

TAFE Queensland Bill 2013

Explanatory Notes

Short title

The short title of the Bill is the TAFE Queensland Bill 2013.

Policy objectives and the reasons for them

The objectives of the Bill are to:

1. establish an independent body, TAFE Queensland, to be the public provider of vocational education and training (VET); and
2. ensure that TAFE Queensland operates in an effective and efficient way and is commercially successful.

Queensland's VET sector has been subject to a number of reviews over the past decade including the rationalisation of TAFE Institutes from 32 to the current structure of 13 TAFE Institutes in 1995. The Queensland Skills Plan was released in 2006 and in 2010 the Queensland Post-secondary Education and Training Review was undertaken. These reviews consistently identified the need for greater autonomy and more flexible governance arrangements for TAFE Queensland.

In 2012, the Queensland Government commissioned a Skills and Training Taskforce (the Taskforce) which has identified impediments to the competitiveness of the current VET system including the high cost of the public provision of training currently delivered by the existing network of TAFE Institutes and Statutory TAFE Institutes (STIs) established under the *Vocational Education, Training and Employment Act 2000* (VETE Act). The VET sector was traditionally characterised by high levels of public funding, however, the sector has become increasingly competitive and public providers of training need to reform and innovate if they are to successfully compete in the modern VET market.

The Taskforce delivered its final report to the Minister for Education, Training and Employment on 5 November 2012. The report included a number of recommendations in relation to the establishment of an independent body to deliver VET as the public provider in Queensland replacing the existing network of TAFE Institutes and STIs. The new entity would have a board with strong commercial and industry experience to oversee its operations. The entity would also be independent from the Department of Education, Training and Employment (DETE) and directly accountable to the Minister for the performance of its functions. The functions of the entity would include engagement with industry and delivery of VET in an efficient and effective manner.

The Government supported the recommendations of the Taskforce in relation to the new public provider and committed to establishing the new entity, TAFE Queensland, by 1 July 2013. Establishing TAFE Queensland is anticipated to result in a more efficient delivery of VET by the public provider allowing the Queensland Government to maximise the value of its investment in training.

Independent body

Current governance structures within Queensland TAFE Institutes are fragmented and inconsistent. DETE currently has oversight of 11 TAFE Institutes, two of which operate as semi-commercialised business units and there are two STIs that are accountable to the Minister as statutory bodies.

TAFE Queensland is proposed to be established as an independent body with a commercial focus and accountable directly to the Minister. This will provide TAFE Queensland with the ability to be more responsive to the needs of industry and flexible in its service delivery than is currently possible under a departmental structure. TAFE Queensland will need to have control of its own budget, revenues and staffing arrangements to enable it to operate in a commercially successful way.

TAFE Queensland will be a not for profit entity as it will perform the role of the public provider, including the provision of training to students and communities, including rural and remote communities, which cannot be provided by the private sector due to the high cost of service delivery. The aim of establishing TAFE Queensland as an independent body is to ensure that it functions in a way that is efficient to reduce the costs of the public provider and allow the Government to maximise the value of its investment in publicly funded training.

Commercially focussed board

In order to operate in a commercially successful manner it is important that TAFE Queensland has a board with sufficient experience in commerce and industry to develop TAFE Queensland's strategic vision and deliver on that vision. TAFE Queensland, as the public provider of VET, will be performing its role in a manner that is efficient, effective and responsive to the needs of industry, students and the general community. In order to achieve that objective it is necessary for the board overseeing TAFE Queensland to have similar experience and qualifications to the board of a large private training provider. The TAFE Queensland Board will be expected to focus on ensuring that the entity is commercially successful whilst still performing the role of a public provider.

TAFE Queensland will have a chief executive officer responsible for the day to day management of the public provider and accountable to the TAFE Queensland Board. The Board will appoint the chief executive, with the prior written approval of the Minister.

Protection of TAFE brand

It is also proposed that Government's investment in the TAFE brand be protected by provisions which make it an offence for a person to use 'TAFE' or 'technical and further education' in association with training products unless the person is a relevant TAFE entity or has the approval of the Minister. The word TAFE stands for a particular type of VET and has a particular significance in the training market. It has been identified that without this type of

provision, the Government would be limited to taking legal proceedings under common law to enforce its right to use this term and this does not provide sufficient protection. Instead, the Bill includes an offence provision and the ability to apply for injunctions to restrain inappropriate use of the terms 'TAFE' or 'technical and further education'.

Industrial relations

The Taskforce Report identified that one of the key challenges for TAFE Queensland will be establishing industrial arrangements that increase productivity. Currently, the majority of staff at TAFE Institutes and STIs are employed under the *Public Service Act 2008*. The current enterprise bargaining agreement for teaching staff is not based on contemporary industrial relations arrangements reflecting conditions which existed when TAFE was first established. To enable a more flexible approach to employment arrangements it is proposed that TAFE Queensland will employ staff directly and not under the *Public Service Act 2008* and will negotiate a modern enterprise bargaining agreement for TAFE teachers. It is proposed that TAFE Queensland's employment arrangements will be regulated under the Queensland industrial relations system and that a Regulation be made, with the agreement of the Commonwealth Government, excluding TAFE Queensland from the *Fair Work Act 2009* (Cwlth) by declaring it not to be a national system employer. This will occur after TAFE Queensland is established.

TAFE Queensland will also need the flexibility to engage in interchange and work performance arrangements in the same way as public service departments under the *Public Service Act 2008*. These arrangements will be used for a range of purposes, including having DETE staff provide services to TAFE Queensland until TAFE Queensland has established its own employment arrangements. In the longer term, these arrangements will be used to allow departmental employees to work in TAFE Queensland or for TAFE Queensland staff to work in other government agencies. It is necessary to ensure that public service officers or TAFE Queensland staff are not disadvantaged by moving between the public service and TAFE Queensland.

Transitional arrangements

The establishment of TAFE Queensland will ultimately result in existing TAFE Institutes being abolished and STIs being dissolved and transitioned from DETE to TAFE Queensland and will result in a single governance arrangement for all institutes. It is therefore necessary to provide for the dissolution of STIs and the transfer of their operations to DETE in the first instance. During the transition from DETE to TAFE Queensland it will be necessary to transfer the operations of TAFE Institutes established under Chapter 6 VETE Act to TAFE Queensland.

Achievement of policy objectives

The Bill provides for the establishment of TAFE Queensland as a statutory body. The only way to create an independent body to be the public provider of VET is to create the body in legislation.

Independent body

The Bill achieves this objective by establishing TAFE Queensland as a statutory body and body corporate. TAFE Queensland will have the powers of an individual. As a statutory body existing accountability frameworks in the *Statutory Bodies Financial Arrangements Act 1982*

and *Financial Accountability Act 2009* will apply. The Bill also sets out a process for TAFE Queensland to submit its operational plan to the Minister for approval. The Minister will also have the power to give directions to TAFE Queensland where it is necessary in the public interest.

The Bill provides for the appointment of a chief executive officer by the TAFE Queensland Board with the prior written approval of the Minister. To ensure a chief executive officer can be in place immediately TAFE Queensland is established, the transitional provisions in the Bill provide for the Minister to appoint the first chief executive officer.

Commercially focussed board

The Bill provides for a board of 7 – 9 members for TAFE Queensland. One of those members will be a nominee of the Minister with the remaining members being persons with appropriate commercial or industry experience. The Bill also provides for the integrity of board members through requirements to disclose conflicts of interest which arise during the board member's appointment.

The Bill includes provisions that disqualify persons from appointment if they have a conviction for an indictable offence, are an insolvent under administration or are not able to manage a corporation because of Part 2D.6 of the *Corporations Act*.

Protection of TAFE brand

The Bill prohibits persons from using the terms 'TAFE' or 'technical and further education' in their name, or a description of their activities, operations or services if, having regard to the circumstances in which it is used, would be reasonably understood to indicate that the person using the term is TAFE Queensland or a TAFE Institute or the activity is being provided by TAFE Queensland or a TAFE Institute. The Bill provides for a maximum penalty of 100 penalty units. The prohibition does not apply to TAFE Queensland, TAFE Institutes, a person approved by the Minister or another entity prescribed in a regulation.

The Bill also provides for the Minister to apply for an injunction restraining the use of the terms 'TAFE' or 'technical and further education.'

Industrial relations

The Bill provides for TAFE Queensland to employ staff and to arrange the transfer of staff from public service departments to TAFE Queensland and vice versa. The Bill includes provisions which allow TAFE Queensland to enter into work performance and interchange arrangements with government agencies in similar terms to provisions in the *Public Service Act 2008*.

Transitional arrangements

To ensure a smooth transition from the current structure to TAFE Queensland, the Bill includes extensive transitional provisions to provide for the transfer of staff, contracts, assets and liabilities, legal proceedings, student enrolments and other matters between relevant TAFE entities. The transitional arrangements will be implemented in regulations made under the Act.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives other than legislation which establishes a statutory body.

Estimated cost for government implementation

The costs of establishing TAFE Queensland will be met from existing resources.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles. Potential breaches of fundamental legislative principles are addressed below.

Legislation should have sufficient regard to the rights and liberties of individuals - *Legislative Standards Act 1992, section 4(2)(a)*

Clause 34 Report about person's criminal history

Clause 34 of the Bill provides for criminal history screening of members proposed to be appointed to TAFE Queensland's Board and staff members. It is arguable that this proposal could adversely affect the rights and liberties of a person who is, or may become, a member of the Board or a staff member. The criminal history screening provision for board members can be justified on the basis that board members will have responsibility for the oversight of a publicly funded entity engaging in significant commercial activities. The criminal history check therefore acts as an integrity check for proposed members. In relation to staff members, the criminal history check power is consistent with powers of chief executives under the *Public Service Act 2008* to ensure the suitability of persons to perform duties in a department. As TAFE Queensland is not a department it is necessary to provide for a criminal history check for staff members.

The Bill includes safeguards about the use of the criminal history check such as requiring the consent of a person before conducting the check and ensuring that the criminal history report is destroyed once it is no longer required.

Clause 58 Offence of using TAFE brand

Clause 58 of the Bill creates the offence of using the terms 'TAFE' or 'technical and further education' without approval and allows the Minister to apply for an injunction to prevent breaches of the requirement. This could be construed as an abrogation of common law rights. The offence may also breach the principle that legislation should not subject a person to more than one court or tribunal process arising out of a single act or omission without sufficient justification.

Without the offence provision, civil remedies for the unauthorised use of the term 'TAFE' or 'technical and further education' would be available under existing laws but would be more costly and less speedy to enforce. The offence provision can be justified on the basis of the significant investment by the Queensland Government in the TAFE brand. Both Victoria and South Australia have included similar provisions in their legislation establishing the public

provider and the proposed provision in the Bill is consistent with the provision in section 3.1.26A *Education and Training Reform Act 2006* (Vic). The *Commonwealth Games Arrangements (Brand Protection) Amendment Act 2013* includes a similar provision to protect the use of the Commonwealth Games brand.

Clause 65 Protection from Liability

Clause 65 of the Bill includes protection from civil liability for the Minister, the chief executive, a member of the TAFE Queensland Board and an employee of TAFE Queensland for an act or omission made honestly and without negligence under the Bill. It is not considered appropriate for an individual to be made personally liable in these circumstances as a consequence of carrying out his or her responsibilities under the proposed TAFE Queensland legislation. This could be considered to have insufficient regard to individual rights and liberties by restricting an individual's ability to seek legal redress. The potential breach of fundamental legislative principles is justifiable on the basis that the provision operates to attach civil liability to the State instead.

Clause 66 Protection of confidentiality

Clause 66 of the Bill provides for the protection of information acquired by persons performing functions under the Act. The provision makes it an offence to disclose the information unless subsection (3) applies. Subsection (3) allows for a child's parent or guardian to consent to the disclosure of information about the child. This may potentially affect the rights and liberties of the child because the legislation does not provide for the child to object to the disclosure of information. Children may be enrolled with TAFE Queensland to meet their compulsory schooling requirement or their compulsory participation phase requirement under the *Education (General Provisions) Act 2006*. Parents have an obligation to ensure their children participate and manage their child's enrolment. It may be necessary for TAFE Queensland to disclose information to third parties, for example as part of arranging an apprenticeship for a child. In this situation it is necessary for parents or guardians to have the power to authorise the disclosure of information about their child. The potential breach of fundamental legislative principles is justifiable on the basis that the provision will assist children to participate in training.

Consultation

The Taskforce conducted community consultation on the current performance of TAFE as part of preparing its report. Organisations consulted included the Australian Skills Quality Authority, Queensland Commission of Audit, Australian Council for Private Education and Training, Central Queensland University, Victorian TAFE Reform Panel, TAFE Directors Queensland, TAFE Queensland Council of Chairs and TAFE Directors Australia.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland, and is not uniform with or complementary to legislation of the Commonwealth or another state. However, other jurisdictions, including Victoria and South Australia, have implemented reforms of the public provider which are generally consistent with Queensland's reforms involving the establishment of an independent statutory body to operate TAFE Institutes.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the short title of the Act is the *TAFE Queensland Act 2013*.

Clause 2 provides that the Act commences on a day to be fixed by proclamation.

Clause 3 refers to the dictionary in Schedule 2 defining particular words used in this Act.

Clause 4 provides that in this Act a reference to a function includes a reference to a power.

Part 2 TAFE Queensland

Clause 5 provides that TAFE Queensland is established and that TAFE Queensland is a body corporate, has a common seal and may sue and be sued in its corporate name.

Clause 6 provides that TAFE Queensland represents the State.

Clause 7 provides for the application of the *Financial Accountability Act 2009* and *Statutory Bodies Financial Arrangements Act 1982* to TAFE Queensland.

Clause 8 provides that TAFE Queensland has the following functions:

- (a) to provide vocational education and training services;
- (b) to provide further education, and other forms of education, to support and complement the provision of vocational education and training services;
- (c) to produce and sell vocational education and training products;
- (d) to prepare, publish, distribute or license the use of literary or artistic work, audio or audio-visual material, or computer software;
- (e) to undertake research and development on matters relating to its functions;
- (f) to contribute to and actively engage with industry on matters relating to its functions;
- (g) to exploit commercially TAFE Queensland's resources, including any study, research or knowledge or the practical application of any study, research or knowledge;
- (h) to report to the Minister on the performance of its functions; and
- (i) any other functions given to it under this or another Act.

TAFE Queensland will be required to perform its functions:

- (a) in a way that is efficient, effective and responsive to the needs of industry, students and the general community; and
- (b) on a not-for-profit basis.

Clause 9 provides that the key objective of TAFE Queensland is to be efficient and effective in performing its functions. It is also an objective of TAFE Queensland to be commercially successful in performing its functions

Clause 10 provides that TAFE Queensland has all the powers of an individual.

Clause 11 provides for TAFE Queensland to perform its functions or exercise its powers outside Queensland.

Clause 12 establishes the TAFE Queensland Board as the governing body for TAFE Queensland. The Board will consist of the following persons appointed by the Governor in Council:

- (a) 1 nominee of the Minister; and
- (b) 6 to 8 persons who are eligible for appointment under section 14.

Members appointed to the Board are appointed under this Act and not the *Public Service Act 2008*.

Clause 13 provides for the functions of the Board.

Clause 14 sets out the eligibility criteria for appointment as a member of the Board. Appointed Members will be required to have:

- (a) direct industry experience or direct experience in the education, training or employment sectors; or
- (b) expertise or experience in commerce, corporate governance, economics, finance, law or management.

Subsection (2) excludes the following persons from appointment:

- (a) a member of Parliament;
- (b) a councillor of a local government; and
- (c) the chief executive officer of TAFE Queensland.

Clause 15 provides for the conditions of appointment of members of the Board of TAFE Queensland.

Clause 16 provides for the term of appointment of members and provides for an extension of a member's term of appointment by the Minister. The term of a member's appointment ends if the member becomes disqualified under section 19 from continuing as a member.

Clause 17 provides for the appointment of a chairperson of the Board.

Clause 18 provides for the appointment of a deputy chairperson of the Board.

Clause 19 provides for the disqualification of persons from becoming or continuing as a member of the Board.

Subsection (1) provides that a person cannot become, or continue as a member of the Board if the person:

- (a) has a conviction for an indictable offence that is not a spent conviction, unless the Minister has given approval under subsection (4);
- (b) is an insolvent under administration, unless the Minister has given approval under subsection (4); or
- (c) is not able to manage a corporation because of the *Corporations Act*, Part 2D.6.

Section 659 *Criminal Code* will apply so that indictable offences heard summarily are not relevant to this provision.

Subsection (2) provides that a person cannot become a member unless they consent to the Minister requesting a criminal history report or continue as a member of the Board if the person is absent from 3 consecutive meetings of the Board unless they have permission or are on a leave of absence.

Subsection (3) provides that the Minister may act under subsection (4) if the Minister considers it reasonable having regard to:

- (a) the circumstances of the indictable offence of which a person has been convicted; or
- (b) the circumstances under which the person became an insolvent under administration.

Subsection (4) provides for the Minister to give approval for a person to remain a member of the Board, or become a member of the Board, where the person has a conviction for an indictable offence or is an insolvent under administration.

Subsections (5) and (6) provide for the restoration of a member of the Board where the member was disqualified because of a conviction for an indictable offence or being an insolvent under administration where the chairperson receives a notice under subsection (4)(a).

Subsection (7) defines insolvent under administration and conviction for the purposes of the section.

Clause 20 provides for board members to resign from the Board by giving a signed notice to the Minister.

Clause 21 provides for the Minister to approve a leave of absence for a board member and for the Minister to appoint someone else to act in the member's position while the member is on leave of absence.

Clause 22 provides for the disclosure of conflicts of interest by board members and the management of conflicts of interest by the Board.

Clause 23 provides that members of the Board must act in TAFE Queensland's interest in performing their role as a member.

Clause 24 provides for the appointment of a chief executive officer by TAFE Queensland with the prior written approval of the Minister.

Clause 25 provides for the conditions of appointment for the chief executive officer.

Clause 26 provides for the responsibilities of the chief executive officer.

Clause 27 provides the appointment of an acting chief executive officer by the Board.

Clause 28 provides for the resignation of the chief executive officer.

Clause 29 provides for TAFE Queensland to employ other staff it considers appropriate to perform its functions. The other staff are appointed under this Act and not the *Public Service Act 2008*.

Clause 30 allows the chief executive officer to enter into work performance arrangements with another entity. A similar power is given to chief executives of public service officers under section 183 of the *Public Service Act 2008*. As TAFE Queensland is not a public service office this provision is necessary to ensure that TAFE Queensland can enter into work performance arrangements.

Clause 31 allows the chief executive officer to enter into interchange arrangements. A similar power is given to chief executives of public service officers under section 184 of the *Public Service Act 2008*. As TAFE Queensland is not a public service office this provision is necessary to ensure that TAFE Queensland can enter into interchange arrangements.

Clause 32 provides for the preservation of the rights of a public service employee who is subsequently appointed to TAFE Queensland.

Clause 33 provides for the preservation of the rights of a TAFE Queensland employee who is subsequently appointed as a public service employee.

Clause 34 provides for the Minister to request a criminal history report about a Board member or prospective appointee to the Board. The clause also provides for TAFE Queensland to request a criminal history report about an employee or prospective employee of TAFE Queensland. The clause provides for the Commissioner of Police to provide information about a person's criminal history.

Clause 35 provides that a criminal history given under section 34 is a confidential document and makes it an offence for a person to disclose the report unless permitted under subsection (3). A failure to comply with this requirement makes a person liable to a maximum penalty of 100 penalty units.

Clause 36 provides for a requirement for members of the Board and employees to disclose changes in their criminal history to the Minister and TAFE Queensland. Subsection (4) lists the information which must be disclosed.

Part 3 Planning and accountability

Clause 37 defines community service obligation for Part 3, Division 1 of the Act.

Clause 38 outlines the purpose of Part 3, Division 1 of the Act as providing for the requirements for the development of TAFE Queensland's operational plan.

Clause 39 sets out the process for preparing the operational plan and that it is Parliament's expectation that TAFE Queensland and the Minister should reach agreement about the draft plan at least 1 month before the start of the financial year.

Clause 40 lists the matters which must be included in the operational plan for TAFE Queensland.

Clause 41 provides that a draft operational plan has effect when it is agreed to by the Minister.

Clause 42 provides for a draft operational plan to be taken to be TAFE Queensland's operational plan if the draft plan has not been agreed to by the Minister by the start of the financial year to which it relates.

Clause 43 provides that TAFE Queensland must comply with its operational plan for a financial year.

Clause 44 provides for the amendment of the operational plan.

Clause 45 provides that the requirements in Part 3 division 1 apply in addition to the requirements for an operational plan under the *Financial Accountability Act 2009*.

Clause 46 provides the Minister with the power to request information from TAFE Queensland about the performance of its functions under the Act.

Clause 47 provides for the Minister to give directions to TAFE Queensland if satisfied that the direction is necessary in the public interest.

Clause 48 allows TAFE Queensland to give a notice about concerns for financial viability after it is given a direction by the Minister.

Part 4 Restructuring of TAFE

Clause 49 defines relevant TAFE entities to include the department, TAFE Queensland, a TAFE Institute, a Statutory TAFE Institute and an entity prescribed under a regulation as a relevant TAFE entity.

Clause 50 provides a regulation making power in relation to a range of matters in relation to relevant TAFE entities to facilitate restructuring such as transferring assets, liabilities, staff and student enrolments between entities.

Clause 51 provides for the Minister to give a transfer direction to the board of a relevant entity for the purposes of facilitating the restructuring an entity under Part 4.

Clause 52 provides for a registered authority to record a transfer or other dealing with assets, liabilities or instruments where a transfer is made under a regulation made under section 50.

Clause 53 provides for a regulation to be made dissolving statutory TAFE Institutes and to provide for matters necessary and convenient for the dissolution.

Clause 54 applies when a regulation is made under section 53 dissolving a statutory TAFE institute. After the dissolution, a reference in a document to the institute is taken, if the context permits, to be a reference to the relevant TAFE entity to which the institute's assets and liabilities have been transferred before its dissolution.

Clause 55 provides for the rights of employees transferred from one relevant TAFE entity to another relevant TAFE entity under a transfer regulation. The purpose of this provision is to ensure that the transfer is not taken to be a termination or interruption of employment.

Clause 56 provides that a thing may be done under Part 4 of this Act despite any other law or instrument.

Clause 57 provides for the effect on legal relationships of actions taken under Part 4 to prevent relevant entities being made liable for a civil wrong or from breaching an instrument when taking action under Part 4.

Part 5 Miscellaneous provisions

Clause 58 creates an offence for using protected terms being ‘TAFE’ and ‘technical and further education.’ The purpose of creating this offence is to ensure that the Minister can act promptly and effectively to prevent inappropriate use of these terms.

Subsection (1) makes it an offence for a person to use a protected term in its name, or in a description of its activities, operations or services, in connections with its operations in and from Queensland if having regard to the circumstances in which it is used a reasonable person would think that the person using the terms is a TAFE entity or the activity, operation or service is being provided by a TAFE entity. The maximum penalty is 100 penalty units.

Subsection (2) clarifies that (1) does not apply to a TAFE entity, a person to whom the Minister has given approval under subsection (3) or another entity prescribed in a regulation. This will ensure that TAFE Institutes and other entities approved or prescribed do not commit an offence under this section.

Subsection (3) provides for the Minister to give a person approval to use a protected term if satisfied of particular matters.

Subsection (4) provides that the Minister must publish the details of any approvals in force under subsection (3) on DETE website.

Subsection (5) defines protected term and TAFE entity for this section.

Clause 59 provides for the Minister to apply to the Supreme Court for an injunction to prevent or restrain a person from contravening section 58.

Clause 60 provides for TAFE Queensland to delegate its functions to a member of the Board, the chief executive officer, an appropriately qualified employee of TAFE Queensland or an appropriately qualified person performing work for TAFE Queensland under a work performance arrangement or performing duties under an interchange arrangement.

Clause 61 provides for the chief executive officer to delegate functions to an appropriately qualified employee of TAFE Queensland or an appropriately qualified person performing work under a work performance arrangement or performing duties under an interchange arrangement.

Clause 62 provides for the Minister to delegate functions to an appropriately qualified public service employee.

Clause 63 provides that TAFE Queensland is a unit of public administration under the *Crime and Misconduct Act 2001*.

Clause 64 provides that the annual report of TAFE Queensland under the *Financial Accountability Act 2009* must include copies of all directions and notices given to TAFE Queensland by the Minister and all authorisations under section 66(3)(d).

Clause 65 provides for the protection from liability of persons for acts done, or omissions made, honestly and without negligence under this Act. If the provision prevents a liability attaching to the person, the liability attaches instead to the State. The section applies to the following persons:

- (a) the Minister;
- (b) the chief executive;
- (c) a member of the Board;
- (d) the chief executive officer;
- (e) an employee of TAFE Queensland
- (f) a person performing work for TAFE Queensland under a work performance agreement; and
- (g) a person performing duties in TAFE Queensland under an interchange arrangement.

Clause 66 provides for the protection of information acquired by a person who acquires information through performing a function under this Act.

Clause 67 provides for the Governor in Council to make regulations under this Act.

Part 6 Transitional Provisions for TAFE Queensland Act 2013

Clause 68 provides for the appointment of TAFE Queensland's first chief executive officer by the Minister. Subsequent appointments of the chief executive officer will be made by the Board under section 24.

Clause 69 provides for when TAFE Queensland's first draft operational plan must be prepared. The plan must be submitted within four months of the commencement of this section.

Part 7 Acts Amended

Clause 70 states that Schedule 1 amends the Acts it mentions.

Schedule 1 Minor amendments

Schedule 1 makes a number of consequential amendments to ensure that relevant legislation which currently applies to TAFE Institutes and Statutory TAFE Institutes also applies to

TAFE Queensland. The schedule also includes an amendment to repeal Chapter 6A VETE Act which provides for the establishment of Statutory TAFE Institutes. It is proposed that a regulation will be made under this Act dissolving the two existing Statutory TAFE institutes and the repeal of Chapter 6A VETE Act is also necessary.

Schedule 2 Dictionary

Schedule 2 defines the terms used in this Act.