

I hereby certify that this PUBLIC BILL has finally passed the  
Legislative Assembly of Queensland.



Legislative Assembly Chamber,  
Brisbane,

*M. K. R. S.*  
The Clerk of the Parliament.

*19 February* 20 *14*

In the name and on behalf of the Queen, I assent to this Bill.

*Penelope Wendy*

Government House,

Brisbane, *19th February,* 20*14*



Queensland

No. *4* of 2014  
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





Queensland

# Agricultural College Amendment Bill 2014

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# 2014

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## 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**

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[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Agricultural College Amendment Act 2014*.

### **2 Commencement**

- (1) This Act, other than part 3, commences on a day (the *first day*) to be fixed by proclamation.
- (2) Part 3 commences on a day, not before the first day, to be fixed by proclamation.

## **Part 2 Amendment of Agricultural College Act 2005**

### **3 Act amended**

This part amends the *Agricultural College Act 2005*.

### **4 Amendment of long title**

Long title, from ‘Australian’ to ‘and for’—  
*omit, insert—*

**Queensland Agricultural Training Colleges and  
provide for agricultural colleges, and for**



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**5 Amendment of s 1 (Short title)**

Section 1, ‘Agricultural College’—

*omit, insert—*

*Queensland Agricultural Training Colleges*

**6 Omission of s 4 (Ministerial declaration ‘Stepping forward: improving pathways for all young people’)**

Section 4—

*omit.*

**7 Replacement of pt 2, hdg (Australian Agricultural College Corporation)**

Part 2, heading—

*omit, insert—*

**Part 2** **Queensland  
Agricultural Training  
Colleges**

**8 Replacement of s 5 (Establishment of Australian Agricultural College Corporation)**

Section 5—

*omit, insert—*

**5 Queensland Agricultural Training Colleges**

- (1) The former Australian Agricultural College Corporation is continued under the name Queensland Agricultural Training Colleges (the *corporation*).
- (2) The corporation—
  - (a) is a body corporate; and
  - (b) has a common seal; and

[s 9]

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(c) may sue and be sued in its corporate name.

**9 Omission of ss 8 and 9**

Sections 8 and 9—

*omit.*

**10 Replacement of s 10 (Corporation's functions generally)**

Section 10—

*omit, insert—*

**10 Corporation's functions generally**

The functions of the corporation are as follows—

- (a) promote the creation of employment opportunities in the State by providing high quality agricultural and rural vocational education and training;
- (b) ensure that vocational education and training meets the immediate and future needs of the agricultural, rural and related industries and the community;
- (c) engage employees, employers, associations of employees or employers and the community to identify agricultural training needs, opportunities and priorities;
- (d) cooperate with government bodies, industry, commerce and community groups and other persons on training matters relating to the agricultural and rural industries;
- (e) provide facilities and services for study, research and training relevant to the agricultural, rural and related industries;
- (f) commercially exploit any property of the corporation, including research or

knowledge developed by, or belonging to, the corporation;

- (g) comply with national and State quality standards and audit requirements for registered training organisations;
- (h) support the continued development of high quality training within the agricultural industry;
- (i) perform other functions given to the corporation under an Act.

**11 Omission of s 11 (Additional functions in relation to agricultural college)**

Section 11—

*omit.*

**12 Replacement of s 14 (Delegation by corporation)**

Section 14—

*omit, insert—*

**14 Delegation by corporation**

The corporation may delegate its powers under this Act to—

- (a) the principal executive officer; or
- (b) an appropriately qualified officer or employee of the corporation; or
- (c) a college board; or
- (d) a college director; or
- (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.

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## **13 Insertion of new pt 2, div 4A**

Part 2—

*insert—*

### **Division 4A Planning and accountability**

#### **14A Giving of statement of expectations**

- (1) The Minister may give the corporation a written statement (a *statement of expectations*) of the Minister's expectations of the corporation in performing its functions and exercising its powers.
- (2) The statement of expectations—
  - (a) must set out the Minister's expectations for the period stated in the statement; and
  - (b) may include provisions about the following—
    - (i) the strategic or operational activities to be carried out by the corporation in the performance of its functions;
    - (ii) other activities to be carried out by the corporation;
    - (iii) reporting to the Minister about the activities.
- (3) A statement of expectations given to the corporation under subsection (1) is taken to be a direction given under section 13(1).

#### **14B Statement of intent**

- (1) If the Minister gives a statement of expectations, under section 14A, to the corporation, the corporation must give the Minister a written

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statement (a *statement of intent*) about how the corporation proposes to comply with the statement of expectations.

- (2) The statement of intent must be given to the Minister within 30 days after the statement of expectations is given to the corporation.

#### **14C Corporation to submit strategic plans**

- (1) The corporation must submit for the Minister's approval a strategic plan developed for the corporation under the *Financial Accountability Act 2009*.
- (2) A strategic plan approved by the Minister is taken to be the corporation's strategic plan.

#### **14 Amendment of pt 2A, hdg (Australian Agricultural College Employing Office)**

Part 2A, heading, 'Australian Agricultural College'—  
*omit, insert*—

#### **Queensland Agricultural Training Colleges**

#### **15 Amendment of s 16 (Establishment of employing office)**

Section 16(1)—  
*omit, insert*—

- (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.

#### **16 Replacement of ss 21 and 22**

Sections 21 and 22—

[s 17]

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*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.

## **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.

## **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.

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(2) Section 24(2) and (3), ‘Minister’—

*omit, insert—*

Governor in Council

(3) Section 24(1A) to (4)—

*renumber as* section 24(2) to (5).

**19 Amendment of s 26 (Conditions of appointment to board)**

Section 26, ‘Minister’—

*omit, insert—*

Governor in Council

**20 Amendment of s 26A (Removal from office)**

(1) Section 26A, ‘Minister’—

*omit, insert—*

Governor in Council

(2) Section 26A(2) and (3)—

*omit.*

**21 Amendment of s 27 (Vacating office)**

Section 27(a) to (c)—

*omit, insert—*

- (a) becomes disqualified from holding office under section 23A; or
- (b) resigns from office by signed notice of resignation given to the Governor in Council; or
- (c) is removed from office by signed notice from the Governor in Council.



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**22 Omission of s 29 (Times and places of board meetings)**

Section 29—

*omit.*

**23 Omission of s 30 (Presiding at board meetings)**

Section 30—

*omit.*

**24 Omission of s 33 (Meetings held using communication technology)**

Section 33—

*omit.*

**25 Amendment of s 33A (Disclosure of interests)**

Section 33A(8)—

*omit, insert—*

- (8) If there are no members who may remain present for considering or deciding the issue, the Minister may consider and decide the issue.
- (9) A disclosure under subsection (2) must be recorded in the board's minutes.

**26 Amendment of s 34A (Chairperson's reporting requirements)**

(1) Section 34A(1), (3) and (4), 'the corporation and'—

*omit.*

(2) Section 34A(1), 'relating to the agricultural college (the *relevant functions*)'—

*omit.*

(3) Section 34A(2), 'the corporation or'—

[s 27]

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*omit.*

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

*omit.*

## **27 Amendment of s 35 (Establishing committees)**

- (1) Section 35(1) and (2)—

*omit, insert—*

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

- (2) Section 35(5), ‘corporation’—

*omit, insert—*

Minister

- (3) Section 35(6)—

*omit.*

- (4) Section 35(3) to (5)—

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

## **28 Insertion of new pt 3A**

After section 35—

*insert—*

### **Part 3A                      Principal executive officer**

#### **35A Principal executive officer**

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

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

### **35B Disqualification as principal executive officer**

- (1) A person is disqualified from becoming, or continuing as, the principal executive officer 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 a member of the board.
- (2) Also, a person is disqualified from continuing as the principal executive officer if the person fails to comply with section 35H.

### **35C Conditions of appointment**

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.

### **35D Term of appointment**

- (1) The principal executive officer holds office for the term, of not more than 3 years, stated in his or her contract of employment.
- (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.

### **35E Resignation**

The principal executive officer may resign by signed notice given to the chairperson of the board.

### **35F Role of the principal executive officer**

- (1) The principal executive officer is responsible for the overall management of the corporation.
- (2) The principal executive officer has all the powers necessary for carrying out those responsibilities and any function (an *additional function*) the officer is authorised by another Act to perform.

### **35G Relationship between principal executive officer and board**

- (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.
- (2) The principal executive officer must report regularly to the board on the administration of this Act.
- (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.

### **35H Principal executive officer not to engage in other paid employment**

The principal executive officer must not, without the board's prior written approval—

- (a) engage in paid employment outside the duties of the office of the principal executive officer; or
- (b) actively take part in the activities of a business, or in the management of a corporation carrying on business.

### **35I Conflicts of interest**

If the principal executive officer has an interest that conflicts, or may conflict, with the discharge of the officer's responsibilities, the officer—

- (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
- (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.

## **29 Replacement of pt 4 (Agricultural college, director and student advisory council)**

Part 4—

*omit, insert—*

**Part 4                      Agricultural colleges,  
college boards or  
college directors**

**Division 1                Agricultural colleges**

### **36 Agricultural colleges**

- (1) The Minister may establish agricultural colleges to deliver education and training services to the agricultural and rural industries.
- (2) An agricultural college has no legal existence apart from the corporation.
- (3) The Minister may—
  - (a) give an agricultural college a name; and
  - (b) establish campuses for the college.

## **Division 2            Board of agricultural colleges**

### **37 Boards of agricultural colleges**

- (1) The Minister may establish a college board for 1 or more agricultural colleges.
- (2) The Minister must appoint no more than 7 members of each college board established under subsection (1).
- (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.
- (4) The Minister must appoint 1 member as chairperson and another member as deputy chairperson.
- (5) Subject to direction from the corporation, a college board is responsible for the following in relation to the colleges for the board—
  - (a) overseeing the day-to-day operations of the colleges;
  - (b) deciding key business planning and performance matters for the colleges;

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

### **38 Disqualification as member of college board**

A person is disqualified from becoming, or continuing as, a member of a college 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 a member of the board or an employee or a contractor of the corporation.

### **39 Conditions and term of appointment**

- (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.
- (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.
- (3) However, a person's appointment as member ends if, during the term of the appointment, the person becomes disqualified under section 38.
- (4) A member of a college board may resign by signed notice given to the chairperson of the board.

#### **40 Conduct of business**

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.

#### **41 Voting at college board meetings**

- (1) At college board meetings, all questions are to be decided by a majority of the votes of the members present.
- (2) If a member abstains from voting, the member is taken to vote for the negative.
- (3) The chairperson or a member presiding at a meeting is to have a vote and, if the votes are equal, a casting vote.

#### **42 Quorum for college board meeting**

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.

#### **43 Disclosure of interests**

- (1) This section applies to a member of a college board if—
  - (a) the member has an interest in an issue being considered, or about to be considered, by the college board; and
  - (b) the interest conflicts or may conflict with the proper performance of the member's duties about the consideration of the issue.



- (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.
- (3) Unless the college board otherwise directs, the member must not—
  - (a) be present when the college board considers the issue; or
  - (b) take part in a decision of the college board about the issue.
- (4) The member must not be present when the college board is considering whether to give the direction.
- (5) If there is another person who must, under subsection (2), also disclose an interest in the issue, the other person must not—
  - (a) be present when the college board is considering whether to give the direction; or
  - (b) take part in making the decision about giving the direction.
- (6) Subsections (7) and (8) apply if—
  - (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
  - (b) there would be a quorum if the member were present.
- (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.
- (8) If there are no members who may remain present for considering or deciding the issue, the Minister may consider and decide the issue.

[s 29]

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- (9) The disclosure must be recorded in the college board's minutes.

#### **44 College board minutes**

A college board must keep a record of the minutes of its meetings and its decisions.

### **Division 3 College directors**

#### **44A College directors**

- (1) The Minister must decide the number of college directors and which agricultural colleges the directors are to be appointed for.
- (2) The corporation appoints each college director in consultation with any college board for the agricultural college the director is to be appointed for.
- (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.
- (4) Subject to any relevant industrial instrument, the corporation may decide the terms of employment for the college director.
- (5) A college director is appointed under this Act and not under the *Public Service Act 2008*.
- (6) A person is disqualified from becoming, or continuing as, a college director 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 a member of the college board or an employee or a contractor of the corporation.
- (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.
- (8) In this section—  
**relevant board**, for an agricultural college, means—
- (a) if there is a college board for the college—the college board; or
- (b) otherwise—the board.

**30 Omission of s 46 (Delegation by Minister)**

Section 46—

*omit.*

**31 Insertion of new pt 6, div 5**

Part 6—

*insert—*

**Division 5 Transitional provisions for  
Agricultural College  
Amendment Act 2014**

**65 Definitions for div 5**

In this division—

**amending Act** means the *Agricultural College Amendment Act 2014*.

**document** includes a policy of the former board.

**former board** means the Board of the Australian Agricultural College Corporation previously

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continued under this Act, section 21, as in force before its amendment under the *Agricultural College Amendment Act 2014*.

***former director*** means the person holding the office of director under this Act, section 37, as in force before its amendment under the *Agricultural College Amendment Act 2014*.

## 66 Dissolutions

- (1) On the commencement of this section the following end or cease to exist—
  - (a) the former board;
  - (b) the appointment of the members of the former board;
  - (c) the office of the former director;
  - (d) the appointment of the former director.
- (2) No amount, whether by way of compensation, reimbursement or otherwise, is payable by the State or the corporation to any person for or in connection with the enactment of subsection (1).
- (3) However, to avoid any doubt, subsection (2) does not limit or otherwise affect the former director's right to a benefit or entitlement that, under the existing conditions of appointment, had accrued or was accruing immediately before the commencement of this section.
- (4) In this section—

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

### **67 First appointment of members of the board**

- (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 23.
- (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.
- (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.

### **68 First appointment of principal executive officer**

- (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.
- (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.
- (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.

### **69 Records of the former board**

On the commencement of this section, a record of the former board becomes a record of the board.

## **70 References to former entities**

In an Act or document—

- (a) a reference to the Australian Agricultural College Corporation may, if the context permits, be taken to be a reference to the corporation; and
- (b) a reference to the former board may, if the context permits, be taken to be a reference to the board.

## **71 Change to name of entities**

A change in the name of either of the following entities under the amending Act does not affect the status of the entity—

- (a) the corporation;
- (b) the employing office.

## **72 Effect on legal relationships**

- (1) Nothing done under the amendments to this Act under the amending Act (the *Act amendments*)—
  - (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
  - (b) except as provided for under the Act amendments, is taken to 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; or
  - (c) releases a surety or other obligee, wholly or partly, from an obligation.
- (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.
- (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.
- (4) In this section—  
*relevant entity* means—
- (a) the State or an employee or agent of the State; or
  - (b) the former Australian Agricultural College Corporation, a member of the former board or the former director; or
  - (c) the corporation, a member of the governing board or the principal executive officer.

[s 32]

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### 32 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *board*, *campus*, *corporation*, *director* and *employing office*—

*omit.*

- (2) Schedule 2—

*insert—*

***board*** means the Board of the Queensland Agricultural Training Colleges established under section 21.

***college board*** means a college board established under section 37.

***college director*** means a person appointed as college director under section 44A.

***corporation*** see section 5(1).

***employing office*** means the Queensland Agricultural Training Colleges Employing Office continued under section 16.

***former Australian Agricultural College Corporation*** means the Australian Agricultural College Corporation previously established under this Act, section 5 as in force before its amendment under the *Agricultural College Amendment Act 2014*.

***principal executive officer*** means the principal executive officer appointed under section 35A.

***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.

- (3) Schedule 2, definition *agricultural college*, ‘the’—



*omit, insert—*

an

**33 Omission of attachment (Ministerial Declaration ‘Stepping Forward: Improving Pathways for all Young People’)**

Attachment—

*omit.*

**Part 3 Amendments about the dissolution of the employing office**

**34 Act amended**

This part amends the *Queensland Agricultural Training Colleges Act 2005*.

**35 Amendment of s 14 (Delegation by corporation)**

Section 14(e)—

*omit, insert—*

- (e) an appropriately qualified employee of another government entity who performs work for the corporation under a work performance arrangement.

**36 Replacement of pt 2, div 5, hdg (Other provisions)**

Part 2, division 5, heading—

*omit, insert—*

[s 37]

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**Division 5                      Other staff and work  
   performance  
   arrangements**

**37                      Insertion of new s 15AA**

Part 2—

*insert—*

**15AA Other staff**

- (1) The corporation may employ other staff it considers appropriate to perform its functions.
- (2) The other staff are appointed under this Act and not the *Public Service Act 2008*.

**38                      Amendment of s 15 (Corporation may enter into work  
   performance arrangements)**

- (1) Section 15(1), from ‘with—’—

*omit, insert—*

with the appropriate authority of another government entity.

- (2) Section 15(4)(b), ‘an employee of the employing office, or’—  
*omit.*

**39                      Omission of pt 2A (Queensland Agricultural Training  
   Colleges Employing Office)**

Part 2A—

*omit.*

**40                      Amendment of s 23A (Disqualification as member)**

Section 23A(d)—

---

*omit, insert—*

(d) is an employee or officer of the corporation.

#### **41 Amendment of s 65 (Definitions for div 5)**

Section 65—

*insert—*

*executive officer* means the executive officer of the employing office appointed under section 19 as in force before its repeal under the *Agricultural College Amendment Act 2014*.

#### **42 Insertion of new ss 73 and 74**

Part 6, division 5—

*insert—*

##### **73 Dissolutions**

- (1) On the commencement of this section the following end or cease to exist—
  - (a) the employing office;
  - (b) the office of the executive officer;
  - (c) the appointment of the executive officer.
- (2) No amount, whether by way of compensation, reimbursement or otherwise, is payable by the State or the corporation to any person for or in connection with the enactment of subsection (1).
- (3) However, to avoid any doubt, subsection (2) does not limit or otherwise affect the executive officer's right to a benefit or entitlement that, under the existing conditions of appointment, had accrued or was accruing immediately before the commencement of this section.
- (4) In this section—

[s 42]

---

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

#### **74 Matters for transfer of employees to corporation**

- (1) On the commencement of this section—
  - (a) an employee of the employing office employed immediately before the commencement of this section (a *transferred employee*) becomes an employee of the corporation; and
  - (b) a transferred employee ceases to be an employee of the employing office; and
  - (c) the employing office's records, to the extent they relate to the employment of transferred employees, become records of the corporation; and
  - (d) the employing office's liabilities relating to a transferred employee's accrued rights to annual, sick, long service or other leave become the liabilities of the corporation.
- (2) The transfer of an employee of the employing office to the corporation does not—
  - (a) affect the employee's total remuneration; or
  - (b) prejudice the employee's existing or accruing rights to superannuation or annual, sick, long service or other leave; or
  - (c) interrupt continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than

- 
- once in relation to the same period of service; or
- (d) constitute a retrenchment, redundancy or termination of the employee's employment at the initiative of the employing office; or
  - (e) entitle the employee to a payment or other benefit because he or she is no longer employed by the employing office; or
  - (f) require the employing office to make any payment.
- (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)—
- (a) the transfer of an employee of the employing office to the corporation;
  - (b) the terms and conditions of employment, rights and entitlements of employees transferred under paragraph (a);
  - (c) the application of a particular industrial instrument to the employees mentioned in paragraph (a).
- (4) The regulation has effect despite any other law or instrument.
- (5) To remove any doubt, it is declared that the regulation applies despite—
- (a) the *Industrial Relations Act 1999*; and
  - (b) any industrial instrument.
- (6) This section does not apply to the executive officer.

#### **43 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definitions *employee of the employing office*, *employing office* and *executive officer*—

[s 44]

---

*omit.*

(2) Schedule 2—

*insert—*

***employing office*** means the former Australian Agricultural College Employing Office previously established under section 16 before the repeal of that section under the *Agricultural College Amendment Act 2014*.

## **Part 4                      Minor and consequential amendments**

### **44      Acts amended**

Schedule 1 amends the Acts it mentions.

## Schedule 1      Minor and consequential amendments

section 44

### Criminal Law (Rehabilitation of Offenders) Act 1986

#### 1      Section 9A, table, item 8—

*omit, insert—*

- |   |   |
|---|---|
| <p>8      Person employed at the Queensland Agricultural Training Colleges under the <i>Queensland Agricultural Training Colleges Act 2005</i> as—</p> <p>(a) the principal executive officer; or</p> <p>(b) a director; or</p> <p>(c) an instructor; or</p> <p>(d) a member of the administrative, building, domestic or ground staff.</p> | <p>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.</p> <p>(2) An offence of a similar nature committed in Queensland or elsewhere.</p> <p>(3) An offence of a sexual nature whether committed in Queensland or elsewhere.</p> |
|---|---|

### Education (Overseas Students) Act 1996

#### 1      Schedule, definitions *agricultural college* and *director*—

*omit, insert—*

*agricultural college* means the Queensland Agricultural Training Colleges under the *Queensland Agricultural Training Colleges Act 2005*.

## **Education (Work Experience) Act 1996**

**1 Section 5(1)(e)—**

*omit, insert—*

- (e) if the student is enrolled in the Queensland Agricultural Training Colleges under the *Queensland Agricultural Training Colleges Act 2005*—the college; or

## **Public Interest Disclosure Act 2010**

**1 Section 6(1)(i)—**

*omit, insert—*

- (i) the Queensland Agricultural Training Colleges under the *Queensland Agricultural Training Colleges Act 2005*;

**2 Schedule 4, definition *agricultural college*—**

*omit.*

## **Public Sector Ethics Act 1994**

**1 Schedule, definition *agricultural college*—**

*omit, insert—*

*agricultural college* means the Queensland Agricultural Training Colleges under the



*Queensland Agricultural Training Colleges Act  
2005.*

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