



Queensland

Education and Training Legislation (Skills Queensland) Amendment Act 2010

Act No. 41 of 2010



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Contents

		Page
Part 1	Preliminary	
1	Short title	6
2	Commencement	6
Part 2	Amendment of Vocational Education, Training and Employment Act 2000	
3	Act amended in pt 2 and schedule	6
4	Amendment of s 3 (Objectives)	6
5	Amendment of ch 5 hdg (Ombudsman and council)	7
6	Insertion of new ch 5, pt 2	7
	Part 2 Skills Queensland	
	Division 1 Establishment	
146	Establishment of Skills Queensland	7
147	Skills Queensland represents the State	8
148	Application of other Acts	8
	Division 2 Functions and powers	
149	Functions	8
150	Skills and workforce development investment plan	9
151	Powers	10
152	Delegation	11
	Division 3 Membership	
153	Members	12
154	Eligibility for appointment	12
155	Chairperson of Skills Queensland	12
156	Deputy chairperson of Skills Queensland	13
157	Term of appointment	14
158	Conditions of appointment	14

Contents

159	Disqualification as appointed member	14
160	Termination of appointment	15
161	Resignation	16
162	Vacancy of office	16
163	Leave of absence	16
Division 4	Business	
164	Conduct of business	17
165	Times and places of meetings	17
166	Quorum	17
166A	Presiding at meetings	18
166B	Participation of chief executive officer in meetings of Skills Queensland.	18
166C	Attendance by proxy	18
166D	Conduct of meetings	18
166E	Minutes	19
Division 5	Chief executive officer	
166F	Appointment of chief executive officer	19
166G	Conditions of appointment	20
166H	Functions of chief executive officer	20
166I	Delegation	20
166J	Disqualification as chief executive officer	20
166K	Termination of appointment	22
166L	Resignation	22
166M	Vacancy of office	22
166N	Leave of absence	23
166O	Preservation of rights	23
Division 6	Other staff	
166P	Other staff	24
166Q	Administrative support	24
Division 7	Criminal history	
166R	Report about person's criminal history	24
166S	Criminal history is confidential document	25
166T	Requirement to disclose changes in criminal history	26
Division 8	Miscellaneous provisions	
166U	Skills Queensland may establish committees	27
166V	Remuneration for committee members	27

	166W	Ministerial direction	27
7		Amendment of s 282 (Disclosure of interests by member of disclosure body)	28
8		Amendment of s 284 (Other disclosure of interests)	28
9		Amendment of s 289 (Evidentiary provisions)	28
10		Amendment of s 290 (Protection from liability)	29
11		Insertion of new ch 10, pt 6	29
	Part 6	Transitional provisions for Education and Training Legislation (Skills Queensland) Amendment Act 2010	
	345	First skills and workforce development investment plan	29
	346	Amendment of regulations	29
12		Amendment of sch 3 (Dictionary)	30
	Part 3	Other amendments	
	Division 1	Amendment of Education (Queensland College of Teachers) Act 2005	
13		Act amended	30
14		Amendment of s 56 (Cancellation in particular circumstances)	31
15		Amendment of s 58 (Disqualification order)	31
16		Replacement of s 77 (Requirement for employing authority to notify college about particular terminations of employment)	31
	77	Requirement for employing authority to notify college about outcome of particular investigations	32
17		Amendment of s 78 (Requirement for employing authority to notify college about certain other dismissals)	32
18		Insertion of new ch 12, pt 12	33
	Part 12	Transitional provisions for Education and Training Legislation (Skills Queensland) Amendment Act 2010	
	340	Existing applications by new excluded persons	33
	341	Transitional provision for s 77	34
19		Amendment of sch 3 (Dictionary)	34
	Division 2	Amendment of Industrial Relations Regulation 2000	
20		Regulation amended	34
21		Amendment of sch 7A (Employers declared not to be national system employers)	35
	Division 3	Amendment of Public Service Act 2008	
22		Act amended	35

Contents

23	Amendment of sch 1 (Public service offices and their heads) . . .	35
Division 4	Amendment of Statutory Bodies Financial Arrangements Regulation 2007	
24	Regulation amended	36
25	Amendment of sch 3 (Statutory bodies allocated category 1 investment power)	36
Schedule	Minor and consequential amendments of Vocational Education, Training and Employment Act 2000	37



Queensland

Education and Training Legislation (Skills Queensland) Amendment Act 2010

Act No. 41 of 2010

An Act to amend the Education (Queensland College of Teachers) Act 2005, the Industrial Relations Regulation 2000, the Public Service Act 2008, the Statutory Bodies Financial Arrangements Regulation 2007 and the Vocational Education, Training and Employment Act 2000 for particular purposes

[Assented to 14 October 2010]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Education and Training Legislation (Skills Queensland) Amendment Act 2010*.

2 Commencement

This Act, other than part 3, division 1, commences on a day to be fixed by proclamation.

Part 2 Amendment of Vocational Education, Training and Employment Act 2000

3 Act amended in pt 2 and schedule

This part and the schedule amend the *Vocational Education, Training and Employment Act 2000*.

4 Amendment of s 3 (Objectives)

(1) Section 3(b), after ‘or employers’—

insert—

‘, industry’.

(2) Section 3(d), from ‘and encourages’—

omit, insert—

‘, encourages the generation of employment opportunities and is responsive to the future workforce development and skills requirements of industry; and’.

(3) Section 3—

insert—

‘(i) to strengthen Queensland’s economic base by providing a skilled workforce that meets the current and future needs of industry, Government and the community.’.

5 Amendment of ch 5 hdg (Ombudsman and council)

Chapter 5, heading, after ‘Ombudsman’—

insert—

‘, **Skills Queensland**’.

6 Insertion of new ch 5, pt 2

Chapter 5—

insert—

‘Part 2 Skills Queensland

‘Division 1 Establishment

‘146 Establishment of Skills Queensland

‘(1) Skills Queensland is established.

‘(2) Skills Queensland—

(a) is a body corporate; and

(b) has a common seal; and

(c) may sue and be sued in its corporate name.

[s 6]

‘147 Skills Queensland represents the State

- ‘(1) Skills Queensland represents the State.
- ‘(2) Without limiting subsection (1), Skills Queensland has the status, privileges and immunities of the State.

‘148 Application of other Acts

- ‘(1) Skills Queensland is—
 - (a) a statutory body under the *Financial Accountability Act 2009*; and
 - (b) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.
- ‘(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B, sets out the way in which Skills Queensland’s powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

‘Division 2 Functions and powers

‘149 Functions

- ‘(1) Skills Queensland has the following functions—
 - (a) to advise and make recommendations to the Minister about—
 - (i) skills and workforce development; and
 - (ii) skilled migration in Queensland; and
 - (iii) any other matters referred to it by the Minister;
 - (b) to advise and make recommendations to the Minister about matters incidental to a function mentioned in paragraph (a), including, for example, about—
 - (i) the delivery of quality vocational education and training; or
 - (ii) employment programs;

-
- (c) to develop a skills and workforce development investment plan under section 150;
 - (d) to take action approved by the Minister under section 150 in relation to the skills and workforce development investment plan;
 - (e) to promote and encourage industry investment in vocational education and training;
 - (f) to undertake and promote research on matters relating to its functions;
 - (g) to inform the public about matters relating to its functions;
 - (h) any other functions given to it under this or another Act.
- ‘(2) In performing its functions, Skills Queensland must have regard to the following—
- (a) economic factors impacting on the State;
 - (b) the skills and workforce development needs of industry and the community;
 - (c) the needs of individual learners.

‘150 Skills and workforce development investment plan

- ‘(1) By 30 November in each year, Skills Queensland must develop a skills and workforce development investment plan complying with this section and give it to the Minister for approval.
- ‘(2) The plan must cover a period of 5 years or more and—
- (a) must be reviewed annually; and
 - (b) may be amended during that period.
- ‘(3) A plan, or amendment of a plan, has no effect until approved by the Minister.
- ‘(4) The Minister may require Skills Queensland to make stated changes to a proposed plan, or amendment of a plan, before the Minister approves it.

[s 6]

- ‘(5) The plan—
- (a) must identify priorities for government investment in skills, qualifications or workforce development; and
 - (b) may make recommendations about the following if the recommendations are incidental to the identification of a priority under paragraph (a)—
 - (i) the delivery of quality vocational education, training or employment programs;
 - (ii) government funding arrangements for workforce development, including vocational education and training; and
 - (c) may include other recommendations relating to Skills Queensland’s functions that Skills Queensland considers appropriate; and
 - (d) may recommend that Skills Queensland take action (a *recommended action*) on a priority or recommendation mentioned in the plan.
- ‘(6) For subsection (5)(d), the Minister may, by written direction, require Skills Queensland—
- (a) to take a recommended action; or
 - (b) to take a recommended action subject to a condition or alteration imposed by the Minister.
- ‘(7) Skills Queensland must comply with the direction.

‘151 Powers

- ‘(1) Skills Queensland has all the powers of an individual, and may, for example—
- (a) enter into contracts; and
 - (b) acquire, hold, dispose of, and deal with, property; and
 - (c) appoint agents and attorneys; and
 - (d) engage consultants; and
 - (e) produce documents in performing its functions; and

-
- (f) charge for advertising in the documents; and
 - (g) fix charges, and other terms, for services and other facilities it supplies; and
 - (h) do anything else necessary or convenient to be done in performing its functions.
- ‘(2) However, Skills Queensland must not enter into an agreement about real property, including, for example, leasing premises for its accommodation, unless the Minister has approved its entering into the agreement.
- ‘(3) Without limiting subsection (1), Skills Queensland has the powers given to it under this or another Act.
- ‘(4) Skills Queensland may exercise its powers inside or outside Queensland.
- ‘(5) Without limiting subsection (4), Skills Queensland may exercise its powers outside Australia.

‘152 Delegation

‘Skills Queensland may, by resolution, delegate its functions or powers to—

- (a) an appropriately qualified member of Skills Queensland; or
- (b) a committee of Skills Queensland; or
- (c) the chief executive officer; or
- (d) an appropriately qualified member of staff of Skills Queensland; or
- (e) an appropriately qualified entity.

Example of appropriately qualified entity—

the department

[s 6]

‘Division 3 Membership

‘153 Members

- ‘(1) Skills Queensland consists of the following—
- (a) the chief executive of the department;
 - (b) the chief executive of the department, administered by the Minister with responsibility for employment policies and programs, that deals with those matters;
 - (c) a maximum of 7 other members appointed by the Governor in Council (*appointed members*).
- ‘(2) A member appointed under subsection (1)(c) is appointed under this Act and not the *Public Service Act 2008*.

‘154 Eligibility for appointment

- ‘(1) A person is eligible for appointment as an appointed member if—
- (a) the person has direct industry experience or direct experience in the education, training or employment sectors; or
 - (b) in the Minister’s opinion, the person has other knowledge, experience or standing appropriate to the performance of the functions of Skills Queensland.
- ‘(2) A member of Parliament or a councillor of a local government is not eligible for appointment as an appointed member.

‘155 Chairperson of Skills Queensland

- ‘(1) The Governor in Council may appoint an appointed member to be chairperson of Skills Queensland.
- ‘(2) A person may be appointed as the chairperson at the same time the person is appointed as an appointed member.
- ‘(3) Subject to this division, the chairperson holds office for the term, ending not later than the person’s term of appointment

as an appointed member, stated in the person's instrument of appointment as chairperson.

- '(4) A vacancy occurs in the office of chairperson if the person holding the office—
 - (a) resigns from the office by signed notice given to the Minister; or
 - (b) ceases to be an appointed member.
- '(5) A person resigning the office of chairperson may continue to be an appointed member.

'156 Deputy chairperson of Skills Queensland

- '(1) Skills Queensland may appoint an appointed member, other than the chairperson, to be deputy chairperson of Skills Queensland.
- '(2) Subject to this division, the deputy chairperson holds office for the term, ending not later than the person's term of appointment as an appointed member, stated in the person's instrument of appointment as deputy chairperson.
- '(3) A vacancy occurs in the office of deputy chairperson if the person holding the office—
 - (a) resigns from the office by signed notice given to Skills Queensland; or
 - (b) ceases to be an appointed member.
- '(4) A person resigning the office of deputy chairperson may continue to be an appointed member.
- '(5) The deputy chairperson is to act as chairperson—
 - (a) during a vacancy in the office of chairperson; and
 - (b) during all periods when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.

[s 6]

‘157 Term of appointment

‘An appointed member is appointed for the term, of not more than 4 years, stated in the person’s instrument of appointment.

‘158 Conditions of appointment

- ‘(1) An appointed member is to be paid the remuneration and allowances decided by the Governor in Council.
- ‘(2) An appointed member holds office on the terms and conditions, not provided for by this Act, decided by the Governor in Council.

‘159 Disqualification as appointed member

- ‘(1) A person can not become, or continue as, an appointed member if the person—
 - (a) has a conviction for an indictable offence and the conviction is not a spent conviction, unless the Minister has given a notice or approval under subsection (4) in relation to the conviction; or
 - (b) is an insolvent under administration, unless the Minister has given a notice or approval under subsection (4) in relation to the person being an insolvent under administration.
- ‘(2) Also, a person can not become an appointed member if the person does not consent to the Minister requesting a report about the person’s criminal history under section 166R.
- ‘(3) The Minister may act under subsection (4) if the Minister considers it would be reasonable to do so having regard to—
 - (a) the circumstances of the indictable offence of which a person has been convicted; or
 - (b) the circumstances under which a person became an insolvent under administration.
- ‘(4) The Minister may—

-
- (a) if the person was an appointed member when the person was convicted or became an insolvent under administration, and the term of the person's appointment as an appointed member has not since ended—give notice to the chairperson of Skills Queensland and the person that—
 - (i) the person is restored as an appointed member; and
 - (ii) the person may be later reappointed, despite the conviction or being an insolvent under administration; or
 - (b) otherwise—give written approval for the person to become an appointed member despite the conviction or being an insolvent under administration.
- '(5) On the day the chairperson receives a notice under subsection (4)(a)—
- (a) the person is restored as an appointed member; and
 - (b) if another person has been appointed to fill the vacancy—the other person's appointment ends.
- '(6) If a person is restored as an appointed member under subsection (5), the person's term of appointment as an appointed member ends when it would have ended if the person had not been convicted of the offence or become an insolvent under administration.

'160 Termination of appointment

'The Governor in Council may end the appointment of an appointed member if the appointed member—

- (a) becomes incapable of performing the appointed member's duties because of physical or mental incapacity; or
- (b) is, in the Minister's opinion, performing the appointed member's duties carelessly, incompetently or inefficiently; or

[s 6]

- (c) is guilty of misconduct that could warrant dismissal from the public service if the appointed member were a public service officer; or
- (d) fails to disclose a change in the member's criminal history under section 166T; or
- (e) is no longer eligible for appointment as an appointed member under section 154.

'161 Resignation

- '(1) An appointed member may resign by signed notice given to the Minister.
- '(2) The resignation takes effect—
 - (a) on the date the notice is given to the Minister; or
 - (b) if a later date is specified in the notice—on the later date.

'162 Vacancy of office

- '(1) The office of an appointed member becomes vacant if—
 - (a) the member is disqualified under section 159; or
 - (b) the member's appointment ends under section 160; or
 - (c) the member resigns under section 161; or
 - (d) the member is absent without Skills Queensland's permission from 3 consecutive meetings of Skills Queensland of which proper notice has been given.
- '(2) Subsection (1)(d) does not apply if the member is absent under a leave of absence approved by the Minister under section 163.

'163 Leave of absence

- '(1) The Minister may grant leave of absence to an appointed member (the *approved absent member*).

- ‘(2) The Minister may appoint someone else to act in the office of the approved absent member while the member is on the leave.
- ‘(3) If the approved absent member is the deputy chairperson of Skills Queensland, Skills Queensland may appoint another appointed member to act in the deputy chairperson’s office while the deputy chairperson is on the leave.
- ‘(4) The power of the Minister or Skills Queensland to appoint a person to act in the office of an approved absent member does not limit the Governor in Council’s powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(v).

‘Division 4 Business

‘164 Conduct of business

‘Subject to this division, Skills Queensland may conduct its business, including its meetings, in the way it considers appropriate.

‘165 Times and places of meetings

- ‘(1) Skills Queensland may meet as often as necessary for Skills Queensland to perform its functions.
- ‘(2) Without limiting subsection (1), Skills Queensland must meet at least 4 times a year.

‘166 Quorum

‘A quorum for Skills Queensland is the number equal to one-half of the number of its members or, if one-half is not a whole number, the next highest whole number.

[s 6]

‘166A Presiding at meetings

- ‘(1) The chairperson of Skills Queensland must preside at all meetings of Skills Queensland at which the chairperson is present.
- ‘(2) If the chairperson is not present at a meeting, but the deputy chairperson of Skills Queensland is present, the deputy chairperson must preside.
- ‘(3) If both the chairperson and the deputy chairperson are not present at a meeting, an appointed member chosen by the members present must preside.
- ‘(4) A person attending a meeting as the proxyholder for an appointed member under section 166C may not preside at the meeting.

‘166B Participation of chief executive officer in meetings of Skills Queensland

- ‘(1) The chief executive officer may attend meetings of Skills Queensland but has no voting rights at the meetings.
- ‘(2) The chairperson of Skills Queensland must give the chief executive officer reasonable notice of the time and place a meeting of Skills Queensland is to be held.
- ‘(3) A meeting of Skills Queensland is not invalid merely because of a contravention of subsection (2).

‘166C Attendance by proxy

‘An appointed member may, not more than twice a year, attend a meeting of Skills Queensland by proxy.

‘166D Conduct of meetings

- ‘(1) A question at a meeting of Skills Queensland is to be decided by a majority of the votes of the members present.

-
- ‘(2) Each member present at the meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.
 - ‘(3) A member who abstains from voting is taken to have voted for the negative.
 - ‘(4) Skills Queensland may hold meetings, or allow members to take part in meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meetings, including, for example, teleconferencing.
 - ‘(5) A member who takes part in a meeting under subsection (4) is taken to be present at the meeting.
 - ‘(6) A resolution is validly made by Skills Queensland, even if it is not passed at a meeting of Skills Queensland, if—
 - (a) notice of the resolution is given under procedures approved by Skills Queensland; and
 - (b) a majority of members agree in writing to the resolution.

‘166E Minutes

‘Skills Queensland must keep minutes of its meetings.

‘Division 5 Chief executive officer

‘166F Appointment of chief executive officer

- ‘(1) There is to be a chief executive officer of Skills Queensland.
- ‘(2) The chief executive officer is to be appointed by the Governor in Council.
- ‘(3) The chief executive officer is appointed for the term, of not more than 5 years, stated in the chief executive officer’s instrument of appointment.
- ‘(4) The *Public Service Act 2008* does not apply to the appointment of the chief executive officer.

[s 6]

‘166G Conditions of appointment

- ‘(1) The chief executive officer is to be paid the remuneration and allowances decided by the Governor in Council.
- ‘(2) The chief executive officer holds office on the terms and conditions, not provided for by this Act, decided by the Governor in Council.

‘166H Functions of chief executive officer

‘Subject to direction by the chairperson of Skills Queensland, the chief executive officer is to control Skills Queensland and is responsible for its efficient and effective administration and operation.

‘166I Delegation

‘The chief executive officer may delegate the chief executive officer’s functions or powers, including a function or power delegated to the chief executive officer, to an appropriately qualified member of staff of Skills Queensland.

‘166J Disqualification as chief executive officer

- ‘(1) A person can not become, or continue as, the chief executive officer if the person—
 - (a) has a conviction for an indictable offence and the conviction is not a spent conviction, unless the Minister has given a notice or approval under subsection (4) in relation to the conviction; or
 - (b) is an insolvent under administration, unless the Minister has given a notice or approval under subsection (4) in relation to the person being an insolvent under administration.
- ‘(2) Also, a person can not become the chief executive officer if the person does not consent to the Minister requesting a report about the person’s criminal history under section 166R.

-
- ‘(3) The Minister may act under subsection (4) if the Minister considers it would be reasonable to do so having regard to—
- (a) the circumstances of the indictable offence of which a person has been convicted; or
 - (b) the circumstances under which a person became an insolvent under administration.
- ‘(4) The Minister may—
- (a) if the person was the chief executive officer when the person was convicted or became an insolvent under administration, and the term of the person’s appointment as chief executive officer has not since ended—give notice to the chairperson of Skills Queensland and the person that—
 - (i) the person is restored as chief executive officer; and
 - (ii) the person may be later reappointed, despite the conviction or being an insolvent under administration; or
 - (b) otherwise—give written approval for the person to become the chief executive officer despite the conviction or being an insolvent under administration.
- ‘(5) On the day the chairperson receives a notice under subsection (4)(a)—
- (a) the person is restored as chief executive officer; and
 - (b) if another person has been appointed to fill the vacancy—the other person’s appointment ends.
- ‘(6) If a person is restored as chief executive officer under subsection (5), the person’s term of appointment as chief executive officer ends when it would have ended if the person had not been convicted of the offence or become an insolvent under administration.

[s 6]

‘166K Termination of appointment

‘The Governor in Council may end the appointment of the chief executive officer if the chief executive officer—

- (a) becomes incapable of performing the chief executive officer’s functions because of physical or mental incapacity; or
- (b) is, in the Minister’s opinion, performing the chief executive officer’s duties carelessly, incompetently or inefficiently; or
- (c) is guilty of misconduct that could warrant dismissal from the public service if the chief executive officer were a public service officer; or
- (d) fails to disclose a change in the chief executive officer’s criminal history under section 166T.

‘166L Resignation

‘(1) The chief executive officer may resign by signed notice given to the Minister.

‘(2) The resignation takes effect—

- (a) on the date the notice is given to the Minister; or
- (b) if a later date is specified in the notice—on the later date.

‘166M Vacancy of office

‘The office of chief executive officer becomes vacant if—

- (a) the chief executive officer is disqualified under section 166J; or
- (b) the chief executive officer’s appointment ends under section 166K; or
- (c) the chief executive officer resigns under section 166L.

‘166N Leave of absence

- ‘(1) The Minister may grant leave of absence to the chief executive officer.
- ‘(2) The Minister may, in consultation with Skills Queensland, appoint someone else to act in the office of chief executive officer while the chief executive officer is on the leave.
- ‘(3) The power of the Minister to appoint a person to act in the office of chief executive officer does not limit the Governor in Council’s powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(v).

‘166O Preservation of rights

- ‘(1) This section applies if a public service officer is appointed as the chief executive officer.
- ‘(2) The person retains and is entitled to all rights that have accrued to the person because of employment as a public service officer, or that would accrue in the future to the person because of that employment, as if service as the chief executive officer were a continuation of service as a public service officer.
- ‘(3) At the end of the person’s term of appointment or on resignation—
 - (a) the person—
 - (i) is entitled to be employed as a public service officer; and
 - (ii) must be employed on the classification level and remuneration that the Public Service Commission or another entity prescribed under a regulation considers the person would have attained in the ordinary course of progression if the person had continued in employment as a public service officer; and

[s 6]

- (b) the person's service as chief executive officer is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.
- '(4) If the person, immediately before the appointment, was a member of the scheme under the *Superannuation (State Public Sector) Act 1990*, the person continues to be eligible to be, and to be, a member of the scheme.

'Division 6 Other staff

'166P Other staff

- '(1) Skills Queensland may employ other staff it considers appropriate to perform its functions.
- '(2) The other staff are appointed under the *Public Service Act 2008*.

'166Q Administrative support

- '(1) The chief executive officer or chairperson of Skills Queensland may make arrangements with the chief executive of the department or another public sector unit for the services of officers or employees of the department or other unit to be made available to Skills Queensland.
- '(2) If an arrangement is made under subsection (1), the arrangement may include a provision about Skills Queensland paying the department or other public sector unit a reasonable amount for the services.

'Division 7 Criminal history

'166R Report about person's criminal history

- '(1) This section applies to—
 - (a) an appointed member; or

-
- (b) the chief executive officer; or
 - (c) a person who is being considered for appointment as an appointed member or the chief executive officer (a *prospective appointee*).
- ‘(2) The Minister may make investigations about the person to decide whether the person is disqualified under section 159 or 166J.
- ‘(3) Without limiting subsection (2), the Minister may ask the commissioner of police for—
- (a) a written report about the person’s criminal history; and
 - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- ‘(4) The commissioner of police must comply with the request.
- ‘(5) However, the Minister may make a request under subsection (3) about a prospective appointee only if the person has given the Minister written consent for the request.
- ‘(6) The duty imposed on the commissioner of police to comply with the request applies only to information in the commissioner’s possession or to which the commissioner has access.
- ‘(7) The Minister must ensure a report given to the Minister under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.

‘166S Criminal history is confidential document

- ‘(1) This section applies to a person who possesses a report, or information contained in a report, given under section 166R, because the person is, or was, an officer, employee or agent of the department.
- ‘(2) The person must not, directly or indirectly, disclose the report or information to anyone else, unless the disclosure is permitted under subsection (3).

Maximum penalty—100 penalty units.

[s 6]

- ‘(3) The person may disclose the information to someone else—
- (a) to the extent necessary to perform the person’s functions under this Act; or
 - (b) if the disclosure is authorised under this or another Act; or
 - (c) if the disclosure is otherwise required or permitted by law; or
 - (d) if the person to whom the information relates consents to the disclosure; or
 - (e) if the disclosure is in a form that does not disclose the identity of the person to whom the information relates; or
 - (f) if the information is, or has been, lawfully accessible to the public.

‘166T Requirement to disclose changes in criminal history

- ‘(1) This section applies to—
- (a) an appointed member; or
 - (b) the chief executive officer.
- ‘(2) If there is a change in the criminal history of the person, the person must, unless the person has a reasonable excuse, immediately disclose the change to the Minister.
- Maximum penalty—100 penalty units.
- ‘(3) If the person does not have a criminal history, there is taken to be a change in the person’s criminal history if the person acquires a criminal history.
- ‘(4) To comply with subsection (2), the information disclosed by the person about a conviction for an offence in the person’s criminal history must include the following—
- (a) the existence of the conviction;
 - (b) when the offence was committed;
 - (c) details adequate to identify the offence;

- (d) whether or not a conviction was recorded;
- (e) the sentence imposed on the person.

‘Division 8 Miscellaneous provisions

‘166U Skills Queensland may establish committees

- ‘(1) Skills Queensland may establish committees to assist or advise it in relation to the performance of its functions and the exercise of its powers.
- ‘(2) Skills Queensland may decide matters about a committee that are not provided for under this Act, including, for example, the following—
 - (a) the number of persons appointed to the committee;
 - (b) the chairperson of the committee;
 - (c) the experience and qualifications necessary to be a member of the committee;
 - (d) the conduct of committee meetings;
 - (e) the reporting arrangements of the committee.

‘166V Remuneration for committee members

‘A member of a committee is entitled to be paid the remuneration and allowances decided by the Governor in Council.

‘166W Ministerial direction

- ‘(1) The Minister may give Skills Queensland a written direction about the performance of Skills Queensland’s functions or exercise of its powers, other than in relation to the formation of advice or reports.
- ‘(2) Skills Queensland must comply with a direction under subsection (1).’.

[s 7]

7 Amendment of s 282 (Disclosure of interests by member of disclosure body)

- (1) Section 282(4), definition *disclosure body*, paragraph (c), ‘or (b)’—
omit, insert—
‘, (b) or (c)’.
- (2) Section 282(4), definition *disclosure body*, paragraphs (c) to (e)—
renumber as paragraphs (d) to (f).
- (3) Section 282(4), definition *disclosure body*—
insert—
‘(c) Skills Queensland;’.

8 Amendment of s 284 (Other disclosure of interests)

- (1) Section 284(2)(c)—
renumber as section 284(2)(d).
- (2) Section 284(2)—
insert—
‘(c) if the person is the chief executive officer—the chairperson of Skills Queensland; or’.
- (3) Section 284(3), after ‘Minister’—
insert—
‘, chairperson’.

9 Amendment of s 289 (Evidentiary provisions)

- (1) Section 289(2)(a)—
insert—
‘(iv) the chief executive officer, a member of Skills Queensland or a member of a committee of Skills Queensland; or’.

(2) Section 289(7), before ‘the council’—

insert—

‘Skills Queensland.’

10 Amendment of s 290 (Protection from liability)

Section 290(3), definition *indemnified person*—

insert—

‘(i) the chief executive officer, a member of Skills Queensland, a member of a committee of Skills Queensland or a member of staff of Skills Queensland.’

11 Insertion of new ch 10, pt 6

Chapter 10—

insert—

‘Part 6 Transitional provisions for Education and Training Legislation (Skills Queensland) Amendment Act 2010

‘345 First skills and workforce development investment plan

‘Despite section 150, the first skills and workforce development investment plan required to be developed under that section must be given to the Minister for approval by 30 November 2011.’

‘346 Amendment of regulations

‘The amendment of a regulation by the *Education and Training Legislation (Skills Queensland) Amendment Act 2010*, part 3, does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’

[s 12]

12 Amendment of sch 3 (Dictionary)

(1) Schedule 3—

insert—

‘appropriately qualified—

- (a) for a person or entity to whom a function or power may be delegated or subdelegated—includes having the qualifications, experience or standing appropriate for the function or power; or
- (b) for a departmental officer nominated to help the council in performing its functions under section 188—includes having the qualifications, experience or standing appropriate to help the council.

chief executive officer means the chief executive officer of Skills Queensland appointed under section 166F.’.

(2) Schedule 3, definition *appointed members*—

omit, insert—

‘appointed members—

- (a) for chapter 5, part 2, see section 153; or
- (b) for chapter 6, part 2, division 2, see section 196.’.

Part 3 Other amendments

Division 1 Amendment of Education (Queensland College of Teachers) Act 2005

13 Act amended

This division amends the *Education (Queensland College of Teachers) Act 2005*.

14 Amendment of s 56 (Cancellation in particular circumstances)

(1) Section 56(5)(b), after ‘(c)’—

insert—

‘or (d)’.

(2) Section 56(5)—

insert—

‘(d) if a disqualification order is made in relation to the person under section 58(2)(a)—that the teacher can apply for registration or permission to teach at the end of the period stated in the disqualification order.’.

15 Amendment of s 58 (Disqualification order)

Section 58(5), definition *prosecutor*, paragraph (a)—

omit, insert—

‘(a) in the context of a proceeding before, or an application to, a Magistrates Court or a Childrens Court—

(i) a police officer; or

(ii) a service legal officer within the meaning of the *Police Service Administration Act 1990*, section 10.24; or

(iii) a Crown prosecutor; or’.

16 Replacement of s 77 (Requirement for employing authority to notify college about particular terminations of employment)

Section 77—

omit, insert—

[s 17]

‘77 Requirement for employing authority to notify college about outcome of particular investigations

- ‘(1) This section applies if the employing authority for a prescribed school starts an investigation mentioned in section 76(1).
- ‘(2) The employing authority must, as soon as practicable after the investigation ends for any reason, give notice to the college of the outcome of the investigation.

Maximum penalty—40 penalty units.

- ‘(3) The notice must include the following—
- (a) the name of the employing authority and, if the name of the authority is different to the name of the prescribed school, the name of the prescribed school;
 - (b) the name of the relevant teacher;
 - (c) the day the investigation ended;
 - (d) the allegation, particulars of the allegation and any other relevant information;
 - (e) the findings made by the employing authority;
 - (f) the outcome of the investigation and any reasons for the outcome;
 - (g) if relevant, the employing authority’s decision and the reasons for the authority’s decision.’.

17 Amendment of s 78 (Requirement for employing authority to notify college about certain other dismissals)

- (1) Section 78, heading, ‘other’—
omit.
- (2) Section 78(1)(b)—
omit, insert—
- ‘(b) a notice is not required to be given under sections 76 and 77.’.

18 Insertion of new ch 12, pt 12

Chapter 12—

insert—

**‘Part 12 Transitional provisions for
Education and Training
Legislation (Skills Queensland)
Amendment Act 2010**

‘340 Existing applications by new excluded persons

‘(1) This section applies if—

(a) a person has applied to the college for—

- (i) full or provisional registration or permission to teach; or
- (ii) the renewal of full registration or permission to teach; or
- (iii) the restoration of the person’s full registration that has ended; and

(b) the application has not been decided or withdrawn at the commencement; and

(c) the person is a new excluded person.

‘(2) The application is taken to be withdrawn.

‘(3) The college must give notice of the withdrawal to the person.

‘(4) In this section—

commencement means the commencement of this section.

new excluded person means a person who is an excluded person immediately after the commencement but was not an excluded person under this Act as in force immediately before the commencement.

[s 19]

‘341 Transitional provision for s 77

‘Section 77, as amended by the *Education and Training Legislation (Skills Queensland) Amendment Act 2010*, applies to an investigation that ends after the commencement of this section.’.

19 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definition *excluded person*, paragraph (b)—
omit, insert—

‘(b) who has previously held registration or permission to teach that was cancelled because section 56(1)(b)(i) or (2) applied, other than a person mentioned in section 57(3); or’.

(2) Schedule 3, definition *excluded person*—
insert—

‘(d) who has—

- (i) previously held registration as a teacher or permission to teach under this Act or a former Act; and
- (ii) on or after 1 January 2006, been convicted of a disqualifying offence for which an imprisonment order was imposed.’.

**Division 2 Amendment of Industrial Relations
Regulation 2000**

20 Regulation amended

This division amends the *Industrial Relations Regulation 2000*.

21 Amendment of sch 7A (Employers declared not to be national system employers)

(1) Schedule 7A, part 1—

insert—

‘6A Skills Queensland

established under the *Vocational Education, Training and Employment Act 2000*’.

(2) Schedule 7A, part 1, items 6A to 10—

renumber as schedule 7A, part 1, items 7 to 11.

Division 3 Amendment of Public Service Act 2008

22 Act amended

This division amends the *Public Service Act 2008*.

23 Amendment of sch 1 (Public service offices and their heads)

Schedule 1—

insert—

‘Skills Queensland under the *Vocational Education, Training and Employment Act 2000*

chief executive officer of Skills Queensland’.

[s 24]

Division 4 **Amendment of Statutory Bodies
Financial Arrangements Regulation
2007**

24 **Regulation amended**

This division amends the *Statutory Bodies Financial Arrangements Regulation 2007*.

25 **Amendment of sch 3 (Statutory bodies allocated category
1 investment power)**

Schedule 3—

insert—

‘Vocational Education, Training and Employment Act 2000 Skills Queensland’.

Schedule **Minor and consequential
amendments of Vocational
Education, Training and
Employment Act 2000**

section 3

- 1** **Section 29(1), note—**
omit.

- 2** **Section 168(1)(b)(v) and (vi), at the end—**
insert—
‘and’.

- 3** **Section 168(1)(m), from ‘and the’ to ‘(Cwlth)’—**
omit.

- 4** **Section 183A(4)—**
omit.

- 5** **Section 186(3)—**
omit.

- 6** **Section 188(3)—**
omit.

- 7** **Section 218H(2)—**
omit.

Schedule

8 Section 220G(2)—

omit.

9 Section 220U(2)—

omit.

10 Section 220ZC, heading, ‘by’—

omit, insert—

‘for’.

11 Section 246(2)—

omit.

12 Schedule 3, definitions *commission, corporation, former body, former industry placement Act, industrial body, new training contract* and *State Training Council*, ‘part 3’—

omit, insert—

‘part 2’.

13 Schedule 3, definition *employment exemption*—

omit, insert—

‘*employment exemption* means an exemption from the compulsory participation phase for a young person who is—

- (a) in paid employment for less than 25 hours each week; or
- (b) in unpaid employment.’.