

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*



Legislative Assembly Chamber,
Brisbane, 22nd

M. A. Ries.
The Clerk of the Parliament.
July 20 15

In the name and on behalf of the Queen, I assent to this Bill.

Paul de Jersey
Government House,
Brisbane,

22 July 20 15



Queensland

No. 9 of 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



Queensland

Queensland Training Assets Management Authority Repeal Bill 2015

Contents

		Page
1	Short title	4
2	Commencement	4
3	Act amended	4
4	Insertion of new ch 9, pt 3	4
	Part 3 Repeal, savings and transitional provisions for Queensland Training Assets Management Authority Repeal Act 2015	
	Division 1 Repeal	
223	Repeal	4
	Division 2 Savings and transitional provisions	
224	Definitions for div 2	5
225	QTAMA, CEO and board	5
226	State is successor in law of QTAMA	5
227	Assets and liabilities	5
228	Records and other documents	6
229	Current instruments	6
230	References to QTAMA	7
231	Current proceedings	7
232	Proceedings not yet started	7
233	Registering authority to note transfer or other dealing	7
234	Staff	8
235	Effect on legal relationships	9
236	Annual report	10
237	Confidentiality of criminal history information	10

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

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Queensland Training Assets Management Authority Repeal Act 2015*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Act amended

This Act amends the *Further Education and Training Act 2014*.

4 Insertion of new ch 9, pt 3

Chapter 9—

insert—

Part 3

**Repeal, savings and
transitional provisions
for Queensland
Training Assets
Management Authority
Repeal Act 2015**

Division 1

Repeal

223 Repeal

The Queensland Training Assets Management Authority Act 2014, No. 23 is repealed.

Division 2 Savings and transitional provisions

224 Definitions for div 2

In this division—

QTAMA means QTAMA in existence under the repealed Act before the commencement.

repealed Act means the repealed *Queensland Training Assets Management Authority Act 2014*.

225 QTAMA, CEO and board

- (1) On the commencement—
 - (a) QTAMA and its board are dissolved; and
 - (b) QTAMA's chief executive officer and each member of its board go out of office.
- (2) No compensation is payable to a person because of subsection (1)(b).
- (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.

226 State is successor in law of QTAMA

- (1) The State is the successor in law of QTAMA.
- (2) Subsection (1) is not limited by another provision of this division.

227 Assets and liabilities

On the commencement, the assets and liabilities of QTAMA immediately before the commencement become assets and liabilities of the State held in the department.

228 Records and other documents

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.

229 Current instruments

- (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 *current instrument*).
- (2) The State is a party to the current instrument, or the current instrument otherwise applies to the State, in place of QTAMA.
- (3) Without limiting subsection (2)—
 - (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
 - (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
 - (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
 - (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

- (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.

230 References to QTAMA

In an Act or document, a reference to QTAMA is, if the context permits, taken to be a reference to the State.

231 Current proceedings

- (1) This section applies to a proceeding that, immediately before the commencement, had not ended and to which QTAMA was a party.
- (2) On the commencement, the State becomes a party to the proceeding in place of QTAMA.

232 Proceedings not yet started

- (1) This section applies if, immediately before the commencement, a proceeding could have been started by or against QTAMA within a particular period.
- (2) The proceeding may be started by or against the State within the period.

233 Registering authority to note transfer or other dealing

- (1) A registering authority must, on written application by the chief executive and without

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

- (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.
- (3) In this section—

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.

234 Staff

- (1) Section 229 applies to a contract of employment that was in force under section 33 of the repealed Act immediately before the commencement.
- (2) Staff employed by the State under a contract mentioned in subsection (1) are not employed under the *Public Service Act 2008*.
- (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—
 - (a) a reference in the section to a staff member included a person employed under the contract; and
 - (b) a reference in the section to service as a staff member included service under the contract.
- (4) On the commencement, each of the following ends—
 - (a) a work performance arrangement under section 34 of the repealed Act;

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

235 Effect on legal relationships

- (1) A thing done under this division—
 - (a) does not make the State liable for a civil wrong or a contravention of a law or for a breach of a contract or confidence; and
 - (b) does not make the State in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; and
 - (c) does not fulfil a condition that—
 - (i) terminates, or allows a person to terminate, an instrument or obligation; or
 - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
 - (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument or requires a person to perform an obligation contained in an instrument; or
 - (iv) requires any money to be paid before its stated maturity; and
 - (d) does not release a surety or other obligee, wholly or partly, from an obligation.
- (2) If, apart from this subsection, the advice, consent or approval of a person would be necessary to do something under this division, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.

- (3) If giving notice to a person would be necessary to do something under this division, the notice is taken to have been given.
- (4) A reference in this section to the State includes an employee or agent of the State.

236 Annual report

Despite its repeal, section 73 of the repealed Act applies in relation to an annual report of QTAMA under the *Financial Accountability Act 2009* prepared after the commencement.

237 Confidentiality of criminal history information

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.

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Authorised by the Parliamentary Counsel