



Queensland

# **Agricultural College Bill 2005**





## Queensland

# Agricultural College Bill 2005

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**2005**

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**A Bill**

for

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

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<b>The Parliament of Queensland enacts—</b>	1
<b>Part 1                      Preliminary</b>	2
<b>1            Short title</b>	3
This Act may be cited as the <i>Agricultural College Act 2005</i> .	4
<b>2            Commencement</b>	5
This Act commences on a day to be fixed by proclamation.	6
<b>3            Dictionary</b>	7
The dictionary in schedule 2 defines particular words used in this Act.	8 9
<b>4            Ministerial declaration ‘Stepping forward: improving               pathways for all young people’</b>	10 11
(1) One of the objectives of this Act is to implement initiatives that are consistent with the Ministerial declaration ‘Stepping forward: improving pathways for all young people’.	12 13 14
(2) The Ministerial declaration is the declaration of commitment to the young people of Australia by Ministers for Education, Employment, Training, Youth Affairs and Community Services endorsed in July 2002 by the Ministerial Council on Education, Employment, Training and Youth Affairs.	15 16 17 18 19
(3) A copy of the declaration is set out in the attachment.	20
(4) The attachment is not part of this Act.	21



<b>Part 2</b>	<b>Australian Agricultural College Corporation</b>	1 2
<b>Division 1</b>	<b>Establishment and capacity of corporation</b>	3 4
<b>5</b>	<b>Establishment of Australian Agricultural College Corporation</b>	5 6
	(1) A corporation sole constituted by the chief executive is established under the name Australian Agricultural College Corporation.	7 8 9
	(2) The corporation as established under that name—	10
	(a) has perpetual succession and a seal; and	11
	(b) may sue and be sued in its corporate name.	12
<b>6</b>	<b>Corporation represents the State</b>	13
	(1) The corporation represents the State.	14
	(2) Without limiting subsection (1), the corporation has all the State's privileges and immunities.	15 16
<b>7</b>	<b>Legal capacity of corporation</b>	17
	(1) The corporation has all the powers of an individual and may, for example—	18 19
	(a) enter into contracts; and	20
	(b) acquire, hold, dispose of, and deal with, property; and	21
	(c) appoint agents and attorneys; and	22
	(d) engage consultants; and	23
	(e) fix charges, and other terms, for services it supplies; and	24
	(f) do anything necessary or convenient to be done in the performance of its functions under this or another Act.	25 26
	(2) The corporation also has the powers conferred on it by this or another Act.	27 28

(3)	The corporation may exercise its powers inside and outside Queensland.	1 2
(4)	Without limiting subsection (3), the corporation may exercise its powers outside Australia.	3 4
<b>8</b>	<b>Corporation declared to be excluded matter</b>	5
	The corporation is declared to be an excluded matter for the Corporations Act, section 5F, in relation to the whole of the Corporations legislation. <sup>1</sup>	6 7 8
<b>9</b>	<b>Corporation's seal</b>	9
(1)	The corporation's seal is to be kept in the custody of the chief executive.	10 11
(2)	The seal may be used only by—	12
	(a) the chief executive; or	13
	(b) another person authorised, in writing, by the corporation.	14 15
<b>Division 2</b>	<b>Functions</b>	16
<b>10</b>	<b>Corporation's functions generally</b>	17
	The functions of the corporation are as follows—	18
(a)	to promote the creation of employment opportunities in the State by facilitating the provision of agricultural and rural vocational education and training relevant to employment and encourage the generation of employment opportunities;	19 20 21 22 23
(b)	to establish a system for the effective and efficient provision of high quality vocational education and training to meet the immediate and future needs of the agricultural and rural industries and the community;	24 25 26 27

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<sup>1</sup> Corporations Act, section 5F (Corporations legislation does not apply to matters declared by State or Territory law to be an excluded matter)

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- (c) to provide mechanisms for employees, employers, associations of employees or employers and the community to advise government on agricultural training needs and priorities to meet those needs;
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2  
3  
4
  - (d) to work in cooperation with other governmental bodies, industry, commerce and community groups and other persons on matters relating to the agricultural and rural industries;
5  
6  
7  
8
  - (e) to exploit commercially any facility or resource of the corporation, including any study, research or knowledge, developed by or belonging to the corporation;
9  
10  
11  
12
  - (f) to provide facilities or services for study, research and training relevant to the agricultural, rural and related industries, including by ensuring the availability of appropriate resources and support for the agricultural college;
13  
14  
15  
16  
17
  - (g) to comply with national and State quality standards and audit requirements for registered training organisations;
18  
19
  - (h) to support the continued development of high quality training by and within the agricultural industry;
20  
21
  - (i) to promote a community commitment towards supporting young people in the compulsory participation phase;
22  
23  
24
  - (j) to implement initiatives that are consistent with the ministerial declaration ‘Stepping forward: improving pathways for all young people’ as mentioned in section 4.
25  
26  
27  
28
  - (k) to perform other functions given to the corporation under this or another Act.
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**11 Additional functions in relation to agricultural college** 31

The corporation’s functions in relation to the agricultural college are as follows— 32  
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- (a) to control, operate and maintain the agricultural college;
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- (b) to establish and review the agricultural college's strategic direction; 1  
2
- (c) to develop and implement strategic plans and business plans for the agricultural college; 3  
4
- (d) to decide policy for achieving the agricultural college's business purpose, and for other agricultural college purposes; 5  
6  
7
- (e) to develop and implement appropriate risk management strategies for the agricultural college; 8  
9
- (f) to improve the participation of Aboriginal people and Torres Strait Islanders (*indigenous people*) in training by attracting indigenous people to, and supporting indigenous people in, training resulting in a qualification or statement of attainment in numbers that reflect the composition of the community; 10  
11  
12  
13  
14  
15
- (g) to improve the participation of young people in training by attracting young people to, and supporting young people in, training resulting in a qualification or statement of attainment; 16  
17  
18  
19
- (h) to ensure pastoral care is available for students of the agricultural college; 20  
21
- (i) to develop and implement appropriate strategies to help students make the transition from an educational environment to the workplace; 22  
23  
24
- (j) to maintain the industry links necessary for achieving support from industry for the agricultural college's activities; 25  
26  
27
- (k) to encourage opportunities for growth in the agricultural college's training market, including opportunities relating to persons and places outside Australia; 28  
29  
30
- (l) to monitor the performance of the director and the agricultural college. 31  
32

<b>Division 3</b>	<b>Financial matters</b>	1
<b>12</b>	<b>Corporation is statutory body</b>	2
	(1) The corporation is a statutory body under—	3
	(a) the <i>Financial Administration and Audit Act 1977</i> ; and	4
	(b) the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	5
	(2) The <i>Statutory Bodies Financial Arrangements Act 1982</i> ,	6
	part 2B, sets out the way in which the corporation's powers	7
	under this Act are affected by the <i>Statutory Bodies Financial</i>	8
	<i>Arrangements Act 1982</i> , including, for example, section 7(3)	9
	and (4) of this Act.	10
<b>Division 4</b>	<b>Directions and delegations</b>	11
<b>13</b>	<b>Minister's power to give directions</b>	12
	(1) The Minister may give the corporation a written direction	13
	about a matter relevant to the performance of the corporation's	14
	functions under this Act.	15
	(2) The corporation must comply with the direction.	16
	(3) If the Minister gives the corporation a direction under	17
	subsection (1), the corporation's annual report under the	18
	<i>Financial Administration and Audit Act 1977</i> must include—	19
	(a) particulars of the direction; and	20
	(b) particulars of the corporation's response to the direction.	21
<b>14</b>	<b>Delegation by corporation</b>	22
	(1) The corporation may delegate its powers under this Act to—	23
	(a) an appropriately qualified officer or employee of the	24
	corporation; or	25
	(b) an appropriately qualified officer or employee of the	26
	department.	27
	(2) In this section—	28

*appropriately qualified* includes having the qualifications, 1  
 experience or standing appropriate to exercise the power. 2  
*Example of standing for an officer or employee of the department—* 3  
 the officer or employee's classification level in the department 4

## **Division 5                      Staff of corporation** 5

- 15            Officers** 6
- (1) The corporation may employ the officers the corporation 7  
 considers necessary for staffing the corporation. 8
- (2) The corporation may decide the officers' terms of 9  
 employment. 10
- (3) However, subsection (2) has effect subject to any relevant 11  
 industrial instrument. 12
- (4) Officers are appointed under this Act and not the *Public* 13  
*Service Act 1996*. 14
- 16            Secondment as officer of corporation** 15
- (1) A public service employee may be seconded to the 16  
 corporation. 17
- (2) While seconded under this section— 18
- (a) the person is taken to be an officer of the corporation; 19  
         and 20
- (b) the *Public Service Act 1996* does not apply to the 21  
         person. 22
- 17            Temporary and casual employees** 23
- (1) The corporation may employ the temporary and casual 24  
 employees the corporation considers necessary for this Act. 25
- (2) The corporation may decide the employees' terms of 26  
 employment. 27
- (3) However, subsection (2) has effect subject to any relevant 28  
 industrial instrument. 29

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	(4) Employees of the corporation are employed under this Act and not the <i>Public Service Act 1996</i> .	1 2
<b>18</b>	<b>Preservation of rights if public service employee appointed</b>	3 4
	A public service employee who is appointed as an officer or employee of the corporation under this Act is entitled to retain all existing and accruing rights as if service as an officer or employee of the corporation were a continuation of service as a public service employee.	5 6 7 8 9
<b>19</b>	<b>Preservation of rights if person becomes public service employee</b>	10 11
	On the appointment of a person who is an officer or employee of the corporation as a public service employee, the person's service as an officer or employee of the corporation under this Act must be regarded as service as a public service employee.	12 13 14 15
<b>20</b>	<b>Preservation of rights if public service employee seconded</b>	16 17
	(1) A public service employee seconded under section 16—	18
	(a) is entitled to the person's existing and accruing rights as if employment as an officer of the corporation were a continuation of employment as a public service employee; and	19 20 21 22
	(b) may apply for positions, and be employed, in the public service as if the person were a public service employee.	23 24
	(2) On ending the secondment, the person's employment on secondment as an officer of the corporation 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.	25 26 27 28
	(3) If the secondment ended for a reason other than misconduct, the person is entitled to be employed as a public service employee.	29 30 31

<b>Part 3</b>	<b>Australian Agricultural College Corporation Advisory Board</b>	1 2
<b>Division 1</b>	<b>Establishment and functions</b>	3
<b>21</b>	<b>Establishment of board</b>	4
	The Australian Agricultural College Corporation Advisory Board is established.	5 6
<b>22</b>	<b>Board's functions</b>	7
	The board has the function of providing advice to the corporation about the following—	8 9
	(a) training of, and delivery of services to, students of the agricultural college;	10 11
	(b) the needs of communities serviced by the agricultural college;	12 13
	(c) the needs of the agricultural and rural industries.	14
<b>Division 2</b>	<b>Board membership</b>	15
<b>23</b>	<b>Board membership</b>	16
	The board consists of the members appointed by written notice by the Minister.	17 18
<b>24</b>	<b>Board chairperson and deputy chairperson</b>	19
	(1) The Minister must appoint a member to be the chairperson of the board and may appoint another person to be the deputy chairperson of the board.	20 21 22
	(2) The chairperson or deputy chairperson holds office as chairperson or deputy chairperson—	23 24
	(a) for the term decided by the Minister; or	25



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(b)	if the person's term of office as member ends before the person's term of office as chairperson or deputy chairperson ends—until the day the person's term of office as member ends; or	1 2 3 4
(c)	if the person's term of office as member and the person's term of office as chairperson or deputy chairperson end on the same day—until the day the person's offices end.	5 6 7
(3)	A vacancy occurs in the office of chairperson or deputy chairperson if the person holding office—	8 9
(a)	is removed from office by signed notice from the Minister; or	10 11
(b)	resigns from office by signed notice of resignation given to the Minister.	12 13
(4)	However, a person removed from, or resigning from, the office of chairperson or deputy chairperson may continue to be a member of the board.	14 15 16
<b>25</b>	<b>Term of appointment to board</b>	17
(1)	A board member is appointed for the term stated in the member's notice of appointment.	18 19
(2)	A board member may resign by signed notice of resignation given to the Minister.	20 21
<b>26</b>	<b>Conditions of appointment to board</b>	22
(1)	A board member is not entitled to any remuneration, other than the reimbursement of reasonable expenses and travel allowance, unless remuneration is approved in writing by the Minister.	23 24 25 26
(2)	A board member holds office—	27
(a)	on the conditions stated in this Act; and	28
(b)	on the other conditions decided by the Minister.	29

<b>27</b>	<b>Vacating office</b>	1
	The office of a board member becomes vacant if the member—	2 3
	(a) resigns from office by signed notice of resignation given to the Minister; or	4 5
	(b) is absent without the board's permission from 3 consecutive board meetings of which proper notice has been given and without reasonable excuse; or	6 7 8
	(c) is removed from office by signed notice from the Minister.	9 10
<b>Division 3</b>	<b>Board meetings</b>	11
<b>28</b>	<b>Conduct of board's business</b>	12
	Subject to this Act, the board may conduct its business in the way it considers appropriate.	13 14
<b>29</b>	<b>Times and places of board meetings</b>	15
	(1) Board meetings are to be held at the times and places it decides.	16 17
	(2) However, the chairperson may call a board meeting at any time.	18 19
	(3) The Minister may also call a board meeting at any time.	20
	(4) The board must meet at least twice a year.	21
<b>30</b>	<b>Presiding at board meetings</b>	22
	(1) The chairperson is to preside at all board meetings at which the chairperson is present.	23 24
	(2) If the chairperson is absent, any deputy chairperson, if present, is to preside.	25 26
	(3) If the chairperson and any deputy chairperson are absent, the member chosen by the members present is to preside.	27 28

<b>31</b>	<b>Voting at board meetings</b>	1
	(1) At board meetings, all questions are to be decided by a majority of the votes of the members present.	2 3
	(2) If a member abstains from voting, the member is taken to vote for the negative.	4 5
	(3) The chairperson or a member presiding at a meeting is to have a vote and, if the votes are equal, a casting vote.	6 7
<b>32</b>	<b>Quorum for board meeting</b>	8
	A quorum for a board meeting is the number equal to one half of the number of its appointed members or, if one half is not a whole number, the next highest whole number.	9 10 11
<b>33</b>	<b>Meetings held using communication technology</b>	12
	(1) The board may hold meetings, or permit members to take part in meetings, by using any technology that reasonably allows members to hear and take part in discussions as they happen.	13 14 15
	<i>Example of use of technology—</i>	16
	teleconferencing	17
	(2) A member who participates in a board meeting under subsection (1) is taken to be present at the meeting.	18 19
	(3) A resolution is validly made by the board, even if it is not passed at a board meeting, if—	20 21
	(a) notice of the resolution is given to the board members under procedures approved by the board; and	22 23
	(b) the number of members required for a quorum agree in writing to the resolution.	24 25
<b>34</b>	<b>Board minutes</b>	26
	The board must keep a record of the minutes of its meetings and its decisions.	27 28

<b>Division 4</b>	<b>Other provisions</b>	1
<b>35</b>	<b>Establishing committees</b>	2
(1)	The board may, with the written approval of the corporation, establish a committee to help it perform its functions.	3 4
(2)	When seeking the corporation's approval, the board must give the corporation a statement of the proposed committee's terms of reference and functions.	5 6 7
(3)	Appointments to the committee are to be made by the board by written notice.	8 9
(4)	The board may appoint a person to the committee only if the person has skills or experience appropriate to the committee's terms of reference or functions.	10 11 12
(5)	A committee member is not entitled to any remuneration, other than the reimbursement of reasonable expenses and travel allowance, unless remuneration is approved in writing by the corporation.	13 14 15 16
(6)	Subsection (1) does not apply to a committee of the board's members.	17 18
<b>Part 4</b>	<b>Agricultural college, director and student advisory council</b>	19 20
<b>Division 1</b>	<b>Agricultural college</b>	21
<b>36</b>	<b>Agricultural college</b>	22
(1)	An agricultural college is established for the purposes of this Act.	23 24
(2)	The college has no legal existence apart from the corporation.	25
(3)	The corporation may—	26

- (a) give the college a name; and 1
- (b) establish campuses of the agricultural college. 2

**Division 2                      Director and other staff of** 3  
**agricultural college** 4

**37            Director and other staff** 5

- (1) The corporation may appoint a director for the agricultural college. 6  
7
- (2) Subject to the corporation, the director is responsible for the day to day management of the agricultural college. 8  
9
- (3) The corporation may employ the other officers and employees (the *other staff*) the corporation considers necessary for the the agricultural college. 10  
11  
12
- (4) The corporation may decide the terms of employment for the director and other staff. 13  
14
- (5) However, subsection (4) has effect subject to any relevant industrial instrument. 15  
16
- (6) The director and other staff of the agricultural college are appointed under this Act and not under the *Public Service Act 1996*. 17  
18  
19

**38            Acting director** 20

- The corporation may appoint a person to act as director— 21
- (a) during any vacancy, or all vacancies, in the office; or 22
  - (b) during any period, or all periods, when the director is absent from the State or, for another reason, cannot perform the functions of the office. 23  
24  
25

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<b>Division 3</b>	<b>Student advisory councils</b>	1
<b>Subdivision 1</b>	<b>Agricultural college student advisory council</b>	2 3
<b>39</b>	<b>Student advisory council</b>	4
(1)	A student advisory council for the agricultural college is established.	5 6
(2)	The student advisory council consists of—	7
(a)	1 student from each campus of the agricultural college; and	8 9
(b)	2 members of the staff of the agricultural college.	10
(3)	For subsection (2)(a), the students of each campus are to elect a person who is a student of the campus as a member of the student advisory council.	11 12 13
(4)	For subsection (2)(b), the agricultural college staff are to elect persons from the staff of the agricultural college as members of the student advisory council.	14 15 16
(5)	An election under subsection (3) or (4) is to be held as and when required by the corporation.	17 18
<b>40</b>	<b>Functions</b>	19
(1)	The student advisory council has the following functions—	20
(a)	to advise the corporation or the director on matters the corporation or director refers to the advisory council;	21 22
(b)	to advise the corporation or the director on matters about the agricultural college or students the advisory council considers should be referred to the corporation or director;	23 24 25 26
(c)	any other functions conferred on it by this Act.	27
(2)	The student advisory council is not the employee, agent or representative of the corporation.	28 29

<b>41</b>	<b>Term of membership</b>	1
	(1) A member of the student advisory council for a particular year holds office until the end of that calendar year and may resign the office by written notice given to the director.	2 3 4
	(2) However, a student advisory council member who is elected as a student or a staff member stops being a member of the advisory council if the member stops being a student or staff member.	5 6 7 8
<b>42</b>	<b>Conduct of meetings</b>	9
	(1) The advisory council must choose a student member to be the chairperson of the advisory council.	10 11
	(2) The advisory council may otherwise regulate its proceedings as it considers appropriate.	12 13
<b>Subdivision 2</b>	<b>Campus student advisory councils</b>	14
<b>43</b>	<b>Director may establish campus student advisory councils</b>	15
	The director may establish a student advisory council for a campus of the agricultural college.	16 17
<b>44</b>	<b>Functions</b>	18
	(1) A student advisory council for a campus of the agricultural college has the following functions—	19 20
	(a) to advise the director on matters the director refers to the advisory council;	21 22
	(b) to advise the director on matters about the campus or students the advisory council considers should be referred to the director.	23 24 25
	(2) The student advisory council is not the employee, agent or representative of the corporation.	26 27

<b>Part 5</b>	<b>General</b>	1
<b>45</b>	<b>Driver training</b>	2
(1)	Despite the <i>Transport Operations (Road Use Management) Act 1995</i> , a student who is required to drive a specially constructed vehicle in the grounds of the agricultural college as part of the student's training at the agricultural college is, while driving the specially constructed vehicle, taken to hold a learner licence to drive the specially constructed vehicle.	3 4 5 6 7 8
(2)	Subsection (1) does not apply if the student—	9
(a)	has a driver licence that, at the time of driving the specially constructed vehicle, is suspended or cancelled; or	10 11 12
(b)	is, at the time of driving the specially constructed vehicle, disqualified by order of an Australian court from holding or obtaining a driver licence.	13 14 15
(3)	In this section—	16
	<i>driver licence</i> has the meaning given by the <i>Transport Operations (Road Use Management) Act 1995</i> , schedule 4.	17 18
	<i>learner licence</i> has the meaning given by the <i>Transport Operations (Road Use Management) Act 1995</i> , schedule 4.	19 20
	<i>specially constructed vehicle</i> has the meaning given by the <i>Transport Operations (Road Use Management—Driver Licensing) Regulation 1999</i> , schedule 6.	21 22 23
	<i>student</i> means a student of the agricultural college who is at least 16 years and 6 months.	24 25
<b>46</b>	<b>Delegation by Minister</b>	26
	The Minister may delegate the Minister's powers under this Act to the corporation.	27 28
<b>47</b>	<b>Regulation-making power</b>	29
(1)	The Governor in Council may make regulations under this Act.	30 31



	(2) A regulation may be made about the following—	1
	(a) fees, including the refunding of fees, for this Act;	2
	(b) imposing a penalty of not more than 20 penalty units for a contravention of a provision of a regulation.	3 4
<b>Part 6</b>	<b>Repeal and transitional provisions</b>	5 6
<b>Division 1</b>	<b>Repeal</b>	7
<b>48</b>	<b>Repeal of Agricultural Colleges Act 1994</b>	8
	The Agricultural Colleges Act 1994 No. 58 is repealed.	9
<b>Division 2</b>	<b>Transitional provisions for Agricultural College Act 2005</b>	10 11
<b>49</b>	<b>Definitions for div 2</b>	12
	<i>former agricultural college</i> means an agricultural college under the repealed Act.	13 14
	<i>college board</i> means a college board under the repealed Act.	15
	<i>commencement</i> means the day this division commences.	16
<b>50</b>	<b>References to repealed Act or college board</b>	17
	(1) In an Act or document, a reference to the repealed Act may, if the context permits, be taken as a reference to this Act.	18 19
	(2) A reference in an Act or document to a former agricultural college or a college board may, if the context permits, be taken to be a reference to the corporation.	20 21 22

<b>51</b>	<b>Dissolution of college boards</b>	1
	(1) On the commencement—	2
	(a) each of the college boards is dissolved; and	3
	(b) the members of each of the boards go out of office.	4
	(2) No compensation is payable to a member of a college board because of subsection (1).	5 6
<b>52</b>	<b>Assets and liabilities</b>	7
	(1) On the commencement—	8
	(a) the assets and liabilities of the college boards become assets and liabilities of the corporation; and	9 10
	(b) any contracts, agreements, arrangements and deeds entered into by or on behalf of a college board, in force immediately before the commencement, are taken to have been entered into by the corporation and may be enforced against or by the corporation; and	11 12 13 14 15
	(c) all guarantees, mandates, instructions, notices, directions, undertakings and securities given by or on behalf of, or to, a college board, in force immediately before the commencement, are taken to have been given by or to the corporation and may be enforced against or by the corporation; and	16 17 18 19 20 21
	(d) any property that, immediately before the commencement, was held on trust, or subject to a condition, by a college board continues to be held on the same trust, or subject to the same condition, by the corporation; and	22 23 24 25 26
	(e) any lease granted by, or to, a college board, in force immediately before the commencement, is taken to have been granted by, or to, the corporation.	27 28 29
	(2) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the corporation, record the vesting of the property under this section in the corporation.	30 31 32 33

<b>53</b>	<b>Proceedings</b>	1
	A proceeding that could have been started or continued by or against a college board before the commencement may be started or continued by or against the corporation.	2 3 4
<b>54</b>	<b>Existing decisions of college boards</b>	5
	(1) This section applies to a decision of a college board before the commencement, if the decision had not had full effect at the commencement.	6 7 8
	(2) The decision continues in force, subject to this Act, and is taken to be a decision of the corporation.	9 10
	(3) Without limiting subsection (2), if the decision is one in relation to which a person had a right to appeal against the decision that had not ended immediately before the commencement, the person may appeal against the decision as if it were a decision of the corporation.	11 12 13 14 15
<b>55</b>	<b>Dealing with disciplinary matters</b>	16
	(1) A matter that under a disciplinary rule had started to be, or could have been, dealt with by a former agricultural college before the commencement may be continued to be dealt with, or started, by the director.	17 18 19 20
	(2) In this section—	21
	<i>disciplinary rule</i> means a college rule about the disciplining of students made by a former agricultural college and in force immediately before the commencement.	22 23 24
<b>56</b>	<b>Administrator</b>	25
	(1) This section applies if, immediately before the commencement, a person held office as an administrator for a former agricultural college.	26 27 28
	(2) On the commencement—	29
	(a) the administrator stops holding office; and	30
	(b) any decision made by the administrator before the commencement that has not had full effect continues in	31 32

force, subject to this Act, and is taken to be a decision of  
the corporation. 1  
2

(3) No compensation is payable to an administrator because of  
subsection (2)(a). 3  
4

**57 Continuation of appointment of staff** 5

(1) This section applies to a person who, immediately before the  
commencement— 6  
7

(a) held the position of director of a former agricultural  
college; or 8  
9

(b) was member of a former agricultural college’s staff. 10

(2) On the commencement, the person is taken to be an officer of  
the corporation. 11  
12

(3) Until otherwise decided under section 15(2), the person is  
taken to be employed by the corporation on the same  
conditions on which the person was employed by the former  
agricultural college. 13  
14  
15  
16

(4) Also— 17

(a) the person keeps all rights accrued or accruing to the  
person as an employee of the former agricultural  
college; and 18  
19  
20

(b) the person’s entitlements to receive long service,  
recreation and sick leave and any similar entitlements  
accrued or accruing to the person as an employee of the  
former agricultural college are unaffected; and 21  
22  
23  
24

(c) if the person is a member of a superannuation scheme— 25

(i) the person keeps all entitlements accrued or  
accruing to the person as a member of the scheme;  
and 26  
27  
28

(ii) the person’s membership of the scheme is not  
affected. 29  
30

(5) Without limiting subsection (3), if an industrial instrument  
applies to the person immediately before the repeal, the  
instrument continues to apply to the person. 31  
32  
33

	(6) Subsection (5) has effect subject to the <i>Industrial Relations Act 1999</i> .	1 2
<b>58</b>	<b>Amalgamation of former agricultural colleges</b>	3
	On the commencement—	4
	(a) the former agricultural colleges are amalgamated and taken to be the agricultural college under section 36(1); and	5 6 7
	(b) each former agricultural college is taken to be a campus of the agricultural college as if it had been established by the corporation as a campus under section 36(3)(b).	8 9 10
<b>59</b>	<b>Registered providers under the Education (Overseas Students) Act 1996</b>	11 12
	(1) This section applies if, immediately before the commencement, the chairperson of a board of a former agricultural college was a registered provider under the <i>Education (Overseas Students) Act 1996</i> .	13 14 15 16
	(2) On the commencement, the director is taken to be the registered provider for that Act.	17 18
	(3) As soon as practicable after the commencement—	19
	(a) the director must return any registration certificate given to the former agriculture college; and	20 21
	(b) the chief executive of the department in which the <i>Education (Overseas Students) Act 1996</i> is administered must—	22 23 24
	(i) return to the director the certificate suitably amended; or	25 26
	(ii) give the director a suitable new registration certificate.	27 28
	(4) Without limiting the conditions that may be included in an amended or new certificate of registration under subsection (3)(b)(i) or (ii), the certificate must include a condition stating the campuses of the agricultural college where registered courses under the <i>Education (Overseas Students) Act 1996</i> may be delivered.	29 30 31 32 33 34

<b>Part 7</b>	<b>Amendment of Acts</b>	1
<b>60</b>	<b>Acts amended in sch 1</b>	2
	Schedule 1 amends the Acts mentioned in it.	3

<b>Schedule 1</b>	<b>Consequential amendments</b>	1
	section 60	2
	<b>Criminal Law (Rehabilitation of Offenders) Act 1986</b>	3
1	<b>Section 9A, table, item 8, column 1, ‘an agricultural college under the <i>Agricultural Colleges Act 1994</i>’—</b>	4
	<i>omit, insert—</i>	5
	<i>omit, insert—</i>	6
	‘the agricultural college under the <i>Agricultural College Act 2005</i> ’.	7
		8
	<b>Education (Overseas Students) Act 1996</b>	9
1	<b>Section 5(1)(a)(iii)—</b>	10
	<i>omit, insert—</i>	11
	‘(iii) the director of the agricultural college; and’.	12
2	<b>Section 19(2), ‘the chairpersons of the boards of agricultural colleges’—</b>	13
	<i>omit, insert—</i>	14
	<i>omit, insert—</i>	15
	‘the director of the agricultural college’.	16
3	<b>Section 19(2), ‘or colleges’—</b>	17
	<i>omit, insert—</i>	18
	‘or college’.	19
4	<b>Schedule, definitions <i>agricultural college</i> and <i>chairperson of the board of an agricultural college</i>—</b>	20
	<i>omit, insert—</i>	21
	<i>omit, insert—</i>	22

## Schedule 1 (continued)

	<i>'agricultural college</i> means the agricultural college under the <i>Agricultural College Act 2005.</i>	1 2
	<i>director</i> , of the agricultural college, means the person appointed under the <i>Agricultural College Act 2005</i> , section 37, as the director of the agricultural college.'.	3 4 5
	<b>Education (Work Experience) Act 1996</b>	6
1	<b>Section 5(1)(f), 'an agricultural college under the <i>Agricultural Colleges Act 1994</i>'—</b>	7 8
	<i>omit, insert—</i>	9
	'the agricultural college under the <i>Agricultural College Act 2005</i> '.	10 11
	<b>Public Sector Ethics Act 1994</b>	12
1	<b>Schedule, definition <i>agricultural college</i>—</b>	13
	<i>omit, insert—</i>	14
	<i>'agricultural college</i> means the agricultural college under the <i>Agricultural College Act 2005</i> '.	15 16
	<b>Whistleblowers Protection Act 1994</b>	17
1	<b>Schedule 6, definition <i>agricultural college</i>—</b>	18
	<i>omit, insert—</i>	19
	<i>'agricultural college</i> means the agricultural college under the <i>Agricultural College Bill 2005</i> '.	20 21



<b>Schedule 2</b>	<b>Dictionary</b>	1
	section 3	2
<i>agricultural college</i>	means the agricultural college established under section 36(1).	3 4
<i>board</i>	means the Australian Agricultural College Corporation Advisory Board established under section 21.	5 6
<i>campus</i>	, of the agricultural college, means a campus established under section 36(3)(b).	7 8
<i>compulsory participation phase</i>	see the <i>Youth Participation in Education and Training Act 2003</i> , section 11.	9 10
<i>director</i>	means the director of the agricultural college appointed under section 37.	11 12
<i>industrial instrument</i>	has the meaning given by the <i>Industrial Relations Act 1999</i> .	13 14
<i>pastoral care</i>	includes—	15
(a)	care and support provided for students in a safe living and working environment; and	16 17
(b)	care and support provided—	18
(i)	with the help of people in the agricultural college or community who have appropriate life experience or skills, or the ability, to work with young people who may be experiencing personal or educational difficulties; and	19 20 21 22 23
(ii)	to help students develop interpersonal and living skills.	24 25
<i>qualification</i>	see the <i>Vocational Education, Training and Employment Act 2000</i> , section 19.	26 27
<i>registered training organisation</i>	means a registered training organisation under the <i>Vocational Education, Training and Employment Act 2000</i> .	28 29 30
<i>repealed Act</i>	means the <i>Agricultural Colleges Act 1994</i> .	31

## Schedule 2 (continued)

<i>statement of attainment</i> see the <i>Vocational Education, Training and Employment Act 2000</i> , section 19.	1 2
<i>student</i> , of the agricultural college, means a student enrolled in the agricultural college.	3 4

<b>Attachment</b>	<b>Ministerial Declaration</b>	1
	<b>‘Stepping Forward: Improving Pathways for all Young People’</b>	2
		3
	section 4	4
	<b>A COMMITMENT TO THE YOUNG PEOPLE OF AUSTRALIA BY MINISTERS FOR EDUCATION, EMPLOYMENT, TRAINING, YOUTH AFFAIRS AND COMMUNITY SERVICES</b>	5
		6
		7
		8
	Young people make a significant contribution to Australia today and will shape what it will be tomorrow. The vitality, ideas, creativity and visions of all young people must be embraced.	9
		10
		11
	The majority of young people are doing well, moving successfully through the different stages of their lives and responding to the challenges of the future. We can be confident that they will achieve success, find fulfilment in their adult lives and make a positive contribution to this country.	12
		13
		14
		15
	Some young people find their journeys more difficult and challenging. They may face problems in acquiring the knowledge, skills and self-confidence that form the foundations of their adult lives. We recognise the emotional, physical, cultural and learning barriers faced by these young people and the social, economic and locational factors that may negatively impact on their lives. There are opportunities for governments to address these barriers so that young people can achieve their best.	16
		17
		18
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		21
		22
	As Ministers entrusted with the collective wellbeing and interests of young people, we must foster an environment in which young people are nurtured and challenged—a society where all young people can realise their full potential. We must work together to support young Australians to achieve success as individuals and as members of society. We need to act collectively and we need to act now.	23
		24
		25
		26
		27
		28

**Attachment (continued)****VISION**

Our vision is of an Australia where:	1
• young people benefit and flourish through sustaining networks of family, friends and community, and through their engagement in education, training, employment, recreation and society	2
• young people's opinions and contributions are sought and valued, and they are encouraged and supported to take an active role in their communities and the nation	3
• young people's lives are enriched by positive learning experiences and opportunities that assist them to reach their full potential	4
• we recognise and celebrate young people's achievements.	5

**CHALLENGE**

Our challenge is to:	6
• listen and respond to young people	7
• work creatively in partnership with young people to build comprehensive networks that draw together jurisdictions, government departments, families and communities so that united we can address the complex issues confronting young people	8
• recognise and address structural barriers faced by young people	9
• ensure that our governmental systems recognise the diversity of young people through being inclusive, flexible and adaptive	10
• create effective opportunities for young people that are accessible, integrated and meaningful	11
• encourage young people to take increasing responsibility for their own lives, support their peers and contribute to their community	12

## Attachment (continued)

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

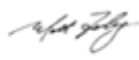
**OUR DECLARATION**

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

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



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



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



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



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



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



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



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



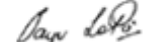
Senator Amanda  
Vanstone  
Minister for Family and  
Community  
Services (Cwth)



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



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



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

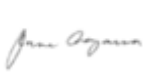


The Hon. Clare Martin  
MLA  
Chief Minister,  
Minister for  
Young Territorians  
(NT)



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

## Attachment (continued)



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



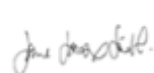
The Hon. Anna Bligh MP  
Minister for Education  
(QLD)



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



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



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



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



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



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



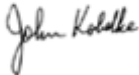
The Hon. Monica Gould MLC  
Minister for  
Education Services  
Minister for Youth  
Affairs  
Leader of the  
Legislative Council  
(VIC)



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



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



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



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