



Queensland

Queensland Training Assets Management Authority Repeal Bill 2015



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2015

A Bill

for

An Act to amend the *Further Education and Training Act 2014* by inserting provisions that repeal the *Queensland Training Assets Management Authority Act 2014* and provide for transitional matters

[s 1]

The Parliament of Queensland enacts—	1
1 Short title	2
This Act may be cited as the <i>Queensland Training Assets Management Authority Repeal Act 2015</i> .	3 4
2 Commencement	5
This Act commences on a day to be fixed by proclamation.	6
3 Act amended	7
This Act amends the <i>Further Education and Training Act 2014</i> .	8 9
4 Insertion of new ch 9, pt 3	10
Chapter 9—	11
<i>insert—</i>	12
Part 3	Repeal, savings and 13
	transitional provisions 14
	for Queensland 15
	Training Assets 16
	Management Authority 17
	Repeal Act 2015 18
Division 1	Repeal 19
223 Repeal	20
The Queensland Training Assets Management Authority Act 2014, No. 23 is repealed.	21 22

Division 2	Savings and transitional provisions	1 2
224 Definitions for div 2		3
In this division—		4
<i>QTAMA</i> means QTAMA in existence under the repealed Act before the commencement.		5 6
<i>repealed Act</i> means the repealed <i>Queensland Training Assets Management Authority Act 2014</i> .		7 8
225 QTAMA, CEO and board		9
(1) On the commencement—		10
(a) QTAMA and its board are dissolved; and		11
(b) QTAMA’s chief executive officer and each member of its board go out of office.		12 13
(2) No compensation is payable to a person because of subsection (1)(b).		14 15
(3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect a person’s right to a benefit or entitlement that had accrued before the commencement.		16 17 18 19
226 State is successor in law of QTAMA		20
(1) The State is the successor in law of QTAMA.		21
(2) Subsection (1) is not limited by another provision of this division.		22 23
227 Assets and liabilities		24
On the commencement, the assets and liabilities of QTAMA immediately before the commencement become assets and liabilities of the State held in the department.		25 26 27 28

[s 4]

228 Records and other documents	1
On the commencement, QTAMA's records and other documents held by QTAMA immediately before the commencement become records and other documents of the State held in the department.	2 3 4 5
229 Current instruments	6
(1) This section applies to a contract or other instrument to which QTAMA was a party, or that otherwise applied to QTAMA, immediately before the commencement (a <i>current instrument</i>).	7 8 9 10 11
(2) The State is a party to the current instrument, or the current instrument otherwise applies to the State, in place of QTAMA.	12 13 14
(3) Without limiting subsection (2)—	15
(a) any right, title, interest or liability of QTAMA arising under or relating to a current instrument is a right, title, interest or liability of the State; and	16 17 18 19
(b) a current instrument, including a benefit or right provided by a current instrument, given to, by or in favour of QTAMA before the commencement is taken to have been given to, by or in favour of the State; and	20 21 22 23 24
(c) an application relating to a current instrument made in the name of QTAMA before the commencement is taken to have been made in the name of the State; and	25 26 27 28
(d) a current instrument under which an amount is, or may become, payable to or by QTAMA is taken to be an instrument under which the amount is, or may become, payable to or by the State in the way the amount was, or might have become, payable to or by QTAMA; and	29 30 31 32 33 34 35

(e)	a current instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by QTAMA is taken to be an instrument under which property is, or may become liable to be, transferred, conveyed or assigned to or by the State in the way the property was, or might have become, liable to be transferred, conveyed or assigned to or by QTAMA.	1 2 3 4 5 6 7 8 9 10
230	References to QTAMA	11
	In an Act or document, a reference to QTAMA is, if the context permits, taken to be a reference to the State.	12 13 14
231	Current proceedings	15
(1)	This section applies to a proceeding that, immediately before the commencement, had not ended and to which QTAMA was a party.	16 17 18
(2)	On the commencement, the State becomes a party to the proceeding in place of QTAMA.	19 20
232	Proceedings not yet started	21
(1)	This section applies if, immediately before the commencement, a proceeding could have been started by or against QTAMA within a particular period.	22 23 24 25
(2)	The proceeding may be started by or against the State within the period.	26 27
233	Registering authority to note transfer or other dealing	28 29
(1)	A registering authority must, on written application by the chief executive and without	30 31

[s 4]

charge, register or record in the appropriate way a transfer of, or other dealing affecting, an asset, liability or instrument under this division. 1
2
3

(2) The chief executive must comply with any relevant procedures required by the registering authority for the purpose of registering or recording the transfer or other dealing. 4
5
6
7

(3) In this section— 8

registering authority means the registrar of titles or another entity required or authorised by law to register or record transactions affecting assets, liabilities or instruments. 9
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234 Staff 13

(1) Section 229 applies to a contract of employment that was in force under section 33 of the repealed Act immediately before the commencement. 14
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(2) Staff employed by the State under a contract mentioned in subsection (1) are not employed under the *Public Service Act 2008*. 17
18
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(3) Despite its repeal, section 37 of the repealed Act applies to a person employed under a contract mentioned in subsection (1) who is appointed as a public service employee after the commencement as if— 20
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23
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(a) a reference in the section to a staff member included a person employed under the contract; and 25
26
27

(b) a reference in the section to service as a staff member included service under the contract. 28
29

(4) On the commencement, each of the following ends— 30
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(a) a work performance arrangement under section 34 of the repealed Act; 32
33

- (b) an interchange arrangement under section 1
35 of the repealed Act. 2

235 Effect on legal relationships 3

- (1) A thing done under this division— 4
 - (a) does not make the State liable for a civil 5
wrong or a contravention of a law or for a 6
breach of a contract or confidence; and 7
 - (b) does not make the State in breach of any 8
instrument, including an instrument 9
prohibiting, restricting or regulating the 10
assignment, novation or transfer of a right or 11
liability or the disclosure of information; 12
and 13
 - (c) does not fulfil a condition that— 14
 - (i) terminates, or allows a person to 15
terminate, an instrument or obligation; 16
or 17
 - (ii) modifies, or allows a person to modify, 18
the operation or effect of an instrument 19
or obligation; or 20
 - (iii) allows a person to avoid or enforce an 21
obligation or liability contained in an 22
instrument or requires a person to 23
perform an obligation contained in an 24
instrument; or 25
 - (iv) requires any money to be paid before 26
its stated maturity; and 27
 - (d) does not release a surety or other obligee, 28
wholly or partly, from an obligation. 29
- (2) If, apart from this subsection, the advice, consent 30
or approval of a person would be necessary to do 31
something under this division, the advice is taken 32
to have been obtained or the consent or approval 33
is taken to have been given unconditionally. 34

[s 4]

(3)	If giving notice to a person would be necessary to do something under this division, the notice is taken to have been given.	1 2 3
(4)	A reference in this section to the State includes an employee or agent of the State.	4 5
236	Annual report	6
	Despite its repeal, section 73 of the repealed Act applies in relation to an annual report of QTAMA under the <i>Financial Accountability Act 2009</i> prepared after the commencement.	7 8 9 10
237	Confidentiality of criminal history information	11
	Despite its repeal, section 76 of the repealed Act continues to apply in relation to a report or information to which that section applied immediately before the commencement.	12 13 14 15

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