

Agricultural College Consequential Amendments Regulation (No. 1) 2014

Explanatory Notes for SL 2014 No. 112

made under the

Education (Overseas Students) Act 1996

Industrial Relations Act 1999

Public Sector Ethics Act 1994

Public Service Act 2008

Statutory Bodies Financial Arrangements Act 1982

General Outline

Short title

Agricultural College Consequential Amendments Regulation (No. 1) 2014

Authorising law

Sections 7 and 34 of the *Education (Overseas Student) Act 1996*.

Sections 692(3) and 709 of the *Industrial Relations Act 1999*.

Sections 2 and 25 of the *Public Sector Ethics Act 1994*.

Sections 21 and 222 of the *Public Service Act 2008*.

Sections 33, 42 and 78 of the *Statutory Bodies Financial Arrangements Act 1982*.

Policy objectives and the reasons for them

The *Agricultural College Amendment Act 2014* (the Amendment Act) was assented to on 19 February 2014. A proclamation will fix 1 July 2014 as the commencement day of the provisions of the Amendment Act, other than part 3, and 1 August 2014 for the commencement of part 3.

The amendments to the *Agricultural College Act 2005* (the Act) which commence on 1 July 2014 relate to the restructuring of the Australian Agricultural College Corporation (the Corporation) from a corporation sole to a statutory body and its renaming as the Queensland Agricultural Training Colleges. The Act will also be renamed as the *Queensland Agricultural Training Colleges Act 2005*. As part of the restructuring a new position of

principal executive officer will be established. Consequential amendments are required to a range of subordinate legislation to reflect these changes.

An amendment is also required to declare the Queensland Agricultural Training Colleges not to be a national system employer for the purposes of the Commonwealth's *Fair Work Act 2009*. It is necessary that the Queensland Agricultural Training Colleges be declared not to be a national system employer to avoid any uncertainty as to their industrial relations system status. A declaration excluding the Queensland Agricultural Training Colleges from the national workplace relations system will provide certainty to the employer and employees and retain them within the jurisdiction of the Queensland industrial relations system.

Section 14(2) of the *Fair Work Act 2009* (Cth) sets out a two-stage declaration and endorsement process:

1. The regulation specifies that the Queensland Agricultural Training Colleges is declared not to be a national system employer for the purposes of the *Fair Work Act 2009* (Cth); and
2. The Commonwealth endorses the declaration confirming that the Queensland Agricultural Training Colleges is not to be a national system employer and therefore is not covered by the national workplace relations system.

The Explanatory Notes for the Amendment Act provided details about the policy objectives of the amendments to the *Agricultural College Act 2005*.

Achievement of policy objectives

The policy objectives are achieved through amendments to a range of subordinate legislation by substituting references to: the *Agricultural College Act 2005* with the *Queensland Agricultural Training Colleges Act 2005*; the Australian Agricultural College Corporation with Queensland Agricultural Training Colleges; and the director of the agricultural college with principal executive officer.

The subordinate legislation also amends the *Industrial Relations Regulation 2011* to declare the Queensland Agricultural Training Colleges not to be a national system employer for the purposes of the Commonwealth's *Fair Work Act 2009*.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the objectives of the Amendment Act as included in the Explanatory Notes for the Agricultural College Amendment Bill 2013.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Benefits and costs of implementation

There are no additional costs to Government or the community in the commencement of these provisions.

Consistency with fundamental legislative principles

The subordinate legislation does not conflict with fundamental legislative principles.

Consultation

Consultation on the proposed amendments was undertaken with the Department of the Premier and Cabinet, Queensland Treasury and Trade, the Department of Justice and Attorney-General, the Department of Education, Training and Employment, and the Public Service Commission. All agencies support the amendments.

The Office of Best Practice Regulation (OBPR) in the Queensland Competition Authority was consulted in regard to the Regulatory Impact Statement (RIS) requirements for the consequential amendments to the regulations arising from the amendments to the *Agricultural College Act 2005*. The OBPR advised that the proposed amendments were excluded from the RIS system.

The Commonwealth Minister for Employment, Senator the Honourable Eric Abetz MP, has confirmed the Federal Government's in-principle support to exclude the Queensland Agricultural Training Colleges from the national Fair Work system pursuant to subsection 14(2) of the *Fair Work Act 2009* (Cth). The exclusion will take effect upon the Commonwealth Minister's endorsement of the regulatory declaration.