



Queensland

Statutory Bodies Legislation Amendment Act 2007

Act No. 20 of 2007



Queensland

Statutory Bodies Legislation Amendment Act 2007

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Queensland

Statutory Bodies Legislation Amendment Act 2007

Act No. 20 of 2007

An Act to amend various Acts establishing statutory bodies

[Assented to 23 April 2007]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Statutory Bodies Legislation Amendment Act 2007*.

Part 2 Amendment of Agricultural College Act 2005

2 Act amended in pt 2

This part amends the *Agricultural College Act 2005*.

3 Amendment of long title

Long title, after ‘college,’—

insert—

‘to establish the Australian Agricultural College Employing Office,’.

4 Amendment of s 14 (Delegation by corporation)

(1) Section 14(1)(a) and (b)—

renumber as section 14(1)(b) and (c).

(2) Section 14(1)—

insert—

‘(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’.

5 Replacement of pt 2, div 5 (Staff of corporation)

Part 2, division 5—

omit, insert—

‘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.
- ‘(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)?.

6 Insertion of new pt 2A

After part 2—

insert—

‘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.
- ‘(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 1996*.

‘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 1996*.

‘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 1996* 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.

‘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 Administration and Audit Act 1977*; and
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*.
- ‘(2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body—
- (a) the executive officer is taken to be the chairperson of the employing office; and
 - (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and
 - (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.’

7 Amendment of pt 4, div 2 hdg (Director and other staff of agricultural college)

Part 4, division 2, heading, ‘and other staff’—
omit.

8 Amendment of s 37 (Director and other staff)

- (1) Section 37, heading, ‘and other staff’—
omit.
- (2) Section 37(3)—
omit.
- (3) Section 37(4), ‘and other staff’—
omit.
- (4) Section 37(6), from ‘and other’ to ‘college are’—
omit, insert—
‘is’.
- (5) Section 37(4) to (6)—
renumber as section 37(3) to (5).

9 Amendment of s 39 (Student advisory council)

- (1) Section 39(4), from ‘agricultural college staff’ to ‘staff of the agricultural college’—
omit, insert—
‘staff of the agricultural college are to elect persons who are members of the staff’.
- (2) Section 39—
insert—
- ‘(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.’.

10 Insertion of new pt 6, div 3

- Part 6—
insert—

**‘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—
 - (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 5,¹ 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 37,² 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.’.

11 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘*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.

1 Part 2 (Australian Agricultural College Corporation), division 5 (Staff of corporation)

2 Section 37 (Director and other staff)

'13 Appointment of State librarian'.

(2) Section 13(3)—

omit.

16 Amendment of s 17 (Delegation by State librarian)

Section 17(1), from 'to an'—

omit, insert—

'to—

- (a) an appropriately qualified employee of a department or another government entity performing work for the board under a work performance arrangement; or
- (b) an appropriately qualified employee of the board.'

17 Omission of s 18 (Employees)

Section 18—

omit.

18 Relocation and renumbering of s 19 (Superannuation schemes)

Section 19—

relocate and renumber, in part 2, division 6 as inserted by section 23 of this Act, as section 40B.

19 Amendment of s 20 (Functions of board)

Section 20(1)(f)—

omit, insert—

'(f) to supervise in their duties all persons—

- (i) performing work for the board under a work performance arrangement; or
- (ii) appointed or employed under this Act;'

20 Amendment of s 24 (Restrictions on powers of board)

Section 24(8), definition *officer*, paragraph (c)—

omit, insert—

‘(c) an employee of a department or another government entity performing work for the board under a work performance arrangement; or’.

21 Amendment of s 25 (Persons having dealings with board etc.)

Section 25(6), definition *officer*, paragraph (c)—

omit, insert—

‘(c) an employee of a department or another government entity performing work for the board under a work performance arrangement; or’.

22 Amendment of s 40 (Delegation by board)

Section 40(d)—

omit, insert—

‘(d) an appropriately qualified employee of a department or another government entity performing work for the board under a work performance arrangement; or

(e) an appropriately qualified employee of the board.’.

23 Insertion of new pt 2, div 6

Part 2—

insert—

‘Division 6 Other provisions**‘40A Board may enter into work performance arrangements**

‘(1) The board may enter into, and give effect to, a work performance arrangement with—

- (a) the chief executive of a department; 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 board under a work performance arrangement entered into under subsection (1)—
- (a) is not employed by the board; and
 - (b) remains an employee of the department or other government entity whose appropriate authority is a party to the arrangement.
- ‘(5) To remove any doubt, it is declared that the board does not have power to employ a person performing work for the board under a work performance arrangement entered into under subsection (1).’.

24 Amendment of s 81 (Inspection of material or receptacle brought onto board’s premises)

- (1) Section 81(2) to (5), ‘or employee’—
omit.
- (2) Section 81(5)—
insert—
‘*officer*, of the board, means—
- (a) the State librarian; or

- (b) an employee of a department or another government entity performing work for the board under a work performance arrangement; or
- (c) an employee of the board.’.

25 Insertion of new pt 10, div 1 hdg

Part 10, before section 88—

insert—

**‘Division 1 Transitional provisions for Arts
Legislation Amendment Act 2003’.**

26 Amendment of s 88 (Definition for pt 10)

- (1) Section 88, heading, ‘pt 10’—

omit, insert—

‘div 1’.

- (2) Section 88, ‘part’—

omit, insert—

‘division’.

27 Insertion of new pt 10, div 2

Part 10—

insert—

**‘Division 2 Transitional provisions for Statutory
Bodies Legislation Amendment Act
2007**

‘90 Rights and entitlements of particular employees

- ‘(1) This section applies to a person who—
- (a) becomes a public service employee; and
 - (b) was an employee of the board—

- (i) immediately before the commencement of this section; and
 - (ii) immediately before becoming a public service employee.
- ‘(2) On becoming a public service employee—
 - (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 board; and
 - (ii) would have accrued to the person if the board 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.
- ‘(3) Without limiting subsection (2), 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 as a public service employee is a continuation of employment of the person by the board.

**‘91 Non-application of Industrial Relations Act 1999,
s 167**

‘For the purpose of the *Industrial Relations Act 1999*, section 167,³ a department or public service office does not become the successor of any part of the business of the board only because the department or public service office becomes the employer of persons previously employed by the board.

3 *Industrial Relations Act 1999*, section 167 (Successor employers bound)

‘92 Amending Act does not affect particular powers of board

‘Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 3, affects the powers of the board under section 22.

‘93 Continued application of repealed s 18

‘(1) Section 18,⁴ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the board under the section immediately before the commencement while that employment continues.

‘(2) This section does not limit section 92.

‘94 Application of Act to particular officers

‘(1) This section applies to a person who—

(a) immediately before the commencement of this section, was an officer mentioned in section 13(3) as in force immediately before that commencement; and

(b) on the commencement, continues to perform work for the board.

‘(2) For sections 17, 20, 24, 25, 40 and 81, until the chief executive of the department enters into a work performance arrangement with the board the person is taken to be an employee of a department or other government entity performing work for the board under a work performance arrangement.

‘(3) If, immediately before the commencement of this section, a delegation of a power to the person was in force under section 17 or 40, as the section was in force immediately before the commencement, the delegation continues in force until it is revoked.’.

4 Section 18 (Employees)

Part 4 **Amendment of Major Sports Facilities Act 2001**

28 **Act amended in pt 4**

This part amends the *Major Sports Facilities Act 2001*.

29 **Insertion of new s 25A**

Part 3, division 5—

insert—

‘25A Authority may enter into work performance arrangements

- ‘(1) The Authority 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.
- ‘(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 Authority under a work performance arrangement entered into under subsection (1)—
- (a) is not employed by the Authority; 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 Authority does not have power to employ a person performing work for the Authority under a work performance arrangement entered into under subsection (1).’.

30 Amendment of s 30 (Delegations)

- (1) Section 30(1)(b)—
renumber as section 30(1)(c).
- (2) Section 30(1)—
insert—
‘(b) an appropriately qualified employee of the employing office or of another government entity who performs work for the Authority under a work performance arrangement; or’.
- (3) Section 30(2), definition *appropriately qualified*, example, ‘the Authority’—
omit, insert—
‘an entity’.

31 Insertion of new pt 3A

After part 3—

insert—

‘Part 3A Major Sports Facilities Employing Office

‘Division 1 Establishment and functions of employing office

‘30AA Establishment of employing office

- ‘(1) The Major Sports Facilities 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 Authority.

‘30AB 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.

‘30AC 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 Authority under which employees of the employing office perform work for the Authority; and
 - (b) employing, for the State, staff to perform work for the Authority 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 30AG with a government entity other than the Authority.

‘Division 2 Executive officer

‘30AD Appointment of executive officer

- ‘(1) There is to be an executive officer of the employing office.
- ‘(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 1996*.

‘30AE 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

‘30AF 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 1996*.

‘30AG 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 Authority; 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 Authority or other government entity under a work performance arrangement entered into under subsection (1)—
- (a) is not employed by the Authority or other government entity; and
 - (b) remains an employee of the employing office.
- ‘(5) To remove any doubt, it is declared that the Authority or another government entity does not have power to employ a person performing work for the Authority or other government entity under a work performance arrangement entered into under subsection (1).

‘Division 4 Other provisions

‘30AH Employing office is statutory body

- ‘(1) The employing office is a statutory body under—
- (a) the *Financial Administration and Audit Act 1977*; and
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*.
- ‘(2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body—
- (a) the executive officer is taken to be the chairperson of the employing office; and
 - (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and

- (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.’

32 Insertion of new pt 6, div 6

Part 6—

insert—

‘Division 6 Transitional provisions for Statutory Bodies Legislation Amendment Act 2007

‘80 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 Authority—
 - (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 30AF on the conditions on which the person would have been employed by the Authority, immediately before the person became an employee of the employing office, if the Authority 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 Authority; and

- (ii) would have accrued to the person if the Authority 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 Authority.
- '(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 Authority 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 30AF on the conditions on which the person would have been employed by the Authority, on the ending of the arrangement, if—
 - (i) the person had continued to be an employee of the Authority; and
 - (ii) the Authority had never become an employer under the *Workplace Relations Act 1996* (Cwlth).
- '(6) Subsections (2) and (5)(b) do not limit section 30AF(3) and (4).
- '(7) In this section—

employee of the Authority includes a seconded employee.

seconded employee means an employee of the Authority performing work for another government entity under an arrangement entered into, before the commencement of this

section, by the Authority with the appropriate authority of the other government entity.

‘81 Application of industrial instruments

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

33 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘*employee of the employing office* see section 30AF(2).

employing office means the Major Sports Facilities Employing Office established under section 30AA.

executive officer means the executive officer of the employing office appointed under section 30AD.

government entity see the *Public Service Act 1996*, section 21.

industrial instrument see the *Industrial Relations Act 1999*, schedule 5.

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

Part 5 Amendment of Queensland Art Gallery Act 1987

34 Act amended in pt 5

This part amends the *Queensland Art Gallery Act 1987*.

35 Amendment of s 2 (Definitions)

Section 2—

insert—

‘commencement, for part 7, division 1, see section 69.

government entity see the *Public Service Act 1996*, section 21.

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

36 Amendment of pt 2, div 2 hdg (Director and staff)

Part 2, division 2, heading, ‘and staff’—

omit.

37 Amendment of s 12 (Director and other officers)

(1) Section 12, heading—

omit, insert—

‘12 Appointment of director’.

(2) Section 12(3)—

omit.

38 Omission of s 13 (Employees)

Section 13—

omit.

39 Amendment of s 17 (Delegation by director)

Section 17(1), from ‘to an’—

omit, insert—

‘to—

- (a) an appropriately qualified employee of a department or another government entity performing work for the board under a work performance arrangement; or
- (b) an appropriately qualified employee of the board.’.

40 Relocation and renumbering of s 18 (Superannuation schemes)

Section 18—

relocate and renumber, in part 2, division 6 as inserted by section 44 of this Act, as section 40B.

41 Amendment of s 23 (Restrictions on powers of board)

Section 23(8), definition *officer*, paragraph (c)—

omit, insert—

- ‘(c) an employee of a department or another government entity performing work for the board under a work performance arrangement; or’.

42 Amendment of s 24 (Persons having dealings with board etc.)

Section 24(6), definition *officer*, paragraph (c)—

omit, insert—

- ‘(c) an employee of a department or another government entity performing work for the board under a work performance arrangement; or’.

43 Amendment of s 40 (Delegation by board)

Section 40(d)—

omit, insert—

- ‘(d) an appropriately qualified employee of a department or another government entity performing work for the board under a work performance arrangement; or
- (e) an appropriately qualified employee of the board.’.

44 Insertion of new pt 2, div 6

Part 2—

*insert—***‘Division 6 Other provisions****‘40A Board may enter into work performance arrangements**

- ‘(1) The board may enter into, and give effect to, a work performance arrangement with—
- (a) the chief executive of a department; 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 board under a work performance arrangement entered into under subsection (1)—
- (a) is not employed by the board; and
 - (b) remains an employee of the department or other government entity whose appropriate authority is a party to the arrangement.
- ‘(5) To remove any doubt, it is declared that the board does not have power to employ a person performing work for the board under a work performance arrangement entered into under subsection (1).’

45 Amendment of s 52 (Monitoring and assessment of board)

- (1) Section 52(1), from ‘an appropriately’ to ‘another appropriately qualified person’—

omit, insert—

‘an appropriate person’.

- (2) Section 52—

insert—

- ‘(6) In this section—

appropriate person means an appropriately qualified officer of the department, or another appropriately qualified person, other than an employee of a department or another government entity performing work for the board under a work performance arrangement.’.

46 Insertion of new pt 7, div 1 hdg

Part 7, before section 69—

insert—

**‘Division 1 Transitional provisions for Arts
Legislation Amendment Act 2003’.**

47 Amendment of s 69 (Definition for pt 7)

- (1) Section 69, heading, ‘pt 7’—

omit, insert—

‘div 1’.

- (2) Section 69, ‘part’—

omit, insert—

‘division’.

48 Insertion of new pt 7, div 2

Part 7—

insert—

**‘Division 2 Transitional provisions for Statutory
Bodies Legislation Amendment Act
2007**

‘71 Rights and entitlements of particular employees

- ‘(1) This section applies to a person who—
- (a) becomes a public service employee; and
 - (b) was an employee of the board—
 - (i) immediately before the commencement of this section; and
 - (ii) immediately before becoming a public service employee.
- ‘(2) On becoming a public service employee—
- (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 board; and
 - (ii) would have accrued to the person if the board 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.
- ‘(3) Without limiting subsection (2), 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 as a public service employee is a continuation of employment of the person by the board.

**‘72 Non-application of Industrial Relations Act 1999,
s 167**

‘For the purpose of the *Industrial Relations Act 1999*, section 167,⁵ a department or public service office does not become the successor of any part of the business of the board only because the department or public service office becomes the employer of persons previously employed by the board.

**‘73 Amending Act does not affect particular powers of
board**

‘Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 5, affects the powers of the board under section 21.

‘74 Continued application of repealed s 13

- ‘(1) Section 13,⁶ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the board under the section immediately before the commencement while that employment continues.
- ‘(2) This section does not limit section 73.

‘75 Application of Act to particular officers

- ‘(1) This section applies to a person who—
- (a) immediately before the commencement of this section, was an officer mentioned in section 12(3) as in force immediately before that commencement; and
 - (b) on the commencement, continues to perform work for the board.
- ‘(2) For sections 17, 23, 24, 40 and 52, until the chief executive of the department enters into a work performance arrangement with the board the person is taken to be an employee of a department or other government entity performing work for the board under a work performance arrangement.

5 *Industrial Relations Act 1999*, section 167 (Successor employers bound)

6 Section 13 (Employees)

Example of standing—

a person's seniority level in an entity'.

52 Amendment of s 21 (Appointment of insurance manager)

(1) Section 21(1)—

omit, insert—

'(1) There is to be an insurance manager of the authority.

'(1A) The authority must—

(a) appoint an individual to be the insurance manager; or

(b) enter into a work performance arrangement under which an employee of the employing office or of another government entity holds office as the insurance manager.'

(2) Section 21(2), 'The'—

omit, insert—

'If the authority appoints a person to be the insurance manager under subsection (2)(a), the'.

(3) Section 21(3), after 'person to act'—

insert—

', or enter into a work performance arrangement under which an employee of the employing office or of another government entity acts,'.

(4) Section 21(1A) to (3)—

renumber as section 21(2) to (4).

53 Insertion of new pt 2, div 7

Part 2—

insert—

‘Division 7 Other provisions**‘29 Authority may enter into work performance arrangements**

- ‘(1) The authority 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.
- ‘(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 authority under a work performance arrangement entered into under subsection (1)—
- (a) is not employed by the authority; 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 authority does not have power to employ a person performing work for the authority under a work performance arrangement entered into under subsection (1).’

54 Insertion of new pt 2A

After part 2—

insert—

‘Part 2A Queensland Building Services Employing Office

‘Division 1 Establishment and functions of employing office

‘29A Establishment of employing office

- ‘(1) The Queensland Building Services 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 authority.

‘29B 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.

‘29C 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 authority under which employees of the employing office perform work for the authority; and
 - (b) employing, for the State, staff to perform work for the authority 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 29G with a government entity other than the authority.

‘Division 2 Executive officer

‘29D Appointment of executive officer

- ‘(1) There is to be an executive officer of the employing office.
- ‘(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 1996*.

‘29E 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

‘29F 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 1996*.

‘29G 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 authority; 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 authority or other government entity under a work performance arrangement entered into under subsection (1)—
- (a) is not employed by the authority or other government entity; and
 - (b) remains an employee of the employing office.
- ‘(5) To remove any doubt, it is declared that the authority or another government entity does not have power to employ a person performing work for the authority or other government entity under a work performance arrangement entered into under subsection (1).

‘Division 4 Other provisions**‘29H Employing office is statutory body**

- ‘(1) The employing office is a statutory body under—

- (a) the *Financial Administration and Audit Act 1977*; and
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*.
- ‘(2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body—
- (a) the executive officer is taken to be the chairperson of the employing office; and
 - (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and
 - (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.’.

55 Amendment of s 104 (Appointment of inspectors)

Section 104(1), after ‘appoint’—

insert—

‘relevant officers of the authority as’.

56 Amendment of s 108 (Obligation of assessment manager)

Section 108, from ‘an inspector’ to ‘employee’—

omit, insert—

‘a relevant officer’.

57 Amendment of s 114 (Protection)

Section 114(1), ‘an officer or employee’—

omit, insert—

‘a relevant officer’.

58 Insertion of new sch 1, pt 7

Schedule 1—

*insert—***‘Part 7 Transitional provisions for
Statutory Bodies Legislation
Amendment Act 2007****‘29 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 authority—
 - (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 29F of the Act on the conditions on which the person would have been employed by the authority, immediately before the person became an employee of the employing office, if the authority 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 authority; and
 - (ii) would have accrued to the person if the authority 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 authority.
- '(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 authority 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 29F of the Act on the conditions on which the person would have been employed by the authority, on the ending of the arrangement, if—
 - (i) the person had continued to be an employee of the authority; and
 - (ii) the authority had never become an employer under the *Workplace Relations Act 1996* (Cwlth).
- '(6) Subsections (2) and (5)(b) do not limit section 29F(3) and (4) of the Act.
- '(7) In this section—

employee of the authority includes a seconded employee.

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

‘30 Application of industrial instruments

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

59 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘*employee of the employing office* see section 29F(2).

employing office means the Queensland Building Services Employing Office established under section 29A.

executive officer, for part 2A, means the executive officer of the employing office appointed under section 29D.

government entity see the *Public Service Act 1996*, section 21.

industrial instrument see the *Industrial Relations Act 1999*, schedule 5.

relevant officer, of the authority, means—

- (a) an employee of the employing office or of another government entity performing work for the authority under a work performance arrangement; or
- (b) an officer or employee of the authority.

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

Part 7 **Amendment of Queensland Museum Act 1970**

60 **Act amended in pt 7**

This part amends the *Queensland Museum Act 1970*.

61 **Amendment of s 2 (Definitions)**

Section 2—

insert—

‘commencement, for part 7, division 1, see section 70.

government entity see the *Public Service Act 1996*, section 21.

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

62 **Amendment of s 16 (Restrictions on powers of board)**

Section 16(8), definition *officer*, paragraph (c)—

omit, insert—

‘(c) an employee of a department or another government entity performing work for the board under a work performance arrangement; or’.

63 **Amendment of s 17 (Persons having dealings with board etc.)**

Section 17(6), definition *officer*, paragraph (c)—

omit, insert—

‘(c) an employee of a department or another government entity performing work for the board under a work performance arrangement; or’.

64 Amendment of s 34 (Delegation by board)

Section 34(e)—

omit, insert—

- ‘(e) an appropriately qualified employee of a department or another government entity performing work for the board under a work performance arrangement; or
- (f) an appropriately qualified employee of the board.’.

65 Amendment of pt 2, div 5 hdg (Director and staff)

Part 2, division 5, heading, ‘and staff’—

omit.

66 Amendment of s 35 (Director and other officers)

- (1) Section 35, heading—

omit, insert—

‘35 Appointment of director’.

- (2) Section 35(3)—

omit.

67 Amendment of s 39 (Delegation by director)

Section 39(1), from ‘to an’—

omit, insert—

‘to—

- (a) an appropriately qualified employee of a department or another government entity performing work for the board under a work performance arrangement; or
- (b) an appropriately qualified employee of the board.’.

68 Relocation and renumbering of s 40 (Superannuation schemes)

Section 40—

relocate and renumber, in part 2, division 6 as inserted by section 71 of this Act, as section 42B.**69 Omission of s 41 (Employees)**

Section 41—

omit.**70 Relocation and renumbering of s 42 (Honorary assistants)**

Section 42—

relocate and renumber, in part 2, division 6, as inserted by section 71 of this Act, as section 42C.**71 Insertion of new pt 2, div 6**

Part 2—

insert—**‘Division 6 Other provisions****‘42A Board may enter into work performance arrangements**

- ‘(1) The board may enter into, and give effect to, a work performance arrangement with—
- (a) the chief executive of a department; 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 board under a work performance arrangement entered into under subsection (1)—
- (a) is not employed by the board; and
 - (b) remains an employee of the department or other government entity whose appropriate authority is a party to the arrangement.
- ‘(5) To remove any doubt, it is declared that the board does not have power to employ a person performing work for the board under a work performance arrangement entered into under subsection (1).’.

72 Amendment of s 57 (Protection from liability of persons acting under the Act)

Section 57(1)(c), ‘42’—

omit, insert—

‘42C’.

73 Insertion of new pt 7, div 1 hdg

Part 7, before section 70—

insert—

**‘Division 1 Transitional provisions for Arts
Legislation Amendment Act 2003’.**

74 Amendment of s 70 (Definition for pt 7)

(1) Section 70, heading, ‘pt 7’—

omit, insert—

‘div 1’.

(2) Section 70, ‘part’—

omit, insert—

‘division’.

75 Insertion of new pt 7, div 2

Part 7—

insert—

**‘Division 2 Transitional provisions for Statutory
Bodies Legislation Amendment Act
2007**

‘72 Rights and entitlements of particular employees

‘(1) This section applies to a person who—

(a) becomes a public service employee; and

(b) was an employee of the board—

(i) immediately before the commencement of this section; and

(ii) immediately before becoming a public service employee.

‘(2) On becoming a public service employee—

(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 board; and
- (ii) would have accrued to the person if the board 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.
- ‘(3) Without limiting subsection (2), 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 as a public service employee is a continuation of employment of the person by the board.

‘73 Non-application of Industrial Relations Act 1999, s 167

‘For the purpose of the *Industrial Relations Act 1999*, section 167,⁷ a department or public service office does not become the successor of any part of the business of the board only because the department or public service office becomes the employer of persons previously employed by the board.

‘74 Amending Act does not affect particular powers of board

‘Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 7, affects the powers of the board under section 14.

‘75 Continued application of repealed s 41

- ‘(1) Section 41,⁸ as in force immediately before the commencement of this section, continues to apply in relation

⁷ *Industrial Relations Act 1999*, section 167 (Successor employers bound)

⁸ Section 41 (Employees)

to persons employed by the board under the section immediately before the commencement while that employment continues.

‘(2) This section does not limit section 74.

‘76 Application of Act to particular officers

‘(1) This section applies to a person who—

- (a) immediately before the commencement of this section, was an officer mentioned in section 35(3) as in force immediately before that commencement; and
- (b) on the commencement, continues to perform work for the board.

‘(2) For sections 16, 17, 34 and 39, until the chief executive of the department enters into a work performance arrangement with the board the person is taken to be an employee of a department or other government entity performing work for the board under a work performance arrangement.

‘(3) If, immediately before the commencement of this section, a delegation of a power to the person was in force under section 34 or 39, as the section was in force immediately before the commencement, the delegation continues in force until it is revoked.’.

Part 8 Amendment of Residential Tenancies Act 1994

76 Act amended in pt 8

This part amends the *Residential Tenancies Act 1994*.

77 Amendment of s 295 (Duration of appointment)

Section 295(2)(c)—

omit, insert—

- ‘(c) the director becomes—
 - (i) an employee of the employing office or of another government entity performing work for the authority under a work performance arrangement;
or
 - (ii) an employee or contractor of the authority; or’.

78 Insertion of new s 302A

Chapter 8, part 6—

insert—

‘302A Authority may enter into work performance arrangements

- ‘(1) The authority 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.
- ‘(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 authority under a work performance arrangement entered into under subsection (1)—
 - (a) is not employed by the authority; 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 authority does not have power to employ a person performing work for the authority under a work performance arrangement entered into under subsection (1).’.

79 Replacement of ch 8, pt 7 hdg (Staff of authority)

Chapter 8, part 7, heading—

omit, insert—

‘Part 7 Chief executive officer’.

80 Omission of ch 8, pt 7, div 1 hdg (Chief executive officer)

Chapter 8, part 7, division 1, heading—

omit.

81 Omission of ch 8, pt 7, div 2

Chapter 8, part 7, division 2—

omit.

82 Omission of ch 8, pt 7, div 3 hdg (Conflict of interest)

Chapter 8, part 7, division 3, heading—

omit.

83 Amendment, relocation and renumbering of s 311 (Disclosure of interests)

- (1) Section 311(1), ‘an employee of the authority’—

omit, insert—

‘a relevant employee’.

- (2) Section 311—

insert—

- ‘(3) In this section—

relevant employee means—

- (a) an employee of the employing office or of another government entity who performs work for the authority under a work performance arrangement; or
 - (b) an employee of the authority.’
- (3) Section 311—
relocate and renumber as section 319A.

84 Insertion of new ch 8A

After chapter 8—

insert—

‘Chapter 8A Residential Tenancies Employing Office

‘Part 1 Establishment and functions of employing office

‘309 Establishment of employing office

- ‘(1) The Residential Tenancies 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 authority.

‘310 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.

‘311 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 authority under which employees of the employing office perform work for the authority; and
 - (b) employing, for the State, staff to perform work for the authority 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 311D with a government entity other than the authority.

‘Part 2 Executive officer

‘311A Appointment of executive officer

- ‘(1) There is to be an executive officer of the employing office.
- ‘(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 1996*.

‘311B 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.

- (a) is not employed by the authority or other government entity; and
 - (b) remains an employee of the employing office.
- ‘(5) To remove any doubt, it is declared that the authority or another government entity does not have power to employ a person performing work for the authority or other government entity under a work performance arrangement entered into under subsection (1).

‘Part 4 Other provisions

‘311E Employing office is statutory body

- ‘(1) The employing office is a statutory body under—
- (a) the *Financial Administration and Audit Act 1977*; and
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*.
- ‘(2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body—
- (a) the executive officer is taken to be the chairperson of the employing office; and
 - (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and
 - (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.

‘311F Application of Crime and Misconduct Act 2001

‘The employing office is a unit of public administration under the *Crime and Misconduct Act 2001*.’.

85 Amendment of s 319 (Protection from liability)

(1) Section 319(1), definition *official*, paragraphs (c) and (d)—
renumber as paragraphs (d) and (e).

(2) Section 319(1), definition *official*—
insert—

‘(c) an employee of the employing office or of another government entity who performs work for the authority under a work performance arrangement; and’.

86 Insertion of new ch 11, pt 4

Chapter 11—

insert—

‘Part 4 **Transitional provisions for
Statutory Bodies Legislation
Amendment Act 2007**

‘351 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 authority—

(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 311C on the conditions on which the person would have been employed by the authority, immediately before the person became an employee of the employing office, if the authority 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 authority; and
 - (ii) would have accrued to the person if the authority 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 authority.
- ‘(5) Subsection (2) does not limit section 311C(3) and (4).

‘352 Application of industrial instruments

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

‘353 Amending Act does not affect particular powers of authority

‘Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 8, affects the powers of the authority under section 290.

‘354 Continued application of repealed s 309

- ‘(1) Section 309,⁹ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the authority under the section immediately before the commencement while that employment continues.
- ‘(2) This section does not limit section 353.’.

87 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *officer*—

omit.

- (2) Schedule 3—

insert—

‘employee of the employing office see section 311C(2).

employing office means the Residential Tenancies Employing Office established under section 309.

executive officer, for chapter 8A, means the executive officer of the employing office appointed under section 311A.

government entity see the *Public Service Act 1996*, section 21.

industrial instrument see the *Industrial Relations Act 1999*, schedule 5.

officer of the authority means any of the following—

- (a) the chief executive officer;
- (b) an employee of the employing office or of another government entity performing work for the authority under a work performance arrangement;
- (c) an employee of the authority, whether or not there is a written contract of employment between the authority and the employee;
- (d) an individual performing services for the authority—

9 Section 309 (Authority staff)

- (i) under a contract, other than a contract of employment, between the individual and the authority; or
- (ii) under an arrangement, other than a work performance arrangement, between the authority and a person other than the individual.

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

Part 9 Amendment of South Bank Corporation Act 1989

88 Act amended in pt 9

This part amends the *South Bank Corporation Act 1989*.

89 Amendment of long title

Long title, after ‘area,’—

insert—

‘to establish the South Bank Employing Office,’.

90 Amendment of s 3 (Definitions)

Section 3—

insert—

‘employee of the employing office see section 31G(2).

employing office means the South Bank Employing Office established under section 31B.

executive officer means the executive officer of the employing office appointed under section 31E.

government entity see the *Public Service Act 1996*, section 21.

industrial instrument see the *Industrial Relations Act 1999*, schedule 5.

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

91 Omission of s 14 (Employment of staff and consultants)

Section 14—

omit.

92 Insertion of new s 31A

Part 4—

insert—

‘31A 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 or public agency.
- ‘(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 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 or public agency 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).’.

93 Insertion of new pt 4A

After part 4—

insert—

‘Part 4A South Bank Employing Office

‘Division 1 Establishment and functions of employing office

‘31B Establishment of employing office

- ‘(1) The South Bank 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.

‘31C 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.

‘31D 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 31H with a government entity or public agency other than the corporation.

‘Division 2 Executive officer**‘31E Appointment of executive officer**

- ‘(1) There is to be an executive officer of the employing office.
- ‘(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 1996*.

‘31F 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

‘31G 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 1996*.

‘31H 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 or public agency.
- ‘(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 or public agency under a work performance arrangement entered into under subsection (1)—
- (a) is not employed by the corporation or other government entity or public agency; and
 - (b) remains an employee of the employing office.
- ‘(5) To remove any doubt, it is declared that the corporation or another government entity or public agency does not have power to employ a person performing work for the corporation or other government entity or public agency under a work performance arrangement entered into under subsection (1).

‘Division 4 Other provisions

‘311 Employing office is statutory body

- ‘(1) The employing office is a statutory body under—
- (a) the *Financial Administration and Audit Act 1977*; and
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*.
- ‘(2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body—
- (a) the executive officer is taken to be the chairperson of the employing office; and
 - (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and
 - (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.’.

94 Insertion of new pt 11, div 3

Part 11—

*insert—***‘Division 3 Transitional provisions for Statutory Bodies Legislation Amendment Act 2007****‘125 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 31G 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) Subsection (2) does not limit section 31G(3) and (4).

‘126 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).

‘127 Amending Act does not affect particular powers of corporation

‘Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 9, affects the powers of the corporation under section 7.

‘128 Continued application of repealed s 14

- ‘(1) Section 14,¹⁰ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the corporation immediately before the commencement while that employment continues.
- ‘(2) This section does not limit section 127.’.

10 Section 14 (Employment of staff and consultants)

95 Amendment of sch 1 (Additional provisions about members and procedure of the board)

Schedule 1, section 2(a), after ‘board’—

insert—

‘, or becomes an employee of the employing office or another government entity or public agency performing work for the corporation, on a full-time basis, under a work performance arrangement.’.

Part 10 Amendment of Tourism Queensland Act 1979**96 Act amended in pt 10**

This part amends the *Tourism Queensland Act 1979*.

97 Amendment of long title

Long title, after ‘powers’—

insert—

‘, for the establishment of the Tourism Queensland Employing Office.’.

98 Amendment of s 2 (Definitions)

Section 2—

insert—

‘*employee of the employing office* see section 29AF(2).

employing office means the Tourism Queensland Employing Office established under section 29AA.

executive officer means the executive officer of the employing office appointed under section 29AD.

government entity see the *Public Service Act 1996*, section 21.

industrial instrument see the *Industrial Relations Act 1999*, schedule 5.

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

99 Replacement of ss 16 and 17

Sections 16 and 17—

omit, insert—

‘16 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.
- ‘(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).’.

100 Amendment of s 19 (Delegation)

- (1) Section 19(b)—

omit, insert—

- ‘(b) the general manager of the corporation; or
 (c) 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
 (d) an appropriately qualified employee of the corporation.’.

- (2) Section 19—

insert—

- ‘(2) In this section—

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

Example of standing—

a person’s seniority level in an entity’.

101 Insertion of new pt 2, div 2A

Part 2—

insert—

‘Division 2A General manager

‘20A Appointment of general manager

- ‘(1) There is to be a general manager of the corporation.
 ‘(2) The general manager is to be appointed by the Governor in Council.

- ‘(3) The general manager is appointed under this Act and not under the *Public Service Act 1996*.’

102 Amendment of s 27 (Custody of seal—authentication of documents)

Section 27(1), ‘an officer of the corporation’—
omit, insert—
 ‘a person’.

103 Insertion of new pt 2AA

After part 2—
insert—

**‘Part 2AA Tourism Queensland
 Employing Office**

**‘Division 1 Establishment and functions of
 employing office**

‘29AA Establishment of employing office

- ‘(1) The Tourism Queensland 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.

‘29AB 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.

‘29AC 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 29AG with a government entity other than the corporation.

‘Division 2 Executive officer**‘29AD Appointment of executive officer**

- ‘(1) There is to be an executive officer of the employing office.
- ‘(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 1996*.

‘29AE 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

‘29AF 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 1996*.

‘29AG 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

‘29AH Employing office is statutory body

- ‘(1) The employing office is a statutory body under—
- (a) the *Financial Administration and Audit Act 1977*; and
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*.
- ‘(2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body—
- (a) the executive officer is taken to be the chairperson of the employing office; and
 - (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and
 - (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.’

104 Insertion of new pt 5, div 1 hdg

Part 5, before section 36—

insert—

**‘Division 1 Transitional provisions for Tourism
Legislation Amendment Act 1999’.**

105 Insertion of new pt 5, div 2

After section 37—

insert—

**‘Division 2 Transitional provisions for Statutory
Bodies Legislation Amendment Act
2007**

‘38 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 29AF 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 29AF on the conditions on which the person would have been employed by the corporation, on the ending of the arrangement, if—
 - (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 29AF(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.

‘39 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).

‘40 Amending Act does not affect particular powers of corporation

‘Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 10, affects the powers of the corporation under section 14.

‘41 Continued application of repealed s 16

‘(1) Section 16,¹¹ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the corporation under that section, other than the general manager of the corporation, immediately before the commencement while that employment continues.

‘(2) This section does not limit section 40.

‘42 Continuation in office of general manager

‘(1) This section applies if a person was employed by the corporation, immediately before the commencement of this section, as the general manager of the corporation under repealed section 16.

‘(2) The person continues to hold office as the general manager of the corporation until—

- (a) someone is appointed as the general manager by the Governor in Council under section 20A(2); or
- (b) if the person’s employment by the corporation as the general manager otherwise ends before the appointment mentioned in paragraph (a)—the person’s employment otherwise ends.

11 Section 16 (Engagement and employment of staff)

- ‘(3) While the person continues to hold office under subsection (2)—
- (a) section 20A(2) and (3) does not apply; and
 - (b) section 16, as in force immediately before the commencement of this section, continues to apply in relation to the person.’.

Part 11 Amendment of Water Act 2000

106 Act amended in pt 11

This part amends the *Water Act 2000*.

107 Amendment of s 542 (Purpose of ch 4)

- (1) Section 542, heading, ‘Purpose’—
omit, insert—
‘Purposes’.
 - (2) Section 542, ‘The purpose’—
omit, insert—
‘The main purpose’.
 - (3) Section 542—
insert—
- ‘(2) Another purpose of this chapter is to establish the employing offices for water authorities.’.

108 Replacement of ch 4, pt 3, div 4 (Water authority employees)

Chapter 4, part 3, division 4—
omit, insert—

‘Division 4 Work performance arrangements**‘584 Water authority may enter into work performance arrangements**

- ‘(1) A water authority may enter into, and give effect to, a work performance arrangement with—
- (a) the employing office for the water authority; 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 a water authority under a work performance arrangement entered into under subsection (1)—
- (a) is not employed by the water authority; and
 - (b) remains an employee of the employing office for the water authority, 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 a water authority does not have power to employ a person performing work for the water authority under a work performance arrangement entered into under subsection (1).’

109 Amendment of s 585 (Duties and liabilities of water authority officers)

Section 585(9), definition *officer*—

omit, insert—

'officer, of a water authority, includes—

- (a) an employee of the water authority; and
- (b) an employee of the employing office for the water authority or of another government entity who performs work for the authority under a work performance arrangement between the water authority and the employing office or other government entity.'

110 Amendment of s 618 (Power to grant relief)

- (1) Section 618(1), from 'who is'—

omit, insert—

'who is—

- (a) an officer or employee of a water authority; or
- (b) an employee of the employing office for a water authority or of another government entity who performs work for the authority under a work performance arrangement between the water authority and the employing office or other government entity.'

- (2) Section 618(2) and (4), after 'water authority'—

omit, insert—

'or as an employee of the employing office for the water authority or of the other government entity'.

111 Amendment of s 619 (False or misleading information or documents)

Section 619(1), definition *officer*—

omit, insert—

'officer, of a water authority, includes—

- (a) an employee of the water authority; and
- (b) an employee of the employing office for the water authority or of another government entity who performs work for the authority under a work performance

arrangement between the water authority and the employing office or other government entity?.

112 Insertion of new ch 4, pt 4A

Chapter 4, after part 4—

insert—

‘Part 4A Employing offices for water authorities

‘Division 1 Establishment and functions of employing offices for water authorities

‘625 Establishment of employing office for water authority

- ‘(1) A regulation may establish the employing office for a water authority.
- ‘(2) The regulation must name the employing office for the water authority.
- ‘(3) The employing office for a water authority consists of—
 - (a) the executive officer of the employing office; and
 - (b) the employees of the employing office.
- ‘(4) The employing office for a water authority is a separate entity from the water authority.

‘626 Employing office for water authority represents the State

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

‘627 Functions of employing office for water authority

- ‘(1) The main functions of the employing office for a water authority are—
- (a) entering into, for the State, a work performance arrangement with the water authority under which employees of the employing office perform work for the authority; and
 - (b) employing, for the State, staff to perform work for the water authority 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 for a water authority has any other function conferred on the employing office under this or another Act.
- ‘(3) This section does not limit the power of the employing office for a water authority to enter into and give effect to a work performance arrangement under section 631 with a government entity other than the water authority.

‘Division 2 Executive officer**‘628 Appointment of executive officer**

- ‘(1) There is to be an executive officer of the employing office for a water authority.
- ‘(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 1996*.

‘629 Executive officer acting for employing office of water authority

- ‘(1) The employing office for a water authority acts through the executive officer of the employing office.

- ‘(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 offices for water authorities**

‘630 **Employing office for water authority may employ staff**

- ‘(1) The employing office for a water authority may, for the State, employ staff.
- ‘(2) A person employed under subsection (1) is an *employee of the employing office*.
- ‘(3) The employing office for a water authority 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 for a water authority are employed under this Act and not the *Public Service Act 1996*.

‘631 **Employing office for water authority may enter into work performance arrangements**

- ‘(1) The employing office for a water authority may, for the State, enter into and give effect to a work performance arrangement with—
- (a) the water authority; 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 a water authority or other government entity under a work performance arrangement entered into under subsection (1)—
- (a) is not employed by the water authority or other government entity; and
 - (b) remains an employee of the employing office for the water authority.
- ‘(5) To remove any doubt, it is declared that a water authority or another government entity does not have power to employ a person performing work for the authority or other government entity under a work performance arrangement entered into under subsection (1).

‘Division 4 Other provisions

‘632 Employing office for water authority is statutory body

- ‘(1) The employing office for a water authority is a statutory body under—
- (a) the *Financial Administration and Audit Act 1977*; and
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*.
- ‘(2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body—
- (a) the executive officer of the employing office is taken to be the chairperson of the employing office; and
 - (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and

- (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.’.

113 Replacement of s 704 (Existing employees)

Section 704—

omit, insert—

‘704 Existing employees

- ‘(1) On the changeover day for a former water authority that is amalgamated with another water authority—
- (a) a person who was employed by the former water authority becomes an employee of the new entity; and
 - (b) a person who was employed by the employing office for the former water authority becomes an employee of the employing office for the new entity.
- ‘(2) On the changeover day for a former water authority that is converted to an alternative institutional structure—
- (a) a person who was employed by the former water authority becomes an employee of the new entity; and
 - (b) a person who was employed by the employing office for the former water authority becomes an employee of—
 - (i) if there is an employing authority for the new entity—that employing authority; or
 - (ii) otherwise—the new entity.
- ‘(3) A person mentioned in subsection (1) or (2)—
- (a) must be employed on terms and conditions of employment that are at least as favourable as the person’s existing terms and conditions of employment; and
 - (b) remains entitled to all existing and accruing rights of employment.’.

114 Amendment of s 936 (Responsibility for acts or omissions of representatives)

Section 936(4), definition *representative*—

omit, insert—

‘representative means—

- (a) for a water authority—
 - (i) an executive officer, employee or agent of the water authority; or
 - (ii) an employee of the employing office for the water authority or of another government entity who performs work for the authority under a work performance arrangement between the water authority and the employing office or other government entity; or
- (b) for a corporation, other than a water authority—an executive officer, employee or agent of the corporation; or
- (c) for an individual—an employee or agent of the individual.’.

115 Insertion of new ch 9, pt 5, div 8

After section 1146—

insert—

‘Division 8 Transitional provisions for Statutory Bodies Legislation Amendment Act 2007

‘1147 Rights and entitlements of particular employees

- ‘(1) This section applies to a person who—
 - (a) becomes an employee of the employing office for a water authority; and
 - (b) was an employee of the water authority—

- (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 for the water authority, the person is taken to be employed under section 630 on the conditions on which the person would have been employed by the water authority, immediately before the person became an employee of the employing office, if the water authority 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 water authority; and
 - (ii) would have accrued to the person if the water authority 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 for the water authority is a continuation of employment of the person by the water authority.
- ‘(5) Subsection (2) does not limit section 630(3) and (4).

‘1148 Application of industrial instruments

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

‘1149 Amending Act does not affect particular powers of water authority

‘Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 11, affects the powers of a water authority under section 550.

‘1150 Continued application of repealed provisions

- ‘(1) Chapter 4, part 3, division 4,¹² as in force immediately before the commencement of this section (the *repealed division*), continues to apply in relation to persons employed by the water authority under the repealed division immediately before the commencement while that employment continues.
- ‘(2) This section does not limit section 1149.’.

116 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

‘employee of the employing office see section 630(2).

employing office, for a water authority, means the employing office for the water authority established under this Act.

executive officer, of the employing office for a water authority, means the executive officer of the employing office for the water authority appointed under section 628.

government entity see the *Public Service Act 1996*, section 21.

12 Chapter 4 (Water authorities), part 3 (Functions and powers of water authorities), division 4 (Water authority employees)

industrial instrument see the *Industrial Relations Act 1999*, schedule 5.

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

Part 12 Amendment of Workers’ Compensation and Rehabilitation Act 2003

117 Act amended in pt 12

This part amends the *Workers’ Compensation and Rehabilitation Act 2003*.

118 Amendment of s 337 (Regard to particular ability in appointment of directors)

Section 337(2)(b)(i), ‘or WorkCover employee’—

insert—

‘, WorkCover employee or an employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement’.

119 Amendment of s 389 (General restriction of WorkCover’s powers)

Section 389(9), definition *WorkCover officer*—

insert—

‘(c) an employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement.’.

120 Amendment of s 392 (Protection of persons who deal with WorkCover)

Section 392(6), definition *WorkCover officer*—

insert—

- ‘(c) an employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement.’.

121 Amendment of s 422 (Power to grant relief)

Section 422(5), definition *WorkCover officer*—

insert—

- ‘(c) an employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement.’.

122 Amendment of s 423 (False or misleading information or documents)

Section 423(4), definition *WorkCover officer*—

insert—

- ‘(c) an employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement.’.

123 Amendment of s 428 (Delegation by board)

- (1) Section 428(1)(d), after ‘employee’—

omit, insert—

‘or employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement’.

(2) Section 428(2), example, after ‘WorkCover’—

omit, insert—

‘, the employing office or another government entity or non-Queensland government entity’.

124 Amendment of s 445 (Delegation by chief executive officer)

(1) Section 445(1), after ‘employee’—

omit, insert—

‘or employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement’.

(2) Section 445(3), example, after ‘WorkCover’—

omit, insert—

‘, the employing office or another government entity or non-Queensland government entity’.

125 Replacement of s 448 (Basis of employment generally)

Section 448—

omit, insert—

‘448 WorkCover may enter into work performance arrangements

‘(1) WorkCover 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 or non-Queensland 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 WorkCover under a work performance arrangement entered into under subsection (1)—
- (a) is not employed by WorkCover; and
 - (b) remains an employee of the employing office, or an employee of the other government entity or non-Queensland government entity whose appropriate authority is a party to the arrangement.
- ‘(5) To remove any doubt, it is declared that WorkCover does not have power to employ a person performing work for WorkCover under a work performance arrangement entered into under subsection (1).’.

126 Omission of s 450 (Arrangements relating to staff)

Section 450—

omit.

127 Amendment of s 466 (Appointment of authorised persons)

- (1) Section 466(1), after ‘employee’—

omit, insert—

‘or an employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement’.

- (2) Section 466(2), ‘a WorkCover employee’—

omit, insert—

‘the person’.

- (3) Section 466(2), ‘the employee’—
omit, insert—
‘the person’.

128 Insertion of new ch 8A

After chapter 8—

insert—

‘Chapter 8A WorkCover Employing Office

‘Part 1 Establishment and functions of employing office

‘475A Establishment of employing office

- ‘(1) The WorkCover 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 WorkCover.

‘475B 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.

‘475C Functions of employing office

- ‘(1) The main functions of the employing office are—
- (a) entering into, for the State, a work performance arrangement with WorkCover under which employees

- ‘(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 1996*.

‘475G 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) WorkCover; or
 - (b) the appropriate authority of another government entity or non-Queensland 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 WorkCover or other government entity or non-Queensland government entity under a work performance arrangement entered into under subsection (1)—
 - (a) is not employed by WorkCover or the other government entity or non-Queensland government entity; and
 - (b) remains an employee of the employing office.

- ‘(5) To remove any doubt, it is declared that WorkCover or another government entity or non-Queensland government entity does not have power to employ a person performing work for WorkCover or other government entity or non-Queensland government entity under a work performance arrangement entered into under subsection (1).

‘Part 4 Other provisions

‘475H Employing office is statutory body

- ‘(1) The employing office is a statutory body under—
- (a) the *Financial Administration and Audit Act 1977*; and
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*.
- ‘(2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body—
- (a) the executive officer is taken to be the chairperson of the employing office; and
 - (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and
 - (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.’

129 Amendment of s 599 (Previous non-policy compensation arrangement with State)

Section 599—

insert—

‘(3) In this section—

government entity has the meaning given by this Act as in force immediately before the commencement of the *Statutory Bodies Legislation Amendment Act 2007*, section 129.’.

130 Insertion of new ch 20

After section 643—

insert—

‘Chapter 20 Transitional provisions for Statutory Bodies Legislation Amendment Act 2007

‘644 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 WorkCover—
 - (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 475F on the conditions on which the person would have been employed by WorkCover, immediately before the person became an employee of the employing office, if WorkCover 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 WorkCover; and
 - (ii) would have accrued to the person if WorkCover 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 WorkCover.
- ‘(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 WorkCover, or for a non-Queensland government entity 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 475F on the conditions on which the person would have been employed by WorkCover, on the ending of the arrangement, if—
 - (i) the person had continued to be an employee of WorkCover; and
 - (ii) WorkCover had never become an employer under the *Workplace Relations Act 1996* (Cwlth).
- ‘(6) Subsections (2) and (5)(b) do not limit section 475F(3) and (4).
- ‘(7) In this section—
employee of WorkCover includes a seconded employee.

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

‘645 Application of industrial instruments

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

‘646 Amending Act does not affect particular powers of WorkCover

‘Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 12, affects the powers of WorkCover under section 388.

‘647 Continued application of repealed s 448

‘(1) Section 448,¹³ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by WorkCover under the repealed section immediately before the commencement while that employment continues.

‘(2) This section does not limit section 646.’.

131 Amendment of sch 6 (Dictionary)

(1) Schedule 6, definition *government entity*—
omit.

(2) Schedule 6—
insert—

‘employee of the employing office see section 475F(2).

13 Section 448 (Basis of employment generally)

employing office means the WorkCover Employing Office established under section 475A.

executive officer means the executive officer of the employing office appointed under section 475D.

government entity has the meaning given by the *Public Service Act 1996*, section 21, and includes a GOC.

non-Queensland government entity means—

- (a) the Commonwealth or a State other than Queensland; or
- (b) an agency or instrumentality of the Commonwealth or a State other than Queensland.

work performance arrangement means an arrangement under which an employee of a government entity or non-Queensland government entity performs work for another government entity or non-Queensland government entity.’.