ability to uplift people's lives in quite extraordinary ways and make sure that we don't miss any opportunity to put those learners who we currently have at the centre - and the interest of future learners at the centre - is absolutely critical. We want to do that with our staff and the whole community and deliver an outcome that means we have a TAFE that puts students at the centre, that looks more like the businesses that it serves. For all of Tasmania, to have a TAFE that is really kicking goals and going strongly on that journey, which is a long-term one, will be a Tasmania that will have much stronger opportunities in the future because of the work that we do now.

We appreciate the committee's interest in the transition, too. It's one that not enough Tasmanians have been focused on if they're not employing apprentices and trainees, or are ones themselves. This is a transformational opportunity for Tasmania.

**CHAIR** - Did anyone -

**Mr DREHER** - I just wanted to let you know that parental leave was 18 not 16 weeks for the purposes of accuracy.

**CHAIR** - Better than you said.

**Mr ELLIS** - Chair, can I just provide this as well? That's the printout, as promised, which I think Ms Lovell mentioned as well. It is publicly available.

**CHAIR** - Okay, thank you very much, and with the outstanding questions, which I don't think there are many now, but we will write to you with those and seek your written response in due course.

**Mr ELLIS** - Sounds good.

**CHAIR** - Thank you.

**THE WITNESSES WITHDREW**

**The Committee adjourned at 4.22 p.m.**

## **APPENDIX C – Question on Notice request (7/12/2023)**



Parliament of Tasmania, Hobart, TAS, 7000  
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## Sessional Committee GOVERNMENT ADMINISTRATION 'A'

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7 December 2023

The Hon Felix Ellis MP  
Minister for Skills, Training and Workforce Growth

E: [felix.ellis@parliament.tas.gov.au](mailto:felix.ellis@parliament.tas.gov.au)

Dear Minister, *felix*

### Legislative Council Short Inquiry Process – TasTAFE

On behalf of Legislative Council Government Administration Committee 'A' (the Committee), I would like to thank you, Mr Gardner and Mr Dreher for providing verbal evidence on 5 December 2023.

The Committee would appreciate your written response to the following matters taken on notice at the hearing:

1. How many (percentage) of the fee free places are going to private RTO's?
2. How many fee free places are going to RTOs that could be or are provided by TasTAFE?
3. Please provide:
  - a. student enrolments by Local Government Area (LGA)
  - b. fee free student enrolments broken down by LGA
4. Where are the additional 40 positions located by geographical area?
5. Please provide a list of the workforce by gender by level/award across the three employment areas within TasTAFE
6. What is the timeline for work being undertaken in relation to psychosocial risk?
7. Over the last twelve months, what is the age breakdown and number of students under the age of 18 who have resided in the residences?
8. How many students are currently in the residences?

The Committee would be pleased to receive the information by email to the Inquiry Secretary, Ms Jenny Mannering at [jenny.Mannering@parliament.tas.gov.au](mailto:jenny.Mannering@parliament.tas.gov.au) by COB Wednesday 20 December 2023.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Hon Ruth Forrest MLC'.

Hon Ruth Forrest MLC  
Chair

**APPENDIX D – Question on Notice response (Part 1,  
15/12/2023)**

Minister for Police, Fire and Emergency Management  
Minister for Skills, Training and Workforce Growth  
Minister for Resources  
Minister for Racing  
Leader of the House



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Hon Ruth Forrest MLC  
Chair, Sessional Committee Government Administration 'A'  
Email: [jenny.mannering@parliament.tas.gov.au](mailto:jenny.mannering@parliament.tas.gov.au)

Dear Chair

### **Legislative Council Short Inquiry Process – TasTAFE**

Thank you for your letter dated 7 December 2023 regarding questions taken on notice during the hearing held 5 December 2023. Please see below answers to most questions.

I wish to provide the most complete answers possible for the Committee. As such, I would be grateful for an extension until next month to provide final answers to questions 3 and 6. While there are some complexities and further detail required for these two outstanding questions, please be assured these continue to be worked through and will be finalised for the Committee as soon as possible.

Regarding Question 3, work is ongoing to determine if the data is able to be broken down by Local Government Area. If this is not possible, I will write to the Committee and explain what data is able to be provided that may be of interest.

Regarding Question 6, in addition to evidence provided at the hearing by the Chair, I can advise at a high level that TasTAFE has a code of conduct for its staff and learners which acknowledges psychosocial wellbeing. Additional initiatives as part of the TasTAFE Cultural Change Plan, which includes Health and Safety, are being developed in the first half of 2024. These will likewise seek to improve psychosocial risk management.

Answers to all other questions are as per:

- I. Fee-Free TAFE is being delivered in two tranches. The 12-Month Skills Agreement allocated 3,800 Fee-Free TAFE places to Tasmania for 2023, comprising both existing and new places.

These Fee-Free training places are committed to TasTAFE and to private registered training organisations (RTOs) who were successful in applying for training subsidies through Skills Tasmania's Building a Skilled Workforce - Jobseeker Fund (12-Month Skills Agreement stream).

A total of 3,942 places across both full qualifications and skill sets are committed, with 29.3 per cent of the places allocated to private RTOs.

The Deed of Variation to the 12-Month Skills Agreement allocates a further 4,600 existing Fee-Free TAFE places to Tasmania for delivery across three years commencing 1 January 2024 to 31 December 2026. All of these places will be provided by TasTAFE.

2. Courses with places committed to both private RTO's and TasTAFE under the 12-Month Skills Agreement for 2023 are:
  - Certificate II in Workplace Skills
  - Certificate III in Early Childhood Education and Care
  - Certificate III in Individual Support
  - Assist Clients with Medication Skill Set
  - Individual Support – Disability Skill Set
  - Infection Prevention and Control Skill Set
  - 969 places in these courses are committed to private RTOs.
  - The Australian Government's national target under the 12-Month Skills Agreement is 180,000 Fee-Free TAFE Places, including 15,000 places in the care sector. In Tasmania, VET training in the care sector is provided by both private RTOs and TasTAFE.
4. I am advised the majority of the additional teaching positions are based in the South of the State (19) with the balance shared equally across the North and North-West.
5. Please see below table showing TasTAFE's employee headcount by gender and stream as at October 2023:

Stream	Female		Male		Oct 2023
Teaching	212	(43%)	283	(57%)	<b>495</b>
General	245	(66%)	127	(34%)	<b>372</b>
Facility Attendant	26	(52%)	24	(48%)	<b>50</b>
TasTAFE Executive #	4	(50%)	4	(50%)	<b>8</b>
<b>Total</b>	<b>487</b>	<b>(53%)</b>	<b>438</b>	<b>(47%)</b>	<b>925</b>

# Includes Chief Executive Officer

7. Below is a table showing the age breakdown and number of students under the age of 18 who have resided in TasTAFE's student accommodation in the past 12 months (July 2022 to June 2023):

Students	Clarence	Alanvale
15 Year Olds	-	1
16 Year Olds	20	15
17 Year Olds	46	35
Over 18	420	325
<b>Total</b>	<b>486</b>	<b>376</b>

8. TasTAFE currently has 35 students residing at the Clarence Campus Student Accommodation and 10 students residing at the Alanvale Campus Student Accommodation.

Thank you once again for the opportunity to appear in front of the Committee. I acknowledge the sincere interest of all Members in TasTAFE's important role as a strong public training provider.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Felix Ellis', with a stylized flourish at the end.

Hon Felix Ellis MP

**Minister for Skills, Training and Workforce Growth**

15/12/2023

## **APPENDIX E – Question on Notice response (Part 2, 5/1/2024)**

Minister for Police, Fire and Emergency Management  
Minister for Skills, Training and Workforce Growth  
Minister for Resources  
Minister for Racing  
Leader of the House



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Hon Ruth Forrest MLC  
Chair  
Legislative Council Sessional Committee Government Administration 'A'  
Email: [jenny.mannering@parliament.tas.gov.au](mailto:jenny.mannering@parliament.tas.gov.au)

Dear Chair

### **Legislative Council Short Inquiry Questions on Notice – TasTAFE**

Thank you again for agreeing to an extension to provide answers to questions on notice three and six.

With regard to these questions, I can advise:

3. a) Government-funded Program Enrolments for TasTAFE in 2023 (calendar year to 30 September 2023) are as per below table. Please note the Local Government Area (LGA) is based on the usual residential address of learner/student where reported. Consistent with National Centre for Vocational Education Research, numbers have been rounded to the nearest 5.

<b>Local Government Area</b>	<b>Program enrolments</b>
BREAK O DAY	105
BRIGHTON	570
BURNIE	530
CENTRAL COAST	630
CENTRAL HIGHLANDS	60
CIRCULAR HEAD	260
CLARENCE	1635
DERWENT VALLEY	375
DEVONPORT	760
DORSET	220
FLINDERS	35
GEORGE TOWN	170
GLAMORGAN SPRING BAY	95
GLENORCHY	1380
HOBART	1325
HUON VALLEY	430
KENTISH	210

KING ISLAND	60
KINGBOROUGH	990
LATROBE	340
LAUNCESTON	1860
MEANDER VALLEY	540
NORTHERN MIDLANDS	385
SORELL	515
SOUTHERN MIDLANDS	200
TASMAN	70
WARATAH WYNYARD	355
WEST COAST	100
WEST TAMAR	660
UNKNOWN	75
<b>Grand Total</b>	<b>14,940</b>

- b) Fee-Free Program Enrolments for TasTAFE in 2023 (calendar year to 30 September 2023) are as per the table below. Please note the LGA is based on the usual residential address of learner/student where reported. Consistent with National Centre for Vocational Education Research, numbers have been rounded to the nearest 5.

<b>Local Government Area</b>	<b>Program enrolments</b>
BREAK O DAY	20
BRIGHTON	100
BURNIE	105
CENTRAL COAST	90
CENTRAL HIGHLANDS	15
CIRCULAR HEAD	25
CLARENCE	310
DERWENT VALLEY	70
DEVONPORT	130
DORSET	35
FLINDERS	5
GEORGE TOWN	25
GLAMORGAN SPRING BAY	15
GLENORCHY	295
HOBART	255
HUON VALLEY	70
KENTISH	25
KING ISLAND	0
KINGBOROUGH	165
LATROBE	50
LAUNCESTON	380
MEANDER VALLEY	80
NORTHERN MIDLANDS	50
SORELL	100
SOUTHERN MIDLANDS	25
TASMAN	35

WARATAH WYNYARD	60
WEST COAST	5
WEST TAMAR	120
UNKNOWN	15
<b>Total</b>	<b>2,675</b>

6. TasTAFE takes the wellbeing and safety of staff extremely seriously.

Psychosocial risks are managed in the workplace through a combination of supports and controls that include, but are not limited to:

- Proving adequate support, for example employees have the right equipment, systems and resources, information systems, promotion of a culture that values connection and cooperation.
- The provision of health and wellbeing support and resources including Mental Health First Aid trained officers.
- Ensuring role clarity, for example position descriptions that clearly outline key tasks and responsibilities and undertaking integrated induction processes.
- Controlling harmful behaviours, for example training and procedures on bullying and harassment, performance, and behaviour.
- Proactively managing workload and job demands, for example flexibility provisions, process review, ensuring right number of people with the right skills.
- Managing low job control, for example approval processes that balance risk and efficiency, employee control over workflow, consultation on change.

TasTAFE's Staff Code of Conduct also includes elements relating to psychosocial wellbeing, including Values statements that inspire and guide behaviours, and sections on how to speak up and maintaining a safe and healthy workplace.

As part of the TasTAFE Cultural Change Plan, in 2024 TasTAFE will develop additional supports, including the Blue Bus Revolution Program that will provide training and support to leaders and employees on engaging more constructive, collaborative and psychologically safe behaviours.

Yours sincerely



Hon Felix Ellis MP

**Minister for Skills, Training and Workforce Growth**

5/1/2024