



Queensland

Statutory Bodies Legislation Amendment Bill 2007



Queensland

Statutory Bodies Legislation Amendment Bill 2007

Contents

		Page
Part 1	Preliminary	
1	Short title	14
Part 2	Amendment of Agricultural College Act 2005	
2	Act amended in pt 2	14
3	Amendment of long title	14
4	Amendment of s 14 (Delegation by corporation)	14
5	Replacement of pt 2, div 5 (Staff of corporation)	15
	Division 5 Other provisions	
	15 Corporation may enter into work performance arrangements	15
6	Insertion of new pt 2A.	16
	Part 2A Australian Agricultural College Employing Office	
	Division 1 Establishment and functions of employing office	
	16 Establishment of employing office	16
	17 Employing office represents the State	16
	18 Functions of employing office	16
	Division 2 Executive officer	
	19 Appointment of executive officer.	17
	20 Executive officer acting for employing office.	17
	Division 3 Staff of employing office	
	20A Employing office may employ staff	17
	20B Preservation of rights in relation to public service employees	18
	20C Secondment as employee of employing office	18

Statutory Bodies Legislation Amendment Bill 2007

	20D	Employing office may enter into work performance arrangements	19
	Division 4	Other provisions	
	20E	Employing office is statutory body	20
7		Amendment of pt 4, div 2 hdg (Director and other staff of agricultural college)	20
8		Amendment of s 37 (Director and other staff)	21
9		Amendment of s 39 (Student advisory council)	21
10		Insertion of new pt 6, div 3	21
	Division 3	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	
	60	Rights and entitlements of particular employees	22
	61	Application of industrial instruments	23
	62	Amending Act does not affect particular powers of corporation	24
	63	Continued application of repealed provisions	24
11		Amendment of sch 2 (Dictionary)	24
Part 3		Amendment of Libraries Act 1988	
12		Act amended in pt 3	25
13		Amendment of s 2 (Interpretation)	25
14		Amendment of pt 2, div 2 hdg (State librarian and staff)	25
15		Amendment of s 13 (State librarian and other officers)	25
16		Amendment of s 17 (Delegation by State librarian)	26
17		Omission of s 18 (Employees)	26
18		Relocation and renumbering of s 19 (Superannuation schemes)	26
19		Amendment of s 20 (Functions of board)	26
20		Amendment of s 24 (Restrictions on powers of board)	27
21		Amendment of s 25 (Persons having dealings with board etc.) . .	27
22		Amendment of s 40 (Delegation by board)	27
23		Insertion of new pt 2, div 6	27
	Division 6	Other provisions	
	40A	Board may enter into work performance arrangements	27
24		Amendment of s 81 (Inspection of material or receptacle brought onto board's premises)	28
25		Insertion of new pt 10, div 1 hdg	29
26		Amendment of s 88 (Definition for pt 10)	29
27		Insertion of new pt 10, div 2	29

	Division 2	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	
	90	Rights and entitlements of particular employees	29
	91	Non-application of Industrial Relations Act 1999, s 167	30
	92	Amending Act does not affect particular powers of board	31
	93	Continued application of repealed s 18	31
	94	Application of Act to particular officers	31
Part 4		Amendment of Major Sports Facilities Act 2001	
28		Act amended in pt 4	32
29		Insertion of new s 25A	32
	25A	Authority may enter into work performance arrangements	32
30		Amendment of s 30 (Delegations)	33
31		Insertion of new pt 3A.	33
	Part 3A	Major Sports Facilities Employing Office	
	Division 1	Establishment and functions of employing office	
	30AA	Establishment of employing office	33
	30AB	Employing office represents the State	34
	30AC	Functions of employing office.	34
	Division 2	Executive officer	
	30AD	Appointment of executive officer.	34
	30AE	Executive officer acting for employing office.	35
	Division 3	Staff of employing office	
	30AF	Employing office may employ staff	35
	30AG	Employing office may enter into work performance arrangements	35
	Division 4	Other provisions	
	30AH	Employing office is statutory body	36
32		Insertion of new pt 6, div 6	37
	Division 6	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	
	80	Rights and entitlements of particular employees	37
	81	Application of industrial instruments.	39
33		Amendment of sch 2 (Dictionary)	39
Part 5		Amendment of Queensland Art Gallery Act 1987	
34		Act amended in pt 5	39

	Division 1	Establishment and functions of employing office	
	29A	Establishment of employing office	49
	29B	Employing office represents the State	49
	29C	Functions of employing office	49
	Division 2	Executive officer	
	29D	Appointment of executive officer	50
	29E	Executive officer acting for employing office	50
	Division 3	Staff of employing office	
	29F	Employing office may employ staff	50
	29G	Employing office may enter into work performance arrangements	51
	Division 4	Other provisions	
	29H	Employing office is statutory body	51
55		Amendment of s 104 (Appointment of inspectors)	52
56		Amendment of s 108 (Obligation of assessment manager)	52
57		Amendment of s 114 (Protection)	52
58		Insertion of new sch 1, pt 7	53
	Part 7	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	
	29	Rights and entitlements of particular employees	53
	30	Application of industrial instruments	55
59		Amendment of sch 2 (Dictionary)	55
Part 7		Amendment of Queensland Museum Act 1970	
60		Act amended in pt 7	56
61		Amendment of s 2 (Definitions)	56
62		Amendment of s 16 (Restrictions on powers of board)	56
63		Amendment of s 17 (Persons having dealings with board etc.)	56
64		Amendment of s 34 (Delegation by board)	57
65		Amendment of pt 2, div 5 hdg (Director and staff)	57
66		Amendment of s 35 (Director and other officers)	57
67		Amendment of s 39 (Delegation by director)	57
68		Relocation and renumbering of s 40 (Superannuation schemes)	58
69		Omission of s 41 (Employees)	58
70		Relocation and renumbering of s 42 (Honorary assistants)	58
71		Insertion of new pt 2, div 6	58
	Division 6	Other provisions	

Statutory Bodies Legislation Amendment Bill 2007

	42A	Board may enter into work performance arrangements	58
72		Amendment of s 57 (Protection from liability of persons acting under the Act)	59
73		Insertion of new pt 7, div 1 hdg	59
74		Amendment of s 70 (Definition for pt 7)	60
75		Insertion of new pt 7, div 2	60
	Division 2	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	
	72	Rights and entitlements of particular employees	60
	73	Non-application of Industrial Relations Act 1999, s 167	61
	74	Amending Act does not affect particular powers of board	61
	75	Continued application of repealed s 41	61
	76	Application of Act to particular officers	62
Part 8		Amendment of Residential Tenancies Act 1994	
76		Act amended in pt 8	62
77		Amendment of s 295 (Duration of appointment)	62
78		Insertion of new s 302A	63
	302A	Authority may enter into work performance arrangements	63
79		Replacement of ch 8, pt 7 hdg (Staff of authority)	64
80		Omission of ch 8, pt 7, div 1 hdg (Chief executive officer)	64
81		Omission of ch 8, pt 7, div 2	64
82		Omission of ch 8, pt 7, div 3 hdg (Conflict of interest)	64
83		Amendment, relocation and renumbering of s 311 (Disclosure of interests)	64
84		Insertion of new ch 8A	65
	Chapter 8A	Residential Tenancies Employing Office	
	Part 1	Establishment and functions of employing office	
	309	Establishment of employing office	65
	310	Employing office represents the State	65
	311	Functions of employing office	65
	Part 2	Executive officer	
	311A	Appointment of executive officer	66
	311B	Executive officer acting for employing office	66
	Part 3	Staff of employing office	

Statutory Bodies Legislation Amendment Bill 2007

	311C	Employing office may employ staff	67
	311D	Employing office may enter into work performance arrangements	67
	Part 4	Other provisions	
	311E	Employing office is statutory body	68
	311F	Application of Crime and Misconduct Act 2001	68
85		Amendment of s 319 (Protection from liability)	69
86		Insertion of new ch 11, pt 4	69
	Part 4	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	
	351	Rights and entitlements of particular employees	69
	352	Application of industrial instruments	70
	353	Amending Act does not affect particular powers of authority	70
	354	Continued application of repealed s 309	71
87		Amendment of sch 3 (Dictionary)	71
Part 9		Amendment of South Bank Corporation Act 1989	
88		Act amended in pt 9	72
89		Amendment of long title	72
90		Amendment of s 3 (Definitions)	72
91		Omission of s 14 (Employment of staff and consultants)	73
92		Insertion of new s 31A	73
	31A	Corporation may enter into work performance arrangements	73
93		Insertion of new pt 4A.	74
	Part 4A	South Bank Employing Office	
	Division 1	Establishment and functions of employing office	
	31B	Establishment of employing office	74
	31C	Employing office represents the State	74
	31D	Functions of employing office	75
	Division 2	Executive officer	
	31E	Appointment of executive officer	75
	31F	Executive officer acting for employing office	75
	Division 3	Staff of employing office	
	31G	Employing office may employ staff	76
	31H	Employing office may enter into work performance arrangements	76
	Division 4	Other provisions	

Statutory Bodies Legislation Amendment Bill 2007

	31I	Employing office is statutory body	77
94		Insertion of new pt 11, div 3	78
	Division 3	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	
	125	Rights and entitlements of particular employees	78
	126	Application of industrial instruments	79
	127	Amending Act does not affect particular powers of corporation	79
	128	Continued application of repealed s 14	79
95		Amendment of sch 1 (Additional provisions about members and procedure of the board)	80
Part 10		Amendment of Tourism Queensland Act 1979	
96		Act amended in pt 10	80
97		Amendment of long title	80
98		Amendment of s 2 (Definitions)	80
99		Replacement of ss 16 and 17.	81
	16	Corporation may enter into work performance arrangements	81
100		Amendment of s 19 (Delegation)	82
101		Insertion of new pt 2, div 2A.	82
	Division 2A	General manager	
	20A	Appointment of general manager	82
102		Amendment of s 27 (Custody of seal—authentication of documents)	83
103		Insertion of new pt 2AA	83
	Part 2AA	Tourism Queensland Employing Office	
	Division 1	Establishment and functions of employing office	
	29AA	Establishment of employing office	83
	29AB	Employing office represents the State	83
	29AC	Functions of employing office	84
	Division 2	Executive officer	
	29AD	Appointment of executive officer.	84
	29AE	Executive officer acting for employing office.	84
	Division 3	Staff of employing office	
	29AF	Employing office may employ staff	85
	29AG	Employing office may enter into work performance arrangements	85
	Division 4	Other provisions	

Statutory Bodies Legislation Amendment Bill 2007

	29AH	Employing office is statutory body	86
104		Insertion of new pt 5, div 1 hdg	86
105		Insertion of new pt 5, div 2	87
	Division 2	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	
	38	Rights and entitlements of particular employees	87
	39	Application of industrial instruments.	89
	40	Amending Act does not affect particular powers of corporation	89
	41	Continued application of repealed s 16	89
	42	Continuation in office of general manager	89
Part 11	Amendment of Water Act 2000		
106		Act amended in pt 11	90
107		Amendment of s 542 (Purpose of ch 4)	90
108		Replacement of ch 4, pt 3, div 4 (Water authority employees) . . .	90
	Division 4	Work performance arrangements	
	584	Water authority may enter into work performance arrangements	91
109		Amendment of s 585 (Duties and liabilities of water authority officers)	91
110		Amendment of s 618 (Power to grant relief)	92
111		Amendment of s 619 (False or misleading information or documents)	92
112		Insertion of new ch 4, pt 4A	93
	Part 4A	Employing offices for water authorities	
	Division 1	Establishment and functions of employing offices for water authorities	
	625	Establishment of employing office for water authority	93
	626	Employing office for water authority represents the State	93
	627	Functions of employing office for water authority	94
	Division 2	Executive officer	
	628	Appointment of executive officer.	94
	629	Executive officer acting for employing office of water authority	94
	Division 3	Staff of employing offices for water authorities	
	630	Employing office for water authority may employ staff	95
	631	Employing office for water authority may enter into work performance arrangements	95
	Division 4	Other provisions	

	632	Employing office for water authority is statutory body	96
113		Replacement of s 704 (Existing employees)	97
	704	Existing employees.	97
114		Amendment of s 936 (Responsibility for acts or omissions of representatives)	98
115		Insertion of new ch 9, pt 5, div 8.	98
	Division 8	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	
	1147	Rights and entitlements of particular employees	98
	1148	Application of industrial instruments.	100
	1149	Amending Act does not affect particular powers of water authority	100
	1150	Continued application of repealed provisions.	100
116		Amendment of sch 4 (Dictionary).	100
Part 12		Amendment of Workers' Compensation and Rehabilitation Act 2003	
117		Act amended in pt 12	101
118		Amendment of s 337 (Regard to particular ability in appointment of directors)	101
119		Amendment of s 389 (General restriction of WorkCover's powers)	101
120		Amendment of s 392 (Protection of persons who deal with WorkCover)	102
121		Amendment of s 422 (Power to grant relief).	102
122		Amendment of s 423 (False or misleading information or documents)	102
123		Amendment of s 428 (Delegation by board).	102
124		Amendment of s 445 (Delegation by chief executive officer)	103
125		Replacement of s 448 (Basis of employment generally)	103
	448	WorkCover may enter into work performance arrangements	103
126		Omission of s 450 (Arrangements relating to staff)	104
127		Amendment of s 466 (Appointment of authorised persons).	104
128		Insertion of new ch 8A	105
	Chapter 8A	WorkCover Employing Office	
	Part 1	Establishment and functions of employing office	
	475A	Establishment of employing office	105
	475B	Employing office represents the State	105
	475C	Functions of employing office	105

Statutory Bodies Legislation Amendment Bill 2007

	Part 2	Executive officer	
	475D	Appointment of executive officer.	106
	475E	Executive officer acting for employing office.	106
	Part 3	Staff of employing office	
	475F	Employing office may employ staff	106
	475G	Employing office may enter into work performance arrangements	107
	Part 4	Other provisions	
	475H	Employing office is statutory body	108
129		Amendment of s 599 (Previous non-policy compensation arrangement with State)	108
130		Insertion of new ch 20	109
	Chapter 20	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	
	644	Rights and entitlements of particular employees	109
	645	Application of industrial instruments.	111
	646	Amending Act does not affect particular powers of WorkCover	111
	647	Continued application of repealed s 448	111
131		Amendment of sch 6 (Dictionary)	111

2007

A Bill

for

An Act to amend various Acts establishing statutory bodies

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3
 This Act may be cited as the *Statutory Bodies Legislation Amendment Act 2007*. 4
 5

Part 2 Amendment of Agricultural College Act 2005 6
 7

Clause 2 Act amended in pt 2 8
 This part amends the *Agricultural College Act 2005*. 9

Clause 3 Amendment of long title 10
 Long title, after ‘college,’— 11
insert— 12
 ‘to establish the Australian Agricultural College Employing Office.’ 13
 14

Clause 4 Amendment of s 14 (Delegation by corporation) 15
 (1) Section 14(1)(a) and (b)— 16
renumber as section 14(1)(b) and (c). 17
 (2) Section 14(1)— 18
insert— 19
 ‘(a) an appropriately qualified employee of the employing office or of another government entity who performs 20
 21

	work for the corporation under a work performance arrangement; or’.	1 2
Clause 5	Replacement of pt 2, div 5 (Staff of corporation)	3
	Part 2, division 5—	4
	<i>omit, insert—</i>	5
‘Division 5	Other provisions	6
‘15	Corporation may enter into work performance arrangements	7 8
	‘(1) The corporation may enter into, and give effect to, a work performance arrangement with—	9 10
	(a) the employing office; or	11
	(b) the appropriate authority of another government entity.	12
	‘(2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	13 14 15
	‘(3) For example, a work performance arrangement may provide for—	16 17
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	18 19
	(b) the authorising of a person to exercise powers for the arrangement; and	20 21
	(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	22 23 24
	‘(4) A person performing work for the corporation under a work performance arrangement entered into under subsection (1)—	25 26
	(a) is not employed by the corporation; and	27
	(b) remains an employee of the employing office, or an employee of the other government entity whose appropriate authority is a party to the arrangement.	28 29 30
	‘(5) To remove any doubt, it is declared that the corporation does not have power to employ a person performing work for the	31 32

corporation under a work performance arrangement entered
into under subsection (1).’.

		1
		2
Clause 6	Insertion of new pt 2A	3
	After part 2—	4
	<i>insert—</i>	5
‘Part 2A	Australian Agricultural College Employing Office	6
		7
‘Division 1	Establishment and functions of employing office	8
		9
‘16	Establishment of employing office	10
	‘(1) The Australian Agricultural College Employing Office is established.	11
		12
	‘(2) The employing office consists of—	13
	(a) the executive officer; and	14
	(b) the employees of the employing office.	15
	‘(3) The employing office is a separate entity from the corporation.	16
		17
‘17	Employing office represents the State	18
	‘(1) The employing office represents the State.	19
	‘(2) Without limiting subsection (1), the employing office has the status, privileges and immunities of the State.	20
		21
‘18	Functions of employing office	22
	‘(1) The main functions of the employing office are—	23
	(a) entering into, for the State, a work performance arrangement with the corporation under which employees of the employing office perform work for the corporation; and	24
		25
		26
		27

(b)	employing, for the State, staff to perform work for the corporation under the work performance arrangement; and	1 2 3
(c)	doing anything incidental to the discharge of the functions mentioned in paragraphs (a) and (b).	4 5
'(2)	Also, the employing office has any other function conferred on the employing office under this or another Act.	6 7
'(3)	This section does not limit the employing office's power to enter into and give effect to a work performance arrangement under section 20D with a government entity other than the corporation.	8 9 10 11
'Division 2	Executive officer	12
'19	Appointment of executive officer	13
'(1)	There is to be an executive officer of the employing office.	14
'(2)	The executive officer is to be appointed by the Governor in Council.	15 16
'(3)	The executive officer is appointed under this Act and not under the <i>Public Service Act 1996</i> .	17 18
'20	Executive officer acting for employing office	19
'(1)	The employing office acts through the executive officer.	20
'(2)	Anything done by the executive officer in the name of, or for, the employing office is taken to have been done by the employing office.	21 22 23
'Division 3	Staff of employing office	24
'20A	Employing office may employ staff	25
'(1)	The employing office may, for the State, employ staff.	26
'(2)	A person employed under subsection (1) is an <i>employee of the employing office</i> .	27 28

- ‘(3) The employing office may decide the terms of employment of the employees of the employing office. 1
2
- ‘(4) Subsection (3) applies subject to any relevant industrial instrument. 3
4
- ‘(5) Employees of the employing office are employed under this Act and not under the *Public Service Act 1996*. 5
6
- ‘20B Preservation of rights in relation to public service employees 7
8**
- ‘(1) Subsection (2) applies to a person who— 9
- (a) is appointed as an employee of the employing office; 10
and 11
- (b) was a public service employee immediately before taking up the appointment. 12
13
- ‘(2) The person is entitled to retain all existing and accruing rights as if service as an employee of the employing office were a continuation of service as a public service employee. 14
15
16
- ‘(3) If a person is appointed as a public service employee and the person was, immediately before taking up the appointment, an employee of the employing office, the person’s service as an employee of the employing office under this Act must be regarded as service as a public service employee. 17
18
19
20
21
- ‘20C Secondment as employee of employing office 22**
- ‘(1) A public service employee may be seconded to the employing office. 23
24
- ‘(2) While seconded under this section— 25
- (a) the person is taken to be an employee of the employing office; and 26
27
- (b) the *Public Service Act 1996* does not apply to the person. 28
29
- ‘(3) A public service employee seconded under this section — 30
- (a) is entitled to the person’s existing and accruing rights as if employment as an employee of the employing office 31
32

	were a continuation of employment as a public service employee; and	1 2
	(b) may apply for positions, and be employed, in the public service as if the person were a public service employee.	3 4
‘(4)	On ending the secondment, the person’s employment on secondment as an employee of the employing office is taken to be employment of the same nature in the public service for working out the person’s rights as a public service employee.	5 6 7 8
‘(5)	If the secondment ended for a reason other than misconduct, the person is entitled to be employed as a public service employee.	9 10 11
‘(6)	This section has effect despite section 20D.	12
‘20D	Employing office may enter into work performance arrangements	13 14
‘(1)	The employing office may, for the State, enter into and give effect to a work performance arrangement with—	15 16
	(a) the corporation; or	17
	(b) the appropriate authority of another government entity.	18
‘(2)	A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	19 20 21
‘(3)	For example, a work performance arrangement may provide for—	22 23
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	24 25
	(b) the authorising of a person to exercise powers for the arrangement; and	26 27
	(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	28 29 30
‘(4)	A person performing work for the corporation or other government entity under a work performance arrangement entered into under subsection (1)—	31 32 33

- (a) is not employed by the corporation or other government entity; and 1
2
- (b) remains an employee of the employing office. 3
- ‘(5) To remove any doubt, it is declared that the corporation or another government entity does not have power to employ a person performing work for the corporation or other government entity under a work performance arrangement entered into under subsection (1). 4
5
6
7
8

‘Division 4 Other provisions 9

‘20E **Employing office is statutory body 10**

- ‘(1) The employing office is a statutory body under— 11
 - (a) the *Financial Administration and Audit Act 1977*; and 12
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*. 13
- ‘(2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body— 14
15
 - (a) the executive officer is taken to be the chairperson of the employing office; and 16
17
 - (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and 18
19
20
21
22
 - (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.’. 23
24
25
26
27

Clause 7 Amendment of pt 4, div 2 hdg (Director and other staff of agricultural college) 28 29

- Part 4, division 2, heading, ‘and other staff’— 30
- omit.* 31

Clause 8	Amendment of s 37 (Director and other staff)	1
	(1) Section 37, heading, ‘and other staff’—	2
	<i>omit.</i>	3
	(2) Section 37(3)—	4
	<i>omit.</i>	5
	(3) Section 37(4), ‘and other staff’—	6
	<i>omit.</i>	7
	(4) Section 37(6), from ‘and other’ to ‘college are’—	8
	<i>omit, insert—</i>	9
	‘is’.	10
	(5) Section 37(4) to (6)—	11
	<i>renumber</i> as section 37(3) to (5).	12
Clause 9	Amendment of s 39 (Student advisory council)	13
	(1) Section 39(4), from ‘agricultural college staff’ to ‘staff of the agricultural college’—	14
	<i>omit, insert—</i>	15
	‘staff of the agricultural college are to elect persons who are members of the staff’.	16
	‘staff of the agricultural college are to elect persons who are members of the staff’.	17
	members of the staff’.	18
	(2) Section 39—	19
	<i>insert—</i>	20
	‘(6) In this section—	21
	<i>staff</i> , of the agricultural college, means employees of the employing office or of another government entity who perform work for the corporation, being work for the agricultural college, under a work performance arrangement.’.	22
		23
		24
		25
Clause 10	Insertion of new pt 6, div 3	26
	Part 6—	27
	<i>insert—</i>	28

‘Division 3	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	1
		2
		3
‘60	Rights and entitlements of particular employees	4
‘(1)	This section applies to a person who—	5
	(a) becomes an employee of the employing office; and	6
	(b) was an employee of the corporation—	7
	(i) immediately before the commencement of this section; and	8
		9
	(ii) immediately before becoming an employee of the employing office.	10
		11
‘(2)	On becoming an employee of the employing office, the person is taken to be employed under section 20A on the conditions on which the person would have been employed by the corporation, immediately before the person became an employee of the employing office, if the corporation had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth).	12
		13
		14
		15
		16
		17
		18
‘(3)	Also—	19
	(a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that—	20
		21
		22
	(i) have accrued or were accruing to the person as an employee of the corporation; and	23
		24
	(ii) would have accrued to the person if the corporation had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth); and	25
		26
		27
	(b) if the person is a member of a superannuation scheme—	28
	(i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and	29
		30
		31
	(ii) the person’s membership of the scheme is not affected.	32
		33

- ‘(4) Without limiting subsection (3), for working out the person’s rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person by the employing office is a continuation of employment of the person by the corporation.
- ‘(5) If the person was a seconded employee immediately before becoming an employee of the employing office, the arrangement under which the person was performing work for a government entity other than the corporation may continue until the arrangement ends, and, if the arrangement does continue—
- (a) subsection (2) does not apply to the person; and
- (b) on the ending of the arrangement, the person is taken to be employed under section 20A on the conditions on which the person would have been employed by the corporation, on the ending of the arrangement, if—
- (i) the person had continued to be an employee of the corporation; and
- (ii) the corporation had never become an employer under the *Workplace Relations Act 1996* (Cwlth).
- ‘(6) Subsections (2) and (5)(b) do not limit section 20A(3) and (4).
- ‘(7) In this section—
- employee of the corporation*** includes a seconded employee.
- seconded employee*** means an employee of the corporation performing work for another government entity under an arrangement entered into, before the commencement of this section, by the corporation with the appropriate authority of the other government entity.

‘61 Application of industrial instruments 29

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

‘62	Amending Act does not affect particular powers of corporation	1 2
	‘Nothing in the <i>Statutory Bodies Legislation Amendment Act 2007</i> , part 2, affects the powers of the corporation under section 7.	3 4 5
‘63	Continued application of repealed provisions	6
	‘(1) Part 2, division 5, ¹ as in force immediately before the commencement of this section (the <i>repealed division</i>), continues to apply in relation to persons employed by the corporation under the repealed division immediately before the commencement while that employment continues.	7 8 9 10 11
	‘(2) Also, section 19 of the repealed division continues to apply to those persons on the ending of their employment by the corporation.	12 13 14
	‘(3) Section 37, ² as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the corporation under repealed section 37(3) immediately before the commencement while that employment continues.	15 16 17 18 19
	‘(4) This section does not limit section 62.’.	20
Clause 11	Amendment of sch 2 (Dictionary)	21
	Schedule 2—	22
	<i>insert—</i>	23
	‘ <i>employee of the employing office</i> see section 20A(2).	24
	<i>employing office</i> means the Australian Agricultural College Employing Office established under section 16.	25 26
	<i>executive officer</i> means the executive officer of the employing office appointed under section 19.	27 28

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

2 Section 37 (Director and other staff)

government entity see the *Public Service Act 1996*, section 21. 1
2

work performance arrangement means an arrangement under 3
which an employee of a government entity performs work for 4
another government entity.’. 5

Part 3 Amendment of Libraries Act 1988 6 7

Clause 12 Act amended in pt 3 8
This part amends the *Libraries Act 1988*. 9

Clause 13 Amendment of s 2 (Interpretation) 10
Section 2(1)— 11
insert— 12
‘*commencement*, for part 10, division 1, see section 88. 13
government entity see the *Public Service Act 1996*, section 14
21. 15
work performance arrangement means an arrangement under 16
which an employee of a government entity performs work for 17
another government entity.’. 18

Clause 14 Amendment of pt 2, div 2 hdg (State librarian and staff) 19
Part 2, division 2, heading, ‘and staff’— 20
omit. 21

Clause 15 Amendment of s 13 (State librarian and other officers) 22
(1) Section 13, heading— 23
omit, insert— 24

'13	Appointment of State librarian'.	1
	(2) Section 13(3)—	2
	<i>omit.</i>	3
Clause 16	Amendment of s 17 (Delegation by State librarian)	4
	Section 17(1), from 'to an'—	5
	<i>omit, insert—</i>	6
	'to—	7
	(a) an appropriately qualified employee of a department or another government entity performing work for the board under a work performance arrangement; or	8 9 10
	(b) an appropriately qualified employee of the board.'.	11
Clause 17	Omission of s 18 (Employees)	12
	Section 18—	13
	<i>omit.</i>	14
Clause 18	Relocation and renumbering of s 19 (Superannuation schemes)	15 16
	Section 19—	17
	<i>relocate and renumber</i> , in part 2, division 6 as inserted by section 23 of this Act, as section 40B.	18 19
Clause 19	Amendment of s 20 (Functions of board)	20
	Section 20(1)(f)—	21
	<i>omit, insert—</i>	22
	'(f) to supervise in their duties all persons—	23
	(i) performing work for the board under a work performance arrangement; or	24 25
	(ii) appointed or employed under this Act;'	26

Clause 20	Amendment of s 24 (Restrictions on powers of board)	1
	Section 24(8), definition <i>officer</i> , paragraph (c)—	2
	<i>omit, insert—</i>	3
	‘(c) an employee of a department or another government entity performing work for the board under a work performance arrangement; or’.	4 5 6
Clause 21	Amendment of s 25 (Persons having dealings with board etc.)	7 8
	Section 25(6), definition <i>officer</i> , paragraph (c)—	9
	<i>omit, insert—</i>	10
	‘(c) an employee of a department or another government entity performing work for the board under a work performance arrangement; or’.	11 12 13
Clause 22	Amendment of s 40 (Delegation by board)	14
	Section 40(d)—	15
	<i>omit, insert—</i>	16
	‘(d) an appropriately qualified employee of a department or another government entity performing work for the board under a work performance arrangement; or	17 18 19
	(e) an appropriately qualified employee of the board.’.	20
Clause 23	Insertion of new pt 2, div 6	21
	Part 2—	22
	<i>insert—</i>	23
	‘Division 6 Other provisions	24
‘40A	Board may enter into work performance arrangements	25 26
	‘(1) The board may enter into, and give effect to, a work performance arrangement with—	27 28

Statutory Bodies Legislation Amendment Bill 2007

- (a) the chief executive of a department; or 1
- (b) the appropriate authority of another government entity. 2
- ‘(2) A work performance arrangement may make provision for all 3
matters necessary or convenient to be provided under the 4
arrangement. 5
- ‘(3) For example, a work performance arrangement may provide 6
for— 7
- (a) the appointment of a person to an office, and the holding 8
of the office by the person, for the arrangement; and 9
- (b) the authorising of a person to exercise powers for the 10
arrangement; and 11
- (c) whether payment is to be made for work done under the 12
arrangement and, if so, what payment is to be made and 13
who is to make the payment. 14
- ‘(4) A person performing work for the board under a work 15
performance arrangement entered into under subsection (1)— 16
- (a) is not employed by the board; and 17
- (b) remains an employee of the department or other 18
government entity whose appropriate authority is a party 19
to the arrangement. 20
- ‘(5) To remove any doubt, it is declared that the board does not 21
have power to employ a person performing work for the board 22
under a work performance arrangement entered into under 23
subsection (1).’ 24

- Clause 24 Amendment of s 81 (Inspection of material or receptacle 25
brought onto board’s premises) 26**
- (1) Section 81(2) to (5), ‘or employee’— 27
omit. 28
- (2) Section 81(5)— 29
insert— 30
‘*officer*, of the board, means— 31
- (a) the State librarian; or 32

- (b) an employee of a department or another government entity performing work for the board under a work performance arrangement; or 1
2
3
- (c) an employee of the board.'. 4

Clause 25 Insertion of new pt 10, div 1 hdg 5
Part 10, before section 88— 6
insert— 7

'Division 1 Transitional provisions for Arts Legislation Amendment Act 2003'. 8
9

Clause 26 Amendment of s 88 (Definition for pt 10) 10
(1) Section 88, heading, 'pt 10'— 11
omit, insert— 12
'div 1'. 13
(2) Section 88, 'part'— 14
omit, insert— 15
'division'. 16

Clause 27 Insertion of new pt 10, div 2 17
Part 10— 18
insert— 19

'Division 2 Transitional provisions for Statutory Bodies Legislation Amendment Act 2007 20
21
22

'90 Rights and entitlements of particular employees 23
'(1) This section applies to a person who— 24
(a) becomes a public service employee; and 25
(b) was an employee of the board— 26

Statutory Bodies Legislation Amendment Bill 2007

(i) immediately before the commencement of this section; and	1 2
(ii) immediately before becoming a public service employee.	3 4
‘(2) On becoming a public service employee—	5
(a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that—	6 7 8
(i) have accrued or were accruing to the person as an employee of the board; and	9 10
(ii) would have accrued to the person if the board had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth); and	11 12 13
(b) if the person is a member of a superannuation scheme—	14
(i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and	15 16 17
(ii) the person’s membership of the scheme is not affected.	18 19
‘(3) Without limiting subsection (2), for working out the person’s rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person as a public service employee is a continuation of employment of the person by the board.	20 21 22 23 24
‘91 Non-application of Industrial Relations Act 1999, s 167	25 26
‘For the purpose of the <i>Industrial Relations Act 1999</i> , section 167, ³ a department or public service office does not become the successor of any part of the business of the board only because the department or public service office becomes the employer of persons previously employed by the board.	27 28 29 30 31

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

'92	Amending Act does not affect particular powers of board	1 2
	‘Nothing in the <i>Statutory Bodies Legislation Amendment Act 2007</i> , part 3, affects the powers of the board under section 22.	3 4
'93	Continued application of repealed s 18	5
	‘(1) Section 18, ⁴ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the board under the section immediately before the commencement while that employment continues.	6 7 8 9 10
	‘(2) This section does not limit section 92.	11
'94	Application of Act to particular officers	12
	‘(1) This section applies to a person who—	13
	(a) immediately before the commencement of this section, was an officer mentioned in section 13(3) as in force immediately before that commencement; and	14 15 16
	(b) on the commencement, continues to perform work for the board.	17 18
	‘(2) For sections 17, 20, 24, 25, 40 and 81, until the chief executive of the department enters into a work performance arrangement with the board the person is taken to be an employee of a department or other government entity performing work for the board under a work performance arrangement.	19 20 21 22 23 24
	‘(3) If, immediately before the commencement of this section, a delegation of a power to the person was in force under section 17 or 40, as the section was in force immediately before the commencement, the delegation continues in force until it is revoked.’	25 26 27 28 29

4 Section 18 (Employees)

Part 4	Amendment of Major Sports Facilities Act 2001	1
		2
Clause 28	Act amended in pt 4	3
	This part amends the <i>Major Sports Facilities Act 2001</i> .	4
Clause 29	Insertion of new s 25A	5
	Part 3, division 5—	6
	<i>insert—</i>	7
'25A	Authority may enter into work performance arrangements	8
		9
	'(1) The Authority may enter into, and give effect to, a work performance arrangement with—	10
		11
	(a) the employing office; or	12
	(b) the appropriate authority of another government entity.	13
	'(2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	14
		15
		16
	'(3) For example, a work performance arrangement may provide for—	17
		18
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	19
		20
	(b) the authorising of a person to exercise powers for the arrangement; and	21
		22
	(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	23
		24
		25
	'(4) A person performing work for the Authority under a work performance arrangement entered into under subsection (1)—	26
		27
	(a) is not employed by the Authority; and	28
		29
	(b) remains an employee of the employing office, or an employee of the other government entity whose appropriate authority is a party to the arrangement.	30
		31

- ‘(5) To remove any doubt, it is declared that the Authority does not have power to employ a person performing work for the Authority under a work performance arrangement entered into under subsection (1).’.

Clause 30	Amendment of s 30 (Delegations)	5
	(1) Section 30(1)(b)—	6
	<i>renumber</i> as section 30(1)(c).	7
	(2) Section 30(1)—	8
	<i>insert</i> —	9
	‘(b) an appropriately qualified employee of the employing office or of another government entity who performs work for the Authority under a work performance arrangement; or’.	10 11 12 13
	(3) Section 30(2), definition <i>appropriately qualified</i> , example, ‘the Authority’—	14 15
	<i>omit, insert</i> —	16
	‘an entity’.	17
Clause 31	Insertion of new pt 3A	18
	After part 3—	19
	<i>insert</i> —	20
‘Part 3A	Major Sports Facilities Employing Office	21 22
‘Division 1	Establishment and functions of employing office	23 24
‘30AA	Establishment of employing office	25
	‘(1) The Major Sports Facilities Employing Office is established.	26
	‘(2) The employing office consists of—	27
	(a) the executive officer; and	28

(b) the employees of the employing office.	1
‘(3) The employing office is a separate entity from the Authority.	2
‘30AB Employing office represents the State	3
‘(1) The employing office represents the State.	4
‘(2) Without limiting subsection (1), the employing office has the status, privileges and immunities of the State.	5 6
‘30AC Functions of employing office	7
‘(1) The main functions of the employing office are—	8
(a) entering into, for the State, a work performance arrangement with the Authority under which employees of the employing office perform work for the Authority; and	9 10 11 12
(b) employing, for the State, staff to perform work for the Authority under the work performance arrangement; and	13 14 15
(c) doing anything incidental to the discharge of the functions mentioned in paragraphs (a) and (b).	16 17
‘(2) Also, the employing office has any other function conferred on the employing office under this or another Act.	18 19
‘(3) This section does not limit the employing office’s power to enter into and give effect to a work performance arrangement under section 30AG with a government entity other than the Authority.	20 21 22 23
‘Division 2 Executive officer	24
‘30AD Appointment of executive officer	25
‘(1) There is to be an executive officer of the employing office.	26
‘(2) The executive officer is to be appointed by the Governor in Council.	27 28

‘(3) The executive officer is appointed under this Act and not under the <i>Public Service Act 1996</i> .	1 2
‘30AE Executive officer acting for employing office	3
‘(1) The employing office acts through the executive officer.	4
‘(2) Anything done by the executive officer in the name of, or for, the employing office is taken to have been done by the employing office.	5 6 7
‘Division 3 Staff of employing office	8
‘30AF Employing office may employ staff	9
‘(1) The employing office may, for the State, employ staff.	10
‘(2) A person employed under subsection (1) is an <i>employee of the employing office</i> .	11 12
‘(3) The employing office may decide the terms of employment of the employees of the employing office.	13 14
‘(4) Subsection (3) applies subject to any relevant industrial instrument.	15 16
‘(5) Employees of the employing office are employed under this Act and not under the <i>Public Service Act 1996</i> .	17 18
‘30AG Employing office may enter into work performance arrangements	19 20
‘(1) The employing office may, for the State, enter into and give effect to a work performance arrangement with—	21 22
(a) the Authority; or	23
(b) the appropriate authority of another government entity.	24
‘(2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	25 26 27
‘(3) For example, a work performance arrangement may provide for—	28 29

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

‘Division 4 Other provisions 19

‘30AH Employing office is statutory body 20

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

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

Clause 32	Insertion of new pt 6, div 6	6
	Part 6—	7
	<i>insert—</i>	8
‘Division 6	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	9
		10
		11
‘80	Rights and entitlements of particular employees	12
	‘(1) This section applies to a person who—	13
	(a) becomes an employee of the employing office; and	14
	(b) was an employee of the Authority—	15
	(i) immediately before the commencement of this section; and	16
		17
	(ii) immediately before becoming an employee of the employing office.	18
		19
	‘(2) On becoming an employee of the employing office, the person is taken to be employed under section 30AF on the conditions on which the person would have been employed by the Authority, immediately before the person became an employee of the employing office, if the Authority had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth).	20
		21
		22
		23
		24
		25
		26
	‘(3) Also—	27
	(a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that—	28
		29
		30
	(i) have accrued or were accruing to the person as an employee of the Authority; and	31
		32

Statutory Bodies Legislation Amendment Bill 2007

- (ii) would have accrued to the person if the Authority had never become an employer under the *Workplace Relations Act 1996* (Cwlth); and
- (b) if the person is a member of a superannuation scheme—
- (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and
- (ii) the person’s membership of the scheme is not affected.
- ‘(4) Without limiting subsection (3), for working out the person’s rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person by the employing office is a continuation of employment of the person by the Authority.
- ‘(5) If the person was a seconded employee immediately before becoming an employee of the employing office, the arrangement under which the person was performing work for a government entity other than the Authority may continue until the arrangement ends, and, if the arrangement does continue—
- (a) subsection (2) does not apply to the person; and
- (b) on the ending of the arrangement, the person is taken to be employed under section 30AF on the conditions on which the person would have been employed by the Authority, on the ending of the arrangement, if—
- (i) the person had continued to be an employee of the Authority; and
- (ii) the Authority had never become an employer under the *Workplace Relations Act 1996* (Cwlth).
- ‘(6) Subsections (2) and (5)(b) do not limit section 30AF(3) and (4).
- ‘(7) In this section—
- employee of the Authority*** includes a seconded employee.
- seconded employee*** means an employee of the Authority performing work for another government entity under an arrangement entered into, before the commencement of this

section, by the Authority with the appropriate authority of the
other government entity. 1
2

'81 Application of industrial instruments 3

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

 4
5
6
7

Clause 33 Amendment of sch 2 (Dictionary) 8

Schedule 2— 9

insert— 10

'*employee of the employing office* see section 30AF(2). 11

employing office means the Major Sports Facilities
Employing Office established under section 30AA. 12
13

executive officer means the executive officer of the employing
office appointed under section 30AD. 14
15

government entity see the *Public Service Act 1996*, section
21. 16
17

industrial instrument see the *Industrial Relations Act 1999*,
schedule 5. 18
19

work performance arrangement means an arrangement under
which an employee of a government entity performs work for
another government entity?'. 20
21
22

**Part 5 Amendment of Queensland Art
Gallery Act 1987** 23
24

Clause 34 Act amended in pt 5 25

This part amends the *Queensland Art Gallery Act 1987*. 26

Clause 35	Amendment of s 2 (Definitions)	1
	Section 2—	2
	<i>insert</i> —	3
	‘ <i>commencement</i> , for part 7, division 1, see section 69.	4
	<i>government entity</i> see the <i>Public Service Act 1996</i> , section 21.	5 6
	<i>work performance arrangement</i> means an arrangement under which an employee of a government entity performs work for another government entity.’.	7 8 9
Clause 36	Amendment of pt 2, div 2 hdg (Director and staff)	10
	Part 2, division 2, heading, ‘and staff’—	11
	<i>omit</i> .	12
Clause 37	Amendment of s 12 (Director and other officers)	13
	(1) Section 12, heading—	14
	<i>omit, insert</i> —	15
	‘12 Appointment of director’.	16
	(2) Section 12(3)—	17
	<i>omit</i> .	18
Clause 38	Omission of s 13 (Employees)	19
	Section 13—	20
	<i>omit</i> .	21
Clause 39	Amendment of s 17 (Delegation by director)	22
	Section 17(1), from ‘to an’—	23
	<i>omit, insert</i> —	24
	‘to—	25

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

		1
		2
		3
		4
Clause 40	Relocation and renumbering of s 18 (Superannuation schemes)	5
		6
	Section 18—	7
	<i>relocate and renumber</i> , in part 2, division 6 as inserted by section 44 of this Act, as section 40B.	8
		9
Clause 41	Amendment of s 23 (Restrictions on powers of board)	10
	Section 23(8), definition <i>officer</i> , paragraph (c)—	11
	<i>omit, insert—</i>	12
	‘(c) an employee of a department or another government entity performing work for the board under a work performance arrangement; or’.	13
		14
		15
Clause 42	Amendment of s 24 (Persons having dealings with board etc.)	16
		17
	Section 24(6), definition <i>officer</i> , paragraph (c)—	18
	<i>omit, insert—</i>	19
	‘(c) an employee of a department or another government entity performing work for the board under a work performance arrangement; or’.	20
		21
		22
Clause 43	Amendment of s 40 (Delegation by board)	23
	Section 40(d)—	24
	<i>omit, insert—</i>	25
	‘(d) an appropriately qualified employee of a department or another government entity performing work for the board under a work performance arrangement; or	26
		27
		28
	(e) an appropriately qualified employee of the board.’.	29

Clause 44	Insertion of new pt 2, div 6	1
	Part 2—	2
	<i>insert</i> —	3
‘Division 6	Other provisions	4
‘40A	Board may enter into work performance arrangements	5
		6
	‘(1) The board may enter into, and give effect to, a work performance arrangement with—	7
		8
	(a) the chief executive of a department; or	9
	(b) the appropriate authority of another government entity.	10
	‘(2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	11
		12
		13
	‘(3) For example, a work performance arrangement may provide for—	14
		15
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	16
		17
	(b) the authorising of a person to exercise powers for the arrangement; and	18
		19
	(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	20
		21
		22
	‘(4) A person performing work for the board under a work performance arrangement entered into under subsection (1)—	23
		24
	(a) is not employed by the board; and	25
	(b) remains an employee of the department or other government entity whose appropriate authority is a party to the arrangement.	26
		27
		28
	‘(5) To remove any doubt, it is declared that the board does not have power to employ a person performing work for the board under a work performance arrangement entered into under subsection (1).’	29
		30
		31
		32

Clause 45	Amendment of s 52 (Monitoring and assessment of board)	1 2
	(1) Section 52(1), from ‘an appropriately’ to ‘another appropriately qualified person’—	3 4
	<i>omit, insert—</i>	5
	‘an appropriate person’.	6
	(2) Section 52—	7
	<i>insert—</i>	8
	‘(6) In this section—	9
	<i>appropriate person</i> means an appropriately qualified officer of the department, or another appropriately qualified person, other than an employee of a department or another government entity performing work for the board under a work performance arrangement.’.	10 11 12 13 14
Clause 46	Insertion of new pt 7, div 1 hdg	15
	Part 7, before section 69—	16
	<i>insert—</i>	17
	‘Division 1 Transitional provisions for Arts Legislation Amendment Act 2003’.	18 19
Clause 47	Amendment of s 69 (Definition for pt 7)	20
	(1) Section 69, heading, ‘pt 7’—	21
	<i>omit, insert—</i>	22
	‘div 1’.	23
	(2) Section 69, ‘part’—	24
	<i>omit, insert—</i>	25
	‘division’.	26
Clause 48	Insertion of new pt 7, div 2	27
	Part 7—	28
	<i>insert—</i>	29

‘Division 2	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	1
		2
		3
‘71	Rights and entitlements of particular employees	4
‘(1)	This section applies to a person who—	5
	(a) becomes a public service employee; and	6
	(b) was an employee of the board—	7
	(i) immediately before the commencement of this section; and	8
		9
	(ii) immediately before becoming a public service employee.	10
		11
‘(2)	On becoming a public service employee—	12
	(a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that—	13
		14
		15
	(i) have accrued or were accruing to the person as an employee of the board; and	16
		17
	(ii) would have accrued to the person if the board had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth); and	18
		19
		20
	(b) if the person is a member of a superannuation scheme—	21
	(i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and	22
		23
		24
	(ii) the person’s membership of the scheme is not affected.	25
		26
‘(3)	Without limiting subsection (2), for working out the person’s rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person as a public service employee is a continuation of employment of the person by the board.	27
		28
		29
		30
		31

'72	Non-application of Industrial Relations Act 1999, s 167	1 2
	'For the purpose of the <i>Industrial Relations Act 1999</i> , section 167, ⁵ a department or public service office does not become the successor of any part of the business of the board only because the department or public service office becomes the employer of persons previously employed by the board.	3 4 5 6 7
'73	Amending Act does not affect particular powers of board	8 9
	'Nothing in the <i>Statutory Bodies Legislation Amendment Act 2007</i> , part 5, affects the powers of the board under section 21.	10 11
'74	Continued application of repealed s 13	12
	'(1) Section 13, ⁶ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the board under the section immediately before the commencement while that employment continues.	13 14 15 16 17
	'(2) This section does not limit section 73.	18
'75	Application of Act to particular officers	19
	'(1) This section applies to a person who—	20
	(a) immediately before the commencement of this section, was an officer mentioned in section 12(3) as in force immediately before that commencement; and	21 22 23
	(b) on the commencement, continues to perform work for the board.	24 25
	'(2) For sections 17, 23, 24, 40 and 52, until the chief executive of the department enters into a work performance arrangement with the board the person is taken to be an employee of a department or other government entity performing work for the board under a work performance arrangement.	26 27 28 29 30

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

6 Section 13 (Employees)

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

Part 6 **Amendment of Queensland Building Services Authority Act 1991**

- Clause 49 Act amended in pt 6** 9
 This part amends the *Queensland Building Services Authority Act 1991*. 10
 11
- Clause 50 Amendment of s 10A (Appointment of members)** 12
 Section 10A(3)(b)— 13
omit, insert— 14
 ‘(b) the member becomes a relevant officer or contractor of the authority; or’.
- Clause 51 Amendment of s 20 (Delegation)** 17
 (1) Section 20, from ‘to’— 18
omit, insert— 19
 ‘to an appropriately qualified relevant officer of the authority.’. 20
 21
 (2) Section 20— 22
insert— 23
 ‘(2) In this section— 24
appropriately qualified includes having the qualifications, 25
 experience or standing appropriate to exercise the power. 26

Statutory Bodies Legislation Amendment Bill 2007

Example of standing—

a person's seniority level in an entity'.

	<i>Example of standing—</i>	1
	a person's seniority level in an entity'.	2
Clause 52	Amendment of s 21 (Appointment of insurance manager)	3
	(1) Section 21(1)—	4
	<i>omit, insert—</i>	5
	'(1) There is to be an insurance manager of the authority.	6
	'(1A) The authority must—	7
	(a) appoint an individual to be the insurance manager; or	8
	(b) enter into a work performance arrangement under which	9
	an employee of the employing office or of another	10
	government entity holds office as the insurance	11
	manager.'	12
	(2) Section 21(2), 'The'—	13
	<i>omit, insert—</i>	14
	'If the authority appoints a person to be the insurance manager	15
	under subsection (2)(a), the'.	16
	(3) Section 21(3), after 'person to act'—	17
	<i>insert—</i>	18
	', or enter into a work performance arrangement under which	19
	an employee of the employing office or of another	20
	government entity acts,'.	21
	(4) Section 21(1A) to (3)—	22
	<i>renumber</i> as section 21(2) to (4).	23
Clause 53	Insertion of new pt 2, div 7	24
	Part 2—	25
	<i>insert—</i>	26

‘Division 7	Other provisions	1
‘29	Authority may enter into work performance arrangements	2 3
‘(1)	The authority may enter into, and give effect to, a work performance arrangement with—	4 5
	(a) the employing office; or	6
	(b) the appropriate authority of another government entity.	7
‘(2)	A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	8 9 10
‘(3)	For example, a work performance arrangement may provide for—	11 12
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	13 14
	(b) the authorising of a person to exercise powers for the arrangement; and	15 16
	(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	17 18 19
‘(4)	A person performing work for the authority under a work performance arrangement entered into under subsection (1)—	20 21
	(a) is not employed by the authority; and	22
	(b) remains an employee of the employing office, or an employee of the other government entity whose appropriate authority is a party to the arrangement.	23 24 25
‘(5)	To remove any doubt, it is declared that the authority does not have power to employ a person performing work for the authority under a work performance arrangement entered into under subsection (1).’.	26 27 28 29
Clause 54	Insertion of new pt 2A	30
	After part 2—	31
	<i>insert—</i>	32

‘Part 2A	Queensland Building Services Employing Office	1 2
‘Division 1	Establishment and functions of employing office	3 4
‘29A	Establishment of employing office	5
‘(1)	The Queensland Building Services Employing Office is established.	6 7
‘(2)	The employing office consists of—	8
(a)	the executive officer; and	9
(b)	the employees of the employing office.	10
‘(3)	The employing office is a separate entity from the authority.	11
‘29B	Employing office represents the State	12
‘(1)	The employing office represents the State.	13
‘(2)	Without limiting subsection (1), the employing office has the status, privileges and immunities of the State.	14 15
‘29C	Functions of employing office	16
‘(1)	The main functions of the employing office are—	17
(a)	entering into, for the State, a work performance arrangement with the authority under which employees of the employing office perform work for the authority; and	18 19 20 21
(b)	employing, for the State, staff to perform work for the authority under the work performance arrangement; and	22 23
(c)	doing anything incidental to the discharge of the functions mentioned in paragraphs (a) and (b).	24 25
‘(2)	Also, the employing office has any other function conferred on the employing office under this or another Act.	26 27

‘(3) This section does not limit the employing office’s power to enter into and give effect to a work performance arrangement under section 29G with a government entity other than the authority.	1 2 3 4
‘Division 2 Executive officer	5
‘29D Appointment of executive officer	6
‘(1) There is to be an executive officer of the employing office.	7
‘(2) The executive officer is to be appointed by the Governor in Council.	8 9
‘(3) The executive officer is appointed under this Act and not under the <i>Public Service Act 1996</i> .	10 11
‘29E Executive officer acting for employing office	12
‘(1) The employing office acts through the executive officer.	13
‘(2) Anything done by the executive officer in the name of, or for, the employing office is taken to have been done by the employing office.	14 15 16
‘Division 3 Staff of employing office	17
‘29F Employing office may employ staff	18
‘(1) The employing office may, for the State, employ staff.	19
‘(2) A person employed under subsection (1) is an <i>employee of the employing office</i> .	20 21
‘(3) The employing office may decide the terms of employment of the employees of the employing office.	22 23
‘(4) Subsection (3) applies subject to any relevant industrial instrument.	24 25
‘(5) Employees of the employing office are employed under this Act and not under the <i>Public Service Act 1996</i> .	26 27

‘29G	Employing office may enter into work performance arrangements	1 2
‘(1)	The employing office may, for the State, enter into and give effect to a work performance arrangement with—	3 4
	(a) the authority; or	5
	(b) the appropriate authority of another government entity.	6
‘(2)	A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	7 8 9
‘(3)	For example, a work performance arrangement may provide for—	10 11
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	12 13
	(b) the authorising of a person to exercise powers for the arrangement; and	14 15
	(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	16 17 18
‘(4)	A person performing work for the authority or other government entity under a work performance arrangement entered into under subsection (1)—	19 20 21
	(a) is not employed by the authority or other government entity; and	22 23
	(b) remains an employee of the employing office.	24
‘(5)	To remove any doubt, it is declared that the authority or another government entity does not have power to employ a person performing work for the authority or other government entity under a work performance arrangement entered into under subsection (1).	25 26 27 28 29

‘Division 4	Other provisions	30
--------------------	-------------------------	----

‘29H	Employing office is statutory body	31
‘(1)	The employing office is a statutory body under—	32

	(a) the <i>Financial Administration and Audit Act 1977</i> ; and	1
	(b) the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	2
	‘(2) For applying the <i>Financial Administration and Audit Act 1977</i> to the employing office as a statutory body—	3 4
	(a) the executive officer is taken to be the chairperson of the employing office; and	5 6
	(b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and	7 8 9 10 11
	(c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.’.	12 13 14 15 16
Clause 55	Amendment of s 104 (Appointment of inspectors)	17
	Section 104(1), after ‘appoint’—	18
	<i>insert</i> —	19
	‘relevant officers of the authority as’.	20
Clause 56	Amendment of s 108 (Obligation of assessment manager)	21
	Section 108, from ‘an inspector’ to ‘employee’—	22
	<i>omit, insert</i> —	23
	‘a relevant officer’.	24
Clause 57	Amendment of s 114 (Protection)	25
	Section 114(1), ‘an officer or employee’—	26
	<i>omit, insert</i> —	27
	‘a relevant officer’.	28

Clause 58	Insertion of new sch 1, pt 7	1
	Schedule 1—	2
	<i>insert—</i>	3
‘Part 7	Transitional provisions for	4
	Statutory Bodies Legislation	5
	Amendment Act 2007	6
‘29	Rights and entitlements of particular employees	7
	‘(1) This section applies to a person who—	8
	(a) becomes an employee of the employing office; and	9
	(b) was an employee of the authority—	10
	(i) immediately before the commencement of this	11
	section; and	12
	(ii) immediately before becoming an employee of the	13
	employing office.	14
	‘(2) On becoming an employee of the employing office, the person	15
	is taken to be employed under section 29F of the Act on the	16
	conditions on which the person would have been employed by	17
	the authority, immediately before the person became an	18
	employee of the employing office, if the authority had never	19
	become an employer under the <i>Workplace Relations Act 1996</i>	20
	(Cwlth).	21
	‘(3) Also—	22
	(a) the person keeps all rights and entitlements, including	23
	entitlements to receive long service, recreation and sick	24
	leave and any similar entitlements, that—	25
	(i) have accrued or were accruing to the person as an	26
	employee of the authority; and	27
	(ii) would have accrued to the person if the authority	28
	had never become an employer under the	29
	<i>Workplace Relations Act 1996</i> (Cwlth); and	30
	(b) if the person is a member of a superannuation scheme—	31

Statutory Bodies Legislation Amendment Bill 2007

- (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and
- (ii) the person's membership of the scheme is not affected.
- '(4) Without limiting subsection (3), for working out the person's rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person by the employing office is a continuation of employment of the person by the authority.
- '(5) If the person was a seconded employee immediately before becoming an employee of the employing office, the arrangement under which the person was performing work for a government entity other than the authority may continue until the arrangement ends, and, if the arrangement does continue—
- (a) subsection (2) does not apply to the person; and
- (b) on the ending of the arrangement, the person is taken to be employed under section 29F of the Act on the conditions on which the person would have been employed by the authority, on the ending of the arrangement, if—
- (i) the person had continued to be an employee of the authority; and
- (ii) the authority had never become an employer under the *Workplace Relations Act 1996* (Cwlth).
- '(6) Subsections (2) and (5)(b) do not limit section 29F(3) and (4) of the Act.
- '(7) In this section—
- employee of the authority*** includes a seconded employee.
- seconded employee*** means an employee of the authority performing work for another government entity under an arrangement entered into, before the commencement of this section, by the authority with the appropriate authority of the other government entity.

'30	Application of industrial instruments	1
	‘The employing office is taken to be bound by the industrial instruments that bound the authority immediately before it became an employer under the <i>Workplace Relations Act 1996</i> (Cwlth).’.	2 3 4 5
Clause 59	Amendment of sch 2 (Dictionary)	6
	Schedule 2—	7
	<i>insert</i> —	8
	‘ <i>employee of the employing office</i> see section 29F(2).	9
	<i>employing office</i> means the Queensland Building Services Employing Office established under section 29A.	10 11
	<i>executive officer</i> , for part 2A, means the executive officer of the employing office appointed under section 29D.	12 13
	<i>government entity</i> see the <i>Public Service Act 1996</i> , section 21.	14 15
	<i>industrial instrument</i> see the <i>Industrial Relations Act 1999</i> , schedule 5.	16 17
	<i>relevant officer</i> , of the authority, means—	18
	(a) an employee of the employing office or of another government entity performing work for the authority under a work performance arrangement; or	19 20 21
	(b) an officer or employee of the authority.	22
	<i>work performance arrangement</i> means an arrangement under which an employee of a government entity performs work for another government entity.’.	23 24 25

Part 7	Amendment of Queensland Museum Act 1970	1 2
Clause 60	Act amended in pt 7	3
	This part amends the <i>Queensland Museum Act 1970</i> .	4
Clause 61	Amendment of s 2 (Definitions)	5
	Section 2—	6
	<i>insert</i> —	7
	‘ <i>commencement</i> , for part 7, division 1, see section 70.	8
	<i>government entity</i> see the <i>Public Service Act 1996</i> , section 21.	9 10
	<i>work performance arrangement</i> means an arrangement under which an employee of a government entity performs work for another government entity.’.	11 12 13
Clause 62	Amendment of s 16 (Restrictions on powers of board)	14
	Section 16(8), definition <i>officer</i> , paragraph (c)—	15
	<i>omit, insert</i> —	16
	‘(c) an employee of a department or another government entity performing work for the board under a work performance arrangement; or’.	17 18 19
Clause 63	Amendment of s 17 (Persons having dealings with board etc.)	20 21
	Section 17(6), definition <i>officer</i> , paragraph (c)—	22
	<i>omit, insert</i> —	23
	‘(c) an employee of a department or another government entity performing work for the board under a work performance arrangement; or’.	24 25 26

Clause 64	Amendment of s 34 (Delegation by board)	1
	Section 34(e)—	2
	<i>omit, insert—</i>	3
	‘(e) an appropriately qualified employee of a department or another government entity performing work for the board under a work performance arrangement; or	4
		5
	board under a work performance arrangement; or	6
	(f) an appropriately qualified employee of the board.’.	7
Clause 65	Amendment of pt 2, div 5 hdg (Director and staff)	8
	Part 2, division 5, heading, ‘and staff’—	9
	<i>omit.</i>	10
Clause 66	Amendment of s 35 (Director and other officers)	11
	(1) Section 35, heading—	12
	<i>omit, insert—</i>	13
‘35	Appointment of director’.	14
	(2) Section 35(3)—	15
	<i>omit.</i>	16
Clause 67	Amendment of s 39 (Delegation by director)	17
	Section 39(1), from ‘to an’—	18
	<i>omit, insert—</i>	19
	‘to—	20
	(a) an appropriately qualified employee of a department or another government entity performing work for the board under a work performance arrangement; or	21
		22
	board under a work performance arrangement; or	23
	(b) an appropriately qualified employee of the board.’.	24

Clause 68	Relocation and renumbering of s 40 (Superannuation schemes)	1 2
	Section 40—	3
	<i>relocate and renumber</i> , in part 2, division 6 as inserted by section 71 of this Act, as section 42B.	4 5
Clause 69	Omission of s 41 (Employees)	6
	Section 41—	7
	<i>omit</i> .	8
Clause 70	Relocation and renumbering of s 42 (Honorary assistants)	9 10
	Section 42—	11
	<i>relocate and renumber</i> , in part 2, division 6, as inserted by section 71 of this Act, as section 42C.	12 13
Clause 71	Insertion of new pt 2, div 6	14
	Part 2—	15
	<i>insert</i> —	16
‘Division 6	Other provisions	17
‘42A	Board may enter into work performance arrangements	18 19
	‘(1) The board may enter into, and give effect to, a work performance arrangement with—	20 21
	(a) the chief executive of a department; or	22
	(b) the appropriate authority of another government entity.	23
	‘(2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	24 25 26
	‘(3) For example, a work performance arrangement may provide for—	27 28

Statutory Bodies Legislation Amendment Bill 2007

- | | | |
|------|---|----------------------|
| (a) | the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and | 1
2 |
| (b) | the authorising of a person to exercise powers for the arrangement; and | 3
4 |
| (c) | whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment. | 5
6
7 |
| ‘(4) | A person performing work for the board under a work performance arrangement entered into under subsection (1)— | 8
9 |
| (a) | is not employed by the board; and | 10 |
| (b) | remains an employee of the department or other government entity whose appropriate authority is a party to the arrangement. | 11
12
13 |
| ‘(5) | To remove any doubt, it is declared that the board does not have power to employ a person performing work for the board under a work performance arrangement entered into under subsection (1).’. | 14
15
16
17 |

Clause 72	Amendment of s 57 (Protection from liability of persons acting under the Act)	18 19
	Section 57(1)(c), ‘42’—	20
	<i>omit, insert—</i>	21
	‘42C’.	22

Clause 73	Insertion of new pt 7, div 1 hdg	23
	Part 7, before section 70—	24
	<i>insert—</i>	25

	‘Division 1	Transitional provisions for Arts Legislation Amendment Act 2003’.	1 2
Clause 74	Amendment of s 70 (Definition for pt 7)		3
	(1) Section 70, heading, ‘pt 7’—		4
	<i>omit, insert—</i>		5
	‘div 1’.		6
	(2) Section 70, ‘part’—		7
	<i>omit, insert—</i>		8
	‘division’.		9
Clause 75	Insertion of new pt 7, div 2		10
	Part 7—		11
	<i>insert—</i>		12
	‘Division 2	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	13 14 15
‘72	Rights and entitlements of particular employees		16
	‘(1) This section applies to a person who—		17
	(a) becomes a public service employee; and		18
	(b) was an employee of the board—		19
	(i) immediately before the commencement of this section; and		20 21
	(ii) immediately before becoming a public service employee.		22 23
	‘(2) On becoming a public service employee—		24
	(a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that—		25 26 27

	(i) have accrued or were accruing to the person as an employee of the board; and	1 2
	(ii) would have accrued to the person if the board had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth); and	3 4 5
	(b) if the person is a member of a superannuation scheme—	6
	(i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and	7 8 9
	(ii) the person’s membership of the scheme is not affected.	10 11
	‘(3) Without limiting subsection (2), for working out the person’s rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person as a public service employee is a continuation of employment of the person by the board.	12 13 14 15 16
‘73	Non-application of Industrial Relations Act 1999, s 167	17 18
	‘For the purpose of the <i>Industrial Relations Act 1999</i> , section 167, ⁷ a department or public service office does not become the successor of any part of the business of the board only because the department or public service office becomes the employer of persons previously employed by the board.	19 20 21 22 23
‘74	Amending Act does not affect particular powers of board	24 25
	‘Nothing in the <i>Statutory Bodies Legislation Amendment Act 2007</i> , part 7, affects the powers of the board under section 14.	26 27
‘75	Continued application of repealed s 41	28
	‘(1) Section 41, ⁸ as in force immediately before the commencement of this section, continues to apply in relation	29 30

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

8 Section 41 (Employees)

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

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

‘76 Application of Act to particular officers

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

(a) immediately before the commencement of this section,
was an officer mentioned in section 35(3) as in force
immediately before that commencement; and

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

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

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

Part 8 Amendment of Residential Tenancies Act 1994

Clause 76 Act amended in pt 8

This part amends the *Residential Tenancies Act 1994*.

Clause 77 Amendment of s 295 (Duration of appointment)

Section 295(2)(c)—

omit, insert—

- ‘(c) the director becomes— 1
- (i) an employee of the employing office or of another 2
government entity performing work for the 3
authority under a work performance arrangement; 4
or 5
- (ii) an employee or contractor of the authority; or’. 6

Clause 78	Insertion of new s 302A	7
	Chapter 8, part 6—	8
	<i>insert—</i>	9
‘302A	Authority may enter into work performance arrangements	10 11
‘(1)	The authority may enter into, and give effect to, a work performance arrangement with—	12 13
	(a) the employing office; or	14
	(b) the appropriate authority of another government entity.	15
‘(2)	A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	16 17 18
‘(3)	For example, a work performance arrangement may provide for—	19 20
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	21 22
	(b) the authorising of a person to exercise powers for the arrangement; and	23 24
	(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	25 26 27
‘(4)	A person performing work for the authority under a work performance arrangement entered into under subsection (1)—	28 29
	(a) is not employed by the authority; and	30
	(b) remains an employee of the employing office, or an employee of the other government entity whose appropriate authority is a party to the arrangement.	31 32 33

‘(5) To remove any doubt, it is declared that the authority does not have power to employ a person performing work for the authority under a work performance arrangement entered into under subsection (1).’.

Clause 79	Replacement of ch 8, pt 7 hdg (Staff of authority)	5
	Chapter 8, part 7, heading—	6
	<i>omit, insert—</i>	7
	‘Part 7 Chief executive officer’.	8
Clause 80	Omission of ch 8, pt 7, div 1 hdg (Chief executive officer)	9
	Chapter 8, part 7, division 1, heading—	10
	<i>omit.</i>	11
Clause 81	Omission of ch 8, pt 7, div 2	12
	Chapter 8, part 7, division 2—	13
	<i>omit.</i>	14
Clause 82	Omission of ch 8, pt 7, div 3 hdg (Conflict of interest)	15
	Chapter 8, part 7, division 3, heading—	16
	<i>omit.</i>	17
Clause 83	Amendment, relocation and renumbering of s 311 (Disclosure of interests)	18
	(1) Section 311(1), ‘an employee of the authority’—	19
	<i>omit, insert—</i>	20
	‘a relevant employee’.	21
	(2) Section 311—	22
	<i>insert—</i>	23
	‘(3) In this section—	24
	<i>relevant employee</i> means—	25
		26

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

Clause 84	Insertion of new ch 8A	7
	After chapter 8—	8
	<i>insert</i> —	9
	‘Chapter 8A Residential Tenancies Employing Office	10
		11
	‘Part 1 Establishment and functions of employing office	12
		13
‘309	Establishment of employing office	14
	‘(1) The Residential Tenancies Employing Office is established.	15
	‘(2) The employing office consists of—	16
	(a) the executive officer; and	17
	(b) the employees of the employing office.	18
	‘(3) The employing office is a separate entity from the authority.	19
‘310	Employing office represents the State	20
	‘(1) The employing office represents the State.	21
	‘(2) Without limiting subsection (1), the employing office has the status, privileges and immunities of the State.	22
		23
‘311	Functions of employing office	24
	‘(1) The main functions of the employing office are—	25

-
- (a) entering into, for the State, a work performance arrangement with the authority under which employees of the employing office perform work for the authority; and
- (b) employing, for the State, staff to perform work for the authority under the work performance arrangement; and
- (c) doing anything incidental to the discharge of the functions mentioned in paragraphs (a) and (b).
- ‘(2) Also, the employing office has any other function conferred on the employing office under this or another Act.
- ‘(3) This section does not limit the employing office’s power to enter into and give effect to a work performance arrangement under section 311D with a government entity other than the authority.

‘Part 2 Executive officer 15

‘311A Appointment of executive officer 16

- ‘(1) There is to be an executive officer of the employing office. 17
- ‘(2) The executive officer is to be appointed by the Governor in Council. 18
19
- ‘(3) The executive officer is appointed under this Act and not under the *Public Service Act 1996*. 20
21

‘311B Executive officer acting for employing office 22

- ‘(1) The employing office acts through the executive officer. 23
- ‘(2) Anything done by the executive officer in the name of, or for, the employing office is taken to have been done by the employing office. 24
25
26

‘Part 3	Staff of employing office	1
‘311C	Employing office may employ staff	2
‘(1)	The employing office may, for the State, employ staff.	3
‘(2)	A person employed under subsection (1) is an <i>employee of the employing office</i> .	4 5
‘(3)	The employing office may decide the terms of employment of the employees of the employing office.	6 7
‘(4)	Subsection (3) applies subject to any relevant industrial instrument.	8 9
‘(5)	Employees of the employing office are employed under this Act and not under the <i>Public Service Act 1996</i> .	10 11
‘311D	Employing office may enter into work performance arrangements	12 13
‘(1)	The employing office may, for the State, enter into and give effect to a work performance arrangement with—	14 15
	(a) the authority; or	16
	(b) the appropriate authority of another government entity.	17
‘(2)	A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	18 19 20
‘(3)	For example, a work performance arrangement may provide for—	21 22
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	23 24
	(b) the authorising of a person to exercise powers for the arrangement; and	25 26
	(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	27 28 29
‘(4)	A person performing work for the authority or other government entity under a work performance arrangement entered into under subsection (1)—	30 31 32

- (a) is not employed by the authority or other government entity; and 1
2
- (b) remains an employee of the employing office. 3
- ‘(5) To remove any doubt, it is declared that the authority or another government entity does not have power to employ a person performing work for the authority or other government entity under a work performance arrangement entered into under subsection (1). 4
5
6
7
8

‘Part 4 Other provisions 9

‘311E Employing office is statutory body 10

- ‘(1) The employing office is a statutory body under— 11
- (a) the *Financial Administration and Audit Act 1977*; and 12
- (b) the *Statutory Bodies Financial Arrangements Act 1982*. 13
- ‘(2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body— 14
15
- (a) the executive officer is taken to be the chairperson of the employing office; and 16
17
- (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and 18
19
20
21
22
- (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them. 23
24
25
26
27

‘311F Application of Crime and Misconduct Act 2001 28

- ‘The employing office is a unit of public administration under the *Crime and Misconduct Act 2001*.’. 29
30

Clause 85	Amendment of s 319 (Protection from liability)	1
	(1) Section 319(1), definition <i>official</i> , paragraphs (c) and (d)—	2
	<i>renumber</i> as paragraphs (d) and (e).	3
	(2) Section 319(1), definition <i>official</i> —	4
	<i>insert</i> —	5
	‘(c) an employee of the employing office or of another	6
	government entity who performs work for the authority	7
	under a work performance arrangement; and’.	8
Clause 86	Insertion of new ch 11, pt 4	9
	Chapter 11—	10
	<i>insert</i> —	11
‘Part 4	Transitional provisions for	12
	Statutory Bodies Legislation	13
	Amendment Act 2007	14
‘351	Rights and entitlements of particular employees	15
	‘(1) This section applies to a person who—	16
	(a) becomes an employee of the employing office; and	17
	(b) was an employee of the authority—	18
	(i) immediately before the commencement of this	19
	section; and	20
	(ii) immediately before becoming an employee of the	21
	employing office.	22
	‘(2) On becoming an employee of the employing office, the person	23
	is taken to be employed under section 311C on the conditions	24
	on which the person would have been employed by the	25
	authority, immediately before the person became an employee	26
	of the employing office, if the authority had never become an	27
	employer under the <i>Workplace Relations Act 1996</i> (Cwlth).	28
	‘(3) Also—	29

-
- (a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that—
- (i) have accrued or were accruing to the person as an employee of the authority; and
- (ii) would have accrued to the person if the authority had never become an employer under the *Workplace Relations Act 1996* (Cwlth); and
- (b) if the person is a member of a superannuation scheme—
- (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and
- (ii) the person’s membership of the scheme is not affected.
- ‘(4) Without limiting subsection (3), for working out the person’s rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person by the employing office is a continuation of employment of the person by the authority.
- ‘(5) Subsection (2) does not limit section 311C(3) and (4).
- ‘352 Application of industrial instruments**
- ‘The employing office is taken to be bound by the industrial instruments that bound the authority immediately before it became an employer under the *Workplace Relations Act 1996* (Cwlth).
- ‘353 Amending Act does not affect particular powers of authority**
- ‘Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 8, affects the powers of the authority under section 290.

'354	Continued application of repealed s 309	1
	'(1) Section 309, ⁹ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the authority under the section immediately before the commencement while that employment continues.	2 3 4 5 6
	'(2) This section does not limit section 353.'	7
Clause 87	Amendment of sch 3 (Dictionary)	8
	(1) Schedule 3, definition <i>officer</i> —	9
	<i>omit.</i>	10
	(2) Schedule 3—	11
	<i>insert</i> —	12
	'employee of the employing office see section 311C(2).	13
	employing office means the Residential Tenancies Employing Office established under section 309.	14 15
	executive officer , for chapter 8A, means the executive officer of the employing office appointed under section 311A.	16 17
	government entity see the <i>Public Service Act 1996</i> , section 21.	18 19
	industrial instrument see the <i>Industrial Relations Act 1999</i> , schedule 5.	20 21
	officer of the authority means any of the following—	22
	(a) the chief executive officer;	23
	(b) an employee of the employing office or of another government entity performing work for the authority under a work performance arrangement;	24 25 26
	(c) an employee of the authority, whether or not there is a written contract of employment between the authority and the employee;	27 28 29
	(d) an individual performing services for the authority—	30

9 Section 309 (Authority staff)

(i) under a contract, other than a contract of employment, between the individual and the authority; or

(ii) under an arrangement, other than a work performance arrangement, between the authority and a person other than the individual.

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

Part 9 **Amendment of South Bank Corporation Act 1989**

Clause 88 **Act amended in pt 9**

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

Clause 89 **Amendment of long title**

Long title, after 'area,'—

insert—

'to establish the South Bank Employing Office,'.

Clause 90 **Amendment of s 3 (Definitions)**

Section 3—

insert—

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

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

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

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

industrial instrument see the *Industrial Relations Act 1999*,
schedule 5. 1
2

work performance arrangement means an arrangement under
which an employee of a government entity or public agency
performs work for another government entity or public
agency.’. 3
4
5
6

Clause 91 Omission of s 14 (Employment of staff and consultants) 7
Section 14— 8
omit. 9

Clause 92 Insertion of new s 31A 10
Part 4— 11
insert— 12

‘31A Corporation may enter into work performance arrangements 13
14

‘(1) The corporation may enter into, and give effect to, a work
performance arrangement with— 15
16

(a) the employing office; or 17

(b) the appropriate authority of another government entity
or public agency. 18
19

‘(2) A work performance arrangement may make provision for all
matters necessary or convenient to be provided under the
arrangement. 20
21
22

‘(3) For example, a work performance arrangement may provide
for— 23
24

(a) the appointment of a person to an office, and the holding
of the office by the person, for the arrangement; and 25
26

(b) the authorising of a person to exercise powers for the
arrangement; and 27
28

(c) whether payment is to be made for work done under the
arrangement and, if so, what payment is to be made and
who is to make the payment. 29
30
31

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

Clause 93 Insertion of new pt 4A 12

After part 4— 13

insert— 14

‘Part 4A South Bank Employing Office 15

**‘Division 1 Establishment and functions of
employing office** 16
17

‘31B Establishment of employing office 18

‘(1) The South Bank Employing Office is established. 19

‘(2) The employing office consists of— 20

(a) the executive officer; and 21

(b) the employees of the employing office. 22

‘(3) The employing office is a separate entity from the corporation. 23
24

‘31C Employing office represents the State 25

‘(1) The employing office represents the State. 26

‘(2) Without limiting subsection (1), the employing office has the status, privileges and immunities of the State. 27
28

‘31D Functions of employing office	1
‘(1) The main functions of the employing office are—	2
(a) entering into, for the State, a work performance arrangement with the corporation under which employees of the employing office perform work for the corporation; and	3 4 5 6
(b) employing, for the State, staff to perform work for the corporation under the work performance arrangement; and	7 8 9
(c) doing anything incidental to the discharge of the functions mentioned in paragraphs (a) and (b).	10 11
‘(2) Also, the employing office has any other function conferred on the employing office under this or another Act.	12 13
‘(3) This section does not limit the employing office’s power to enter into and give effect to a work performance arrangement under section 31H with a government entity or public agency other than the corporation.	14 15 16 17
‘Division 2 Executive officer	18
‘31E Appointment of executive officer	19
‘(1) There is to be an executive officer of the employing office.	20
‘(2) The executive officer is to be appointed by the Governor in Council.	21 22
‘(3) The executive officer is appointed under this Act and not under the <i>Public Service Act 1996</i> .	23 24
‘31F Executive officer acting for employing office	25
‘(1) The employing office acts through the executive officer.	26
‘(2) Anything done by the executive officer in the name of, or for, the employing office is taken to have been done by the employing office.	27 28 29

‘Division 3	Staff of employing office	1
‘31G	Employing office may employ staff	2
‘(1)	The employing office may, for the State, employ staff.	3
‘(2)	A person employed under subsection (1) is an <i>employee of the employing office</i> .	4 5
‘(3)	The employing office may decide the terms of employment of the employees of the employing office.	6 7
‘(4)	Subsection (3) applies subject to any relevant industrial instrument.	8 9
‘(5)	Employees of the employing office are employed under this Act and not under the <i>Public Service Act 1996</i> .	10 11
‘31H	Employing office may enter into work performance arrangements	12 13
‘(1)	The employing office may, for the State, enter into and give effect to a work performance arrangement with—	14 15
	(a) the corporation; or	16
	(b) the appropriate authority of another government entity or public agency.	17 18
‘(2)	A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	19 20 21
‘(3)	For example, a work performance arrangement may provide for—	22 23
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	24 25
	(b) the authorising of a person to exercise powers for the arrangement; and	26 27
	(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	28 29 30

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

‘Division 4 Other provisions 13

‘311 **Employing office is statutory body** 14

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

Clause 94	Insertion of new pt 11, div 3	1
	Part 11—	2
	<i>insert—</i>	3
‘Division 3	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	4 5 6
‘125	Rights and entitlements of particular employees	7
	‘(1) This section applies to a person who—	8
	(a) becomes an employee of the employing office; and	9
	(b) was an employee of the corporation—	10
	(i) immediately before the commencement of this section; and	11 12
	(ii) immediately before becoming an employee of the employing office.	13 14
	‘(2) On becoming an employee of the employing office, the person is taken to be employed under section 31G on the conditions on which the person would have been employed by the corporation, immediately before the person became an employee of the employing office, if the corporation had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth).	15 16 17 18 19 20 21
	‘(3) Also—	22
	(a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that—	23 24 25
	(i) have accrued or were accruing to the person as an employee of the corporation; and	26 27
	(ii) would have accrued to the person if the corporation had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth); and	28 29 30
	(b) if the person is a member of a superannuation scheme—	31

	(i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and	1 2 3
	(ii) the person's membership of the scheme is not affected.	4 5
	'(4) Without limiting subsection (3), for working out the person's rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person by the employing office is a continuation of employment of the person by the corporation.	6 7 8 9 10
	'(5) Subsection (2) does not limit section 31G(3) and (4).	11
'126	Application of industrial instruments	12
	'The employing office is taken to be bound by the industrial instruments that bound the corporation immediately before it became an employer under the <i>Workplace Relations Act 1996</i> (Cwlth).	13 14 15 16
'127	Amending Act does not affect particular powers of corporation	17 18
	'Nothing in the <i>Statutory Bodies Legislation Amendment Act 2007</i> , part 9, affects the powers of the corporation under section 7.	19 20 21
'128	Continued application of repealed s 14	22
	'(1) Section 14, ¹⁰ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the corporation immediately before the commencement while that employment continues.	23 24 25 26
	'(2) This section does not limit section 127.'	27

10 Section 14 (Employment of staff and consultants)

Clause 95	Amendment of sch 1 (Additional provisions about members and procedure of the board)	1 2
	Schedule 1, section 2(a), after ‘board’—	3
	<i>insert—</i>	4
	‘, or becomes an employee of the employing office or another government entity or public agency performing work for the corporation, on a full-time basis, under a work performance arrangement.’.	5 6 7 8
Part 10		
	Amendment of Tourism Queensland Act 1979	9 10
Clause 96	Act amended in pt 10	11
	This part amends the <i>Tourism Queensland Act 1979</i> .	12
Clause 97	Amendment of long title	13
	Long title, after ‘powers’—	14
	<i>insert—</i>	15
	‘, for the establishment of the Tourism Queensland Employing Office.’.	16 17
Clause 98	Amendment of s 2 (Definitions)	18
	Section 2—	19
	<i>insert—</i>	20
	‘ <i>employee of the employing office</i> see section 29AF(2).’	21
	<i>employing office</i> means the Tourism Queensland Employing Office established under section 29AA.	22 23
	<i>executive officer</i> means the executive officer of the employing office appointed under section 29AD.	24 25
	<i>government entity</i> see the <i>Public Service Act 1996</i> , section 21.	26 27

industrial instrument see the *Industrial Relations Act 1999*,
 schedule 5. 1
 2

work performance arrangement means an arrangement under
 which an employee of a government entity performs work for
 another government entity.’. 3
 4
 5

Clause 99	Replacement of ss 16 and 17	6
	Sections 16 and 17—	7
	<i>omit, insert—</i>	8
‘16	Corporation may enter into work performance arrangements	9 10
	‘(1) The corporation may enter into, and give effect to, a work performance arrangement with—	11 12
	(a) the employing office; or	13
	(b) the appropriate authority of another government entity.	14
	‘(2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	15 16 17
	‘(3) For example, a work performance arrangement may provide for—	18 19
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	20 21
	(b) the authorising of a person to exercise powers for the arrangement; and	22 23
	(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	24 25 26
	‘(4) A person performing work for the corporation under a work performance arrangement entered into under subsection (1)—	27 28
	(a) is not employed by the corporation; and	29
	(b) remains an employee of the employing office, or an employee of the other government entity whose appropriate authority is a party to the arrangement.	30 31 32

‘(5) To remove any doubt, it is declared that the corporation does not have power to employ a person performing work for the corporation under a work performance arrangement entered into under subsection (1).’.

Clause 100	Amendment of s 19 (Delegation)	5
	(1) Section 19(b)—	6
	<i>omit, insert—</i>	7
	‘(b) the general manager of the corporation; or	8
	(c) an appropriately qualified employee of the employing office or of another government entity who performs work for the corporation under a work performance arrangement; or	9 10 11 12
	(d) an appropriately qualified employee of the corporation.’.	13
	(2) Section 19—	14
	<i>insert—</i>	15
	‘(2) In this section—	16
	<i>appropriately qualified</i> includes having the qualifications, experience or standing appropriate to exercise the power.	17 18
	<i>Example of standing—</i>	19
	a person’s seniority level in an entity’.	20
Clause 101	Insertion of new pt 2, div 2A	21
	Part 2—	22
	<i>insert—</i>	23
	‘Division 2A General manager	24
	‘20A Appointment of general manager	25
	‘(1) There is to be a general manager of the corporation.	26
	‘(2) The general manager is to be appointed by the Governor in Council.	27 28

‘(3) The general manager is appointed under this Act and not under the *Public Service Act 1996*.’ 1
2

Clause 102 Amendment of s 27 (Custody of seal—authentication of documents) 3
4
Section 27(1), ‘an officer of the corporation’— 5
omit, insert— 6
‘a person’. 7

Clause 103 Insertion of new pt 2AA 8
After part 2— 9
insert— 10

**‘Part 2AA Tourism Queensland
Employing Office** 11
12

**‘Division 1 Establishment and functions of
employing office** 13
14

‘29AA Establishment of employing office 15

‘(1) The Tourism Queensland Employing Office is established. 16

‘(2) The employing office consists of— 17

(a) the executive officer; and 18

(b) the employees of the employing office. 19

‘(3) The employing office is a separate entity from the corporation. 20
21

‘29AB Employing office represents the State 22

‘(1) The employing office represents the State. 23

‘(2) Without limiting subsection (1), the employing office has the status, privileges and immunities of the State. 24
25

‘29AC Functions of employing office	1
‘(1) The main functions of the employing office are—	2
(a) entering into, for the State, a work performance arrangement with the corporation under which employees of the employing office perform work for the corporation; and	3 4 5 6
(b) employing, for the State, staff to perform work for the corporation under the work performance arrangement; and	7 8 9
(c) doing anything incidental to the discharge of the functions mentioned in paragraphs (a) and (b).	10 11
‘(2) Also, the employing office has any other function conferred on the employing office under this or another Act.	12 13
‘(3) This section does not limit the employing office’s power to enter into and give effect to a work performance arrangement under section 29AG with a government entity other than the corporation.	14 15 16 17
‘Division 2 Executive officer	18
‘29AD Appointment of executive officer	19
‘(1) There is to be an executive officer of the employing office.	20
‘(2) The executive officer is to be appointed by the Governor in Council.	21 22
‘(3) The executive officer is appointed under this Act and not under the <i>Public Service Act 1996</i> .	23 24
‘29AE Executive officer acting for employing office	25
‘(1) The employing office acts through the executive officer.	26
‘(2) Anything done by the executive officer in the name of, or for, the employing office is taken to have been done by the employing office.	27 28 29

‘Division 3	Staff of employing office	1
‘29AF	Employing office may employ staff	2
‘(1)	The employing office may, for the State, employ staff.	3
‘(2)	A person employed under subsection (1) is an <i>employee of the employing office</i> .	4 5
‘(3)	The employing office may decide the terms of employment of the employees of the employing office.	6 7
‘(4)	Subsection (3) applies subject to any relevant industrial instrument.	8 9
‘(5)	Employees of the employing office are employed under this Act and not under the <i>Public Service Act 1996</i> .	10 11
‘29AG	Employing office may enter into work performance arrangements	12 13
‘(1)	The employing office may, for the State, enter into and give effect to a work performance arrangement with—	14 15
	(a) the corporation; or	16
	(b) the appropriate authority of another government entity.	17
‘(2)	A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	18 19 20
‘(3)	For example, a work performance arrangement may provide for—	21 22
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	23 24
	(b) the authorising of a person to exercise powers for the arrangement; and	25 26
	(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	27 28 29
‘(4)	A person performing work for the corporation or other government entity under a work performance arrangement entered into under subsection (1)—	30 31 32

- (a) is not employed by the corporation or other government entity; and 1
2
- (b) remains an employee of the employing office. 3
- ‘(5) To remove any doubt, it is declared that the corporation or another government entity does not have power to employ a person performing work for the corporation or other government entity under a work performance arrangement entered into under subsection (1). 4
5
6
7
8

‘Division 4 Other provisions 9

‘29AH Employing office is statutory body 10

- ‘(1) The employing office is a statutory body under— 11
 - (a) the *Financial Administration and Audit Act 1977*; and 12
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*. 13
- ‘(2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body— 14
15
 - (a) the executive officer is taken to be the chairperson of the employing office; and 16
17
 - (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and 18
19
20
21
22
 - (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.’. 23
24
25
26
27

Clause 104 Insertion of new pt 5, div 1 hdg 28

Part 5, before section 36— 29

insert— 30

	‘Division 1	Transitional provisions for Tourism Legislation Amendment Act 1999’.	1 2
Clause 105	Insertion of new pt 5, div 2		3
	After section 37—		4
	<i>insert—</i>		5
	‘Division 2	Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	6 7 8
‘38	Rights and entitlements of particular employees		9
	‘(1) This section applies to a person who—		10
	(a) becomes an employee of the employing office; and		11
	(b) was an employee of the corporation—		12
	(i) immediately before the commencement of this section; and		13 14
	(ii) immediately before becoming an employee of the employing office.		15 16
	‘(2) On becoming an employee of the employing office, the person is taken to be employed under section 29AF on the conditions on which the person would have been employed by the corporation, immediately before the person became an employee of the employing office, if the corporation had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth).		17 18 19 20 21 22 23
	‘(3) Also—		24
	(a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that—		25 26 27
	(i) have accrued or were accruing to the person as an employee of the corporation; and		28 29
	(ii) would have accrued to the person if the corporation had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth); and		30 31 32

-
- (b) if the person is a member of a superannuation scheme— 1
- (i) the person keeps all entitlements accrued or 2
accruing to the person as a member of the scheme; 3
and 4
- (ii) the person’s membership of the scheme is not 5
affected. 6
- ‘(4) Without limiting subsection (3), for working out the person’s 7
rights and entitlements, including entitlements to receive long 8
service, recreation and sick leave and any similar entitlements, 9
employment of the person by the employing office is a 10
continuation of employment of the person by the corporation. 11
- ‘(5) If the person was a seconded employee immediately before 12
becoming an employee of the employing office, the 13
arrangement under which the person was performing work for 14
a government entity other than the corporation may continue 15
until the arrangement ends, and, if the arrangement does 16
continue— 17
- (a) subsection (2) does not apply to the person; and 18
- (b) on the ending of the arrangement, the person is taken to 19
be employed under section 29AF on the conditions on 20
which the person would have been employed by the 21
corporation, on the ending of the arrangement, if— 22
- (i) the person had continued to be an employee of the 23
corporation; and 24
- (ii) the corporation had never become an employer 25
under the *Workplace Relations Act 1996* (Cwlth). 26
- ‘(6) Subsections (2) and (5)(b) do not limit section 29AF(3) and 27
(4). 28
- ‘(7) In this section— 29
- employee of the corporation*** includes a seconded employee. 30
- seconded employee*** means an employee of the corporation 31
performing work for another government entity under an 32
arrangement entered into, before the commencement of this 33
section, by the corporation with the appropriate authority of 34
the other government entity. 35

‘39	Application of industrial instruments	1
	‘The employing office is taken to be bound by the industrial instruments that bound the corporation immediately before it became an employer under the <i>Workplace Relations Act 1996</i> (Cwlth).	2 3 4 5
‘40	Amending Act does not affect particular powers of corporation	6 7
	‘Nothing in the <i>Statutory Bodies Legislation Amendment Act 2007</i> , part 10, affects the powers of the corporation under section 14.	8 9 10
‘41	Continued application of repealed s 16	11
	‘(1) Section 16, ¹¹ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the corporation under that section, other than the general manager of the corporation, immediately before the commencement while that employment continues.	12 13 14 15 16 17
	‘(2) This section does not limit section 40.	18
‘42	Continuation in office of general manager	19
	‘(1) This section applies if a person was employed by the corporation, immediately before the commencement of this section, as the general manager of the corporation under repealed section 16.	20 21 22 23
	‘(2) The person continues to hold office as the general manager of the corporation until—	24 25
	(a) someone is appointed as the general manager by the Governor in Council under section 20A(2); or	26 27
	(b) if the person’s employment by the corporation as the general manager otherwise ends before the appointment mentioned in paragraph (a)—the person’s employment otherwise ends.	28 29 30 31

11 Section 16 (Engagement and employment of staff)

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

Part 11 Amendment of Water Act 2000 7

- Clause 106 Act amended in pt 11** 8
 This part amends the *Water Act 2000*. 9
- Clause 107 Amendment of s 542 (Purpose of ch 4)** 10
- (1) Section 542, heading, ‘Purpose’— 11
omit, insert— 12
 ‘**Purposes**’. 13
- (2) Section 542, ‘The purpose’— 14
omit, insert— 15
 ‘The main purpose’. 16
- (3) Section 542— 17
insert— 18
- ‘(2) Another purpose of this chapter is to establish the employing offices for water authorities.’. 19
 20
- Clause 108 Replacement of ch 4, pt 3, div 4 (Water authority employees)** 21
 Chapter 4, part 3, division 4— 22
omit, insert— 23
 24

‘Division 4	Work performance arrangements	1
‘584	Water authority may enter into work performance arrangements	2 3
‘(1)	A water authority may enter into, and give effect to, a work performance arrangement with—	4 5
	(a) the employing office for the water authority; or	6
	(b) the appropriate authority of another government entity.	7
‘(2)	A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	8 9 10
‘(3)	For example, a work performance arrangement may provide for—	11 12
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	13 14
	(b) the authorising of a person to exercise powers for the arrangement; and	15 16
	(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	17 18 19
‘(4)	A person performing work for a water authority under a work performance arrangement entered into under subsection (1)—	20 21
	(a) is not employed by the water authority; and	22
	(b) remains an employee of the employing office for the water authority, or an employee of the other government entity whose appropriate authority is a party to the arrangement.	23 24 25 26
‘(5)	To remove any doubt, it is declared that a water authority does not have power to employ a person performing work for the water authority under a work performance arrangement entered into under subsection (1).’	27 28 29 30
Clause 109	Amendment of s 585 (Duties and liabilities of water authority officers)	31 32
	Section 585(9), definition <i>officer</i> —	33

omit, insert— 1

‘officer, of a water authority, includes— 2

(a) an employee of the water authority; and 3

(b) an employee of the employing office for the water 4
 authority or of another government entity who performs 5
 work for the authority under a work performance 6
 arrangement between the water authority and the 7
 employing office or other government entity.’. 8

Clause 110 Amendment of s 618 (Power to grant relief) 9

(1) Section 618(1), from ‘who is’— 10

omit, insert— 11

‘who is— 12

(a) an officer or employee of a water authority; or 13

(b) an employee of the employing office for a water 14
 authority or of another government entity who performs 15
 work for the authority under a work performance 16
 arrangement between the water authority and the 17
 employing office or other government entity.’. 18

(2) Section 618(2) and (4), after ‘water authority’— 19

omit, insert— 20

‘or as an employee of the employing office for the water 21
 authority or of the other government entity’’. 22

Clause 111 Amendment of s 619 (False or misleading information or documents) 23

Section 619(1), definition *officer*— 24

omit, insert— 25

‘officer, of a water authority, includes— 26

(a) an employee of the water authority; and 27

(b) an employee of the employing office for the water 28
 authority or of another government entity who performs 29
 work for the authority under a work performance 30
 arrangement between the water authority and the 31

	arrangement between the water authority and the employing office or other government entity?.	1 2
Clause 112	Insertion of new ch 4, pt 4A	3
	Chapter 4, after part 4—	4
	<i>insert—</i>	5
‘Part 4A	Employing offices for water authorities	6 7
‘Division 1	Establishment and functions of employing offices for water authorities	8 9 10
‘625	Establishment of employing office for water authority	11
	‘(1) A regulation may establish the employing office for a water authority.	12 13
	‘(2) The regulation must name the employing office for the water authority.	14 15
	‘(3) The employing office for a water authority consists of—	16
	(a) the executive officer of the employing office; and	17
	(b) the employees of the employing office.	18
	‘(4) The employing office for a water authority is a separate entity from the water authority.	19 20
‘626	Employing office for water authority represents the State	21 22
	‘(1) The employing office for a water authority represents the State.	23 24
	‘(2) Without limiting subsection (1), the employing office has the status, privileges and immunities of the State.	25 26

'627	Functions of employing office for water authority	1
'(1)	The main functions of the employing office for a water authority are—	2 3
	(a) entering into, for the State, a work performance arrangement with the water authority under which employees of the employing office perform work for the authority; and	4 5 6 7
	(b) employing, for the State, staff to perform work for the water authority under the work performance arrangement; and	8 9 10
	(c) doing anything incidental to the discharge of the functions mentioned in paragraphs (a) and (b).	11 12
'(2)	Also, the employing office for a water authority has any other function conferred on the employing office under this or another Act.	13 14 15
'(3)	This section does not limit the power of the employing office for a water authority to enter into and give effect to a work performance arrangement under section 631 with a government entity other than the water authority.	16 17 18 19
'Division 2	Executive officer	20
'628	Appointment of executive officer	21
'(1)	There is to be an executive officer of the employing office for a water authority.	22 23
'(2)	The executive officer is to be appointed by the Governor in Council.	24 25
'(3)	The executive officer is appointed under this Act and not under the <i>Public Service Act 1996</i> .	26 27
'629	Executive officer acting for employing office of water authority	28 29
'(1)	The employing office for a water authority acts through the executive officer of the employing office.	30 31

‘(2)	Anything done by the executive officer in the name of, or for, the employing office is taken to have been done by the employing office.	1 2 3
‘Division 3	Staff of employing offices for water authorities	4 5
‘630	Employing office for water authority may employ staff	6
‘(1)	The employing office for a water authority may, for the State, employ staff.	7 8
‘(2)	A person employed under subsection (1) is an <i>employee of the employing office</i> .	9 10
‘(3)	The employing office for a water authority may decide the terms of employment of the employees of the employing office.	11 12 13
‘(4)	Subsection (3) applies subject to any relevant industrial instrument.	14 15
‘(5)	Employees of the employing office for a water authority are employed under this Act and not the <i>Public Service Act 1996</i> .	16 17
‘631	Employing office for water authority may enter into work performance arrangements	18 19
‘(1)	The employing office for a water authority may, for the State, enter into and give effect to a work performance arrangement with—	20 21 22
	(a) the water authority; or	23
	(b) the appropriate authority of another government entity.	24
‘(2)	A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	25 26 27
‘(3)	For example, a work performance arrangement may provide for—	28 29
	(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	30 31

- (b) the authorising of a person to exercise powers for the arrangement; and 1
2
- (c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment. 3
4
5
- ‘(4) A person performing work for a water authority or other government entity under a work performance arrangement entered into under subsection (1)— 6
7
8
- (a) is not employed by the water authority or other government entity; and 9
10
- (b) remains an employee of the employing office for the water authority. 11
12
- ‘(5) To remove any doubt, it is declared that a water authority or another government entity does not have power to employ a person performing work for the authority or other government entity under a work performance arrangement entered into under subsection (1). 13
14
15
16
17

‘Division 4 Other provisions 18

‘632 **Employing office for water authority is statutory body** 19

- ‘(1) The employing office for a water authority is a statutory body under— 20
21
- (a) the *Financial Administration and Audit Act 1977*; and 22
- (b) the *Statutory Bodies Financial Arrangements Act 1982*. 23
- ‘(2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body— 24
25
- (a) the executive officer of the employing office is taken to be the chairperson of the employing office; and 26
27
- (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general’s report mentioned in the subsection as soon as practicable after they are received by the employing office; and 28
29
30
31
32

- (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.’ 1
2
3
4
5

Clause 113	Replacement of s 704 (Existing employees)	6
	Section 704—	7
	<i>omit, insert—</i>	8
‘704	Existing employees	9
	‘(1) On the changeover day for a former water authority that is amalgamated with another water authority—	10 11
	(a) a person who was employed by the former water authority becomes an employee of the new entity; and	12 13
	(b) a person who was employed by the employing office for the former water authority becomes an employee of the employing office for the new entity.	14 15 16
	‘(2) On the changeover day for a former water authority that is converted to an alternative institutional structure—	17 18
	(a) a person who was employed by the former water authority becomes an employee of the new entity; and	19 20
	(b) a person who was employed by the employing office for the former water authority becomes an employee of—	21 22
	(i) if there is an employing authority for the new entity—that employing authority; or	23 24
	(ii) otherwise—the new entity.	25
	‘(3) A person mentioned in subsection (1) or (2)—	26
	(a) must be employed on terms and conditions of employment that are at least as favourable as the person’s existing terms and conditions of employment; and	27 28 29 30
	(b) remains entitled to all existing and accruing rights of employment.’.	31 32

Clause 114	Amendment of s 936 (Responsibility for acts or omissions of representatives)	1 2
	Section 936(4), definition <i>representative</i> —	3
	<i>omit, insert</i> —	4
	‘ <i>representative</i> means—	5
	(a) for a water authority—	6
	(i) an executive officer, employee or agent of the water authority; or	7 8
	(ii) an employee of the employing office for the water authority or of another government entity who performs work for the authority under a work performance arrangement between the water authority and the employing office or other government entity; or	9 10 11 12 13 14
	(b) for a corporation, other than a water authority—an executive officer, employee or agent of the corporation; or	15 16 17
	(c) for an individual—an employee or agent of the individual.’.	18 19
 Clause 115	 Insertion of new ch 9, pt 5, div 8	 20
	After section 1146—	21
	<i>insert</i> —	22
	‘Division 8 Transitional provisions for Statutory Bodies Legislation Amendment Act 2007	23 24 25
	‘1147 Rights and entitlements of particular employees	26
	‘(1) This section applies to a person who—	27
	(a) becomes an employee of the employing office for a water authority; and	28 29
	(b) was an employee of the water authority—	30

Statutory Bodies Legislation Amendment Bill 2007

- | | |
|--|-----------------------------------|
| (i) immediately before the commencement of this section; and | 1
2 |
| (ii) immediately before becoming an employee of the employing office. | 3
4 |
| ‘(2) On becoming an employee of the employing office for the water authority, the person is taken to be employed under section 630 on the conditions on which the person would have been employed by the water authority, immediately before the person became an employee of the employing office, if the water authority had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth). | 5
6
7
8
9
10
11 |
| ‘(3) Also— | 12 |
| (a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that— | 13
14
15 |
| (i) have accrued or were accruing to the person as an employee of the water authority; and | 16
17 |
| (ii) would have accrued to the person if the water authority had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth); and | 18
19
20 |
| (b) if the person is a member of a superannuation scheme— | 21 |
| (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and | 22
23
24 |
| (ii) the person’s membership of the scheme is not affected. | 25
26 |
| ‘(4) Without limiting subsection (3), for working out the person’s rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person by the employing office for the water authority is a continuation of employment of the person by the water authority. | 27
28
29
30
31
32 |
| ‘(5) Subsection (2) does not limit section 630(3) and (4). | 33 |

‘1148 Application of industrial instruments	1
‘The employing office for a water authority is taken to be bound by the industrial instruments that bound the water authority immediately before it became an employer under the <i>Workplace Relations Act 1996</i> (Cwlth).	2 3 4 5
‘1149 Amending Act does not affect particular powers of water authority	6 7
‘Nothing in the <i>Statutory Bodies Legislation Amendment Act 2007</i> , part 11, affects the powers of a water authority under section 550.	8 9 10
‘1150 Continued application of repealed provisions	11
‘(1) Chapter 4, part 3, division 4, ¹² as in force immediately before the commencement of this section (the <i>repealed division</i>), continues to apply in relation to persons employed by the water authority under the repealed division immediately before the commencement while that employment continues.	12 13 14 15 16
‘(2) This section does not limit section 1149.’.	17
Clause 116 Amendment of sch 4 (Dictionary)	18
Schedule 4—	19
<i>insert—</i>	20
‘ <i>employee of the employing office</i> see section 630(2).	21
<i>employing office</i> , for a water authority, means the employing office for the water authority established under this Act.	22 23
<i>executive officer</i> , of the employing office for a water authority, means the executive officer of the employing office for the water authority appointed under section 628.	24 25 26
<i>government entity</i> see the <i>Public Service Act 1996</i> , section 21.	27 28

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

industrial instrument see the *Industrial Relations Act 1999*,
schedule 5. 1
2

work performance arrangement means an arrangement under
which an employee of a government entity performs work for
another government entity.’. 3
4
5

Part 12 **Amendment of Workers’ Compensation and Rehabilitation Act 2003** 6 7 8

Clause 117 Act amended in pt 12 9
This part amends the *Workers’ Compensation and
Rehabilitation Act 2003*. 10
11

**Clause 118 Amendment of s 337 (Regard to particular ability in
appointment of directors)** 12
13
Section 337(2)(b)(i), ‘or WorkCover employee’— 14
insert— 15
‘, WorkCover employee or an employee of the employing
office or of another government entity or non-Queensland
government entity who performs work for WorkCover under a
work performance arrangement’. 16
17
18
19

**Clause 119 Amendment of s 389 (General restriction of WorkCover’s
powers)** 20
21
Section 389(9), definition *WorkCover officer*— 22
insert— 23
‘(c) an employee of the employing office or of another
government entity or non-Queensland government
entity who performs work for WorkCover under a work
performance arrangement.’. 24
25
26
27

Clause 120	Amendment of s 392 (Protection of persons who deal with WorkCover)	1 2
	Section 392(6), definition <i>WorkCover officer</i> —	3
	<i>insert</i> —	4
	‘(c) an employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement.’.	5 6 7 8
Clause 121	Amendment of s 422 (Power to grant relief)	9
	Section 422(5), definition <i>WorkCover officer</i> —	10
	<i>insert</i> —	11
	‘(c) an employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement.’.	12 13 14 15
Clause 122	Amendment of s 423 (False or misleading information or documents)	16 17
	Section 423(4), definition <i>WorkCover officer</i> —	18
	<i>insert</i> —	19
	‘(c) an employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement.’.	20 21 22 23
Clause 123	Amendment of s 428 (Delegation by board)	24
	(1) Section 428(1)(d), after ‘employee’—	25
	<i>omit, insert</i> —	26
	‘or employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement’.	27 28 29 30

- (2) Section 428(2), example, after ‘WorkCover’— 1
omit, insert— 2
‘, the employing office or another government entity or non-Queensland 3
government entity’ . 4

- Clause 124 Amendment of s 445 (Delegation by chief executive officer)** 5
6
- (1) Section 445(1), after ‘employee’— 7
omit, insert— 8
‘or employee of the employing office or of another 9
government entity or non-Queensland government entity who 10
performs work for WorkCover under a work performance 11
arrangement’ . 12
- (2) Section 445(3), example, after ‘WorkCover’— 13
omit, insert— 14
‘, the employing office or another government entity or non-Queensland 15
government entity’ . 16

- Clause 125 Replacement of s 448 (Basis of employment generally)** 17
- Section 448— 18
omit, insert— 19
- ‘448 WorkCover may enter into work performance arrangements** 20
21
- ‘(1) WorkCover may enter into, and give effect to, a work 22
performance arrangement with— 23
- (a) the employing office; or 24
- (b) the appropriate authority of another government entity 25
or non-Queensland government entity. 26
- ‘(2) A work performance arrangement may make provision for all 27
matters necessary or convenient to be provided under the 28
arrangement. 29
- ‘(3) For example, a work performance arrangement may provide 30
for— 31

	(a)	the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	1 2
	(b)	the authorising of a person to exercise powers for the arrangement; and	3 4
	(c)	whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	5 6 7
	‘(4)	A person performing work for WorkCover under a work performance arrangement entered into under subsection (1)—	8 9
	(a)	is not employed by WorkCover; and	10
	(b)	remains an employee of the employing office, or an employee of the other government entity or non-Queensland government entity whose appropriate authority is a party to the arrangement.	11 12 13 14
	‘(5)	To remove any doubt, it is declared that WorkCover does not have power to employ a person performing work for WorkCover under a work performance arrangement entered into under subsection (1).’.	15 16 17 18
Clause 126	Omission of s 450 (Arrangements relating to staff)		19
		Section 450—	20
		<i>omit.</i>	21
Clause 127	Amendment of s 466 (Appointment of authorised persons)		22 23
	(1)	Section 466(1), after ‘employee’—	24
		<i>omit, insert—</i>	25
		‘or an employee of the employing office or of another government entity or non-Queensland government entity who performs work for WorkCover under a work performance arrangement’.	26 27 28 29
	(2)	Section 466(2), ‘a WorkCover employee’—	30
		<i>omit, insert—</i>	31
		‘the person’.	32

- (3) Section 466(2), ‘the employee’— 1
 omit, insert— 2
 ‘the person’. 3

- Clause 128 Insertion of new ch 8A** 4
 After chapter 8— 5
 insert— 6

‘Chapter 8A WorkCover Employing Office 7
 8

‘Part 1 Establishment and functions of employing office 9
 10

‘475A Establishment of employing office 11

- ‘(1) The WorkCover Employing Office is established. 12
 ‘(2) The employing office consists of— 13
 (a) the executive officer; and 14
 (b) the employees of the employing office. 15
 ‘(3) The employing office is a separate entity from WorkCover. 16

‘475B Employing office represents the State 17

- ‘(1) The employing office represents the State. 18
 ‘(2) Without limiting subsection (1), the employing office has the 19
 status, privileges and immunities of the State. 20

‘475C Functions of employing office 21

- ‘(1) The main functions of the employing office are— 22
 (a) entering into, for the State, a work performance 23
 arrangement with WorkCover under which employees 24

‘(2) A person employed under subsection (1) is an <i>employee of the employing office</i> .	1 2
‘(3) The employing office may decide the terms of employment of the employees of the employing office.	3 4
‘(4) Subsection (3) applies subject to any relevant industrial instrument.	5 6
‘(5) Employees of the employing office are employed under this Act and not under the <i>Public Service Act 1996</i> .	7 8
‘475G Employing office may enter into work performance arrangements	9 10
‘(1) The employing office may, for the State, enter into and give effect to a work performance arrangement with—	11 12
(a) WorkCover; or	13
(b) the appropriate authority of another government entity or non-Queensland government entity.	14 15
‘(2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.	16 17 18
‘(3) For example, a work performance arrangement may provide for—	19 20
(a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and	21 22
(b) the authorising of a person to exercise powers for the arrangement; and	23 24
(c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.	25 26 27
‘(4) A person performing work for WorkCover or other government entity or non-Queensland government entity under a work performance arrangement entered into under subsection (1)—	28 29 30 31
(a) is not employed by WorkCover or the other government entity or non-Queensland government entity; and	32 33
(b) remains an employee of the employing office.	34

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

‘Part 4 Other provisions’

‘475H Employing office is statutory body’

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

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

Section 599—

insert—

- ‘(3) In this section— 1
government entity has the meaning given by this Act as in 2
 force immediately before the commencement of the *Statutory* 3
Bodies Legislation Amendment Act 2007, section 129.’. 4

- Clause 130 Insertion of new ch 20 5**
 After section 643— 6
insert— 7

‘Chapter 20 Transitional provisions for 8
Statutory Bodies 9
Legislation Amendment Act 10
2007 11

- ‘644 Rights and entitlements of particular employees 12**
- ‘(1) This section applies to a person who— 13
- (a) becomes an employee of the employing office; and 14
 - (b) was an employee of WorkCover— 15
 - (i) immediately before the commencement of this 16
 section; and 17
 - (ii) immediately before becoming an employee of the 18
 employing office. 19
- ‘(2) On becoming an employee of the employing office, the person 20
 is taken to be employed under section 475F on the conditions 21
 on which the person would have been employed by 22
 WorkCover, immediately before the person became an 23
 employee of the employing office, if WorkCover had never 24
 become an employer under the *Workplace Relations Act 1996* 25
 (Cwlth). 26
- ‘(3) Also— 27
- (a) the person keeps all rights and entitlements, including 28
 entitlements to receive long service, recreation and sick 29
 leave and any similar entitlements, that— 30

-
- | | | |
|------|--|----------------------------------|
| (i) | have accrued or were accruing to the person as an employee of WorkCover; and | 1
2 |
| (ii) | would have accrued to the person if WorkCover had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth); and | 3
4
5 |
| (b) | if the person is a member of a superannuation scheme— | 6 |
| (i) | the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and | 7
8
9 |
| (ii) | the person’s membership of the scheme is not affected. | 10
11 |
| ‘(4) | Without limiting subsection (3), for working out the person’s rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person by the employing office is a continuation of employment of the person by WorkCover. | 12
13
14
15
16 |
| ‘(5) | If the person was a seconded employee immediately before becoming an employee of the employing office, the arrangement under which the person was performing work for a government entity, other than WorkCover, or for a non-Queensland government entity may continue until the arrangement ends, and, if the arrangement does continue— | 17
18
19
20
21
22 |
| (a) | subsection (2) does not apply to the person; and | 23 |
| (b) | on the ending of the arrangement, the person is taken to be employed under section 475F on the conditions on which the person would have been employed by WorkCover, on the ending of the arrangement, if— | 24
25
26
27 |
| (i) | the person had continued to be an employee of WorkCover; and | 28
29 |
| (ii) | WorkCover had never become an employer under the <i>Workplace Relations Act 1996</i> (Cwlth). | 30
31 |
| ‘(6) | Subsections (2) and (5)(b) do not limit section 475F(3) and (4). | 32
33 |
| ‘(7) | In this section— | 34 |
| | <i>employee of WorkCover</i> includes a seconded employee. | 35 |

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

- ‘645 Application of industrial instruments** 7
- ‘The employing office is taken to be bound by the industrial instruments that bound WorkCover immediately before it became an employer under the *Workplace Relations Act 1996* (Cwlth). 8
9
10
11
- ‘646 Amending Act does not affect particular powers of WorkCover** 12
13
- ‘Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 12, affects the powers of WorkCover under section 388. 14
15
16
- ‘647 Continued application of repealed s 448** 17
- ‘(1) Section 448,¹³ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by WorkCover under the repealed section immediately before the commencement while that employment continues. 18
19
20
21
22
- ‘(2) This section does not limit section 646.’. 23
- Clause 131 Amendment of sch 6 (Dictionary)** 24
- (1) Schedule 6, definition *government entity*— 25
omit. 26
- (2) Schedule 6— 27
insert— 28
‘employee of the employing office see section 475F(2). 29

13 Section 448 (Basis of employment generally)

- employing office*** means the WorkCover Employing Office established under section 475A. 1
2
- executive officer*** means the executive officer of the employing office appointed under section 475D. 3
4
- government entity*** has the meaning given by the *Public Service Act 1996*, section 21, and includes a GOC. 5
6
- non-Queensland government entity*** means— 7
- (a) the Commonwealth or a State other than Queensland; or 8
- (b) an agency or instrumentality of the Commonwealth or a State other than Queensland. 9
10
- work performance arrangement*** means an arrangement under which an employee of a government entity or non-Queensland government entity performs work for another government entity or non-Queensland government entity.’. 11
12
13
14