



Queensland

Agricultural College and Other Legislation Amendment Bill 2010



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2010

A Bill

for

***An Act to amend the *Agricultural College Act 2005* and the
Veterinary Surgeons Act 1936 for particular purposes***

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Agricultural College and Other
Legislation Amendment Act 2010*. 4
5

**Part 2 Amendment of Agricultural
College Act 2005** 6
7

Clause 2 Act amended 8

This part amends the *Agricultural College Act 2005*. 9

Clause 3 Replacement of pt 3 hdg 10

Part 3, heading— 11

omit, insert— 12

‘Part 3 Board of the corporation’. 13

Clause 4 Replacement of s 21 (Establishment of board) 14

Section 21— 15

omit, insert— 16

‘21 Establishment of board 17

‘The board that was established under this Act under the name
Australian Agricultural College Corporation Advisory Board 18
19

is continued under the name Board of the Australian
Agricultural College Corporation.’. 1
2

Clause 5	Amendment of s 22 (Board’s functions)	3
(1)	Section 22(a) to (c)—	4
	<i>renumber</i> as section 22(b) to (d).	5
(2)	Section 22—	6
	<i>insert</i> —	7
	‘(a) the performance of the corporation’s functions relating to the agricultural college, including, for example, the functions mentioned in section 11(a) to (e);’.	8 9 10
Clause 6	Replacement of s 23 (Board membership)	11
	Section 23—	12
	<i>omit, insert</i> —	13
‘23	Composition of board	14
‘(1)	The board consists of at least 5 but no more than 8 members appointed by written notice by the Minister.	15 16
‘(2)	The corporation may nominate only 1 of the members.	17
‘23A	Eligibility for membership	18
‘(1)	A person can not become a member of the board if the person—	19 20
	(a) has been convicted of an indictable offence; or	21
	(b) is an insolvent under administration.	22
‘(2)	A person must have the qualifications, skills, experience or standing the Minister considers appropriate for membership of the board.	23 24 25
‘(3)	In considering the qualifications, skills, experience or standing the Minister must consult with the corporation.’.	26 27

[s 7]

Clause 7	Amendment of s 24 (Board chairperson and deputy chairperson)	1 2
	Section 24(2)(a), ‘term decided’—	3
	<i>omit, insert</i> —	4
	‘term, of no more than 3 years, decided’.	5
Clause 8	Amendment of s 25 (Term of appointment to board)	6
	(1) Section 25(1), ‘term stated’—	7
	<i>omit, insert</i> —	8
	‘term, of no more than 3 years, stated’.	9
	(2) Section 25(2)—	10
	<i>renumber</i> as section 25(3).	11
	(3) Section 25—	12
	<i>insert</i> —	13
	‘(2) Subsection (1) does not prevent a person from being reappointed as a member of the board.’.	14 15
Clause 9	Amendment of s 26 (Conditions of appointment to board)	16
	(1) Section 26(2)—	17
	<i>renumber</i> as section 26(3).	18
	(2) Section 26(1)—	19
	<i>omit, insert</i> —	20
	‘(1) A board member is entitled to be paid the remuneration decided by the Minister.	21 22
	‘(2) However, a board member who is a public service employee is not entitled to remuneration as a board member unless the remuneration—	23 24 25
	(a) relates to the employee’s attendance at a meeting of the board outside the employee’s normal work hours; and	26 27
	(b) is approved in writing by the Minister.’.	28

Clause 10	Insertion of new s 26A	1
	After section 26—	2
	<i>insert—</i>	3
'26A	Removal from office	4
	'(1) The Minister may remove a board member from office if the member—	5
		6
	(a) becomes incapable of performing the member's functions because of physical or mental incapacity; or	7
		8
	(b) is guilty of misconduct of a kind that could warrant dismissal from the public service if the member were a public service employee.	9
		10
		11
	'(2) The Minister must remove a board member from office if the member—	12
		13
	(a) is convicted of an indictable offence; or	14
	(b) becomes an insolvent under administration.	15
	'(3) This section does not limit section 24(3)(a) or 27(c).'	16
Clause 11	Amendment of s 29 (Times and places of board meetings)	17
	Section 29(4), 'twice'—	18
	<i>omit, insert—</i>	19
	'4 times'.	20
Clause 12	Insertion of new s 33A	21
	After section 33—	22
	<i>insert—</i>	23
'33A	Disclosure of interests	24
	'(1) This section applies to a member of the board if—	25
	(a) the member has a direct or indirect interest in an issue being considered or about to be considered by the board;	26
		27
	and	28

[s 13]

- (b) the interest could conflict with the proper performance of the member's duties about the consideration of the issue. 1
2
3
- '(2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a board meeting. 4
5
6
- '(3) Unless the board otherwise directs, the member must not— 7
- (a) be present when the board considers the issue; or 8
- (b) take part in a decision of the board about the issue. 9
- '(4) The member must not be present when the board is considering whether to give a direction under subsection (3). 10
11
- '(5) If there is another member who must under subsection (2) also disclose an interest in the issue, the other member must not— 12
13
- (a) be present when the board is considering whether to give a direction under subsection (3) about the member; 14
15
or 16
- (b) take part in making the decision about giving the direction. 17
18
- '(6) Subsection (7) applies if— 19
- (a) because of this section, a member is not present at a board meeting for considering or deciding an issue or for considering or deciding whether to give a direction under subsection (3); and 20
21
22
23
- (b) there would be a quorum if the member were present. 24
- '(7) The remaining members present at the meeting are taken to be a quorum of the board for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting. 25
26
27
28
- '(8) A disclosure under subsection (2) must be recorded in the board's minutes.'. 29
30

Clause 13 Replacement of pt 3, div 4 hdg (Other provisions) 31
Part 3, division 4, heading— 32

omit, insert—

		1
‘Division 4	Additional functions of board chairperson	2
		3
‘34A	Chairperson’s reporting requirements	4
‘(1)	The chairperson of the board must within 1 month after the end of each quarter give a report to the corporation and the Minister on the performance of the corporation’s functions relating to the agricultural college (the <i>relevant functions</i>).	5 6 7 8
‘(2)	If the corporation or the Minister requires the chairperson to give a report, advice or stated information about a matter relating to the relevant functions, the chairperson must comply with the requirement to the extent the chairperson is able to comply.	9 10 11 12 13
‘(3)	If the chairperson is unable to comply fully with the requirement, the chairperson must give the corporation and the Minister written reasons for the noncompliance.	14 15 16
‘(4)	If the chairperson becomes aware of a matter the chairperson is satisfied may adversely affect the corporation’s ability to perform the relevant functions, the chairperson must report the matter to the corporation and the Minister as soon as practicable but within 1 month after the chairperson first becomes aware of the matter.	17 18 19 20 21 22
‘(5)	In this section—	23
	<i>quarter</i> means a 3 month period ending on 31 March, 30 June, 30 September or 31 December.	24 25
‘Division 5	Board committees’.	26
Clause 14	Amendment of s 37 (Director)	27
	Section 37(4), ‘subsection (4)’—	28

[s 15]

omit, insert— 1
'subsection (3)'. 2

Clause 15 Insertion of new pt 6, div 4 3

Part 6— 4

insert— 5

**'Division 4 Transitional provision for
Agricultural College and Other
Legislation Amendment Act 2010** 6
7
8

'64 References to board by its former name 9

'(1) In a document, a reference to the board by its former name 10
may, if the context permits, be taken to be a reference to the 11
board. 12

'(2) In this section— 13

former name means the Australian Agricultural College 14
Corporation Advisory Board.' 15

Clause 16 Amendment of sch 2 (Dictionary) 16

(1) Schedule 2, definition *board*— 17

omit. 18

(2) Schedule 2 19

insert— 20

'*board* means the Board of the Australian Agricultural 21
College Corporation continued under section 21. 22

corporation means the Australian Agricultural College 23
Corporation established under section 5. 24

indictable offence includes an indictable offence dealt with 25
summarily, whether or not the Criminal Code, section 659 26
applies to the indictable offence. 27

-
- insolvent under administration* means— 1
- (a) a person who is an undischarged bankrupt within the 2
meaning of the *Bankruptcy Act 1966* (Cwlth) or the 3
corresponding provisions of the law of a foreign country 4
or external territory; or 5
 - (b) a person who has executed a deed of arrangement under 6
the *Bankruptcy Act 1966* (Cwlth), part X or the 7
corresponding provisions of the law of a foreign country 8
or external territory, if the terms of the deed have not 9
been fully complied with; or 10
 - (c) a person whose creditors have accepted a composition 11
under the *Bankruptcy Act 1966* (Cwlth), part X or the 12
corresponding provisions of the law of a foreign country 13
or external territory, if a final payment has not been 14
made under that composition; or 15
 - (d) a person for whom a debt agreement has been made 16
under the *Bankruptcy Act 1966* (Cwlth), part IX or the 17
corresponding provisions of the law of a foreign country 18
or external territory, if the debt agreement has not ended 19
or has not been terminated; or 20
 - (e) a person who has executed a personal insolvency 21
agreement under the *Bankruptcy Act 1966* (Cwlth), part 22
X or the corresponding provisions of the law of a 23
foreign country or external territory, but not if the 24
agreement has been set aside or terminated or all of the 25
obligations that the agreement created have been 26
discharged.’. 27

Part 3 **Amendment of Veterinary** 28
Surgeons Act 1936 29

Clause 17 **Act amended** 30
This part amends the *Veterinary Surgeons Act 1936*. 31

[s 18]

Clause 18	Amendment of s 19E (Special registration)	1
(1)	Section 19E(1), ‘if, upon an application made to it’—	2
	<i>omit, insert—</i>	3
	‘or a veterinary specialist if, on application made to the board by the person’.	4
(2)	Section 19E(1)(b)—	5
	<i>omit, insert—</i>	6
	‘(b) is seeking registration to engage in research or teaching in veterinary science at the University of Queensland or James Cook University; and	7
	(c) has qualifications in veterinary science, and experience in the practice of veterinary science, appropriate for research or teaching in veterinary science.’.	8
(3)	Section 19E(2) and (3)—	9
	<i>omit, insert—</i>	10
‘(2)	The application must be—	11
	(a) in writing in a form approved by the board; and	12
	(b) accompanied by the fee prescribed under a regulation.	13
‘(3)	Special registration granted to a person under this section is subject to the following conditions—	14
	(a) the person must pay to the registrar, for each 12 month period of registration, the fee prescribed under a regulation;	15
	(b) the conditions prescribed under a regulation;	16
	(c) any other conditions that are—	17
	(i) not inconsistent with a condition mentioned in paragraph (a) or (b); and	18
	(ii) decided by the board.’.	19
(4)	Section 19E(4)(c), from ‘or fails’—	20
		21
		22
		23
		24
		25
		26
		27
		28
		29

<i>omit, insert—</i>	1
‘a condition of the registration.’	2