



Agricultural College Act 2005

Reprinted as in force on 2 November 2009

Reprint No. 2B

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

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Queensland

Agricultural College Act 2005

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Agricultural College Act 2005

[as amended by all amendments that commenced on or before 2 November 2009]

An Act to establish the Australian Agricultural College Corporation and provide for an agricultural college, to establish the Australian Agricultural College Employing Office, and for other purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Agricultural College Act 2005*.

2 Commencement

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

3 Dictionary

The dictionary in schedule 2 defines particular words used in this Act.

4 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

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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 Australian Agricultural College Corporation

Division 1 Establishment and capacity of corporation

5 Establishment of Australian Agricultural College Corporation

- (1) A corporation sole constituted by the chief executive is established under the name Australian Agricultural College Corporation.
- (2) The corporation as established under that name—
 - (a) has perpetual succession and a seal; and
 - (b) may sue and be sued in its corporate name.

6 Corporation represents the State

- (1) The corporation represents the State.
- (2) Without limiting subsection (1), the corporation has all the State's privileges and immunities.

7 Legal capacity of corporation

- (1) The corporation 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) fix charges, and other terms, for services it supplies; and
 - (f) do anything necessary or convenient to be done in the performance of its functions under this or another Act.
- (2) The corporation also has the powers conferred on it by this or another Act.
 - (3) The corporation may exercise its powers inside and outside Queensland.
 - (4) Without limiting subsection (3), the corporation may exercise its powers outside Australia.

8 Corporation declared to be excluded matter

The corporation is declared to be an excluded matter for the Corporations Act, section 5F, in relation to the whole of the Corporations legislation.

9 Corporation's seal

- (1) The corporation's seal is to be kept in the custody of the chief executive.
- (2) The seal may be used only by—
 - (a) the chief executive; or
 - (b) another person authorised, in writing, by the corporation.

Division 2 Functions

10 Corporation's functions generally

The functions of the corporation are as follows—

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- (a) to promote the creation of employment opportunities in the State by facilitating the provision of agricultural and rural vocational education and training relevant to employment and encourage the generation of employment opportunities;
- (b) to establish a system for the effective and efficient provision of high quality vocational education and training to meet the immediate and future needs of the agricultural and rural industries and the community;
- (c) to provide mechanisms for employees, employers, associations of employees or employers and the community to advise government on agricultural training needs and priorities to meet those needs;
- (d) to work in cooperation with other governmental bodies, industry, commerce and community groups and other persons on matters relating to the agricultural and rural industries;
- (e) to exploit commercially any facility or resource of the corporation, including any study, research or knowledge, developed by or belonging to the corporation;
- (f) to provide facilities or services for study, research and training relevant to the agricultural, rural and related industries, including by ensuring the availability of appropriate resources and support for the agricultural college;
- (g) to comply with national and State quality standards and audit requirements for registered training organisations;
- (h) to support the continued development of high quality training by and within the agricultural industry;
- (i) to promote a community commitment towards supporting young people in the compulsory participation phase;
- (j) to implement initiatives that are consistent with the ministerial declaration 'Stepping forward: improving

pathways for all young people' as mentioned in section 4;

- (k) to perform other functions given to the corporation under this or another Act.

11 Additional functions in relation to agricultural college

The corporation's functions in relation to the agricultural college are as follows—

- (a) to control, operate and maintain the agricultural college;
- (b) to establish and review the agricultural college's strategic direction;
- (c) to develop and implement strategic plans and business plans for the agricultural college;
- (d) to decide policy for achieving the agricultural college's business purpose, and for other agricultural college purposes;
- (e) to develop and implement appropriate risk management strategies for the agricultural college;
- (f) to improve the participation of Aboriginal people and Torres Strait Islanders (*indigenous people*) in training by attracting indigenous people to, and supporting indigenous people in, training resulting in a qualification or statement of attainment in numbers that reflect the composition of the community;
- (g) to improve 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;
- (h) to ensure pastoral care is available for students of the agricultural college;
- (i) to develop and implement appropriate strategies to help students make the transition from an educational environment to the workplace;

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- (j) to maintain the industry links necessary for achieving support from industry for the agricultural college's activities;
- (k) to encourage opportunities for growth in the agricultural college's training market, including opportunities relating to persons and places outside Australia;
- (l) to monitor the performance of the director and the agricultural college.

Division 3 Financial matters

12 Corporation is statutory body

- (1) The corporation is a statutory body under—
 - (a) the *Financial Accountability Act 2009*; 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 corporation's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*, including, for example, section 7(3) and (4) of this Act.

Division 4 Directions and delegations

13 Minister's power to give directions

- (1) The Minister may give the corporation a written direction about a matter relevant to the performance of the corporation's functions under this Act.
- (2) The corporation must comply with the direction.
- (3) If the Minister gives the corporation a direction under subsection (1), the corporation's annual report under the *Financial Accountability Act 2009* must include—

-
- (a) particulars of the direction; and
 - (b) particulars of the corporation's response to the direction.

14 Delegation by corporation

- (1) The corporation may delegate its powers under this Act to—
 - (a) an appropriately qualified employee of the employing office or of another government entity who performs work for the corporation under a work performance arrangement; or
 - (b) an appropriately qualified officer or employee of the corporation; or
 - (c) an appropriately qualified officer or employee of the department.

- (2) In this section—

appropriately qualified includes having the qualifications, experience or standing appropriate to exercise the power.

Example of standing for an officer or employee of the department—
the officer or employee's classification level in the department

Division 5 Other provisions

15 Corporation may enter into work performance arrangements

- (1) The corporation may enter into, and give effect to, a work performance arrangement with—
 - (a) the employing office; or
 - (b) the appropriate authority of another government entity.
- (2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.

[s 16]

- (3) For example, a work performance arrangement may provide for—
 - (a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and
 - (b) the authorising of a person to exercise powers for the arrangement; and
 - (c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.
- (4) A person performing work for the corporation under a work performance arrangement entered into under subsection (1)—
 - (a) is not employed by the corporation; and
 - (b) remains an employee of the employing office, or an employee of the other government entity whose appropriate authority is a party to the arrangement.
- (5) To remove any doubt, it is declared that the corporation does not have power to employ a person performing work for the corporation under a work performance arrangement entered into under subsection (1).

Part 2A Australian Agricultural College Employing Office

Division 1 Establishment and functions of employing office

16 Establishment of employing office

- (1) The Australian Agricultural College Employing Office is established.
- (2) The employing office consists of—

- (a) the executive officer; and
 - (b) the employees of the employing office.
- (3) The employing office is a separate entity from the corporation.

17 Employing office represents the State

- (1) The employing office represents the State.
- (2) Without limiting subsection (1), the employing office has the status, privileges and immunities of the State.

18 Functions of employing office

- (1) The main functions of the employing office are—
 - (a) entering into, for the State, a work performance arrangement with the corporation under which employees of the employing office perform work for the corporation; and
 - (b) employing, for the State, staff to perform work for the corporation under the work performance arrangement; and
 - (c) doing anything incidental to the discharge of the functions mentioned in paragraphs (a) and (b).
- (2) Also, the employing office has any other function conferred on the employing office under this or another Act.
- (3) This section does not limit the employing office's power to enter into and give effect to a work performance arrangement under section 20D with a government entity other than the corporation.

Division 2 Executive officer

19 Appointment of executive officer

- (1) There is to be an executive officer of the employing office.

[s 20]

- (2) The executive officer is to be appointed by the Governor in Council.
- (3) The executive officer is appointed under this Act and not under the *Public Service Act 2008*.

20 Executive officer acting for employing office

- (1) The employing office acts through the executive officer.
- (2) Anything done by the executive officer in the name of, or for, the employing office is taken to have been done by the employing office.

Division 3 Staff of employing office

20A Employing office may employ staff

- (1) The employing office may, for the State, employ staff.
- (2) A person employed under subsection (1) is an *employee of the employing office*.
- (3) The employing office may decide the terms of employment of the employees of the employing office.
- (4) Subsection (3) applies subject to any relevant industrial instrument.
- (5) Employees of the employing office are employed under this Act and not under the *Public Service Act 2008*.

20B Preservation of rights in relation to public service employees

- (1) Subsection (2) applies to a person who—
 - (a) is appointed as an employee of the employing office; and
 - (b) was a public service employee immediately before taking up the appointment.

-
- (2) The person is entitled to retain all existing and accruing rights as if service as an employee of the employing office were a continuation of service as a public service employee.
 - (3) If a person is appointed as a public service employee and the person was, immediately before taking up the appointment, an employee of the employing office, the person's service as an employee of the employing office under this Act must be regarded as service as a public service employee.

20C Secondment as employee of employing office

- (1) A public service employee may be seconded to the employing office.
- (2) While seconded under this section—
 - (a) the person is taken to be an employee of the employing office; and
 - (b) the *Public Service Act 2008* does not apply to the person.
- (3) A public service employee seconded under this section —
 - (a) is entitled to the person's existing and accruing rights as if employment as an employee of the employing office were a continuation of employment as a public service employee; and
 - (b) may apply for positions, and be employed, in the public service as if the person were a public service employee.
- (4) On ending the secondment, the person's employment on secondment as an employee of the employing office is taken to be employment of the same nature in the public service for working out the person's rights as a public service employee.
- (5) If the secondment ended for a reason other than misconduct, the person is entitled to be employed as a public service employee.
- (6) This section has effect despite section 20D.

[s 20D]

20D Employing office may enter into work performance arrangements

- (1) The employing office may, for the State, enter into and give effect to a work performance arrangement with—
 - (a) the corporation; or
 - (b) the appropriate authority of another government entity.
- (2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.
- (3) For example, a work performance arrangement may provide for—
 - (a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and
 - (b) the authorising of a person to exercise powers for the arrangement; and
 - (c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.
- (4) A person performing work for the corporation or other government entity under a work performance arrangement entered into under subsection (1)—
 - (a) is not employed by the corporation or other government entity; and
 - (b) remains an employee of the employing office.
- (5) To remove any doubt, it is declared that the corporation or another government entity does not have power to employ a person performing work for the corporation or other government entity under a work performance arrangement entered into under subsection (1).

Division 4 Other provisions

20E Employing office is statutory body

- (1) The employing office is a statutory body under—
 - (a) the *Financial Accountability Act 2009*; and
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) For applying the *Financial Accountability Act 2009* to the employing office as a statutory body—
 - (a) the executive officer is taken to be the chairperson of the employing office; and
 - (b) the *Financial Accountability Act 2009* is taken to require the executive officer to consider the annual financial statements and the auditor-general's report as soon as practicable after they are received by the employing office; and
 - (c) the *Financial Accountability Act 2009* is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer as soon as practicable after the executive officer receives them.

Part 3 Australian Agricultural College Corporation Advisory Board

Division 1 Establishment and functions

21 Establishment of board

The Australian Agricultural College Corporation Advisory Board is established.

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22 Board's functions

The board has the function of providing advice to the corporation about the following—

- (a) training of, and delivery of services to, students of the agricultural college;
- (b) the needs of communities serviced by the agricultural college;
- (c) the needs of the agricultural and rural industries.

Division 2 Board membership

23 Board membership

The board consists of the members appointed by written notice by the Minister.

24 Board chairperson and deputy chairperson

- (1) The Minister must appoint a member to be the chairperson of the board and may appoint another person to be the deputy chairperson of the board.
- (2) The chairperson or deputy chairperson holds office as chairperson or deputy chairperson—
 - (a) for the term decided by the Minister; or
 - (b) if the person's term of office as member ends before the person's term of office as chairperson or deputy chairperson ends—until the day the person's term of office as member ends; or
 - (c) if the person's term of office as member and the person's term of office as chairperson or deputy chairperson end on the same day—until the day the person's offices end.
- (3) A vacancy occurs in the office of chairperson or deputy chairperson if the person holding office—

- (a) is removed from office by signed notice from the Minister; or
 - (b) resigns from office by signed notice of resignation given to the Minister.
- (4) However, a person removed from, or resigning from, the office of chairperson or deputy chairperson may continue to be a member of the board.

25 Term of appointment to board

- (1) A board member is appointed for the term stated in the member's notice of appointment.
- (2) A board member may resign by signed notice of resignation given to the Minister.

26 Conditions of appointment to board

- (1) A board member is not entitled to any remuneration, other than the reimbursement of reasonable expenses and travel allowance, unless remuneration is approved in writing by the Minister.
- (2) A board member holds office—
 - (a) on the conditions stated in this Act; and
 - (b) on the other conditions decided by the Minister.

27 Vacating office

The office of a board member becomes vacant if the member—

- (a) resigns from office by signed notice of resignation given to the Minister; or
- (b) is absent without the board's permission from 3 consecutive board meetings of which proper notice has been given and without reasonable excuse; or

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- (c) is removed from office by signed notice from the Minister.

Division 3 Board meetings

28 Conduct of board's business

Subject to this Act, the board may conduct its business in the way it considers appropriate.

29 Times and places of board meetings

- (1) Board meetings are to be held at the times and places it decides.
- (2) However, the chairperson may call a board meeting at any time.
- (3) The Minister may also call a board meeting at any time.
- (4) The board must meet at least twice a year.

30 Presiding at board meetings

- (1) The chairperson is to preside at all board meetings at which the chairperson is present.
- (2) If the chairperson is absent, any deputy chairperson, if present, is to preside.
- (3) If the chairperson and any deputy chairperson are absent, the member chosen by the members present is to preside.

31 Voting at board meetings

- (1) At board meetings, all questions are to be decided by a majority of the votes of the members present.
- (2) If a member abstains from voting, the member is taken to vote for the negative.

-
- (3) The chairperson or a member presiding at a meeting is to have a vote and, if the votes are equal, a casting vote.

32 Quorum for board meeting

A quorum for a board meeting is the number equal to one half of the number of its appointed members or, if one half is not a whole number, the next highest whole number.

33 Meetings held using communication technology

- (1) The board may hold meetings, or permit members to take part in 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

- (2) A member who participates in a board meeting under subsection (1) is taken to be present at the meeting.
- (3) A resolution is validly made by the board, even if it is not passed at a board meeting, if—
- (a) notice of the resolution is given to the board members under procedures approved by the board; and
 - (b) the number of members required for a quorum agree in writing to the resolution.

34 Board minutes

The board must keep a record of the minutes of its meetings and its decisions.

Division 4 Other provisions

35 Establishing committees

- (1) The board may, with the written approval of the corporation, establish a committee to help it perform its functions.

[s 36]

- (2) When seeking the corporation's approval, the board must give the corporation a statement of the proposed committee's terms of reference and functions.
- (3) Appointments to the committee are to be made by the board by written notice.
- (4) The board may appoint a person to the committee only if the person has skills or experience appropriate to the committee's terms of reference or functions.
- (5) A committee member is not entitled to any remuneration, other than the reimbursement of reasonable expenses and travel allowance, unless remuneration is approved in writing by the corporation.
- (6) Subsection (1) does not apply to a committee of the board's members.

Part 4 Agricultural college, director and student advisory council

Division 1 Agricultural college

36 Agricultural college

- (1) An agricultural college is established for the purposes of this Act.
- (2) The college has no legal existence apart from the corporation.
- (3) The corporation may—
 - (a) give the college a name; and
 - (b) establish campuses of the agricultural college.

Division 2 Director of agricultural college

37 Director

- (1) The corporation may appoint a director for the agricultural college.
- (2) Subject to the corporation, the director is responsible for the day to day management of the agricultural college.
- (3) The corporation may decide the terms of employment for the director.
- (4) However, subsection (4) has effect subject to any relevant industrial instrument.
- (5) The director is appointed under this Act and not under the *Public Service Act 2008*.

38 Acting director

The corporation 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.

Division 3 Student advisory councils

Subdivision 1 Agricultural college student advisory council

39 Student advisory council

- (1) A student advisory council for the agricultural college is established.
- (2) The student advisory council consists of—

[s 40]

- (a) 1 student from each campus of the agricultural college;
and
- (b) 2 members of the staff of the agricultural college.
- (3) For subsection (2)(a), the students of each campus are to elect a person who is a student of the campus as a member of the student advisory council.
- (4) For subsection (2)(b), the staff of the agricultural college are to elect persons who are members of the staff as members of the student advisory council.
- (5) An election under subsection (3) or (4) is to be held as and when required by the corporation.
- (6) In this section—
staff, of the agricultural college, means employees of the employing office or of another government entity who perform work for the corporation, being work for the agricultural college, under a work performance arrangement.

40 Functions

- (1) The student advisory council has the following functions—
 - (a) to advise the corporation or the director on matters the corporation or director refers to the advisory council;
 - (b) to advise the corporation or the director on matters about the agricultural college or students the advisory council considers should be referred to the corporation or director;
 - (c) any other functions conferred on it by this Act.
- (2) The student advisory council is not the employee, agent or representative of the corporation.

41 Term of membership

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

- (2) However, a student advisory council member who is elected as a student or a staff member stops being a member of the advisory council if the member stops being a student or staff member.

42 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.

Subdivision 2 Campus student advisory councils

43 Director may establish campus student advisory councils

The director may establish a student advisory council for a campus of the agricultural college.

44 Functions

- (1) A student advisory council for a campus of the agricultural college has the following functions—
 - (a) to advise the director on matters the director refers to the advisory council;
 - (b) to advise the director on matters about the campus or students the advisory council considers should be referred to the director.
- (2) The student advisory council is not the employee, agent or representative of the corporation.

Part 5 General

45 Driver training

- (1) Despite the *Transport Operations (Road Use Management) Act 1995*, a student who is required to drive a specially constructed vehicle in the grounds of the agricultural college as part of the student's training at the agricultural college is, while driving the specially constructed vehicle, taken to hold a learner licence to drive the specially constructed vehicle.
- (2) Subsection (1) does not apply if the student—
 - (a) has a driver licence that, at the time of driving the specially constructed vehicle, is suspended or cancelled; or
 - (b) is, at the time of driving the specially constructed vehicle, disqualified by order of an Australian court from holding or obtaining a driver licence.
- (3) In this section—

driver licence has the meaning given by the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

learner licence has the meaning given by the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

specially constructed vehicle has the meaning given by the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*, schedule 6.

Editor's note—

Transport Operations (Road Use Management—Driver Licensing) Regulation 1999, schedule 6 has been renumbered as schedule 7—see the *Transport Operations (Road Use Management—Driver Licensing) and Other Legislation Amendment Regulation (No. 1) 2007*, section 31(2).

student means a student of the agricultural college who is at least 16 years and 6 months.

46 Delegation by Minister

The Minister may delegate the Minister's powers under this Act to the corporation.

47 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may be made about the following—
 - (a) fees, including the refunding of fees, for this Act;
 - (b) imposing a penalty of not more than 20 penalty units for a contravention of a provision of a regulation.

Part 6 Repeal and transitional provisions

Division 1 Repeal

48 Repeal of Agricultural Colleges Act 1994

The Agricultural Colleges Act 1994 No. 58 is repealed.

Division 2 Transitional provisions for Agricultural College Act 2005

49 Definitions for div 2

college board means a college board under the repealed Act.

commencement means the day this division commences.

former agricultural college means an agricultural college under the repealed Act.

[s 50]

50 References to repealed Act or college board

- (1) In an Act or document, a reference to the repealed Act may, if the context permits, be taken as a reference to this Act.
- (2) A reference in an Act or document to a former agricultural college or a college board may, if the context permits, be taken to be a reference to the corporation.

51 Dissolution of college boards

- (1) On the commencement—
 - (a) each of the college boards is dissolved; and
 - (b) the members of each of the boards go out of office.
- (2) No compensation is payable to a member of a college board because of subsection (1).

52 Assets and liabilities

- (1) On the commencement—
 - (a) the assets and liabilities of the college boards become assets and liabilities of the corporation; and
 - (b) any contracts, agreements, arrangements and deeds entered into by or on behalf of a college board, in force immediately before the commencement, are taken to have been entered into by the corporation and may be enforced against or by the corporation; and
 - (c) all guarantees, mandates, instructions, notices, directions, undertakings and securities given by or on behalf of, or to, a college board, in force immediately before the commencement, are taken to have been given by or to the corporation and may be enforced against or by the corporation; and
 - (d) any property that, immediately before the commencement, was held on trust, or subject to a condition, by a college board continues to be held on the

same trust, or subject to the same condition, by the corporation; and

- (e) any lease granted by, or to, a college board, in force immediately before the commencement, is taken to have been granted by, or to, the corporation.
- (2) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the corporation, record the vesting of the property under this section in the corporation.

53 Proceedings

A proceeding that could have been started or continued by or against a college board before the commencement may be started or continued by or against the corporation.

54 Existing decisions of college boards

- (1) This section applies to a decision of a college board before the commencement, if the decision had not had full effect at the commencement.
- (2) The decision continues in force, subject to this Act, and is taken to be a decision of the corporation.
- (3) Without limiting subsection (2), if the decision is one in relation to which a person had a right to appeal against the decision that had not ended immediately before the commencement, the person may appeal against the decision as if it were a decision of the corporation.

55 Dealing with disciplinary matters

- (1) A matter that under a disciplinary rule had started to be, or could have been, dealt with by a former agricultural college before the commencement may be continued to be dealt with, or started, by the director.
- (2) In this section—

[s 56]

disciplinary rule means a college rule about the disciplining of students made by a former agricultural college and in force immediately before the commencement.

56 Administrator

- (1) This section applies if, immediately before the commencement, a person held office as an administrator for a former agricultural college.
- (2) On the commencement—
 - (a) the administrator stops holding office; and
 - (b) any decision made by the administrator before the commencement that has not had full effect continues in force, subject to this Act, and is taken to be a decision of the corporation.
- (3) No compensation is payable to an administrator because of subsection (2)(a).

57 Continuation of appointment of staff

- (1) This section applies to a person who, immediately before the commencement—
 - (a) held the position of director of a former agricultural college; or
 - (b) was member of a former agricultural college's staff.
- (2) On the commencement, the person is taken to be an officer of the corporation.
- (3) Until otherwise decided under section 15(2), the person is taken to be employed by the corporation on the same conditions on which the person was employed by the former agricultural college.
- (4) Also—
 - (a) the person keeps all rights accrued or accruing to the person as an employee of the former agricultural college; and

-
- (b) the person's entitlements to receive long service, recreation and sick leave and any similar entitlements accrued or accruing to the person as an employee of the former agricultural college are unaffected; and
 - (c) if the person is a member of a superannuation scheme—
 - (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and
 - (ii) the person's membership of the scheme is not affected.
 - (5) Without limiting subsection (3), if an industrial instrument applies to the person immediately before the repeal, the instrument continues to apply to the person.
 - (6) Subsection (5) has effect subject to the *Industrial Relations Act 1999*.

58 Amalgamation of former agricultural colleges

On the commencement—

- (a) the former agricultural colleges are amalgamated and taken to be the agricultural college under section 36(1); and
- (b) each former agricultural college is taken to be a campus of the agricultural college as if it had been established by the corporation as a campus under section 36(3)(b).

59 Registered providers under the Education (Overseas Students) Act 1996

- (1) This section applies if, immediately before the commencement, the chairperson of a board of a former agricultural college was a registered provider under the *Education (Overseas Students) Act 1996*.
- (2) On the commencement, the director is taken to be the registered provider for that Act.

[s 60]

- (3) As soon as practicable after the commencement—
 - (a) the director must return any registration certificate given to the former agriculture college; and
 - (b) the chief executive of the department in which the *Education (Overseas Students) Act 1996* is administered must—
 - (i) return to the director the certificate suitably amended; or
 - (ii) give the director a suitable new registration certificate.
- (4) Without limiting the conditions that may be included in an amended or new certificate of registration under subsection (3)(b)(i) or (ii), the certificate must include a condition stating the campuses of the agricultural college where registered courses under the *Education (Overseas Students) Act 1996* may be delivered.

Division 3 Transitional provisions for Statutory Bodies Legislation Amendment Act 2007

60 Rights and entitlements of particular employees

- (1) This section applies to a person who—
 - (a) becomes an employee of the employing office; and
 - (b) was an employee of the corporation—
 - (i) immediately before the commencement of this section; and
 - (ii) immediately before becoming an employee of the employing office.
- (2) On becoming an employee of the employing office, the person is taken to be employed under section 20A on the conditions on which the person would have been employed by the corporation, immediately before the person became an

employee of the employing office, if the corporation had never become an employer under the *Workplace Relations Act 1996* (Cwlth).

- (3) Also—
- (a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that—
 - (i) have accrued or were accruing to the person as an employee of the corporation; and
 - (ii) would have accrued to the person if the corporation had never become an employer under the *Workplace Relations Act 1996* (Cwlth); and
 - (b) if the person is a member of a superannuation scheme—
 - (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and
 - (ii) the person's membership of the scheme is not affected.
- (4) Without limiting subsection (3), for working out the person's rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person by the employing office is a continuation of employment of the person by the corporation.
- (5) If the person was a seconded employee immediately before becoming an employee of the employing office, the arrangement under which the person was performing work for a government entity other than the corporation may continue until the arrangement ends, and, if the arrangement does continue—
- (a) subsection (2) does not apply to the person; and
 - (b) on the ending of the arrangement, the person is taken to be employed under section 20A on the conditions on which the person would have been employed by the corporation, on the ending of the arrangement, if—

[s 61]

- (i) the person had continued to be an employee of the corporation; and
 - (ii) the corporation had never become an employer under the *Workplace Relations Act 1996* (Cwlth).
- (6) Subsections (2) and (5)(b) do not limit section 20A(3) and (4).
- (7) In this section—

employee of the corporation includes a seconded employee.

seconded employee means an employee of the corporation performing work for another government entity under an arrangement entered into, before the commencement of this section, by the corporation with the appropriate authority of the other government entity.

61 Application of industrial instruments

The employing office is taken to be bound by the industrial instruments that bound the corporation immediately before it became an employer under the *Workplace Relations Act 1996* (Cwlth).

62 Amending Act does not affect particular powers of corporation

Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 2, affects the powers of the corporation under section 7.

63 Continued application of repealed provisions

- (1) Part 2, division 5, as in force immediately before the commencement of this section (the *repealed division*), continues to apply in relation to persons employed by the corporation under the repealed division immediately before the commencement while that employment continues.
- (2) Also, section 19 of the repealed division continues to apply to those persons on the ending of their employment by the corporation.

- (3) Section 37, as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the corporation under repealed section 37(3) immediately before the commencement while that employment continues.
- (4) This section does not limit section 62.

Schedule 2 Dictionary

section 3

agricultural college means the agricultural college established under section 36(1).

board means the Australian Agricultural College Corporation Advisory Board established under section 21.

campus, of the agricultural college, means a campus established under section 36(3)(b).

compulsory participation phase see the *Education (General Provisions) Act 2006*, section 231.

director means the director of the agricultural college appointed under section 37.

employee of the employing office see section 20A(2).

employing office means the Australian Agricultural College Employing Office established under section 16.

executive officer means the executive officer of the employing office appointed under section 19.

government entity see the *Public Service Act 2008*, section 24.

industrial instrument has the meaning given by the *Industrial Relations Act 1999*.

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 agricultural college or community who 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.

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

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

repealed Act means the *Agricultural Colleges Act 1994*.

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

student, of the agricultural college, means a student enrolled in the agricultural college.

work performance arrangement means an arrangement under which an employee of a government entity performs work for another government entity.

Attachment Ministerial Declaration ‘Stepping Forward: Improving Pathways for all Young People’

section 4

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.

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

- 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)



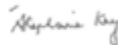
The Hon. Jane Aagaard MLA
Minister for Health
and
Community Services
(NT)



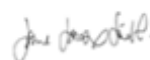
The Hon. Anna Bligh MP
Minister for Education
(QLD)



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

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2	Date to which amendments incorporated	42
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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 2 November 2009. Future amendments of the Agricultural College Act 2005 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
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

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.

Reprint No.	Amendments included	Effective	Notes
1 rv	none	1 July 2005	Revision notice issued for R1
1A	2006 Act No. 39	30 October 2006	
1B	2007 Act No. 2	23 March 2007	
1C	2007 Act No. 20	23 April 2007	R1C withdrawn, see R2
2	—	23 April 2007	
2A	2009 Act No. 9	1 July 2009	
2B	2009 Act No. 25	2 November 2009	

5 List of legislation

Agricultural College Act 2005 No. 20

date of assent 19 May 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2005 (2005 SL No. 116)

amending legislation—

Education (General Provisions) Act 2006 No. 39 ss 1, 2(3), 512(1) sch 1

date of assent 11 August 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 30 October 2006 (2006 SL No. 247)

Vocational Education, Training and Employment and Other Acts Amendment Act 2007 No. 2 pts 1, 3

date of assent 16 February 2007

ss 1–2 commenced on date of assent

remaining provisions commenced 23 March 2007 (2007 SL No. 34)

Statutory Bodies Legislation Amendment Act 2007 No. 20 pts 1–2

date of assent 23 April 2007

commenced on date of assent

Financial Accountability Act 2009 No. 9 ss 1, 2(2), 136 sch 1

date of assent 28 May 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 80)

Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009 No. 25 pt 1, s 83 sch

date of assent 11 August 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 2 November 2009 (2009 SL No. 241)

6 List of annotations

Title amd 2007 No. 20 s 3

Corporation's functions generally

s 10 amd 2007 No. 2 s 18

Corporation is statutory body

s 12 amd 2009 No. 9 s 136 sch 1

Minister's power to give directions

s 13 amd 2009 No. 9 s 136 sch 1

Delegation by corporation

s 14 amd 2007 No. 20 s 4

PART 2—AUSTRALIAN AGRICULTURAL COLLEGE CORPORATION

Division 5—Other provisions

div 5 (s 15) sub 2007 No. 20 s 5

PART 2A—AUSTRALIAN AGRICULTURAL COLLEGE EMPLOYING OFFICE

pt hdg ins 2007 No. 20 s 6

Division 1—Establishment and functions of employing office

div hdg ins 2007 No. 20 s 6

Establishment of employing office

s 16 prev s 16 om 2007 No. 20 s 5
pres s 16 ins 2007 No. 20 s 6

Employing office represents the State

s 17 prev s 17 om 2007 No. 20 s 5
pres s 17 ins 2007 No. 20 s 6

Functions of employing office

s 18 prev s 18 om 2007 No. 20 s 5
pres s 18 ins 2007 No. 20 s 6

Division 2—Executive officer

div hdg ins 2007 No. 20 s 6

Appointment of executive officer

s 19 prev s 19 om 2007 No. 20 s 5
pres s 19 ins 2007 No. 20 s 6
amd 2009 No. 25 s 83 sch

Executive officer acting for employing office

s 20 prev s 19 om 2007 No. 20 s 5
pres s 19 ins 2007 No. 20 s 6

Division 3—Staff of employing office

div hdg ins 2007 No. 20 s 6

Employing office may employ staff

s 20A ins 2007 No. 20 s 6
amd 2009 No. 25 s 83 sch

Preservation of rights in relation to public service employees

s 20B ins 2007 No. 20 s 6

Secondment as employee of employing office

s 20C ins 2007 No. 20 s 6
amd 2009 No. 25 s 83 sch

Employing office may enter into work performance arrangements

s 20D ins 2007 No. 20 s 6

Division 4—Other provisions

div hdg ins 2007 No. 20 s 6

Employing office is statutory body

s 20E ins 2007 No. 20 s 6
amd 2009 No. 9 s 136 sch 1

**PART 4—AGRICULTURAL COLLEGE, DIRECTOR AND STUDENT
ADVISORY COUNCIL**

Division 2—Director of agricultural college

div hdg amd 2007 No. 20 s 7

Director

prov hdg amd 2007 No. 20 s 8(1)
s 37 amd 2007 No. 20 s 8(2)–(5); 2009 No. 25 s 83 sch

Student advisory council

s 39 amd 2007 No. 20 s 9

PART 6—REPEAL AND TRANSITIONAL PROVISIONS

**Division 3—Transitional provisions for Statutory Bodies Legislation Amendment Act
2007**

div hdg ins 2007 No. 20 s 10

Rights and entitlements of particular employees

s 60 prev s 60 om R1 (see RA s 40)
pres s 60 ins 2007 No. 20 s 10

Application of industrial instruments

s 61 ins 2007 No. 20 s 10

Amending Act does not affect particular powers of corporation

s 62 ins 2007 No. 20 s 10

Continued application of repealed provisions

s 63 ins 2007 No. 20 s 10

PART 7—AMENDMENT OF ACTS

pt hdg om R1 (see RA s 7(1)(k))

SCHEDULE 1—CONSEQUENTIAL AMENDMENTS

om R1 (see RA s 40)

SCHEDULE 2—DICTIONARY

def “**compulsory participation phase**” sub 2006 No. 39 s 512(1) sch 1

def “**employee of the employing office**” ins 2007 No. 20 s 11

def “**employing office**” ins 2007 No. 20 s 11

def “**executive officer**” ins 2007 No. 20 s 11

def “**government entity**” ins 2007 No. 20 s 11

amd 2009 No. 25 s 83 sch

def “**work performance arrangement**” ins 2007 No. 20 s 11