

# **TAFE Queensland Regulation 2024**

Explanatory notes for SL 2024 No.169

made under the

*TAFE Queensland Act 2013*

## **General Outline**

### **Short title**

*TAFE Queensland Regulation 2024*

### **Authorising law**

Sections 57B, 57O, and 67 of the *TAFE Queensland Act 2013* (the Act)

### **Policy objectives and the reasons for them**

The Act and the *TAFE Queensland Regulation 2013* (TAFEQ Regulation) effected a broad restructure of the public providers of vocational education and training (VET) by establishing TAFE Queensland (TAFEQ), a statutory body, and prescribing Central Queensland University (CQU) to be a dual sector entity (s 57B of the Act). The TAFEQ Regulation will expire on 31 August 2024 pursuant to the “sunsetting” provisions in Part 7 of the *Statutory Instruments Act 1992*.

The government’s policy is to continue the public provision of VET through TAFEQ and CQU. To achieve this, it is essential to re-make the TAFEQ Regulation to ensure the continuation of the current legal framework from 1 September 2024. While the majority of the TAFEQ Regulation is redundant, certain provisions must be re-made so that CQU continues to be a dual sector entity with the same level of Ministerial oversight from 1 September 2024.

There is no intention for the re-structure of relevant TAFE entities in 2013-2014 to defeat a person’s right to commence legal proceedings. To remove doubt, provisions in the TAFEQ Regulation preserving these rights are to be re-made.

### **Achievement of policy objectives**

The Regulation achieves the policy objectives by prescribing CQU to be a dual sector entity from 1 September 2024.

Under s 57O(1)(c) of the Act, CQU must notify the Minister before it commits to spending a prescribed amount on its operations. The Regulation prescribes the amount to be \$3,000,000 the same amount prescribed under the TAFEQ Regulation.

## **Consistency with policy objectives of authorising law**

The *TAFE Queensland Regulation 2024* is consistent with the main objects of the Act.

## **Inconsistency with policy objectives of other legislation**

The Regulation is consistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

This information is included in the Summary Impact Analysis Statement.

## **Benefits and costs of implementation**

The benefit of this Regulation is that it will allow for the efficient continuation of VET operations by CQU as a dual sector entity under the Act. TAFEQ is to continue to be the operator of TAFE institutions. Both agencies retain the benefits and obligations of the rights accrued and goods transferred to it pursuant to the Regulation. The Regulation also continues to preserve a person's ability to commence legal proceedings against a relevant TAFE entity's successor in law and to ensure all rights to commence legal proceedings against a relevant TAFE entity are not removed by expiry of the TAFEQ Regulation.

There are negligible identified costs.

## **Consistency with fundamental legislative principles**

The Regulation is consistent with fundamental legislative principles.

## **Consultation**

TAFEQ and CQU were consulted on the remake of the Regulation.

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