



Queensland

# **Jobs Queensland Bill 2015**

**Includes amendments agreed during Consideration**





Queensland

# Jobs Queensland Bill 2015

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**2015**

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**A Bill**

for

**An Act to establish Jobs Queensland to give advice to the State on skills needs, workforce development and planning and the apprenticeship and traineeship system in Queensland**

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Jobs Queensland Act 2015*.

### **2 Commencement**

This Act commences on 4 January 2016.

### **3 Purpose of Act**

The purpose of this Act is to establish Jobs Queensland to provide independent expert advice to the Minister on matters relating to skills needs, workforce development and planning and the apprenticeship and traineeship system in Queensland.

### **4 Act binds all persons**

- (1) This Act binds all persons, including the State.
- (2) Nothing in this Act makes the State liable to be prosecuted for an offence.

### **5 Definitions**

The dictionary in schedule 1 defines particular words used in this Act.



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## **9 Consultation**

Jobs Queensland must, in performing its functions, consult with—

- (a) community representatives, including representatives from rural and regional areas, it considers appropriate; and
- (b) representatives from a broad range of industries it considers appropriate, including representatives of—
  - (i) employers; and
  - (ii) unions; and
  - (iii) industry associations and peak bodies.

## **Division 2 Membership**

### **10 Members of Jobs Queensland**

- (1) Jobs Queensland consists of at least 7 but no more than 12 members appointed by the Governor in Council.
- (2) The members must include—
  - (a) at least 1 person the Minister considers represents employers; and
  - (b) at least 1 person the Minister considers represents employees.
- (3) There must be an equal number of members mentioned in subsection (2).
- (4) Also, the members must include at least 1 person the Minister considers has direct experience in the education, training or employment sectors.
- (5) A member other than a member mentioned in subsection (2) or (4) must have—
  - (a) experience in a particular industry; or



- (b) other knowledge, experience or standing relevant to Jobs Queensland's functions.
- (6) In recommending persons for appointment as members, the Minister must have regard to the following—
  - (a) providing for balanced gender representation in the membership of Jobs Queensland;
  - (b) including as members of Jobs Queensland—
    - (i) Aboriginal people and Torres Strait Islanders; and
    - (ii) persons from culturally and linguistically diverse communities; and
    - (iii) persons from regional and remote communities.

## **11 The chairperson**

- (1) The chairperson of Jobs Queensland is the member appointed as chairperson by the Governor in Council.
- (2) The chairperson holds office for the term stated in the person's appointment as chairperson.
- (3) The office of the chairperson becomes vacant if—
  - (a) the chairperson resigns from the office of chairperson by giving the Minister a signed notice of resignation; or
  - (b) the chairperson is no longer a member.

## **12 Disqualification as member**

- (1) A person is disqualified from becoming, or continuing as, a member if the person—
  - (a) is a member of the Legislative Assembly; or
  - (b) is a councillor of a local government; or
  - (c) has a conviction, other than a spent conviction, for an indictable offence; or
  - (d) is an insolvent under administration; or

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(e) is disqualified from managing corporations because of the Corporations Act, part 2D.6.

(2) In this section—

*insolvent under administration* see the Corporations Act, section 9.

### **13 Term of appointment**

A member holds office for the term, no longer than 4 years, stated in the member's instrument of appointment.

### **14 Conditions of appointment**

- (1) A member is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) A member holds office on the terms and conditions, not provided by this Act, that are decided by the Governor in Council.
- (3) A member is appointed under this Act and not under the *Public Service Act 2008*.

### **15 Resignation**

- (1) A member may resign by signed notice given to the Minister.
- (2) The resignation takes effect—
  - (a) on the day the notice is given; or
  - (b) if a later day is stated in the notice—on the later day.

### **16 Vacancy of office**

The office of a member becomes vacant if—

- (a) the member is disqualified from continuing as a member under section 12; or
- (b) the member resigns under section 15.

## **17 Leave of absence**

- (1) The Minister may—
  - (a) approve a leave of absence for the chairperson; and
  - (b) appoint someone else to act in the office of the chairperson while the chairperson is absent on leave.
- (2) The Minister may—
  - (a) approve a leave of absence for another member; and
  - (b) appoint another person to act in the office of the absent member while the member is on leave.
- (3) Subsections (1) and (2) do not limit the Governor in Council's powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(v).

## **Division 3 Criminal history reports**

### **18 Criminal history report**

- (1) To decide if a person is disqualified from becoming or continuing as a member, the Minister may ask the commissioner of the police service for—
  - (a) a written report about the criminal history of the person; and
  - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (2) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (3) The commissioner of the police service must comply with the request.
- (4) However, the duty to comply applies only to information in the commissioner's possession or to which the commissioner has access.

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- (5) The Minister must ensure the report is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.

## **19 Criminal history reports confidential**

- (1) This section applies to a person who possesses a report, or information contained in a report, given under section 18 because the person is or was an officer, employee or agent of the department.
- (2) The person must not, directly or indirectly, disclose the report or information to any other person unless the disclosure is permitted under subsection (3).

Maximum penalty—100 penalty units.

- (3) The person is permitted to disclose the report or information to another person—
  - (a) to the extent necessary to perform the person's functions under this Act; or
  - (b) if the disclosure is authorised under an Act; or
  - (c) if the disclosure is otherwise required or permitted by law; or
  - (d) if the person to whom the disclosure relates consents to the disclosure; or
  - (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
  - (f) if the information is, or has been, lawfully accessible to the public.

## **20 New convictions must be disclosed**

- (1) This section applies if a person who is a member is convicted of an indictable offence during the term of the member's appointment.
- (2) The person must, unless the person has a reasonable excuse, immediately give notice of the conviction to the Minister.

Maximum penalty—100 penalty units.

- (3) The notice must include all of the following—
  - (a) the existence of the conviction;
  - (b) when the offence was committed;
  - (c) details adequate to identify the offence;
  - (d) the sentence imposed on the person.

## **Division 4            Reporting**

### **21        Annual report**

- (1) Jobs Queensland must prepare and give to the Minister, within 3 months after the end of each financial year, an annual report on the discharge of its functions during the financial year.
- (2) The Minister must table a copy of the report in the Legislative Assembly within 14 days after receiving it.

## **Part 3                    Minister's powers**

### **22        Minister may refer matter to Jobs Queensland**

- (1) If the Minister considers it appropriate, the Minister may refer to Jobs Queensland a matter relevant to its functions.
- (2) Jobs Queensland must—
  - (a) consider or inquire into the matter; and
  - (b) after completing its consideration or inquiry—give the Minister a written report about the matter.

**23 Minister may give direction**

- (1) The Minister may give Jobs Queensland a written direction about a matter relevant to the performance of its functions.
- (2) Jobs Queensland must comply with a direction given under subsection (1).
- (3) However, the Minister may not give a direction about the content of any advice given to the Minister by Jobs Queensland.
- (4) If the Minister gives a direction under this section, details of the direction must be included in the annual report prepared under section 21 for the financial year in which the direction was given.

**24 Minister may issue statement of expectations**

- (1) The Minister may give Jobs Queensland a written statement (a *statement of expectations*) about the Minister's expectations for the performance by Jobs Queensland of its functions.
- (2) A statement of expectations may—
  - (a) apply for a particular period stated in the statement; and
  - (b) provide for any of the following—
    - (i) Jobs Queensland's strategic or operational activities;
    - (ii) the nature and scope of Jobs Queensland's activities proposed to be carried out for a particular period;
    - (iii) information required to be given to the Minister by Jobs Queensland;
    - (iv) the way Jobs Queensland must report to the Minister about its activities;
    - (v) the sharing of information with government agencies.
- (3) Jobs Queensland must have regard to a statement of expectations in performing its functions.

**25 Minister may require documents or information**

- (1) The Minister may, by written notice, require Jobs Queensland to give the Minister documents or information related to its functions and stated in the notice.
- (2) Jobs Queensland must comply with a requirement under subsection (1).

## **Part 4 Other matters**

**26 Summary offences**

An offence against this Act is a summary offence.

**27 Use of confidential information**

- (1) This section applies to a person who—
  - (a) is, or has been, a member; and
  - (b) obtains confidential information in performing a function under this Act.
- (2) The person must not, whether directly or indirectly, disclose the confidential information unless the disclosure is—
  - (a) in the performance of a function; or
  - (b) with the consent of the person to whom the information relates; or
  - (c) otherwise required or permitted by law.

Maximum penalty—50 penalty units.

- (3) In this section—

***confidential information***—

  - (a) means any information that—
    - (i) could identify an individual; or

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- (ii) is about a person's current financial position or financial background; or
  - (iii) would be likely to damage the commercial activities of a person to whom the information relates; but
- (b) does not include—
- (i) information that is publicly available; or
  - (ii) statistical or other information that could not reasonably be expected to result in the identification of the individual to whom it relates.

## **28 Application of other Acts to Jobs Queensland**

- (1) It is declared that Jobs Queensland is not a statutory body under the *Financial Accountability Act 2009* or the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) The *Public Service Act 2008*, section 26C applies to each member as if the member were a State employee for chapter 1, part 3, division 3 of that Act.

## **29 Regulation-making power**

The Governor in Council may make regulations under this Act.



## Schedule 1      Dictionary

### section 5

***criminal history***, for a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

***Jobs Queensland*** means Jobs Queensland established under section 6.

***member*** means a member of Jobs Queensland.

***spent conviction*** means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.