

Forestry Plantations Queensland Bill 2006

Explanatory Notes for amendments to be moved during consideration in detail by the Honourable Anna Bligh MP

Title of the Bill

Forestry Plantations Queensland Bill 2006

Objectives of the Amendments

Three minor amendments are moved. None of the amendments affects the policy objectives of the Bill as a whole, the method of achieving the Bill's objectives or the administrative costs to Government.

Amendment 1:

Amendment 1 (Clause 1, 2 and 4 of the Amendments) enables FPQ to delegate powers to an appropriately qualified person and provides a definition for "appropriately qualified".

Amendment 2:

Amendment 2 (Clause 3 of the Amendments) makes clear that Forestry Plantations Queensland cannot be the employer of public service employees or other persons performing work under a work performance arrangement.

Amendment 3:

Amendment 3 (Clause 5 of the Amendments) corrects a referencing error in the Bill. Specifically, it deletes a sub-section that was required prior to the amendment made by Clause 4 of the Amendments.

Achievement of the Objectives

Amendment 1 will be achieved by providing FPQ with a power to delegate to an appropriately qualified person and enabling the powers to delegate in the Section 57 of the *Public Service Act 1996* to apply.

Amendment 2 will be achieved by strengthening the provision that already exists in the Bill that states public service employees or other persons performing work for Forestry Plantations Queensland (FPQ) under a work performance arrangement are not employed by FPQ.

Amendment 3 corrects a referencing error in the Bill by deleting Section 61O(i) of the Bill, which is no longer required as a result of Amendment 1.

Alternative Ways of Achieving Policy Objectives

There are no alternatives for achieving the policy objectives of the proposed amendments.

Estimated Cost for Government Implementation

The amendments will involve no administrative costs to Government.

Consistency with Fundamental Legislative Principles

Nil

Consultation

Consultation has occurred with the Solicitor General and the Department of Industrial Relations.

Notes on Provisions

Clause 1—amends Clause 33 of the *Forestry Plantations Queensland Bill 2006* by omitting ‘or a member of the board’ and inserting ‘, a member of the board or another appropriately qualified person’.

Clause 2—further amends Clause 33 of the *Forestry Plantations Queensland Bill 2006* by inserting a definition that ‘appropriately qualified includes having the qualifications, experience or standing appropriate to perform the function’.

Clause 3—amends Clause 44 of the *Forestry Plantations Queensland Bill 2006* by inserting a sub-clause 4A, ‘To remove any doubt, it is declared that FPQ does not have power to employ a public service employee or another person performing work for PFQ under a work performance arrangement.’.

Clause 4—amends Schedule 1 to delete reference to ‘sections 61O(h) and 96A’ (the sections relating to delegation, noting that the reference to 61O(h) should have been a reference to 61O(i)) and inserts ‘a provision of an Act allowing the administering entity to delegate its functions or powers’ (thereby allowing Section 57 of the *Public Service Act 1996* to apply).

Clause 5—deletes section 61O(i) of the Bill.