

Agriculture and Other Legislation Amendment Bill 2019

Amendments during consideration in detail to be moved by
The Honourable the Minister for Agricultural Industry Development and Fisheries

1 Clause 2 (Commencement)

Page 10, after line 6—

insert—

(1AA) The following provisions commence on 29 February 2020 at the end of the day—

- (a) sections 128A and 128B;
- (b) schedule 1, to the extent it amends the following—
 - (i) the *Criminal Law (Rehabilitation of Offenders) Act 1986*;
 - (ii) the *Education (Work Experience) Act 1996*;
 - (iii) the *Industrial Relations Regulation 2018*;
 - (iv) the *Public Interest Disclosure Act 2010*;
 - (v) the *Public Sector Ethics Act 1994*;
 - (vi) the *Public Sector Ethics Regulation 2010*;
 - (vii) the *Public Service Regulation 2018*;
 - (viii) the *Statutory Bodies Financial Arrangements Regulation 2019*;
 - (ix) the *Superannuation (State Public Sector) Notice 2010*.

(1AB) The following provisions commence on 1 March 2020—

- (a) sections 7, 13, 14, 20, 21, 40, 46, 49, 66, 68, 69, 70, 72, 73, 76, 78, 79 and 83;

(b) parts 17 and 18.

2 Part 2, division 2, heading (Amendments commencing on assent)

Page 10, line 17, after ‘assent’—

insert—

or 1 March 2020

3 Part 3, division 2, heading (Amendments commencing on assent)

Page 18, line 17, after ‘assent’—

insert—

or 1 March 2020

4 Clause 36 (Amendment of s 198 (Movement record for receiving designated animal))

Page 26, line 12, ‘*insert*’—

omit, insert—

omit, insert

5 After clause 128

Page 69, after line 27—

insert—

128A Amendment of pt 8, hdg (Other transitional provisions)

Part 8, heading, after ‘Other’—

insert—

repeal, savings and

128B Insertion of new pt 8, div 3

Part 8—

insert—

**Division 3 Repeal, savings and
transitional provisions
for repeal of
Queensland
Agricultural Training
Colleges Act 2005**

Subdivision 1 Repeal

57 Repeal

The Queensland Agricultural Training Colleges Act 2005, No. 20 is repealed.

**Subdivision 2 Savings and
transitional provisions**

58 Definitions for subdivision

In this subdivision—

QATC means the Queensland Agricultural Training Colleges in existence under the repealed Act before the commencement.

repealed Act means the repealed *Queensland Agricultural Training Colleges Act 2005*.

59 Words have meanings given by repealed Act

Words defined under the repealed Act

immediately before its repeal and used in this subdivision have the same meanings as they had under the repealed Act.

60 QATC and other entities

- (1) On the commencement—
 - (a) QATC and its board are dissolved; and
 - (b) QATC's principal executive officer and each member of its board go out of office; and
 - (c) each board committee, if any, is dissolved and each member of the board committee goes out of office; and
 - (d) each college board, if any, is dissolved and each member of the college board goes out of office; and
 - (e) a college director goes out of office.
- (2) No compensation is payable to a person because of subsection (1).
- (3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect a person's right to a benefit or entitlement that had accrued before the commencement.

61 State is successor in law of QATC

- (1) The State is the successor in law of QATC.
- (2) Subsection (1) is not limited by another provision of this subdivision.

62 Assets and liabilities

On the commencement, the assets and liabilities of QATC immediately before the

commencement become assets and liabilities of the State held in the department.

63 Records and other documents

On the commencement, QATC's records and other documents held by QATC immediately before the commencement become records and other documents of the State held in the department.

64 Current instruments

- (1) This section applies to a contract or other instrument to which QATC was a party, or that otherwise applied to QATC, immediately before the commencement (a *current instrument*).
- (2) The State is a party to the current instrument, or the current instrument otherwise applies to the State, in place of QATC.
- (3) Without limiting subsection (2)—
 - (a) any right, title, interest or liability of QATC arising under or relating to a current instrument is a right, title, interest or liability of the State; and
 - (b) a current instrument, including a benefit or right provided by a current instrument, given to, by or in favour of QATC before the commencement is taken to have been given to, by or in favour of the State; and
 - (c) an application relating to a current instrument made in the name of QATC before the commencement is taken to have been made in the name of the State; and

- (d) a current instrument under which an amount is, or may become, payable to or by QATC is taken to be an instrument under which the amount is, or may become, payable to or by the State in the way the amount was, or might have become, payable to or by QATC; and
 - (e) a current instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by QATC is taken to be an instrument under which property is, or may become liable to be, transferred, conveyed or assigned to or by the State in the way the property was, or might have become, liable to be transferred, conveyed or assigned to or by QATC.
- (4) This section applies subject to section 69.

65 References to QATC

In an Act or document, a reference to QATC is, if the context permits, taken to be a reference to the State.

66 Current proceedings

- (1) This section applies to a proceeding that, immediately before the commencement, had not ended and to which QATC was a party.
- (2) On the commencement, the State becomes a party to the proceeding in place of QATC.

67 Proceedings not yet started

- (1) This section applies if, immediately before the commencement, a proceeding could have

been started by or against QATC within a particular period.

- (2) The proceeding may be started by or against the State within the period.

68 Registering authority to note transfer or other dealing

- (1) A registering authority must, on written application by the chief executive and without charge, register or record in the appropriate way a transfer of, or other dealing affecting, an asset, liability or instrument under this subdivision.
- (2) The chief executive must comply with any relevant procedures required by the registering authority for the purpose of registering or recording the transfer or other dealing.
- (3) In this section—

registering authority means the registrar of titles or another entity required or authorised by law to register or record transactions affecting assets, liabilities or instruments.

69 Matters relating to employment

- (1) On the commencement—
 - (a) a person who, immediately before the commencement, is employed by QATC on a permanent full-time or permanent part-time basis, other than the principal executive officer or a college director, becomes a public service employee of the department; and
 - (b) a work performance arrangement, under section 15 of the repealed Act,

- between QATC and another government entity ends; and
- (c) despite the provisions of the *Industrial Relations Act 2016*, the following instruments stop having effect—
- (i) the instrument called the ‘Queensland Agricultural Training Colleges Certified Agreement 2016’;
 - (ii) the instrument called the ‘Queensland Agricultural Colleges Award—State 2015’.
- (2) The change of employer under subsection (1)(a) does not—
- (a) interrupt a person’s continuity of service; or
 - (b) prejudice an employee’s existing or accruing right to long service leave; or
 - (c) constitute a termination of employment by QATC, retrenchment or redundancy; or
 - (d) entitle a person to a payment or other benefit merely because the person is no longer employed by QATC.

70 Effect on legal relationships

- (1) A thing done under this subdivision—
- (a) does not make the State liable for a civil wrong or a contravention of a law or for a breach of a contract or confidence; and
 - (b) does not make the State 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; and

- (c) does not fulfil a condition that—
 - (i) terminates, or allows a person to terminate, an instrument or obligation; or
 - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
 - (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
 - (iv) requires any money to be paid before its stated maturity; and
- (d) does not release a surety or other obligee, wholly or partly, from an obligation.

(2) If, apart from this subsection, the advice, consent or approval of a person would be necessary to do something under this subdivision, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.

(3) If giving notice to a person would be necessary to do something under this subdivision, the notice is taken to have been given.

(4) A reference in this section to the State includes an employee or agent of the State.

6 Clause 132 (Amendment of s 10A (Unlawful assembly))

Page 71, lines 8 to 16—

omit, insert—

- (b) the conduct of them taken together—
 - (i) would cause a person in the vicinity to reasonably fear that unlawful violence will be used to a person or property; or
 - (ii) if the conduct unlawfully happens on, or unlawfully affects, land mentioned in section 13(1)—

7 Clause 132 (Amendment of s 10A (Unlawful assembly))

Page 71, line 23, ‘cause economic loss to’—

omit, insert—

directly disrupt the operation of

8 Clause 132 (Amendment of s 10A (Unlawful assembly))

Page 72, lines 4 to 10—

omit, insert—

- (2) Section 10A(2)(c), ‘(1)(b)’—

omit, insert—

(1)(b)(i)

9 Clause 132 (Amendment of s 10A (Unlawful assembly))

Page 72, line 13, ‘Subsections (1)(b)(ii) and (2)(c)(ii) apply’—

omit, insert—

Subsection (1)(b)(ii) applies

10 Schedule 1 (Other amendments)

Page 78, after line 19—

insert—

Criminal Law (Rehabilitation of Offenders) Act 1986

1 Section 9A, table, item 8—

omit.

Education (Work Experience) Act 1996

1 Section 5(1)(e)—

omit.

11 Schedule 1 (Other amendments)

Page 79, after line 16—

insert—

Industrial Relations Regulation 2018

1 Schedule 5, part 3, item 4—

omit.

12 Schedule 1 (Other amendments)

Page 80, after line 5—

insert—

Public Interest Disclosure Act 2010

1 Section 6(1)(i)—

omit.

Public Sector Ethics Act 1994

- 1 **Schedule, definition *agricultural college*—**
omit.
- 2 **Schedule, definition *public sector entity*,
paragraph (c), ‘or an agricultural college’—**
omit.

Public Sector Ethics Regulation 2010

- 1 **Schedule, entry for Queensland Agricultural
Training Colleges—**
omit.

Public Service Regulation 2018

- 1 **Schedule 5—**
omit.

13 Schedule 1 (Other amendments)

Page 80, after line 15—

insert—

Statutory Bodies Financial Arrangements Regulation 2019

- 1 **Schedule 2, entry for *Queensland Agricultural
Training Colleges Act 2005*—**
omit.

2 Schedule 3, entry for *Queensland Agricultural Training Colleges Act 2005*—

omit.

**Superannuation (State Public Sector)
Notice 2010**

1 Schedule 2, entries for Queensland Agricultural Training Colleges and Queensland Agricultural Training Colleges Employing Office—

omit.

14 Long title

Long title, after ‘purposes’—

insert—

, and to also amend the *Rural and Regional Adjustment Act 1994* by inserting provisions that repeal the *Queensland Agricultural Training Colleges Act 2005* and provide for transitional matters

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