

Agricultural College Amendment Bill 2013

Explanatory Notes

Short title

The short title of the Bill is the *Agricultural College Amendment Bill 2013*.

Policy objectives and the reasons for them

The objectives of the Bill are to:

1. Restructure the Australian Agricultural College Corporation (AACC) and rename the entity as Queensland Agricultural Training Colleges (QATC).
2. Provide for governance arrangements which have a greater regard for the agricultural training needs of industry and students.

These amendments will restructure the AACC as a statutory body with a decision making board with provisions for college boards. This restructure is aimed at addressing governance and management deficiencies in a business review report conducted by Ernst & Young in 2012. The deficiencies identified in the report found that the AACC was not operating profitably and its performance was deficient in areas such as financial reporting, record keeping, workplace health and safety requirements and performance management.

The proposed restructure is aimed at ensuring that management and decision making accountability is reinstated through a governing board that takes into account industry and student needs by providing for:

1. A change in the AACC structure from a corporation sole to a body corporate statutory body renamed as Queensland Agricultural Training Colleges.
2. A governing board responsible for the functions of QATC and the exercise of its powers.
3. A principal executive officer responsible for managing QATC's day to day activities in accordance with the Act and the Board's priorities.
4. The Minister to establish colleges, college boards and college directors in locations where they are required.
5. The necessary provisions to support the accountability of QATC such as the Minister being able to give a statement of expectations to QATC and the requirement for a strategic plan approved by the Minister.

Achievement of policy objectives

To achieve its objectives, the Bill will address the deficiencies identified by the 2012 Ernst & Young report which recommended that there should be a significant change in the current structure to improve the governance arrangements for the long term viability of the AACC.

The Bill will restructure the AACC from a corporation sole with an advisory board into a statutory body with a governing board responsible for its performance. The new body will still retain the assets and liabilities of the AACC but will be renamed QATC.

The governing board will consist of a maximum of seven members including a chair and deputy chairperson. The members will be appointed by the Governor in Council at the recommendation of the Minister for a term of no more than three years.

The implementation of a governing board will address the inadequate AACC governance framework through requirements such as accounting to the Minister for QATC's performance, compliance with any statement of expectations provided by the Minister to the QATC and submitting a strategic plan for the Minister's approval. The board will also be required to collaborate with government, industry, commerce and community groups to identify the agricultural training needs and to gain local and industry input into QATC's strategic and operational plans.

The Bill will establish a principal executive officer role for QATC. The principal executive officer will be responsible for managing QATC's affairs including the management of vocational training and corporate staff under the Act.

The principal executive officer will be appointed by the Minister on the recommendation of QATC for a maximum 3 year term on terms provided for under the Act and decided by the Minister.

The Minister will have the discretion to establish college boards at different locations to assist in ensuring the colleges meet the service demands of the local agricultural and pastoral sectors and students. The discretion will provide flexibility to open or close colleges depending on service demands and making a college board responsible for more than one college. A college board will be responsible for college business planning and performance, curriculum development, operational planning, providing quarterly and annual reports on college performance and otherwise ensuring the implementation of the strategic direction set by the governing board.

A college board will consist of a maximum of seven members including a chair and deputy chairperson. The members will be appointed by the Minister.

The Minister may also determine the number of directors to be appointed including whether a director is to be appointed as director for one or more colleges.

A college director will be appointed by QATC's governing board in consultation with the relevant college board. The college director will be responsible for the day to day management of the relevant college and reporting to the college or governing board. The term of a college director will be for a maximum period of three years on terms decided by the corporation (subject to any relevant industrial instrument).

The AACC is declared not to be a national system employer for the purposes of the Federal Government industrial relations system. It is proposed that, subject to Federal Government endorsement, the *Industrial Relations Regulation 2011* be amended to exclude QATC from the federal workplace laws by declaring QATC not to be a national system employer. This will allow the QATC employees to be employed under the state industrial system without the

use of an employing office within the QATC. Once the employing office is abolished the employees will become employees of QATC without any change to their entitlements.

Alternative ways of achieving policy objectives

The review conducted by Ernst & Young in 2012 identified significant inadequacies in the financial and governance arrangements of the AACC's organisational structure which could be resolved by a more effective management structure. As the current structure of the AACC is set out in legislation the only way of achieving the policy objective is to amend the Act.

Estimated cost for government implementation

It is proposed that members of the QATC governing board be paid remuneration and allowances in accordance with Queensland Government policy for the remuneration of statutory board members. Members of the college boards are also to receive remuneration in accordance with the Queensland Government remuneration policy for statutory boards. Chairpersons and deputy chairpersons of college boards are to be remunerated for their roles on the college boards as well as for their membership of QATC.

AACC is taking steps to reduce costs, increase revenue, sell surplus assets and implement financial management systems. The Department of Education, Training and Employment and AACC have negotiated a funding model through to the end of 2013-14 to enable the residential colleges to continue operations. Beyond this time it is expected that the new QATC will have transitioned to a more competitive funding model that is to be implemented nationally.

Consistency with fundamental legislative principles

Issues about consistency with fundamental legislative principles (FLP) contained in section 4 of the *Legislative Standards Act 1992* (LSA) have been raised in respect of some of the amendments during the development of this Bill. These are addressed in detail below. The Bill is generally consistent with fundamental legislative principles. Potential breaches of the fundamental legislative principles are addressed below.

1. Legislation should have sufficient regard to rights and liberties of individuals – LSA s4(2)(a)

This potential FLP issue is in regard to the end of appointment of current members of the advisory committee. As there are no members currently appointed to the committee this FLP does not arise. It is proposed that advisory committee members be appointed prior to the commencement of the Bill, however they will be appointed on the understanding that their membership is transitioned to the QATC governing board following the Act amendments.

2. Legislation should have sufficient regard to the rights and liberties of individuals – LSA s4(3)(c)

This potential FLP issue is in regard to the delegation of powers of the corporation or board to appropriately qualified employees. The Bill will extend the delegation power to the principal executive officer, a college board and a college director who have roles relating to

the day to day management of QATC. The delegations are essential in order for the corporation to operate efficiently. The corporation may include restrictions to limit the exercise of the delegations to reduce any risk that may be involved with the exercise of the power. The Act currently provides that the corporation may delegate its powers to an appropriately qualified employee of the employing office or of another government entity, of the corporation or of the department. The proposed amendments do not affect the current delegation powers which are also necessary for the corporation to efficient operation of its functions.

3. Legislation should have sufficient regard to the rights and liberties of individuals – LSA s4(2)(a)

This potential FLP issue is in regard to the modification of contractual rights preventing termination for novation or transfer of right or liability. The proposed amendments will not create a new legal entity or change the business of the corporation which will impact on any contractual rights. The proposed amendments will only provide for the restructure of the corporation and a change in the name.

Consultation

There has been consultation with the members of the newly appointed local advisory committees. AgForce has also been consulted during the consideration of the governance options for the AACC.

Relevant Government departments, including the Department of the Premier and Cabinet, Queensland Treasury and Trade, the Queensland Competition Authority and Department of Justice and the Attorney-General, have been consulted.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform with or complementary to the legislation of the Commonwealth or another State.

Notes on provisions

Part 1 Preliminary

Clause 1 states that the Bill when enacted will be cited as the *Agricultural College Amendment Act 2013*.

Clause 2 states that the Bill other than part 3 commences on the day (the first day) to be fixed by proclamation. Part 3 commences on a day after the first day to be fixed by proclamation.

Part 2 Amendment of Agricultural College Act 2005

Clause 3 states that the Bill when enacted amends the *Agricultural College Act 2005*.

Clause 4 amends the long title of the *Agricultural College Act 2005* to reflect the renaming of the Australian Agricultural College Corporation to Queensland Agricultural Training Colleges and remove reference to the Australian Agricultural College Employing Office as the employing office which will be abolished on date to be fixed by proclamation.

Clause 5 amends the short title provided for in section 1 to reflect the renaming of the Australian Agricultural College Corporation to Queensland Agricultural Training Colleges.

Clause 6 removes section 4 which relates to the Ministerial declaration ‘Stepping forward: improving pathways for all young people’ which was endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs in July 2002. It is no longer relevant to the Queensland Agricultural Training Colleges. The Queensland Agricultural Training Colleges functions will still support the intent of the declaration by providing high quality agricultural and rural vocational education and training.

Clause 7 amends the heading of part 2 to reflect the renaming of the Australian Agricultural College Corporation to Queensland Agricultural Training Colleges.

Clause 8 replaces section 5 with new provisions that give effect to the renaming and restructuring of the Australian Agricultural College Corporation. The new section 5 provides for the continuation of the Australian Agricultural College Corporation under the new name of Queensland Agricultural Training Colleges with a new structure as a body corporate with a common seal and with the ability to sue and be sued in its corporate name.

Clause 9 omits sections 8 and 9. Section 8 declared the Australian Agricultural College Corporation to be an excluded matter for section 5F of the *Corporations Act 2001*. The provision is no longer required as section 13A of the *Statutory Bodies Financial Arrangements Act 1982* declares a statutory body to be an excluded matter for the purposes of section 5F of the Corporations Act. The Queensland Agricultural Training Colleges will be such a body. Section 9 dealt with the custody of the corporation’s seal and the persons who may use the seal. These provisions are no longer required because the structural change of the corporation will mean that the governing board of the corporation will be responsible for the custody of the seal rather than the corporation sole.

Clause 10 omits the provisions in section 10 and replaces them with a new section 10 which provides for the corporation's functions. The new functions include the promotion of employment opportunities in the State by providing high quality agricultural and rural vocational education and training; ensuring the vocational education and training meets the immediate and future needs of the agricultural, rural and related industries and the community; engaging employees, employers, associations of employees or employers and the community to identify agricultural training needs, opportunities and priorities; cooperating with government bodies, industry, commerce and community groups and other persons on training matters relating to agricultural and rural industries; and providing facilities and services for study, research and training relevant to the agricultural, rural and related industries.

Other functions are to commercially exploit any property of the corporation, including research or knowledge developed by or belonging to the corporation; complying with national and State standards and audit requirements for registered training organisations; and supporting the continued development of high quality training within the agricultural industry.

The functions of the corporation also include any other function given to the corporation under an Act.

The new functions focus on the provision of high quality agricultural and rural vocational education and training that meets relevant industry and community needs.

Clause 11 omits section 11 which provided for the additional functions in relation to the agricultural college. Previously the chairperson of the board was required to report on the corporation's functions relating to the agricultural college under section 34A. With the structural change the chairperson of the board will be required to report on all of the corporation's functions. As such, all of the functions of the corporation will be provided for in new section 10 which the governing board will be responsible for performing.

Clause 12 omits and replaces sections 14 to extend the delegation power in line with the new structure to include the principal executive officer, a college board and college directors who have roles relating to the day to day management of the Corporation. The ability to delegate to these positions will be necessary for the corporation to operate efficiently.

Clause 13 inserts a new part 2, Division 4A Planning and accountability

A new section 14A enables the Minister to give the corporation a written statement of expectations about the corporation's performance of its functions and exercise of its powers. The statement must set out the Minister's expectations for the period stated and may include provisions about the strategic or operational activities to be carried out by the corporation; reporting; and activities to be carried out by the corporation. A statement of expectations is to be taken to be a direction under section 13.

A new section 14B provides that the corporation must give a statement of intent about how the corporation proposes to comply with the statement of expectations within 30 days of receiving the statement of expectations. Whilst this amendment enhances the accountability of the corporation by requiring the corporation to determine how it is to

fulfil the statement of expectations, it also provides flexibility to the corporation by not being prescriptive about how these expectations are to be addressed.

A new section 14C states that the corporation must submit to the Minister's approval a strategic plan developed for the corporation under the *Financial Accountability Act 2009*. A strategic plan approved by the Minister is taken to be the corporation's strategic plan.

Clause 14 amends the heading of part 2A to reflect the renaming of the Australian Agricultural College Corporation to Queensland Agricultural Training Colleges.

Clause 15 omits and replaces section 16(1) to continue in existence the employing office of the Australian Agricultural College Employing Office under the name Queensland Agricultural Training Colleges Employing Office to reflect the change in name of the corporation.

Clause 16 omits sections 21 and 22 and inserts new sections 21 and 22. The new section 21 replaces the advisory board with the governing board of the Queensland Agricultural Training Colleges. The new section 22 replaces the advisory board's functions with those of the governing board of the Queensland Agricultural Training Colleges. The new functions ensure that the corporation has a performance focus by providing that the functions are performed and the powers of the corporation are exercised in a proper, effective and efficient way. The board also decides the strategies, and the operational, administrative and financial policies to be followed by the corporation, and must ensure that the corporation acts in accordance with its strategic and operational plans. The board must also fulfil any statement of expectations given to it by the Minister and review the performance of the principal executive officer on an annual basis. The board is also to be accountable to the Minister for the corporation's performance.

Clause 17 omits sections 23 and 23A and inserts new sections 23 and 23A to give effect to the new corporation board arrangements. The new section 23 amends the composition of the board from a maximum of eight members to a maximum of seven members. No more than two members can be a chairperson of a college board and no more than two members can be a deputy chairperson of a college board. The members are appointed by the Governor in Council with regard to a person's ability to make a contribution to the effective and efficient performance of the corporation's functions. The members of the board are appointed under the Act and not the *Public Service Act 2008*. The new section 23A provide for the grounds on which a person is disqualified from becoming or continuing as a board member. The previous section 23A provided for the circumstances in which a member was ineligible to be a member of the board. This amendment is in line with current drafting practice. It also removes the matters that the Minister must take into account in appointing a person to the previous advisory board because they are no longer relevant. The appointments to the governing board are now done by Governor in Council and the considerations that the Governor in Council must take into account are contained in the new section 23.

Clause 18 omits and replaces section 24(1) and inserts section 24(1A) to provide for the appointment of a chairperson and deputy chairperson of the corporation board by the Governor in Council which were previously appointed by the Minister. This is in line with the new governance arrangements. Section 24(1A) excludes a chairperson and deputy chairperson of a college board being appointed as chairperson and deputy chairperson of the

governing board. The clause provides for the renumbering of section 24(1A) to (4) as section 24(2) to (5).

Clause 19 amends section 26 by requiring that the conditions of the remuneration of a board member is to be decided by the Governor in Council rather than the Minister. This is line with the new appointment arrangements.

Clause 20 amends 26A(1) by providing that a board member's removal from office is by the Governor in Council rather than the Minister. This is in line with the new appointment arrangements. The clause also omits sections 26A(2) & (3) as the grounds for disqualification are provided for in section 23A.

Clause 21 omits sections 27(a) to (c) and replaces them with new section 27(a) to (c) to amend the circumstances in which a board member's office becomes vacant. The amendment removes the circumstance that an office becomes vacant if the member is absent without the board's permission from three consecutive board meetings without giving proper notice and without reasonable excuse. The other amendments are that the notice of resignation from office is to be given to the Governor in Council and not to the Minister. Similarly the Governor in Council and not the Minister may give a board member a signed notice of removal from office. These amendments are consistent with the new board appointment arrangements. Furthermore, the removal of the disqualifying circumstance of a member being absent without the Board's permission is to allow the board to take responsibility for how board meetings are conducted.

Clause 22 omits section 29 which prescribes when and where the governing board should meet. This section is now redundant as the new governance arrangements will enable the governing board to determine how the meetings will be conducted.

Clause 23 omits section 30 which prescribes who presides at the board meetings. This section is now redundant as the new governance arrangements will enable the governing board to determine how the meetings will be conducted.

Clause 24 omits section 33 which allows members to use technology to take part in meetings and for the board to validly make a resolution if it is not passed at a board meeting if the notice has been given to the board members and the quorum has agreed in writing to the resolution. This section is now redundant as the governance arrangements will enable the governing board to determine how its meetings will be conducted and accords with the current drafting practice.

Clause 25 omits section 33A(8) and replaces it with a new section 33A(8) and 33A(9). The new section 33A(8) provides that the Minister may consider and decide an issue if there are no members present to consider or decide that issue due to their direct or indirect interest in that issue. The new section 33A(9) provides that a disclosure of any interest must be recorded in the board's minutes.

Clause 26 amends section 34A to remove the requirement that the chairperson report to the corporation as well as the Minister as this is no longer relevant. Limiting such reporting to functions relating to the agricultural college is also now irrelevant. The governing board will now be responsible for performing all the functions of the corporation in accordance with the restructure of the corporation.

Clause 27 omits sections 35(1) and (2) and replaces them with a new section 35(1). The sections being omitted required that the board seek the corporation's approval to establish a committee to help it perform its functions. Due to the restructuring, the provisions are no longer relevant. A new section 35(1) provides that the board may establish a committee to help perform its functions. The clause also amends section 35(5) by requiring the Minister and not the corporation to approve remuneration of committee members. Section 35(6) is omitted as it is no longer relevant. Sections 35(3) to (5) are renumbered as 35(2) to (4) due to the reduction of provisions in the section.

Clause 28 inserts a new part 3A to provide for a new position of principal executive officer.

A new section 35A provides for the appointment of a principal executive officer by the Minister on the recommendation of the corporation. The appointment will be under this Act and not the *Public Service Act 2008*.

A new section 35B provides the grounds on which a person is disqualified from becoming or continuing the position of principal executive officer.

A new section 35C provides that terms of appointment for the principal executive officer, other than the under the Act or in the contract of employment, will be decided by the Minister.

A new section 35D provides that the principal executive officer holds office for a term of not more than three years as stated in their contract of employment, unless the person resigns or becomes disqualified under section 35B.

A new section 35E states that the principal executive officer may resign by signed notice given to the chairperson of the board.

A new section 35F prescribes the responsibilities of the principal executive officer for the overall management of the corporation and any function given to the principal executive officer under an Act. The principal executive officer has all the powers necessary to carry out those responsibilities and functions.

A new section 35G prescribes the relationship between the principal executive officer and the governing board. It provides that the principal executive officer must give effect to any policy or direction relevant to the principal executive officer's roles and responsibilities and to report to the board regularly. In carrying out the principal executive officer's responsibilities in compliance with section 35(1) anything done by the officer is taken to have been done by the corporation.

A new section 35H states that the principal executive officer must not engage in other paid employment that are additional to the duties of the office of the principal executive officer; or take part in business activities or the management of a corporation carrying on business without the prior written approval of the governing board.

A new section 35I requires the principal executive officer to disclose any conflict of interest with the discharge of the principal executive officer's responsibilities and the procedures to be followed when a conflict of interest arises.

Clause 29 replaces part 4 (Agricultural college, director and student advisory council) with a new part 4 Agricultural colleges, college boards or college directors as part of the restructuring of the corporation.

A new section 36 provides the Minister may establish agricultural colleges to deliver education and training services to the agricultural and rural industries. The agricultural colleges will not be separate legal entities from the corporation. The Minister may give an agricultural college a name and establish campuses for the college.

A new section 37 provides the Minister may establish a college board for each agricultural college or for more than one agricultural college. Section 37(2) & (3) provides that no more than seven members are to be appointed to each college board and that the Minister must have regard to a person's skills or experience that are relevant to the functions of the college board. Section 37(4) states the Minister must appoint one college board member as a chairperson and another college board member as deputy chairperson. Section 37(5) provides that subject to the direction from the corporation a college board will be responsible for overseeing the day to day operations of the colleges; deciding key business planning and performance matters for the college; and curriculum development and designing production programs. A college board will be responsible for the operational direction of the college subject to direction and approval from the corporation board and for performing functions delegated to the college board.

A new section 38 provides for the grounds on which a person is disqualified from becoming or continuing as a college board member.

A new section 39 provides for the conditions and term of appointment of a college board member. Section 39(1) provides that for matters not provided under this Act or stated in the contract of employment a college board member holds office on the terms of appointment decided by the Minister. A new section 39(2) and (3) provides that a college board member holds office for a term of not more than three years stated in the member's instrument of appointment unless the person becomes disqualified under section 38. A new section 39(4) states that a college board member may resign by signed notice given to the chairperson of the corporation board.

A new section 40 provides that subject to the provisions in this division of the Bill and any requirement prescribed under a regulation, a college board may conduct its business including its meetings in a way it considers appropriate.

A new section 41 states that at college board meetings all questions are to be decided by a majority. If a member abstains from voting, then the member is taken to vote for the negative. The chairperson or member presiding over the meeting is to have a casting vote if the votes are equal.

A new section 42 provides that a quorum for a college board meeting is half of the appointed members or the next highest whole number if the half is not a whole number.

A new section 43 requires the disclosure by college board members of any interest with an issue being considered or about to be considered by the college board. This section also provides for the procedures to be followed when a member's interest conflicts or may conflict with the proper performance of the member's duties about the consideration of the issue.

A new section 44 provides that the college board must keep a record of the minutes of its meetings and decisions.

A new section 44A provides for college directors. New sections 44A(1) and (2) provide the Minister must decide the number of directors and which agricultural colleges the directors are to be appointed for. The corporation will appoint each director in consultation with the relevant college board on terms to be decided by the corporation. New section 44A(3) provides that subject to the relevant college board for an agricultural college, a college director will have responsibility for the day to day management of that college and reporting to the relevant board.

New sections 44A(4) and (5) provide that subject to any relevant industrial instrument, the corporation may decide the terms of employment for the college director. A college director is appointed under this Act and not under the *Public Service Act 2008*. New section 44A(6) provides the grounds on which a person is disqualified from becoming or continuing as a college director.

New section 44A(7) provides that a college director holds office for a term of not more than three years unless the person resigns or unless the person becomes disqualified under section 44(A)6). New section 44A(8) provides a definition for the term 'relevant board' to mean for an agricultural college if there is a college board then it means the college board. If there is no college board then it applies to the governing board.

Clause 30 omits section 46 which provided that the Minister may delegate the Minister's powers under the Act to the corporation. This provision is no longer relevant as the corporation will be restructured as a governing body.

Clause 31 provides for a new part 6, division 5 Transitional provisions for Agricultural College Amendment Act 2013.

A new section 65 provides for definitions for certain words used in division 5.

A new section 66(1) provides for the dissolution of the former advisory board; the appointment of the members of the former advisory board; the office of the former director; and the appointment of the former director.

A new section 66(2) states that no amount whether by compensation, reimbursement or otherwise is payable by the State or the corporation to any person for or in connection with the enactment of section 66(1).

A new section 66(3) clarifies that section 66(2) does not limit or affect the former director's right to a benefit or entitlement that under the existing conditions of appointment had accrued or was accruing immediately before the commencement of this section.

A new section 66(4) defines 'existing conditions of appointment' for the former director as those conditions of appointment determined by the corporation under section 37 as in force before the amendment of that section under the amending Act, section 30.

A new section 67 provides that each member of the former board holding office immediately before the commencement of this section becomes a member of the board. It also provides for the continuation of the remuneration and conditions of appointment. However, the Act will apply to each member as if he or she had been appointed under this Act as in force after the commencement.

A new section 68 provides that the person holding office as director under the former section 37 is appointed as the principal executive officer and the continuation of remuneration and conditions of appointment. However, this Act applies to the person as if he or she had been appointed under this Act as in force after the commencement.

A new section 69 provides that on commencement of this section a record of the former advisory board becomes a record of the governing board.

A new section 70 provides that a reference in an Act or document to the Australian Agricultural College Corporation and its former board may, if the context permits, be taken as a reference to the Queensland Agricultural Training Colleges and its governing board respectively.

A new section 71 provides that the change in name of the corporation and the employing office does not affect the status of these entities.

A new section 72 provides for the effect of the amendments on legal relationships including that nothing done under the Act amendments makes a relevant entity in breach of any instrument; or except as provided for under the Act amendments is taken to fulfil a condition under an instrument or obligation or allow a person to avoid or enforce an obligation or liability in an instrument; or releases a surety or other obligee wholly or partly from an obligation. A relevant entity is the State or an employee or agent of the State or the corporation, a member of the board or a director. Any advice, consent or approval of a person necessary to do something under the Act amendments is taken to be obtained or given unconditionally. If giving of notice to a person would be necessary to do something under the Act amendments the notice is taken to have been given.

Clause 32 amends the dictionary in Schedule 2 by omitting and replacing the definitions of board, campus, corporation, director and employing office and includes new definitions required for the terms used in the Bill.

Clause 33 omits attachment (Ministerial Declaration ‘Stepping Forward: Improving Pathways for all Young People’). This attachment is no longer relevant as the Act will not refer to it.

Part 3 Amendments about the dissolution of the employing office

Clause 34 states that part 3 amends the *Queensland Agricultural Training Colleges Act 2005*. The effect of the commencement of this part is to dissolve the Queensland Agricultural Training Colleges Employing Office.

Clause 35 omits and replaces section 14(e) to remove an appropriately qualified employee of the employing office from the persons that the corporation may delegate its powers to once the Queensland Agricultural Training Colleges Employing Office is dissolved.

Clause 36 omits the heading of part 2, division 5 and replaces it with a new heading ‘Division 5 Other staff and work performance arrangements’.

Clause 37 inserts a new section 15AA which provides that the corporation may employ other staff as it considers appropriate to perform its functions. They will be employed under this Act and not the *Public Service Act 2008*.

Clause 38 amends section 15(1) by omitting 15(1)(a) and (b) to exclude the reference to the employing office and only providing that the corporation may enter into and give effect to a work performance agreement with the appropriate authority of another government entity. The clause also amends section 15(4)(b).

Clause 39 omits part 2A which relates to the provisions that applied to the Queensland Agricultural Training Colleges Employing Office. Those provisions will no longer be relevant.

Clause 40 omits section 23A(d) and replaces it with a new provision which excludes an employee or officer of the employing office as this will not be relevant when the employing office is dissolved.

Clause 41 inserts in section 65 a new definition of the term executive officer to mean the executive officer of the employing office appointed under section 19 as in force before its repeal under the *Agricultural College Amendment Act 2013*.

Clause 42 inserts new sections 73 and 74 in part 6, division 5 to provide for the dissolution of the employing office and the transfer of staff.

A new section 73(1) provides for the dissolution of the employing office; the office of the executive officer; and the appointment of the executive officer on the commencement of the section.

A new section 73(2) provides that no amount is payable to any person in connection with the dissolution of the employing office.

A new section 73(3) clarifies that section 73(2) does not limit or affect the former executive officer's right to a benefit or entitlement that under the existing conditions of appointment had accrued or was accruing immediately before the commencement of this section.

A new section 73(4) provides a definition of existing conditions of appointment for the executive officer to mean the executive officer's conditions of appointment as determined by the Governor in Council under section 19 as in force before the amendment of that section under the amending Act.

A new section 74(1) provides that on the commencement of the section employees of the employing office become employees of the corporation. The records of the employing office that relate to the employment of the transferred employees become records of the corporation. Any liabilities of the employing office that relate to a transferred employee's right to leave (annual, sick, long service and other leave) are transferred to the corporation.

A new section 74(2) preserves certain rights of employees who are transferred from the employing office to the corporation. The transfer does not affect an employee's total remuneration. The transfer does not prejudice the employee's existing or accruing rights to superannuation, annual, sick, long service or other leave. The transfer does not interrupt an employee's continuity of service with the proviso that an employee is only entitled to claim an entitlement once in relation to the same period of service. The transfer does not constitute a retrenchment, redundancy or termination at the initiative of the employing office. The transfer does not entitle an employee to a payment or other benefit because the employee is no longer employed by the employing office. The transfer of an employee does not require the employing office to make any payment.

A new section 74(3) provides a regulation making power subject to the matters not having already been provided for in sections 73(1) and (2) for the following matters: the transfer of an employee from the employing office to the corporation; a transferred employee's terms and conditions of employment, rights and entitlements; and the application of a particular industrial instrument of a transferred employee.

A new section 74(4) provides that the regulation has effect despite any other law or instrument.

A new section 74(5) clarifies section 74(4) by stating that the regulation applies despite the *Industrial relations Act 1999* and any industrial instrument.

A new section 74(6) excludes the executive officer from the application of section 74.

Clause 43 amends the dictionary in Schedule 2 by omitting the definitions of employee of the employing office, employing office and executive officer. These definitions will not be relevant on the dissolution of the employing office. A new definition of employing office will be substituted to provide a reference to the former Australian Agricultural College Employing Office (Queensland Agricultural Training Colleges Employing Office).

Clause 44 provides for the amendment of the legislation it mentions in Schedule 1.

Schedule 1 Minor and Consequential amendments

Schedule 1 includes consequential amendments to other legislation arising from the renaming of the corporation and the new position of principal executive officer. It removes references to the Australian Agricultural College Corporation and replaces them with Queensland Agricultural Training Colleges and replaces references to the director of the Australian Agricultural College Corporation with the principal executive officer of the Queensland Agricultural Training Colleges.

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