



Queensland

TAFE Queensland Act 2013

TAFE Queensland Regulation 2013

Current as at 1 July 2013

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at www.legislation.qld.gov.au.

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/Leg_Info/information.htm.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



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TAFE Queensland Regulation 2013

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TAFE Queensland Regulation 2013

[as amended by all amendments that commenced on or before 1 July 2013]

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.

[s 5]

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.

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 1 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.

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

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- (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 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.

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.

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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.

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.

Schedule 1 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*.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the *Reprints Act 1992*, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2013. Future amendments of the *TAFE Queensland Regulation 2013* may be made in accordance with this reprint under the *Reprints Act 1992*, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
1 July 2013	2013 SL No. 109	RA ss 7(1)(k), 37 and 40

5 List of legislation

TAFE Queensland Regulation 2013 SL No. 109

made by the Governor in Council on 20 June 2013
 notfd gaz 21 June 2013 pp 503–7
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 2013 (see s 2)
[exp 1 September 2023](#) (see SIA s 54)
 amending legislation—

TAFE Queensland Regulation 2013 SL No. 109 ss 1–2, 16 sch 1 pt 1

notfd gaz 21 June 2013 pp 503–7
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 2013 (see s 2)

6 List of annotations

Dictionary

s 5 amd 2013 SL No. 109 s 16 sch 1 pt 1

PART 3—REGULATIONS AMENDED

pt 3 (s 16) om RA ss 7(1)(k), 40

SCHEDULE 1—DICTIONARY

prev sch 1 om RA ss 7(1)(k), 37, 40

pres sch 1 (prev sch 2) renum 2013 SL No. 109 s 16 sch 1 pt 1

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