

Queensland



AGRICULTURAL COLLEGES ACT 1994

**Reprinted as in force on 1 January 2004
(includes commenced amendments up to 2003 Act No. 63)**

Reprint No. 2C

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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

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Also see endnotes for information about—

- **when provisions commenced**
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Queensland



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AGRICULTURAL COLLEGES ACT 1994

[as amended by all amendments that commenced on or before 1 January 2004]

An Act about agricultural colleges

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Agricultural Colleges Act 1994*.

2 Commencement

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

3 Definitions

In this Act—

“**accredited**” means accredited under the *Vocational Education, Training and Employment Act 2000*.

“**agricultural college**” means a registered training organisation that is—

- (a) operated by the State; and
- (b) declared by the Minister under section 4 to be an agricultural college.

“**appointed member**” means a person appointed under section 14 as a member of a college board.

“**college**” means an agricultural college.

“**college board**” see section 6.

“**college hostel**” means premises kept by a college board for student accommodation.

“**member**” means a member of a college board.

“**official member**” means a person who is an official member of a college board.

“**pastoral care**” includes—

- (a) care and support provided for students in a safe living and working environment; and
- (b) care and support provided—
 - (i) with the help of people in the college or the community the director considers have appropriate life experience or skills, or the ability, to work with young people who may be experiencing personal or educational difficulties; and
 - (ii) to help students develop interpersonal and living skills.

“**registered training organisation**” means a training organisation under the *Vocational Education, Training and Employment Act 2000*.

“**State land**” means land—

- (a) granted in trust, or reserved for a community purpose, under the *Land Act 1994*; and
- (b) vested in or placed under the control of a college board.

“**student**” of a college means a student enrolled in the college.

“**TAFE institute**” see the *Vocational Education, Training and Employment Act 2000*, section 191.¹

4 Declaration of agricultural college

(1) This section applies to a registered training organisation operated by the State that offers, or will offer, courses of the following kinds—

- (a) courses about agriculture;
- (b) courses of particular benefit to—
 - (i) persons engaged in rural industry or related industries; or

1 The *Vocational Education, Training and Employment Act 2000*, section 191, defines ‘TAFE institute’ as follows—

“**TAFE institute**”, is an institution operated by the State that provides vocational education and training.

- (ii) persons in the community in the area served, or to be served, by the organisation.

(2) The Minister may, by gazette notice, declare the registered training organisation to be an agricultural college.

(3) The Minister may, in the gazette notice, specify a name for the college using any 1 or more of the following as the basis for the name—

- (a) a description of the locality the college serves;
- (b) the main training function of the college;
- (c) the main business function of the community the college serves.

4A Ministerial declaration ‘Stepping forward: improving pathways for all young people’

(1) One of the objectives of this Act is to implement initiatives that are consistent with the ministerial declaration ‘Stepping forward: improving pathways for all young people’.

(2) The ministerial declaration is the declaration of commitment to the young people of Australia by Ministers for Education, Employment, Training, Youth Affairs and Community Services endorsed in July 2002 by the Ministerial Council on Education, Employment, Training and Youth Affairs.

(3) A copy of the declaration is set out in the attachment.

(4) The attachment is not part of this Act.

PART 2—AGRICULTURAL COLLEGE BOARDS

Division 1—College board establishment and general powers and functions

6 Board of trustees

(1) There is a board of trustees for each college (the “college board”).

(2) The college board—

- (a) is a corporation with perpetual succession; and
 - (b) has a common seal; and
 - (c) may sue and be sued in its corporate name.
- (3) The corporation's name is the [Name of agricultural college] Board.

7 Functions of college board

- (1) The college board for a college is the college's governing body.
- (2) The college board has the functions conferred on it by this or another Act.
- (3) Without limiting subsection (2), the college board's functions include the following—
- (a) establishing and reviewing the college's strategic direction;
 - (b) developing and implementing strategic plans and business plans for the college;
 - (c) deciding policy for achieving the college's main business purpose, and for other college purposes;
 - (d) ensuring the college develops and implements appropriate risk management strategies;
 - (e) ensuring the college board complies with applicable financial accountability requirements;
 - (f) ensuring the college complies with national and State quality standards and audit requirements for registered training organisations;
 - (g) ensuring the college provides access to training for Aboriginal people, Torres Strait Islanders and others with particular needs at a level that reflects the composition of the community the college serves;
 - (h) improving the participation of young people in training by attracting young people to, and supporting young people in, training resulting in a qualification or statement of attainment;
 - (i) ensuring appropriate pastoral care is available for students;
 - (j) developing and implementing appropriate strategies to help students make the transition from an educational environment to the workplace;

- (k) maintaining the industry links necessary for achieving support from industry for the college's activities;
- (l) encouraging opportunities for growth in the college's training market, including opportunities outside Australia;
- (m) monitoring the performance of the director and the college.

(4) In this section—

“qualification” see the *Vocational Education, Training and Employment Act 2000*, section 19.

“statement of attainment” see the *Vocational Education, Training and Employment Act 2000*, section 19.

8 Powers of college board

(1) A college board has all the powers of an individual, and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, dispose of, and deal with property; and
- (c) appoint agents and attorneys; and
- (d) engage consultants; and
- (e) provide residential accommodation for purposes associated with the college; and
- (f) appoint the college's director under section 26; and
- (g) fix charges, and other terms, for services and facilities it supplies; and
- (h) do anything else necessary or convenient to be done for, or in connection with, its functions.

(2) However, unless it has the Minister's approval, a college board must not—

- (a) alter a college building; or
- (b) extend a college building; or
- (c) build or buy a building for use by the college; or
- (d) buy land for the college or sell or lease college land or a college building.

(3) Subsection (2)(a), (b) and (c) does not apply to the alteration or extension of a college building, or a building to be built or bought for the college, if the actual or estimated cost of altering, extending, building or buying the building is not more than an amount fixed for this section by the Minister by gazette notice.

(4) A college board may exercise its powers inside or outside Queensland.

(5) Without limiting subsection (4), a college board may exercise its powers outside Australia.

9 Way college board must act

A college board must act in the way that appears to it most likely to promote the interests of its college.

10 College board is subject to direction

(1) Despite a college board's powers, it must comply with a written direction given to it by the Minister about its policy, or the exercise of its functions or powers.

(2) If the Minister gives a college board a direction under subsection (1), the board must include in its annual report particulars of the direction and what the board did in response to the direction.²

10A Reporting and accountability

(1) The Minister may, in writing, require a college board to give the Minister stated information and reports in the way and within the time the Minister requires.

(2) The college board must comply with a requirement given under subsection (1) to the extent the college board is able to comply with it.

(3) However, if the board can not comply with the requirement, the board must give the Minister reasons for not being able to comply with it.

(4) Also, a college board must give the Minister a report on any matter of which the board becomes aware that may significantly affect the ability of

² For the requirement for the annual report, see the *Financial Administration and Audit Act 1977*, section 46J (Annual report).

the board to achieve the objectives stated in the strategic plan for the college or another document given to or made with the chief executive and relevant to the operation of the college.

(5) The college board must give the Minister a report mentioned in subsection (4) as soon as practicable, but within 1 month, after the board first becomes aware of the matter.

11 Delegation

(1) A college board may delegate its powers under this Act to the college's director.

(2) However, the college board may not delegate its power—

- (a) to make college rules; or
- (b) to adopt the college's annual budget.

Division 2—College board composition and members

12 Membership of college board

A college board consists of official members and appointed members.

13 Official members

(1) There are 6 official members.

(2) The official members are—

- (a) the college's director; and
- (b) a nominee of the chief executive; and
- (c) a nominee of the chief executive of the department that deals with matters under the *Stock Act 1915*; and
- (d) a nominee of the chief executive of the department that deals with matters under the *Education (General Provisions) Act 1989*; and
- (e) a staff member of the college nominated by college staff; and
- (f) a nominee of the college's student advisory council.

(3) The person mentioned in subsection (2)(f)—

- (a) must be a member of the student advisory council mentioned in section 27A(2)(a) or (b); and
- (b) stops being an official member when the person's term as a member of the student advisory council ends.³

(4) The entity responsible for nominating a person as an official member under subsection (2)(b), (c), (d) or (e)—

- (a) may, in the nomination, specify a term, of not more than 3 years, for which the person is the entity's nominee; and
- (b) may withdraw the person's nomination as an official member by signed notice given to the chairperson and the person.

(5) A person mentioned in subsection (2)(b), (c), (d) or (e) stops being an official member on the withdrawal of the person's nomination under subsection (4)(b).

14 Appointed members

(1) There are 7 appointed members.

(2) The Governor in Council is to appoint the appointed members.

(3) The appointed members must consist of—

- (a) 3 residents of the area served by the college; and
- (b) 1 nominee of—
 - (i) the local government for the local government area in which the college is situated; or
 - (ii) if the local government is a city or town and there is an adjoining shire—the adjoining shire; and
- (c) 3 nominees of the Minister.

(4) Each member mentioned in subsection (3)(a), must be a nominee of an entity engaged in rural industry in the area served by the college.

(5) Each member mentioned in subsection (3)(c), must—

- (a) have experience in an industry whose needs are serviced by training provided by the college; or
- (b) be a member of the community served by the college.

³ See section 27D (Term of membership).

(6) Also, the members mentioned in subsection (3)(a) and (c) must be persons the Minister considers have the skills and experience the Minister considers necessary to enable them to contribute effectively to the college board's ability to perform its functions.

Examples of skills for subsection (6)—

1. Financial skills.
2. Strategic and business planning skills.
3. Performance management skills.
4. Training skills.

15 Term of appointment

An appointed member is to be appointed for a term, stated in the instrument of appointment, of not more than 3 years.

16 Failure to nominate

(1) If an entity permitted to nominate a person or persons for appointment as a member fails to nominate any or enough eligible persons by a day fixed by the Minister by written notice given to the entity, the Minister may nominate as many persons as necessary to satisfy section 14.⁴

(2) A person appointed because of a nomination under subsection (1) is taken to have been appointed on the entity's nomination.

17 Person may act as appointed member

The Governor in Council may appoint a person to act as an appointed member during any period, or all periods, when the member is absent from the State or, for another reason, cannot perform the functions of the office.

18 Vacation of office

- (1) The office of an appointed member becomes vacant if—
- (a) the member dies; or

4 Section 14 (Appointed members)

- (b) the member ceases to be eligible to become a member of the type concerned; or
- (c) the member is absent without the college board's leave and without reasonable excuse from 3 consecutive meetings of the board; or
- (d) the member resigns from office by signed notice of resignation given to the Minister.

(2) A resignation takes effect on the day the notice of resignation is given to the Minister or, if a later day of effect is stated in the notice, the later day.

Division 3—Chairperson and deputy chairperson

19 Chairperson

(1) The Governor in Council must appoint 1 of the members of a college board as chairperson of the board.

(2) The chairperson must be a person the Minister considers has the skills and experience necessary to lead the college board in the performance of its functions.

(3) The chairperson is the executive member of the college board.

20 Deputy chairperson

(1) The members of a college board must elect 1 of the members as deputy chairperson of the board whenever there is a vacancy in the office.

(2) The deputy chairperson is to act as chairperson—

- (a) when there is a vacancy in the office; and
- (b) during any period, or all periods, when the chairperson is absent from the State or, for another reason, cannot perform the functions of the office.

Division 4—Meetings of college board**21 Who is to preside at meetings of college board**

(1) The chairperson must preside at meetings of the college board.

(2) If the chairperson is absent from a meeting, the deputy chairperson must preside at the meeting.

(3) If the chairperson and the deputy chairperson are both absent from a meeting of a college board or the offices are vacant, the members present must elect a member to preside at the meeting.

22 Quorum

(1) A quorum exists at a meeting of a college board if more than half the members are present.

(2) Subsection (1) is subject to section 22B(3).

22A Voting

At a meeting of the college board—

- (a) a question is to be decided by a majority of the votes of the members present and voting; and
- (b) each member present has a vote on each question to be decided and, if the votes are equal, the chairperson also has a casting vote.

22B Conflict of interest

(1) A member of a college board who has a material personal interest in an issue being considered by the board must not—

- (a) vote on the issue; or
- (b) vote on a proposed resolution (a **“related resolution”**) under subsection (2) about the issue, whether in relation to the member or another member; or
- (c) be present while the issue, or a related resolution, is being considered by the college board; or

- (d) otherwise take part in any decision of the college board about the issue or a related resolution.

Maximum penalty—100 penalty units.

(2) Subsection (1) does not apply to the issue if the college board has at any time passed a resolution that—

- (a) specifies the member, the interest and the issue; and
- (b) states that the members voting for the resolution are satisfied the interest should not disqualify the member from considering or voting on the issue.

(3) A quorum is present during a consideration of an issue by the college board only if the members present who are entitled to vote on any motion that may be moved about the issue number at least 1 less than the number of members required to form a quorum under section 22.

23 Conduct of meeting

(1) A college board may otherwise regulate its proceedings as it considers appropriate.

(2) The board may hold meetings, or allow members to take part in its meetings, by using any technology that reasonably allows members to hear and take part in discussions as they happen

Example of use of technology—

Teleconferencing.

Division 5—Other provisions about college board members

24 Entitlements of college board members

(1) A member (other than the director or a staff member of the college) is entitled to be paid the fees and allowances that may be approved by the Governor in Council.

(2) A member of a college board may be reimbursed out-of-pocket expenses that—

- (a) are necessarily incurred by the member in performing the functions of the office; and
- (b) are approved by the college board.

25 Training for college board members

The chief executive of the department must ensure members receive training about the exercise of their functions as members of a corporation that the chief executive considers appropriate.

PART 2A—ADMINISTRATOR**25A Appointment of administrator**

(1) This section applies if the Minister—

- (a) is satisfied a college board has, for any reason, stopped functioning effectively; or
- (b) considers a college board is acting in a way that is prejudicial to the interests of its college.

(2) The Minister may, by gazette notice, appoint as administrator of the relevant agricultural college a person the Minister considers has appropriate qualifications and experience to be the administrator.

(3) The administrator is to be appointed for the term, and on the conditions decided by the Minister.

(4) However, the Minister may, by gazette notice, fix an earlier day as the day the purpose of the administration ends.

(5) The administrator—

- (a) holds office subject to the direction of the Minister; and
- (b) stops holding office—
 - (i) when the term of the appointment ends unless the administrator stops holding office under section 18(1)(a) or (d)⁵; or
 - (ii) at the end of the day fixed under subsection (4).

5 Section 18 (Vacation of office)

25B College board members go out of office

(1) On the appointment of an administrator of a college, the members of the college board go out of office.

(2) No compensation is payable to a member of the college board because of subsection (1).

25C Administrator is college board

(1) For all purposes of this Act, the administrator of a college is the college board.

(2) Subject to subsection (3), part 2, divisions 2 to 5⁶ do not apply to the administrator.

(3) Section 18(1)(a) and (d) and 24⁷ apply to the administrator as if the administrator were a member of the college board.

25D Additional functions of the administrator

(1) The administrator of a college has the following additional functions—

- (a) to do anything necessary or convenient for the benefit of the college until the purpose of the administration is achieved and appropriate arrangements can be made for the appointment of a new college board;
- (b) to give the Minister a report on the college board's financial position and anything else the Minister requires the administrator to include in the report;
- (c) to give the Minister a final report on the administrator's administration, including details of any directions given by the Minister to the administrator.

(2) The Minister must table the administrator's final report in the Legislative Assembly within 28 days after receiving it.

6 Part 2 (Agricultural College Boards), divisions 2 (College board composition and members), 3 (Chairperson and deputy chairperson), 4 (Meetings of college board) and 5 (Other provisions about college board members)

7 Sections 18 (Vacation of office) and 24 (Entitlements of college board members)

25E Completion of administration

On the completion of the administration, the administrator of a college is, in the absence of fraud or dishonesty, released from responsibility to account for the administration of the college.

PART 3—THE DIRECTOR**26 Director**

- (1) Each college has a director.
- (2) The college board is to appoint the director.
- (3) The director is the chief executive officer of the college.
- (4) Subject to the board, the director—
 - (a) is responsible for the day to day management of the college; and
 - (b) may appoint the college's staff.

(5) The director and the college staff are appointed under this Act and not under the *Public Service Act 1996*.

27 Acting director

The college board may appoint a person to act as director—

- (a) during any vacancy, or all vacancies, in the office; or
- (b) during any period, or all periods, when the director is absent from the State or, for another reason, cannot perform the functions of the office.

PART 3A—STUDENT ADVISORY COUNCIL**27A Student advisory council**

- (1) There is a student advisory council.

(2) The student advisory council consists of not more than 8 members comprising not more than—

- (a) 5 students; and
- (b) 1 former student; and
- (c) 2 staff members.

27B Eligibility

(1) The following persons are eligible to be a member of the student advisory council—

- (a) students of the college;
- (b) former students of the college who graduated from the college within the 5 years before the start of the year for which the person is to be a member of the advisory council;
- (c) staff members of the college.

(2) The following persons are not eligible to be a member of the student advisory council—

- (a) an official member of the college board, other than the nominee of the student advisory council;
- (b) an appointed member of the college board.

(3) The students of the college are to elect persons from the persons mentioned in subsection (1)(a) as members of the student advisory council.

(4) The college staff are to elect persons from the persons mentioned in subsection (1)(c) as members of the student advisory council.

(5) An entity entitled to elect persons as members of the student advisory council must elect the persons as and when required by the college board.

(6) The college board is to decide the way the member mentioned in section 27A(2)(b) is to be selected.

27C Functions

(1) The student advisory council has the following functions—

- (a) advising the college board or the director on matters the board or director refers to the advisory council;

- (b) advising the college board or the director on matters about the college or students the advisory council considers should be referred to the board or director;
- (c) other functions conferred on it by this Act.

(2) The student advisory council is not the employee or agent of the college board.

27D Term of membership

(1) A member of a college's student advisory council for a particular year holds office until the end of that calendar year and may resign the office by signed notice given to the director.

(2) However, a student advisory council member who is a student or a staff member stops being a member of the advisory council on stopping being a student or staff member.

27E Conduct of meetings

(1) The advisory council must choose a student member to be the chairperson of the advisory council.

(2) The advisory council may otherwise regulate its proceedings as it considers appropriate.

PART 4—PROPERTY AND FINANCE

Division 1—Dealing with State land by college board

28 Application of Land Act 1994

(1) State land is held and may be disposed of under the *Land Act 1994*.

(2) However, a college board may only grant an interest in State land by way of lease.

(3) The lease must—

- (a) be for a term of not more than 20 years; and

- (b) not contain a covenant, agreement or option for the renewal of the lease or the purchase of the land; and
- (c) be for the highest annual rent that can reasonably be obtained without taking a fine, premium or other consideration for the grant of the lease and having regard to the purpose for which the land is to be used.

Division 2—Finance

29 Funds

(1) A college board may establish and administer the following kinds of funds—

- (a) a trust fund;
- (b) a loan fund;
- (c) a general fund;
- (d) a kind of fund prescribed by regulation.

(2) A regulation may specify the purpose for which amounts held in a particular kind of fund may be used.

30 Trust fund

(1) The college board must pay into the trust fund amounts paid to the board for use for a particular person or a particular purpose.

(2) The college board may only use an amount paid into the trust fund for the person or purpose for which it was paid to the board.

(3) Tuition fees are not to be paid into the trust fund.

31 Loan funds

(1) The college board must pay into the loan fund amounts paid to the board by way of loan or subsidy.

(2) The college board may only use amounts held in the loan fund to pay expenses necessarily incurred in giving effect to the purpose of the loan or subsidy.

32 General fund

(1) The college board must pay into the general fund amounts paid to the college out of the consolidated fund.

(2) The college board may also pay into the general fund amounts received by the board from another source, including, for example, tuition fees or other charges or the sale of produce or stock.

(3) The college board may only use amounts held in the general fund—

- (a) to pay the college's operating costs; or
- (b) if an amount is for capital works—to pay for capital works.

33 Other funds

If a college board establishes a fund of a kind prescribed by regulation under section 29(1)(d), the board—

- (a) must pay into the fund amounts paid to the board for the fund's purposes; and
- (b) may only use amounts held in the fund for the fund's purposes.

34 Financial review

(1) A college board must, in each financial year, adopt a budget for the college for the next financial year.

(2) In framing its budget, the college board must have regard to any resource agreement entered into between the college board and the chief executive of the department.

(3) The college board must control its spending as nearly as possible within the limits of the approved budget.

Division 3—Application of finance Acts**35 College board is statutory body**

(1) The college board is a statutory body under—

- (a) the *Financial Administration and Audit Act 1977*; and
- (b) the *Statutory Bodies Financial Arrangements Act 1982*.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the college board's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*, including, for example, section 8(4) and (5) of this Act.

PART 5—RULES

Division 1—College rules

36 College rules

(1) A college board may make college rules.

(2) A college rule may only be made about—

- (a) fees to be paid by students; and
- (b) the disciplining of students; and
- (c) the management and control of the college; and
- (d) procedures for meetings of the college board; and
- (e) the making and notifying of college rules.

(3) However, the college board must not make a college rule about fees to be paid by students without the Minister's previous approval.

(4) A rule under subsection (2)(b) may not impose a monetary penalty on a student.

37 Notification of college rules

(1) A college rule—

- (a) must be notified in the way required by college rule or, if there is no appropriate college rule, decided by the college board; and
- (b) takes effect on the day of its notification or, if a later day or time is fixed in the rule, on the day or at the time fixed.

(2) On the day a college rule is notified under subsection (1)(a) or as soon as practicable after that day, copies of the rule must be available to be

obtained (by purchase or otherwise) at the place, or at each of the places, specified in the notice.

(3) Failure to comply with subsection (2) does not affect the validity of the notification under subsection (1)(a).

Division 2—Operational rules

37A Operational rules

(1) The director may make rules (“**operational rules**”) under this Act for any purpose—

- (a) authorised by a college rule about anything mentioned in section 36(2); or
- (b) that is necessary or convenient for the day to day management of the college.

(2) An operational rule that is inconsistent with a college rule is, to the extent of the inconsistency, invalid.

(3) As soon as practicable after an operational rule is made, the director must publish the rule in a way that gives persons affected by the rule appropriate notice of the rule and its effect.

(4) The operational rule takes effect on the day of its notification or, if a later day is stated in the rule for its commencement, the later day.

(5) Also, if a person asks for a copy of the operational rule, the director must give the person a copy free of charge.

PART 6—GENERAL

38 Driver training

(1) In this section—

“**driver licence**” has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.

“**motor vehicle**” has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.

“road” has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.

(2) Despite the *Transport Operations (Road Use Management) Act 1995*, a student who is required to drive a motor vehicle on a road or in college grounds as part of the student’s training at the college is, while driving the motor vehicle, taken to hold a driver licence to drive the motor vehicle.

39 What happens to assets and liabilities on closure of college

(1) This section applies if—

- (a) a college closes; and
- (b) the college board—
 - (i) holds property (other than State land) when the college closes; or
 - (ii) has liabilities.

(2) A regulation may divest property held by the college board from the board and vest it in the State.

(3) If the college board held the property on trust, the property is held by the State subject to the terms of the trust.⁸

(4) Also, a regulation may transfer the college board’s liabilities to the State.

39A Delegation by Minister

The Minister may delegate the Minister’s powers under this Act to the chief executive.

40 Regulation making power

The Governor in Council may make regulations under this Act.

⁸ The *Vocational Education, Training and Employment Act 2000*, chapter 9, part 1, division 2 allows the corporation to work out an alternative scheme for the use of trust property when the original purpose of the trust cannot be carried out because, for example, the purpose has ceased to exist.

41 Numbering and renumbering of Act

In the next reprint of this Act produced under the *Reprints Act 1992*, provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.

PART 7—TRANSITIONAL PROVISIONS***Division 1—Transitional provision for Act No. 58 of 1994*****48 References to rural training schools etc.**

(1) This section applies to references in Acts and documents in existence on its commencement.

(2) A reference to a rural training school, or a particular rural training school, under the *Rural Training Schools Act 1965* is taken to be a reference to an agricultural college, or the agricultural college concerned, under this Act.

(3) A reference to the board of trustees of a rural training school, or a particular board of trustees, under the *Rural Training Schools Act 1965* is taken to be a reference to a college board, or the particular college board concerned, under this Act.

(4) A reference to the *Rural Training Schools Act 1965* is taken to be a reference to this Act.

Division 2—Transitional provisions for Agricultural Colleges Amendment Act 2002**49 Existing agricultural colleges**

Each agricultural college in existence immediately before the commencement of the *Agricultural Colleges Amendment Act 2002*, section 4 continues to be an agricultural college as if it had been declared to be an agricultural college under this Act as in force on the commencement of that section.

50 Official members

(1) On the commencement of the *Agricultural Colleges Amendment Act 2002*, section 10, the person who was an official member of a college board because of section 13(2)(b) of this Act as in force immediately before the commencement continues to be an official member of the college board of which the person was an official member.

(2) On the commencement of the *Agricultural Colleges Amendment Act 2002*, section 10, the person who was an official member of a college board because of section 13(2)(c) of this Act as in force immediately before the commencement continues to be an official member of the college board until the person stops being the president of the student body recognised by the director as representing the interests of the college's students.

51 Appointed member who becomes official member

(1) On the commencement of the *Agricultural Colleges Amendment Act 2002*, section 10, a person who was an appointed member of a college board because of section 14(3)(c) or (d) of this Act as in force immediately before the commencement becomes an official member of the college board to which the person was appointed.

(2) The member continues to be an official member until the member stops being the nominee of the relevant entity for any reason, including the appointment of someone else as the entity's nominee.

52 Change in term of appointment

The reduction in the term of appointment of an appointed member by the *Agricultural Colleges Amendment Act 2002*, section 12 does not end the appointed member's term of appointment before the member's term would otherwise have ended.

ATTACHMENT**MINISTERIAL DECLARATION ‘STEPPING FORWARD: IMPROVING PATHWAYS FOR ALL YOUNG PEOPLE’**

section 4A

A COMMITMENT TO THE YOUNG PEOPLE OF AUSTRALIA BY MINISTERS FOR EDUCATION, EMPLOYMENT, TRAINING, YOUTH AFFAIRS AND COMMUNITY SERVICES

Young people make a significant contribution to Australia today and will shape what it will be tomorrow. The vitality, ideas, creativity and visions of all young people must be embraced.

The majority of young people are doing well, moving successfully through the different stages of their lives and responding to the challenges of the future. We can be confident that they will achieve success, find fulfilment in their adult lives and make a positive contribution to this country.

Some young people find their journeys more difficult and challenging. They may face problems in acquiring the knowledge, skills and self-confidence that form the foundations of their adult lives. We recognise the emotional, physical, cultural and learning barriers faced by these young people and the social, economic and locational factors that may negatively impact on their lives. There are opportunities for governments to address these barriers so that young people can achieve their best.

As Ministers entrusted with the collective wellbeing and interests of young people, we must foster an environment in which young people are nurtured and challenged—a society where all young people can realise their full potential. We must work together to support young Australians to achieve success as individuals and as members of society. We need to act collectively and we need to act now.

ATTACHMENT (continued)

VISION

Our vision is of an Australia where:

- young people benefit and flourish through sustaining networks of family, friends and community, and through their engagement in education, training, employment, recreation and society
- young people's opinions and contributions are sought and valued, and they are encouraged and supported to take an active role in their communities and the nation
- young people's lives are enriched by positive learning experiences and opportunities that assist them to reach their full potential
- we recognise and celebrate young people's achievements.

CHALLENGE

Our challenge is to:

- listen and respond to young people
- work creatively in partnership with young people to build comprehensive networks that draw together jurisdictions, government departments, families and communities so that united we can address the complex issues confronting young people
- recognise and address structural barriers faced by young people
- ensure that our governmental systems recognise the diversity of young people through being inclusive, flexible and adaptive
- create effective opportunities for young people that are accessible, integrated and meaningful
- encourage young people to take increasing responsibility for their own lives, support their peers and contribute to their community

ATTACHMENT (continued)

- ensure that young people have the information, skills and support needed to negotiate the transition to adult life and to make informed life decisions.

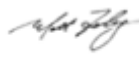
OUR DECLARATION

With this declaration, we commit to developing practical ways to increase the social, educational and employment outcomes of Australia's young people including those who are at risk, disconnected or in vulnerable circumstances. We agree to establish a common direction to make a real and lasting difference to the lives of young people. We are united by a shared commitment and a joint responsibility. We unanimously agree to work in partnership towards implementing a shared vision for all young people.

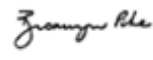
Australia's Ministers for Education, Employment, Training, Youth Affairs and Community Services



The Hon. Lynne Kosky MP
Chair, Ministerial Council on Education,
Employment, Training and Youth Affairs
Minister for Education and Training (VIC.)



The Hon. Matt Foley MP
Chair, Ministerial Subcommittee
on Young
Peoples Transitions
Minister for Employment,
Training and Youth Affairs
Minister for the Arts (QLD)



The Hon. Bronwyn Pike MP
Chair, Community Services
Ministers Conference
Minister for Aged Care (VIC.)



The Hon. Simon
Corbell MLA
Minister for
Education, Youth and
Family Services
(ACT)



The Hon. Tony Abbott
MP
Minister for Employment,
Workplace Relations
and Small Business
(Cwth)



The Hon. Larry Anthony MP
Minister for Children and
Youth Affairs (Cwth)



The Hon. Brendan
Nelson MP
Minister for
Education, Science
and Training (Cwth)



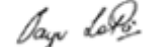
Senator Amanda
Vanstone
Minister for Family and
Community
Services (Cwth)



The Hon. Carmel
Tebbutt MLC
Minister Assisting the
Premier
on Youth (NSW)



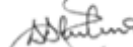
The Hon. John Watkins
MP
Minister for Education
and Training (NSW)



The Hon. Faye Lo Po MP
Minister for Community
Services (NSW)



The Hon. Clare Martin
MLA
Chief Minister,
Minister for
Young Territorians
(NT)



The Hon. Syd Stirling
MLA
Minister for Education,
Employment
and Training (NT)

ATTACHMENT (continued)



The Hon. Jane Aagaard MLA
Minister for Health
and
Community Services
(NT)



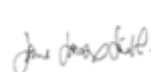
The Hon. Anna Bligh MP
Minister for Education
(QLD)



The Hon. Judy Spence MP
Minister for Families (QLD)



The Hon. Stephanie Key MP
Minister for Youth
(SA)



The Hon. Dr Jane Lomax-Smith MP
Minister for Employment,
Training
and Further Education
(SA)



The Hon. Patricia White MP
Minister for Education
and Childrens
Services (SA)



The Hon. Paula Wriedt
MHA
Minister for Education
(TAS)



The Hon. Judy Jackson
MHA
Minister for Health and
Human Services (TAS)



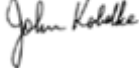
The Hon. Monica Gould MLC
Minister for
Education Services
Minister for Youth
Affairs
Leader of the
Legislative Council
(VIC)



The Hon. John Pandazopoulos MP
Minister for Employment,
Gaming and Tourism
Minister Assisting the
Premier
on Multicultural Affairs
(VIC)



The Hon. Alan Carpenter MLA
Minister for
Education, Sport and
Recreation,
and Indigenous
Affairs (WA)



The Hon. John Kobelke
MLA
Minister for Consumer
and Employment
Protection, and Training
Packages (WA)



The Hon. Sheila McHale
MLA
Minister for Community
Development, Womens
Interests, Seniors and
Youth, Disability Services,
Culture and the Arts (WA)

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated.	33
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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 January 2004. Future amendments of the Agricultural Colleges Act 1994 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 edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	3 February 1995	3 March 1995
1A	to 1996 Act No. 54	1 June 1997	13 June 1997
1B	to 1999 Act No. 42	1 December 1999	21 January 2000
1C	to 2000 Act No. 26	27 June 2000	21 July 2000
2	to 2000 Act No. 26	27 June 2000	1 September 2000
2A	to 2000 Act No. 26	28 September 2000	28 September 2000 (Column discontinued) Notes
2B	to 2002 Act No. 32	16 August 2002	
2C	to 2003 Act No. 63	1 January 2004	

5 List of legislation

Agricultural Colleges Act 1994 No. 58

date of assent 4 November 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 3 February 1995 (1995 SL No. 20)

amending legislation—

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

Road Transport Reform Act 1999 No. 42 ss 1–2(1), 54(3) sch pt 3

date of assent 2 September 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1999 (see s 2(1))

Training and Employment Act 2000 No. 23 ss 1, 2(3), 293 sch 2

date of assent 27 June 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 28 September 2000 (2000 SL No. 248)

Primary Industries and Natural Resources Legislation Amendment Act 2000 No. 26

ss 1, 12 sch 1

date of assent 27 June 2000

commenced on date of assent

Agricultural Colleges Amendment Act 2002 No. 32

date of assent 16 August 2002

commenced on date of assent

Training Reform Act 2003 No. 63 pts 1, 3 s 60 sch

date of assent 13 October 2003

ss 1–2 commenced on date of assent

s 57(3), (5) commence 1 January 2006 (see s 2(1))

remaining provisions commenced 1 January 2004 (2003 SL No. 293)

6 List of annotations

Definitions

- s 3** def “**accredited**” amd 2000 No. 23 s 293 sch 2; 2003 No. 63 s 60 sch
 def “**agricultural college**” sub 2000 No. 23 s 293 sch 2
 def “**pastoral care**” ins 2002 No. 32 s 3(1)
 def “**registered training organisation**” ins 2000 No. 23 s 293 sch 2
 sub 2003 No. 63 s 60 sch
 def “**State college**” om 2000 No. 23 s 293 sch 2
 def “**State land**” amd 2002 No. 32 s 3(2)
 def “**TAFE institute**” ins 2000 No. 23 s 293 sch 2
 amd 2003 No. 63 s 60 sch

Declaration of agricultural college

- s 4** amd 2000 No. 23 s 293 sch 2
 sub 2002 No. 32 s 4

Ministerial declaration ‘Stepping forward: improving pathways for all young people’

- s 4A** ins 2003 No. 63 s 56

Application of Vocational Education, Training and Employment Act 1991

- s 5** om 2000 No. 23 s 293 sch 2

Board of trustees

- s 6** amd 2002 No. 32 s 5

Functions of college board

- s 7** amd 2002 No. 32 s 6; 2003 No. 63 s 57(1)–(2), (4)

Powers of college board

- s 8** amd 2000 No. 23 s 293 sch 2; 2002 No. 32 s 7

College board is subject to direction

- s 10** amd 2002 No. 32 s 8

Reporting and accountability

- s 10A** ins 2002 No. 32 s 9

Official members

- s 13** amd 2000 No. 23 s 293 sch 2
 sub 2002 No. 32 s 10
 amd 2003 No. 63 s 58

Appointed members

s 14 amd 2000 No. 26 s 12 sch 1; 2002 No. 32 s 11

Term of appointment

s 15 amd 2002 No. 32 s 12

Failure to nominate

s 16 amd 2002 No. 32 s 13

Chairperson

s 19 amd 2002 No. 32 s 14

Quorum

s 22 amd 2002 No. 32 s 15

Voting

s 22A ins 2002 No. 32 s 16

Conflict of interest

s 22B ins 2002 No. 32 s 16

Conduct of meeting

s 23 amd 2002 No. 32 s 17

PART 2A—ADMINISTRATOR

pt 2A (ss 25A–25E) ins 2002 No. 32 s 18

Director

s 26 amd 2002 No. 32 s 19

PART 3A—STUDENT ADVISORY COUNCIL

pt 3A (ss 27A–27E) ins 2002 No. 32 s 20

Application of Land Act 1994

prov hdg amd 2002 No. 32 s 21(1)

s 28 amd 2002 No. 32 s 21(2)

General fund

s 32 amd 2002 No. 32 s 22

Other funds

s 33 amd 2002 No. 32 s 23

College board is statutory body

s 35 amd 1996 No. 54 s 9 sch

PART 5—RULES

pt hdg amd 2002 No. 32 s 24

Division 1—College rules

div hdg ins 2002 No. 32 s 25

Division 2—Operational rules

div 2 (s 37A) ins 2002 No. 32 s 26

Driver training

s 38 amd 1999 No. 42 s 54(3) sch pt 3

What happens to assets and liabilities on closure of college

s 39 amd 2000 No. 23 s 293 sch 2; 2003 No. 63 s 60 sch

Delegation by Minister

s 39A ins 2002 No. 32 s 27

Numbering and renumbering of Act

s 41 prev s 41 exp 3 February 1996 (see s 50)
 pres s 41 ins 2002 No. 32 s 28

PART 7—TRANSITIONAL PROVISIONS

pt hdg amd R1 (see RA s 7(1)(k))
 sub 2002 No. 32 s 29

Division 1—Transitional provision for Act No. 58 of 1994

div hdg ins 2002 No. 32 s 29

Repeal

s 42 om R1 (see RA s 40)

Rural training schools

s 43 exp 3 February 1996 (see s 50)

Existing boards of trustees

s 44 exp 3 February 1996 (see s 50)

Property

s 45 exp 3 February 1996 (see s 50)

Rules

s 46 exp 3 February 1996 (see s 50)

Staff

s 47 exp 3 February 1996 (see s 50)

Division 2—Transitional provisions for Agricultural Colleges Amendment Act 2002

div hdg ins 2002 No. 32 s 30

Existing agricultural colleges

s 49 prev s 49 exp 3 February 1996 (see s 50)
 pres s 49 ins 2002 No. 32 s 30

Official members

s 50 prev s 50 exp 3 February 1996 (see s 50)
 pres s 50 ins 2002 No. 32 s 30

Appointed member who becomes official member

s 51 ins 2002 No. 32 s 30

Change in term of appointment

s 52 ins 2002 No. 32 s 30

**ATTACHMENT—MINISTERIAL DECLARATION ‘STEPPING FORWARD:
IMPROVING PATHWAYS FOR ALL YOUNG PEOPLE’**

ins 2003 No. 63 s 59