



Queensland

# TAFE Queensland Regulation 2013

## Subordinate Legislation 2013 No. 109

made under the

*Civil Liability Act 2003*

*Statutory Bodies Financial Arrangements Act 1982*

*TAFE Queensland Act 2013*

*Vocational Education, Training and Employment Act 2000*

*Workers' Compensation and Rehabilitation Act 2003*

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## **Part 1                      Preliminary**

### **Division 1                Introduction**

#### **1            Short title**

This regulation may be cited as the *TAFE Queensland Regulation 2013*.

#### **2            Commencement**

This regulation commences on 1 July 2013.

### **Division 2                Purpose**

#### **3            Purpose of regulation—Act, s 50**

The purpose of this regulation is to provide for the restructure of each former statutory TAFE institute.

### **Division 3                Interpretation**

#### **4            Key definitions**

(1) In this regulation—

*changeover day* means 1 July 2013.

*former statutory TAFE institute* means each of the following—

- (a) the Gold Coast Institute of TAFE established as a statutory TAFE institute under the VETE Act, section 218A;
- (b) the Southbank Institute of Technology established as a statutory TAFE institute under the VETE Act, section 218A.

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**new TAFE institute** means each of the following—

- (a) the Gold Coast Institute of TAFE established by the Minister as a TAFE institute under the VETE Act, section 192(1)(a) on the changeover day;
  - (b) the Southbank Institute of Technology established by the Minister as a TAFE institute under the VETE Act, section 192(1)(a) on the changeover day.
- (2) A former statutory TAFE institute is **related** to a new TAFE institute, and vice versa, if the former statutory TAFE institute has the same name as the new TAFE institute.

*Notes—*

- 1 The Gold Coast Institute of TAFE established as a statutory TAFE institute under the VETE Act, section 218A is related to the Gold Coast Institute of TAFE established by the Minister as a TAFE institute under the VETE Act, section 192(1)(a) on the changeover day.
- 2 The Southbank Institute of Technology established as a statutory TAFE institute under the VETE Act, section 218A is related to the Southbank Institute of Technology established by the Minister as a TAFE institute under the VETE Act, section 192(1)(a) on the changeover day.

## 5 Dictionary

The dictionary in schedule 2 defines particular words used in this regulation.

# Part 2 Restructure of former statutory TAFE institutes

## 6 Transfer of businesses, assets and liabilities

On the changeover day, the businesses, assets and liabilities of each former statutory TAFE institute become the businesses, assets and liabilities of the department.

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## **7 Successor in law**

The department is the successor in law of each former statutory TAFE institute.

## **8 Instruments**

- (1) A FSTI instrument applies to the department in place of a former statutory TAFE institute.
- (2) Without limiting subsection (1)—
  - (a) any right, title, interest or liability of a former statutory TAFE institute arising under or relating to a FSTI instrument is taken to be transferred from the former statutory TAFE institute to the department; and
  - (b) a FSTI instrument, including a benefit or right provided by a FSTI instrument, given to, by or in favour of a former statutory TAFE institute is taken to have been given to, by or in favour of the department; and
  - (c) the department is taken to be a party to each FSTI instrument in place of the former statutory TAFE institute; and
  - (d) a reference to a former statutory TAFE institute in a FSTI instrument is taken to be a reference to the department; and
  - (e) an application in relation to a FSTI instrument made in the name of a former statutory TAFE institute is taken to have been made in the department's name; and
  - (f) a FSTI instrument under which an amount is, or may become, payable to or by a former statutory TAFE institute is taken to be an instrument under which the amount is, or may become, payable to or by the department in the way the amount was, or might have become, payable to or by the former statutory TAFE institute; and
  - (g) a FSTI instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by a former statutory TAFE

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institute is taken to be an instrument under which property is, or may become liable to be, transferred, conveyed or assigned to or by the department in the way the property was, or might have become, liable to be transferred, conveyed or assigned to or by the former statutory TAFE institute.

(3) In this section—

*FSTI instrument* means an instrument that is shown in the instrument schedule of a former statutory TAFE institute as an instrument applying to the former statutory TAFE institute.

*instrument schedule* means a schedule held by the chief executive showing the instruments applying to a former statutory TAFE institute immediately before the changeover day.

## 9 Student enrolments

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

## 10 Employees

- (1) This section applies to a person who, immediately before the changeover day, was an employee under the VETE Act of a former statutory TAFE institute.
- (2) The person becomes an employee of the department, and the chief executive of the department is taken to be the person's employer instead of the former statutory TAFE institute, from the changeover day.
- (3) The person is entitled to all existing and accruing rights of employment applying to the person immediately before the changeover day.
- (4) To remove any doubt, it is declared that the person is not a public service employee.

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**11 Applications made to executive officer of former statutory TAFE institute**

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

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

**12 Supervising registered training organisation**

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

**13 Pending legal proceedings**

A legal proceeding that could have been started or continued by or against a former statutory TAFE institute before the changeover day must be started or continued by or against the department.

**14 Transfer of records**

The records of a former statutory TAFE institute become the records of the department.

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**15      Dissolution of each former statutory TAFE institute—Act, s 53**

- (1) This section applies immediately after the assets and liabilities of each former statutory TAFE institute become the assets and liabilities of the department.
- (2) Each former statutory TAFE institute is dissolved.

## **Part 3                      Regulations amended**

**16      Regulations amended in sch 1**

Schedule 1 amends the regulations it mentions.



## **Schedule 1            Consequential and minor amendments**

section 16

### **Part 1                    Amendment of this Regulation**

**1            Section 5, ‘schedule 2’—**

*omit, insert—*

schedule 1

**2            Schedule 2—**

*renumber* as schedule 1.

### **Part 2                    Amendment of other Regulations**

#### **Civil Liability Regulation 2003**

**1            Schedule 6, entry for Area of functional impairment: concentration, persistence and pace, column 3, ‘a TAFE or’—**

*omit, insert—*

vocational education and training or a

## **Statutory Bodies Financial Arrangements Regulation 2007**

**1 Schedule 2, entries for Vocational Education, Training and Employment Act 2000—**

*omit, insert—*

*TAFE Queensland Act 2013*

TAFE Queensland

**2 Schedule 3, entries for Vocational Education, Training and Employment Act 2000, Gold Coast Institute of TAFE and Southbank Institute of Technology—**

*omit.*

**3 Schedule 5—**

*insert—*

*TAFE Queensland Act 2013*

TAFE Queensland

## **Vocational Education, Training and Employment Regulation 2000**

**1 Sections 31A and 31B—**

*omit.*

**2 Parts 7 and 8—**

*omit.*

**3 Schedules 2 and 3—**

*omit.*

## **Workers' Compensation and Rehabilitation Regulation 2003**

- 1 Schedule 11, entry for Area of functional impairment:  
concentration, persistence and pace, column 3, 'a TAFE  
or'—**

*omit, insert—*

vocational education and training or a

## Schedule 2 Dictionary

### section 5

*changeover day* see section 4(1).

*former statutory TAFE institute* see section 4(1).

*new TAFE institute* see section 4(1).

*related*, former statutory TAFE institute and new TAFE institute, see section 4(2).

*VETE Regulation* means the *Vocational Education, Training and Employment Regulation 2000*.

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#### ENDNOTES

- 1 Made by the Governor in Council on 20 June 2013.
- 2 Notified in the gazette on 21 June 2013.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Education, Training and Employment.

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