



Queensland

# Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 2) 2008

## Subordinate Legislation 2008 No. 183

made under the

*Vocational Education, Training and Employment Act 2000*  
*Statutory Bodies Financial Arrangements Act 1982*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 2) 2008*.

### **2 Commencement**

This regulation commences on 1 July 2008.

## **Part 2 Amendment of Vocational Education, Training and Employment Regulation 2000**

### **3 Regulation amended in pt 2**

This part amends the *Vocational Education, Training and Employment Regulation 2000*.

### **4 Amendment of s 2 (Definitions)**

Section 2, ‘schedule 3’—  
*omit, insert—*  
‘schedule 5’.

### **5 Replacement of ss 31A and 31B**

Sections 31A and 31B—  
*omit, insert—*

**‘31A Establishment of statutory TAFE institutes—Act, s 218A**

‘A TAFE institute mentioned in schedule 2, column 1 is established as a statutory TAFE institute with the corporate name mentioned opposite the institute in schedule 2, column 2.

**‘31B Notice of proposed significant action—Act, s 218U**

- ‘(1) This section applies to a statutory TAFE institute mentioned in schedule 3, column 1.
- ‘(2) The amounts mentioned opposite the institute in schedule 3, column 2 are prescribed for section 218U of the Act.’.

**6 Amendment of s 32 (Prescribed persons for Act, s 257)**

Section 32, ‘schedule 2’—

*omit, insert—*

‘schedule 4’.

**7 Insertion of new pt 8**

After part 7—

*insert—*

**‘Part 8 Transitional provisions for the Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 2) 2008**

**‘49 Definitions for pt 8**

‘In this part—

*changeover day* means the day the former TAFE institute is established as a statutory TAFE institute under section 31A.

*former TAFE institute* means the TAFE institute known as the Gold Coast Institute of TAFE.

*new institute* means the Gold Coast Institute of TAFE established as a statutory TAFE institute under section 31A.

**‘50 Application of Act, s 220Z**

‘Section 220Z of the Act applies to the former TAFE institute.

**‘51 Assets and liabilities**

- ‘(1) On the changeover day, the assets and liabilities of the State relating to the former TAFE institute become the assets and liabilities of the new institute.
- ‘(2) In subsection (1), the assets and liabilities do not include the lease held by the State from XYZ Investments Pty Ltd ACN 010 149 943 over lot 9 on survey plan 126783, County of Ward, Parish of Coomera.
- ‘(3) Also, subsection (1) does not apply to any right or obligation of the State, relating to the former TAFE institute, under an agreement or arrangement entered into by or on behalf of the State.
- ‘(4) The registrar of titles or other person responsible for keeping a register of dealings in property must, if asked by the new institute, record the vesting of the property under this section in the new institute.

**‘52 Agreements and arrangements**

- ‘(1) This section applies if, immediately before the changeover day, under an agreement or arrangement entered into by or on behalf of the State—

- (a) the State had a right to be supplied with or to use any goods or services including a right to use software or other information technology products; and
  - (b) the right expressly or impliedly extended to entitle the former TAFE institute and at least 1 other government entity to be supplied with or to use the goods or services.
- ‘(2) The agreement or arrangement is taken to include the new institute and its staff, faculty members, employees and students in the same way, and on the same terms, as it included the former TAFE institute.

**‘53 Student enrolments**

‘A person who, immediately before the changeover day, was enrolled as a student of the former TAFE institute is enrolled as a student of the new institute.

**‘54 Legal proceedings**

‘A legal proceeding that could have been started or continued by or against the State in relation to the former TAFE institute before the changeover day may be started or continued by or against the new institute.

**‘55 Former TAFE institute employees**

‘A person who, immediately before the changeover day, was an employee of the department performing work at or for the former TAFE institute remains an employee of the department.

**‘56 Accreditation of a course under the Act**

- ‘(1) The accreditation under chapter 2, part 4 of the Act of a course developed by the former TAFE institute continues in force.

- ‘(2) Copyright in the accredited course remains the property of the State.

**‘57 Supervising registered training organisation**

‘If, immediately before the changeover day, the former TAFE institute was, under chapter 3, part 2 of the Act, a supervising registered training organisation for an apprentice or trainee, the new institute is the supervising registered training organisation for the apprentice or trainee.

**‘58 Applications made to director of former TAFE institute**

‘The following applications made to the director of the former TAFE institute, but not finally dealt with before the changeover day, may be dealt with by the executive officer of the new institute—

- (a) an application under section 30J, 30K or 30L for exemption from all or part of a tuition fee or student services fee;
- (b) an application under section 30M for time to pay tuition fees or student services fees;
- (c) an application under section 30P or 30Q for a refund of fees;
- (d) an application under section 30S for reconsideration of a refusal of an application for an exemption, refund or time to pay.’.

**8 Renumbering of schs 2 and 3**

Schedules 2 and 3—

*renumber* as schedules 4 and 5.

**9 Insertion of new schs 2 and 3**

After schedule 1—

*insert—*

## **‘Schedule 2      Statutory TAFE institutes**

section 31A

### **Column 1**

#### **TAFE institute**

Southbank Institute of  
Technology

Gold Coast Institute of TAFE

### **Column 2**

#### **Statutory TAFE institute**

Southbank Institute of Technology

*Note—*

The Southbank Institute of Technology was established as a statutory TAFE institute under the Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 1) 2008.

Gold Coast Institute of TAFE

## **‘Schedule 3      Amounts prescribed for the Act, s 218U**

section 31B



<b>Column 1</b>	<b>Column 2</b>
<b>Statutory TAFE institute</b>	<b>Amounts prescribed</b>
Southbank Institute of Technology	(a) for section 218U(1)(c)—\$3000000 (b) for section 218U(1)(d)—\$3000000 (c) for section 218U(1)(e)(i)—\$3000000 (d) for section 218U(1)(e)(ii)—\$3000000
Gold Coast Institute of TAFE	(a) for section 218U(1)(c)—\$1500000 (b) for section 218U(1)(d)—\$3000000 (c) for section 218U(1)(e)(i)—\$1500000 (d) for section 218U(1)(e)(ii)—\$1500000’.

## **Part 3**                      **Amendment of Statutory Bodies Financial Arrangements Regulation 2007**

### **10**      **Regulation amended in pt 3**

This part amends the *Statutory Bodies Financial Arrangements Regulation 2007*.

**11 Amendment of sch 2 (Statutory bodies that may borrow under part 5 of the Act)**

Schedule 2—

*insert—*

*‘Vocational Education, Training and Employment Act 2000*      Gold Coast Institute of TAFE’.

**12 Amendment of sch 3 (Statutory bodies allocated category 1 investment power)**

Schedule 3—

*insert—*

*‘Vocational Education, Training and Employment Act 2000*      Gold Coast Institute of TAFE’.

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ENDNOTES

- 1 Made by the Governor in Council on 26 June 2008.
- 2 Notified in the gazette on 27 June 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Education, Training and the Arts.

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