



Queensland

Agricultural College Amendment Bill 2013



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2013

A Bill

for

An Act to amend the *Agricultural College Act 2005* to rename the Australian Agricultural College Corporation and to establish a new governing board for the corporation, and to make consequential or minor amendments to the legislation stated in schedule 1 for related 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 Amendment Act 2013*. 4
5

Clause 2 Commencement 6

(1) This Act, other than part 3, commences on a day (the *first day*) to be fixed by proclamation. 7
8

(2) Part 3 commences on a day, not before the first day, to be fixed by proclamation. 9
10

Part 2 Amendment of Agricultural College Act 2005 11
12

Clause 3 Act amended 13

This part amends the *Agricultural College Act 2005*. 14

Clause 4 Amendment of long title 15

Long title, from ‘Australian’ to ‘and for’— 16

omit, insert— 17

Queensland Agricultural Training Colleges and provide for agricultural colleges, and for 18
19

Clause 5	Amendment of s 1 (Short title)	1
	Section 1, ‘Agricultural College’—	2
	<i>omit, insert—</i>	3
	<i>Queensland Agricultural Training Colleges</i>	4
Clause 6	Omission of s 4 (Ministerial declaration ‘Stepping forward: improving pathways for all young people’)	5
	Section 4—	6
	<i>omit.</i>	7
Clause 7	Replacement of pt 2, hdg (Australian Agricultural College Corporation)	9
	Part 2, heading—	10
	<i>omit, insert—</i>	11
	Part 2	12
	Queensland	13
	Agricultural Training	14
	Colleges	15
Clause 8	Replacement of s 5 (Establishment of Australian Agricultural College Corporation)	16
	Section 5—	17
	<i>omit, insert—</i>	18
	5 Queensland Agricultural Training Colleges	19
	(1) The former Australian Agricultural College Corporation is continued under the name Queensland Agricultural Training Colleges (the <i>corporation</i>).	20
		21
		22
		23
		24
	(2) The corporation—	25
	(a) is a body corporate; and	26
	(b) has a common seal; and	27

[s 9]

	(c) may sue and be sued in its corporate name.	1
Clause 9	Omission of ss 8 and 9	2
	Sections 8 and 9—	3
	<i>omit.</i>	4
Clause 10	Replacement of s 10 (Corporation's functions generally)	5
	Section 10—	6
	<i>omit, insert—</i>	7
	10 Corporation's functions generally	8
	The functions of the corporation are as follows—	9
	(a) promote the creation of employment opportunities in the State by providing high quality agricultural and rural vocational education and training;	10 11 12 13
	(b) ensure that vocational education and training meets the immediate and future needs of the agricultural, rural and related industries and the community;	14 15 16 17
	(c) engage employees, employers, associations of employees or employers and the community to identify agricultural training needs, opportunities and priorities;	18 19 20 21
	(d) cooperate with government bodies, industry, commerce and community groups and other persons on training matters relating to the agricultural and rural industries;	22 23 24 25
	(e) provide facilities and services for study, research and training relevant to the agricultural, rural and related industries;	26 27 28
	(f) commercially exploit any property of the corporation, including research or	29 30

	knowledge developed by, or belonging to, the corporation;	1 2
	(g) comply with national and State quality standards and audit requirements for registered training organisations;	3 4 5
	(h) support the continued development of high quality training within the agricultural industry;	6 7 8
	(i) perform other functions given to the corporation under an Act.	9 10
Clause 11	Omission of s 11 (Additional functions in relation to agricultural college)	11 12
	Section 11—	13
	<i>omit.</i>	14
Clause 12	Replacement of s 14 (Delegation by corporation)	15
	Section 14—	16
	<i>omit, insert—</i>	17
	14 Delegation by corporation	18
	The corporation may delegate its powers under this Act to—	19 20
	(a) the principal executive officer; or	21
	(b) an appropriately qualified officer or employee of the corporation; or	22 23
	(c) a college board; or	24
	(d) a college director; or	25
	(e) an appropriately qualified employee of the employing office or of another government entity who performs work for the corporation under a work performance arrangement.	26 27 28 29 30

[s 13]

Clause 13	Insertion of new pt 2, div 4A	1
	Part 2—	2
	<i>insert—</i>	3
	Division 4A	4
	Planning and accountability	5
	14A Giving of statement of expectations	6
	(1) The Minister may give the corporation a written statement (a <i>statement of expectations</i>) of the Minister’s expectations of the corporation in performing its functions and exercising its powers.	7 8 9 10 11
	(2) The statement of expectations—	12
	(a) must set out the Minister’s expectations for the period stated in the statement; and	13 14
	(b) may include provisions about the following—	15 16
	(i) the strategic or operational activities to be carried out by the corporation in the performance of its functions;	17 18 19
	(ii) other activities to be carried out by the corporation;	20 21
	(iii) reporting to the Minister about the activities.	22 23
	(3) A statement of expectations given to the corporation under subsection (1) is taken to be a direction given under section 13(1).	24 25 26
	14B Statement of intent	27
	(1) If the Minister gives a statement of expectations, under section 14A, to the corporation, the corporation must give the Minister a written	28 29 30

	statement (a <i>statement of intent</i>) about how the corporation proposes to comply with the statement of expectations.	1 2 3
	(2) The statement of intent must be given to the Minister within 30 days after the statement of expectations is given to the corporation.	4 5 6
	14C Corporation to submit strategic plans	7
	(1) The corporation must submit for the Minister's approval a strategic plan developed for the corporation under the <i>Financial Accountability Act 2009</i> .	8 9 10 11
	(2) A strategic plan approved by the Minister is taken to be the corporation's strategic plan.	12 13
Clause 14	Amendment of pt 2A, hdg (Australian Agricultural College Employing Office)	14 15
	Part 2A, heading, 'Australian Agricultural College'— <i>omit, insert</i> —	16 17
	Queensland Agricultural Training Colleges	18
Clause 15	Amendment of s 16 (Establishment of employing office)	19
	Section 16(1)— <i>omit, insert</i> —	20 21
	(1) The office established under this Act under the name Australian Agricultural College Employing Office is continued under the name Queensland Agricultural Training Colleges Employing Office.	22 23 24 25 26
Clause 16	Replacement of ss 21 and 22	27
	Sections 21 and 22—	28

[s 17]

omit, insert—

21 Establishment of board

The Board of the Queensland Agricultural Training Colleges is established as the corporation's governing body.

22 Board's functions

The board has the following functions—

- (a) deciding the strategies and the operational, administrative and financial policies to be followed by the corporation;
- (b) ensuring the corporation fulfils a statement of expectations given to the corporation by the Minister under section 14A;
- (c) ensuring the corporation performs its functions and exercises its powers in a proper, effective and efficient way;
- (d) ensuring that the corporation acts in accordance with its strategic and operational plans;
- (e) accounting to the Minister for the corporation's performance;
- (f) annually reviewing the performance of the principal executive officer.

Clause 17 Replacement of ss 23 and 23A

Sections 23 and 23A—

omit, insert—

23 Composition of board

- (1) The board consists of up to 7 members appointed by the Governor in Council.
- (2) However—

-
- (a) no more than 2 of the members can be chairpersons of college boards; and
- (b) no more than 2 of the members can be deputy chairpersons of college boards.
- (3) In appointing a person as a member, the Governor in Council must have regard to the person's ability to make a contribution to the effective and efficient performance of the corporation's functions.
- (4) The members are appointed under this Act and not the *Public Service Act 2008*.

23A Disqualification as member

A person is disqualified from becoming, or continuing as, a member of the board if the person—

- (a) has a conviction, other than a spent conviction, for an indictable offence; or
- (b) is an insolvent under administration; or
- (c) is not able to manage a corporation because of the Corporations Act, part 2D.6; or
- (d) is an employee or officer of the corporation or employing office.

- Clause 18 Amendment of s 24 (Board chairperson and deputy chairperson)**
- (1) Section 24(1)—
omit, insert—
- (1) The Governor in Council must appoint a member of the board to be the chairperson and another member to be the deputy chairperson.
- (1A) Neither the chairperson nor deputy chairperson can be the chairperson or deputy chairperson of a college board.

[s 19]

- (2) Section 24(2) and (3), ‘Minister’— 1
omit, insert— 2
Governor in Council 3
(3) Section 24(1A) to (4)— 4
renumber as section 24(2) to (5). 5

- Clause 19 Amendment of s 26 (Conditions of appointment to board)** 6
Section 26, ‘Minister’— 7
omit, insert— 8
Governor in Council 9

- Clause 20 Amendment of s 26A (Removal from office)** 10
(1) Section 26A, ‘Minister’— 11
omit, insert— 12
Governor in Council 13
(2) Section 26A(2) and (3)— 14
omit. 15

- Clause 21 Amendment of s 27 (Vacating office)** 16
Section 27(a) to (c)— 17
omit, insert— 18
(a) becomes disqualified from holding office 19
under section 23A; or 20
(b) resigns from office by signed notice of 21
resignation given to the Governor in 22
Council; or 23
(c) is removed from office by signed notice 24
from the Governor in Council. 25

Clause 22	Omission of s 29 (Times and places of board meetings)	1
	Section 29—	2
	<i>omit.</i>	3
Clause 23	Omission of s 30 (Presiding at board meetings)	4
	Section 30—	5
	<i>omit.</i>	6
Clause 24	Omission of s 33 (Meetings held using communication technology)	7
	Section 33—	8
	<i>omit.</i>	9
Clause 25	Amendment of s 33A (Disclosure of interests)	11
	Section 33A(8)—	12
	<i>omit, insert—</i>	13
	(8) If there are no members who may remain present for considering or deciding the issue, the Minister may consider and decide the issue.	14
		15
		16
	(9) A disclosure under subsection (2) must be recorded in the board's minutes.	17
		18
Clause 26	Amendment of s 34A (Chairperson's reporting requirements)	19
	(1) Section 34A(1), (3) and (4), 'the corporation and'—	20
	<i>omit.</i>	21
		22
	(2) Section 34A(1), 'relating to the agricultural college (the <i>relevant functions</i>)'—	23
		24
	<i>omit.</i>	25
	(3) Section 34A(2), 'the corporation or'—	26

[s 27]

omit. 1

(4) Section 34A(2) and (4), ‘relevant’— 2

omit. 3

Clause 27 Amendment of s 35 (Establishing committees) 4

(1) Section 35(1) and (2)— 5

omit, insert— 6

(1) The board may establish a committee to help it
perform its functions. 7
8

(2) Section 35(5), ‘corporation’— 9

omit, insert— 10

Minister 11

(3) Section 35(6)— 12

omit. 13

(4) Section 35(3) to (5)— 14

renumber as section 35(2) to (4). 15

Clause 28 Insertion of new pt 3A 16

After section 35— 17

insert— 18

Part 3A Principal executive 19

officer 20

35A Principal executive officer 21

(1) The Minister may, on the recommendation of the
corporation, appoint a person as the principal
executive officer for the corporation. 22
23
24

-
- (2) The principal executive officer is appointed under this Act and not under the *Public Service Act 2008*. 1
2
3

35B Disqualification as principal executive officer 4

- (1) A person is disqualified from becoming, or continuing as, the principal executive officer if the person— 5
6
7
- (a) has a conviction, other than a spent conviction, for an indictable offence; or 8
9
 - (b) is an insolvent under administration; or 10
 - (c) is not able to manage a corporation because of the Corporations Act, part 2D.6; or 11
12
 - (d) is a member of the board. 13
- (2) Also, a person is disqualified from continuing as the principal executive officer if the person fails to comply with section 35H. 14
15
16

35C Conditions of appointment 17

For matters not provided for under this Act or stated in the contract of employment, the principal executive officer holds office on the terms of appointment decided by the Minister. 18
19
20
21

35D Term of appointment 22

- (1) The principal executive officer holds office for the term, of not more than 3 years, stated in his or her contract of employment. 23
24
25
- (2) However, a person's appointment as principal executive officer ends if, during the term of the appointment, the person becomes disqualified under section 35B. 26
27
28
29

[s 28]

35E Resignation	1
The principal executive officer may resign by signed notice given to the chairperson of the board.	2 3
35F Role of the principal executive officer	4
(1) The principal executive officer is responsible for the overall management of the corporation.	5 6
(2) The principal executive officer has all the powers necessary for carrying out those responsibilities and any function (an <i>additional function</i>) the officer is authorised by another Act to perform.	7 8 9 10
35G Relationship between principal executive officer and board	11 12
(1) In carrying out the principal executive officer's responsibilities, other than performing an additional function mentioned in section 35F(2), the officer must give effect to any policy or direction of the board relevant to the responsibilities.	13 14 15 16 17 18
(2) The principal executive officer must report regularly to the board on the administration of this Act.	19 20 21
(3) In carrying out the principal executive officer's responsibilities in compliance with subsection (1), anything done by the officer is taken to have been done by the corporation.	22 23 24 25
35H Principal executive officer not to engage in other paid employment	26 27
The principal executive officer must not, without the board's prior written approval—	28 29

	(a) engage in paid employment outside the duties of the office of the principal executive officer; or	1 2 3
	(b) actively take part in the activities of a business, or in the management of a corporation carrying on business.	4 5 6
	35I Conflicts of interest	7
	If the principal executive officer has an interest that conflicts, or may conflict, with the discharge of the officer's responsibilities, the officer—	8 9 10
	(a) must disclose the nature of the interest and conflict to the board as soon as practicable after the relevant facts come to the officer's knowledge; and	11 12 13 14
	(b) must not take action or further action concerning a matter that is, or may be, affected by the conflict unless authorised by the board.	15 16 17 18
Clause 29	Replacement of pt 4 (Agricultural college, director and student advisory council)	19 20
	Part 4—	21
	<i>omit, insert—</i>	22
	Part 4 Agricultural colleges, college boards or college directors	23 24 25
	Division 1 Agricultural colleges	26

[s 29]

36	Agricultural colleges	1
(1)	The Minister may establish agricultural colleges to deliver education and training services to the agricultural and rural industries.	2 3 4
(2)	An agricultural college has no legal existence apart from the corporation.	5 6
(3)	The Minister may—	7
(a)	give an agricultural college a name; and	8
(b)	establish campuses for the college.	9
Division 2	Board of agricultural colleges	10 11
37	Boards of agricultural colleges	12
(1)	The Minister may establish a college board for 1 or more agricultural colleges.	13 14
(2)	The Minister must appoint no more than 7 members of each college board established under subsection (1).	15 16 17
(3)	The Minister may appoint a person as a member only if the person has skills or experience relevant to the functions of the board.	18 19 20
(4)	The Minister must appoint 1 member as chairperson and another member as deputy chairperson.	21 22 23
(5)	Subject to direction from the corporation, a college board is responsible for the following in relation to the colleges for the board—	24 25 26
(a)	overseeing the day-to-day operations of the colleges;	27 28
(b)	deciding key business planning and performance matters for the colleges;	29 30

-
- (c) curriculum development; 1
 - (d) designing production programs; 2
 - (e) subject to direction and approval from the board, deciding operational direction for the colleges; 3
4
5
 - (f) performing the functions delegated to the college board. 6
7

38 Disqualification as member of college board 8

A person is disqualified from becoming, or continuing as, a member of a college board if the person— 9
10

- (a) has a conviction, other than a spent conviction, for an indictable offence; or 11
12
- (b) is an insolvent under administration; or 13
- (c) is not able to manage a corporation because of the Corporations Act, part 2D.6; or 14
15
- (d) is a member of the board or an employee or a contractor of the corporation. 16
17

39 Conditions and term of appointment 18

- (1) For matters not provided for under this Act or stated in the contract of employment, a member of a college board holds office on the terms of appointment decided by the Minister. 19
20
21
22
- (2) A member of a college board holds office for the term, not more than 3 years, stated in his or her contract of employment. 23
24
25
- (3) However, a person's appointment as member ends if, during the term of the appointment, the person becomes disqualified under section 38. 26
27
28
- (4) A member of a college board may resign by signed notice given to the chairperson of the board. 29
30
31

[s 29]

40	Conduct of business	1
	Subject to this division and any requirement prescribed under a regulation, a college board may conduct its business, including its meetings, in the way it considers appropriate.	2 3 4 5
41	Voting at college board meetings	6
(1)	At college board meetings, all questions are to be decided by a majority of the votes of the members present.	7 8 9
(2)	If a member abstains from voting, the member is taken to vote for the negative.	10 11
(3)	The chairperson or a member presiding at a meeting is to have a vote and, if the votes are equal, a casting vote.	12 13 14
42	Quorum for college board meeting	15
	A quorum for a college board meeting is the number equal to one-half of the number of its appointed members or, if one-half is not a whole number, the next highest whole number.	16 17 18 19
43	Disclosure of interests	20
(1)	This section applies to a member of a college board if—	21 22
(a)	the member has an interest in an issue being considered, or about to be considered, by the college board; and	23 24 25
(b)	the interest conflicts or may conflict with the proper performance of the member's duties about the consideration of the issue.	26 27 28

-
- (2) After the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a college board meeting. 1
2
3
- (3) Unless the college board otherwise directs, the member must not— 4
5
- (a) be present when the college board considers the issue; or 6
7
- (b) take part in a decision of the college board about the issue. 8
9
- (4) The member must not be present when the college board is considering whether to give the direction. 10
11
12
- (5) If there is another person who must, under subsection (2), also disclose an interest in the issue, the other person must not— 13
14
15
- (a) be present when the college board is considering whether to give the direction; or 16
17
- (b) take part in making the decision about giving the direction. 18
19
- (6) Subsections (7) and (8) apply if— 20
- (a) because of this section, a member is not present at a college board meeting for considering or deciding the issue, or for considering or deciding whether to give the direction; and 21
22
23
24
25
- (b) there would be a quorum if the member were present. 26
27
- (7) The remaining members present are a quorum of the college board for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting. 28
29
30
31
- (8) If there are no members who may remain present for considering or deciding the issue, the Minister may consider and decide the issue. 32
33
34
-

[s 29]

(9)	The disclosure must be recorded in the college board's minutes.	1 2
44	College board minutes	3
	A college board must keep a record of the minutes of its meetings and its decisions.	4 5
Division 3	College directors	6
44A	College directors	7
(1)	The Minister must decide the number of college directors and which agricultural colleges the directors are to be appointed for.	8 9 10
(2)	The corporation appoints each college director in consultation with any college board for the agricultural college the director is to be appointed for.	11 12 13 14
(3)	Subject to the relevant board for an agricultural college, the college director is responsible for the day-to-day management of the college and reporting to the board.	15 16 17 18
(4)	Subject to any relevant industrial instrument, the corporation may decide the terms of employment for the college director.	19 20 21
(5)	A college director is appointed under this Act and not under the <i>Public Service Act 2008</i> .	22 23
(6)	A person is disqualified from becoming, or continuing as, a college director if the person—	24 25
(a)	has a conviction, other than a spent conviction, for an indictable offence; or	26 27
(b)	is an insolvent under administration; or	28
(c)	is not able to manage a corporation because of the Corporations Act, part 2D.6; or	29 30

	(d) is a member of the college board or an employee or a contractor of the corporation.	1 2
	(7) Subject to any resignation, removal from office or disqualification under subsection (6), a college director holds office for the term, of not more than 3 years, stated in his or her contract of employment.	3 4 5 6 7
	(8) In this section— <i>relevant board</i> , for an agricultural college, means—	8 9 10
	(a) if there is a college board for the college—the college board; or	11 12
	(b) otherwise—the board.	13
Clause 30	Omission of s 46 (Delegation by Minister)	14
	Section 46—	15
	<i>omit.</i>	16
Clause 31	Insertion of new pt 6, div 5	17
	Part 6—	18
	<i>insert—</i>	19
	Division 5 Transitional provisions for Agricultural College Amendment Act 2013	20 21 22
	65 Definitions for div 5	23
	In this division—	24
	<i>amending Act</i> means the <i>Agricultural College Amendment Act 2013</i> .	25 26
	<i>document</i> includes a policy of the former board.	27
	<i>former board</i> means the Board of the Australian Agricultural College Corporation previously	28 29

[s 31]

continued under this Act, section 21, as in force 1
before its amendment under the *Agricultural* 2
College Amendment Act 2013. 3

former director means the person holding the 4
office of director under this Act, section 37, as in 5
force before its amendment under the 6
Agricultural College Amendment Act 2013. 7

66 Dissolutions 8

(1) On the commencement of this section the 9
following end or cease to exist— 10

(a) the former board; 11

(b) the appointment of the members of the 12
former board; 13

(c) the office of the former director; 14

(d) the appointment of the former director. 15

(2) No amount, whether by way of compensation, 16
reimbursement or otherwise, is payable by the 17
State or the corporation to any person for or in 18
connection with the enactment of subsection (1). 19

(3) However, to avoid any doubt, subsection (2) does 20
not limit or otherwise affect the former director's 21
right to a benefit or entitlement that, under the 22
existing conditions of appointment, had accrued 23
or was accruing immediately before the 24
commencement of this section. 25

(4) In this section— 26

existing conditions of appointment, for the 27
former director, means the former director's 28
conditions of appointment as determined by the 29
corporation under section 37 as in force before 30
the amendment of that section under the 31
amending Act, section 29. 32

67	First appointment of members of the board	1
(1)	On the commencement of this section, each member of the former board holding office immediately before the commencement of this section becomes a member of the board despite section 17.	2 3 4 5 6
(2)	Despite section 26, the remuneration and conditions of appointment of the former members decided by the Minister before the commencement continue to apply for the appointment.	7 8 9 10 11
(3)	However, this Act applies to each member as if he or she had been appointed under this Act as in force after the commencement.	12 13 14
68	First appointment of principal executive officer	15
(1)	On the commencement of this section, the person holding office as director under section 37 as in force before the commencement of this section is appointed as the principal executive officer despite section 35A.	16 17 18 19 20
(2)	Despite section 35C, the remuneration and conditions of appointment of the person decided by the Minister before the commencement continue to apply for the appointment.	21 22 23 24
(3)	However, this Act applies to the person as if he or she had been appointed under this Act as in force after the commencement.	25 26 27
69	Records of the former board	28
	On the commencement of this section, a record of the former board becomes a record of the board.	29 30

[s 31]

70	References to former entities	1
	In an Act or document—	2
	(a) a reference to the Australian Agricultural College Corporation may, if the context permits, be taken to be a reference to the corporation; and	3 4 5 6
	(b) a reference to the former board may, if the context permits, be taken to be a reference to the board.	7 8 9
71	Change to name of entities	10
	A change in the name of either of the following entities under the amending Act does not affect the status of the entity—	11 12 13
	(a) the corporation;	14
	(b) the employing office.	15
72	Effect on legal relationships	16
(1)	Nothing done under the amendments to this Act under the amending Act (the <i>Act amendments</i>)—	17 18
	(a) makes a relevant entity in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; or	19 20 21 22 23
	(b) except as provided for under the Act amendments, is taken to fulfil a condition that—	24 25 26
	(i) terminates, or allows a person to terminate, an instrument or obligation; or	27 28 29

-
- | | | |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (ii) | modifies, or allows a person to modify,
the operation or effect of an instrument
or obligation; or | 1
2
3 |
| (iii) | allows a person to avoid or enforce an
obligation or liability contained in an
instrument or requires a person to
perform an obligation contained in an
instrument; or | 4
5
6
7
8 |
| (iv) | requires any money to be paid before
its stated maturity; or | 9
10 |
| (c) | releases a surety or other obligee, wholly or
partly, from an obligation. | 11
12 |
| (2) | If, apart from this section, the advice, consent or
approval of a person would be necessary to do
something under the Act amendments, the advice
is taken to have been obtained or the consent or
approval is taken to have been given
unconditionally. | 13
14
15
16
17
18 |
| (3) | If, apart from this section, giving notice to a
person would be necessary to do something
under the Act amendments, the notice is taken to
have been given. | 19
20
21
22 |
| (4) | In this section—
<i>relevant entity</i> means— | 23
24 |
| (a) | the State or an employee or agent of the
State; or | 25
26 |
| (b) | the former Australian Agricultural College
Corporation, a member of the former board
or the former director; or | 27
28
29 |
| (c) | the corporation, a member of the governing
board or the principal executive officer. | 30
31 |

[s 32]

Clause 32	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2, definitions <i>board</i> , <i>campus</i> , <i>corporation</i> , <i>director</i> and <i>employing office</i> —	2
	<i>omit.</i>	3
		4
(2)	Schedule 2—	5
	<i>insert</i> —	6
	<i>board</i> means the Board of the Queensland Agricultural Training Colleges established under section 21.	7
		8
		9
	<i>college board</i> means a college board established under section 37.	10
		11
	<i>college director</i> means a person appointed as college director under section 44A.	12
		13
	<i>corporation</i> see section 5(1).	14
	<i>employing office</i> means the Queensland Agricultural Training Colleges Employing Office continued under section 16.	15
		16
		17
	<i>former Australian Agricultural College Corporation</i> means the Australian Agricultural College Corporation previously established under this Act, section 5 as in force before its amendment under the <i>Agricultural College Amendment Act 2013</i> .	18
		19
		20
		21
		22
		23
	<i>principal executive officer</i> means the principal executive officer appointed under section 35A.	24
		25
	<i>spent conviction</i> means a conviction—	26
	(a) for which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and	27
		28
		29
	(b) that is not revived as prescribed by section 11 of that Act.	30
		31
(3)	Schedule 2, definition <i>agricultural college</i> , ‘the’—	32

omit, insert— 1
an 2

Clause 33	Omission of attachment (Ministerial Declaration ‘Stepping Forward: Improving Pathways for all Young People’)	3
		4
		5
		Attachment— 6
		<i>omit.</i> 7

Part 3	Amendments about the dissolution of the employing office	8
		9
		10

Clause 34	Act amended	11
		This part amends the <i>Queensland Agricultural Training Colleges Act 2005</i> . 12
		13

Clause 35	Amendment of s 14 (Delegation by corporation)	14
		Section 14(e)— 15
		<i>omit, insert—</i> 16
		(e) an appropriately qualified employee of 17
		another government entity who performs 18
work for the corporation under a work 19		
performance arrangement. 20		

Clause 36	Replacement of pt 2, div 5, hdg (Other provisions)	21
		Part 2, division 5, heading— 22
		<i>omit, insert—</i> 23

[s 37]

	Division 5	Other staff and work performance arrangements	1
			2
			3
Clause 37	Insertion of new s 15AA		4
	Part 2—		5
	<i>insert</i> —		6
	15AA Other staff		7
	(1) The corporation may employ other staff it considers appropriate to perform its functions.		8 9 10
	(2) The other staff are appointed under this Act and not the <i>Public Service Act 2008</i> .		11 12
Clause 38	Amendment of s 15 (Corporation may enter into work performance arrangements)		13 14
	(1) Section 15(1), from ‘with—’—		15
	<i>omit, insert</i> —		16
	with the appropriate authority of another government entity.		17 18
	(2) Section 15(4)(b), ‘an employee of the employing office, or’—		19
	<i>omit.</i>		20
Clause 39	Omission of pt 2A (Queensland Agricultural Training Colleges Employing Office)		21 22
	Part 2A—		23
	<i>omit.</i>		24
Clause 40	Amendment of s 23A (Disqualification as member)		25
	Section 23A(d)—		26

omit, insert— 1
(d) is an employee or officer of the corporation. 2

Clause 41 Amendment of s 65 (Definitions for div 5) 3
Section 65— 4
insert— 5
executive officer means the executive officer of 6
the employing office appointed under section 19 7
as in force before its repeal under the 8
Agricultural College Amendment Act 2013. 9

Clause 42 Insertion of new ss 73 and 74 10
Part 6, division 5— 11
insert— 12
73 Dissolutions 13
(1) On the commencement of this section the 14
following end or cease to exist— 15
(a) the employing office; 16
(b) the office of the executive officer; 17
(c) the appointment of the executive officer. 18
(2) No amount, whether by way of compensation, 19
reimbursement or otherwise, is payable by the 20
State or the corporation to any person for or in 21
connection with the enactment of subsection (1). 22
(3) However, to avoid any doubt, subsection (2) does 23
not limit or otherwise affect the executive 24
officer's right to a benefit or entitlement that, 25
under the existing conditions of appointment, had 26
accrued or was accruing immediately before the 27
commencement of this section. 28
(4) In this section— 29

[s 42]

existing conditions of appointment, for the 1
executive officer, means the executive officer's 2
conditions of appointment as determined by the 3
Governor in Council under section 19 as in force 4
before the amendment of that section under the 5
amending Act. 6

**74 Matters for transfer of employees to 7
corporation 8**

- (1) On the commencement of this section— 9
- (a) an employee of the employing office 10
employed immediately before the 11
commencement of this section (a 12
transferred employee) becomes an 13
employee of the corporation; and 14
 - (b) a transferred employee ceases to be an 15
employee of the employing office; and 16
 - (c) the employing office's records, to the extent 17
they relate to the employment of transferred 18
employees, become records of the 19
corporation; and 20
 - (d) the employing office's liabilities relating to 21
a transferred employee's accrued rights to 22
annual, sick, long service or other leave 23
become the liabilities of the corporation. 24
- (2) The transfer of an employee of the employing 25
office to the corporation does not— 26
- (a) affect the employee's total remuneration; or 27
 - (b) prejudice the employee's existing or 28
accruing rights to superannuation or annual, 29
sick, long service or other leave; or 30
 - (c) interrupt continuity of service, except that 31
the employee is not entitled to claim the 32
benefit of a right or entitlement more than 33

	once in relation to the same period of service; or	1 2
	(d) constitute a retrenchment, redundancy or termination of the employee's employment at the initiative of the employing office; or	3 4 5
	(e) entitle the employee to a payment or other benefit because he or she is no longer employed by the employing office; or	6 7 8
	(f) require the employing office to make any payment.	9 10
(3)	A regulation may make provision about all or any of the following to the extent the matter is not provided for in subsection (1) or (2)—	11 12 13
	(a) the transfer of an employee of the employing office to the corporation;	14 15
	(b) the terms and conditions of employment, rights and entitlements of employees transferred under paragraph (a);	16 17 18
	(c) the application of a particular industrial instrument to the employees mentioned in paragraph (a).	19 20 21
(4)	The regulation has effect despite any other law or instrument.	22 23
(5)	To remove any doubt, it is declared that the regulation applies despite—	24 25
	(a) the <i>Industrial Relations Act 1999</i> ; and	26
	(b) any industrial instrument.	27
(6)	This section does not apply to the executive officer.	28 29
Clause 43	Amendment of sch 2 (Dictionary)	30
(1)	Schedule 2, definitions <i>employee of the employing office</i> , <i>employing office</i> and <i>executive officer</i> —	31 32

[s 44]

omit. 1

(2) Schedule 2— 2

insert— 3

employing office means the former Australian 4
Agricultural College Employing Office 5
previously established under section 16 before 6
the repeal of that section under the *Agricultural* 7
College Amendment Act 2013. 8

Part 4 **Minor and consequential** 9
amendments 10

Clause 44 **Acts amended** 11

Schedule 1 amends the Acts it mentions. 12

Schedule 1	Minor and consequential amendments	1
		2
	section 44	3
	Criminal Law (Rehabilitation of Offenders) Act 1986	4
1	Section 9A, table, item 8—	5
	<i>omit, insert—</i>	6
8	Person employed at the Queensland Agricultural Training Colleges under the <i>Queensland Agricultural Training Colleges Act 2005</i> as—	8(1) An offence defined in the Criminal Code, chapter 22, 32, 33 or 34 or the <i>Drugs Misuse Act 1986</i> , part 2.
	(a) the principal executive officer; or	(2) An offence of a similar nature committed in Queensland or elsewhere.
	(b) a director; or	(3) An offence of a sexual nature whether committed in Queensland or elsewhere.
	(c) an instructor; or	
	(d) a member of the administrative, building, domestic or ground staff.	
	Education (Overseas Students) Act 1996	7
1	Schedule, definitions <i>agricultural college</i> and <i>director</i>—	8
	<i>omit, insert—</i>	9
	<i>agricultural college</i> means the Queensland Agricultural Training Colleges under the <i>Queensland Agricultural Training Colleges Act 2005</i> .	10
		11
		12
		13

Education (Work Experience) Act 1996	1
1 Section 5(1)(e)—	2
<i>omit, insert—</i>	3
(e) if the student is enrolled in the Queensland Agricultural Training Colleges under the <i>Queensland Agricultural Training Colleges Act 2005</i> —the college; or	4 5 6 7
Public Interest Disclosure Act 2010	8
1 Section 6(1)(i)—	9
<i>omit, insert—</i>	10
(i) the Queensland Agricultural Training Colleges under the <i>Queensland Agricultural Training Colleges Act 2005</i> ;	11 12 13
2 Schedule 4, definition <i>agricultural college</i>—	14
<i>omit.</i>	15
Public Sector Ethics Act 1994	16
1 Schedule, definition <i>agricultural college</i>—	17
<i>omit, insert—</i>	18
<i>agricultural college</i> means the Queensland Agricultural Training Colleges under the	19 20

<i>Queensland Agricultural Training Colleges Act</i>	21
<i>2005.</i>	22

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Authorised by the Parliamentary Counsel