



# Queensland Agricultural Training Colleges Act 2005

Current as at 1 March 2017

## Reprint note

This is the last reprint before repeal. Repealed on 29 February 2020 at the end of the day by 1994 Act No. 50 s 57.

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Queensland

# Queensland Agricultural Training Colleges Act 2005

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# Queensland Agricultural Training Colleges Act 2005

**An Act to establish the Queensland Agricultural Training Colleges and provide for agricultural colleges, and for other purposes**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Queensland Agricultural Training Colleges Act 2005*.

### **2 Commencement**

This Act commences on a day to be fixed by proclamation.

### **3 Dictionary**

The dictionary in schedule 2 defines particular words used in this Act.

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

### **Division 1**                **Establishment and capacity of corporation**

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

#### **6**                      **Corporation represents the State**

- (1) The corporation represents the State.
- (2) Without limiting subsection (1), the corporation has all the State's privileges and immunities.

#### **7**                      **Legal capacity of corporation**

- (1) The corporation has all the powers of an individual and may, for example—
  - (a) enter into contracts; and
  - (b) acquire, hold, dispose of, and deal with, property; and
  - (c) appoint agents and attorneys; and
  - (d) engage consultants; and
  - (e) fix charges, and other terms, for services it supplies; and

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- (f) do anything necessary or convenient to be done in the performance of its functions under this or another Act.
  - (2) The corporation also has the powers conferred on it by this or another Act.
  - (3) The corporation may exercise its powers inside and outside Queensland.
  - (4) Without limiting subsection (3), the corporation may exercise its powers outside Australia.

## **Division 2                      Functions**

### **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.

## **Division 3                      Financial matters**

### **12            Corporation is statutory body**

- (1) The corporation is a statutory body under—
  - (a) the *Financial Accountability Act 2009*; and
  - (b) the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B, sets out the way in which the corporation's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*, including, for example, section 7(3) and (4) of this Act.

## **Division 4                      Directions and delegations**

### **13            Minister's power to give directions**

- (1) The Minister may give the corporation a written direction about a matter relevant to the performance of the corporation's functions under this Act.
- (2) The corporation must comply with the direction.
- (3) If the Minister gives the corporation a direction under subsection (1), the corporation's annual report under the *Financial Accountability Act 2009* must include—
  - (a) particulars of the direction; and
  - (b) particulars of the corporation's response to the direction.

## 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 another government entity who performs work for the corporation under a work performance arrangement.

## 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 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.

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

### **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*.

### **15 Corporation may enter into work performance arrangements**

- (1) The corporation may enter into, and give effect to, a work performance arrangement with the appropriate authority of another government entity.

- (2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.
- (3) For example, a work performance arrangement may provide for—
  - (a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and
  - (b) the authorising of a person to exercise powers for the arrangement; and
  - (c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.
- (4) A person performing work for the corporation under a work performance arrangement entered into under subsection (1)—
  - (a) is not employed by the corporation; and
  - (b) remains an employee of the other government entity whose appropriate authority is a party to the arrangement.
- (5) To remove any doubt, it is declared that the corporation does not have power to employ a person performing work for the corporation under a work performance arrangement entered into under subsection (1).

## **Part 3                      Board of the corporation**

### **Division 1                Establishment and functions**

#### **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.

## **Division 2 Board membership**

### **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.

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- (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.

### **24 Board chairperson and deputy chairperson**

- (1) The Governor in Council must appoint a member of the board to be the chairperson and another member to be the deputy chairperson.
- (2) Neither the chairperson nor deputy chairperson can be the chairperson or deputy chairperson of a college board.
- (3) The chairperson or deputy chairperson holds office as chairperson or deputy chairperson—
  - (a) for the term, of no more than 3 years, decided by the Governor in Council; or
  - (b) if the person's term of office as member ends before the person's term of office as chairperson or deputy chairperson ends—until the day the person's term of office as member ends; or
  - (c) if the person's term of office as member and the person's term of office as chairperson or deputy chairperson end on the same day—until the day the person's offices end.
- (4) A vacancy occurs in the office of chairperson or deputy chairperson if the person holding office—

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- (a) is removed from office by signed notice from the Governor in Council; or
  - (b) resigns from office by signed notice of resignation given to the Governor in Council.
- (5) However, a person removed from, or resigning from, the office of chairperson or deputy chairperson may continue to be a member of the board.

## **25 Term of appointment to board**

- (1) A board member is appointed for the term, of no more than 3 years, stated in the member's notice of appointment.
- (2) Subsection (1) does not prevent a person from being reappointed as a member of the board.
- (3) A board member may resign by signed notice of resignation given to the Minister.

## **26 Conditions of appointment to board**

- (1) A board member is entitled to be paid the remuneration decided by the Governor in Council.
- (2) However, a board member who is a public service employee is not entitled to remuneration as a board member unless the remuneration—
  - (a) relates to the employee's attendance at a meeting of the board outside the employee's normal work hours; and
  - (b) is approved in writing by the Governor in Council.
- (3) A board member holds office—
  - (a) on the conditions stated in this Act; and
  - (b) on the other conditions decided by the Governor in Council.

## **26A Removal from office**

The Governor in Council may remove a board member from office if the member—

- (a) becomes incapable of performing the member's functions because of physical or mental incapacity; or
- (b) is guilty of misconduct of a kind that could warrant dismissal from the public service if the member were a public service employee.

## **27 Vacating office**

The office of a board member becomes vacant if the member—

- (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.

## **Division 3 Board meetings**

### **28 Conduct of board's business**

Subject to this Act, the board may conduct its business in the way it considers appropriate.

### **31 Voting at board meetings**

- (1) At 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.

### **32 Quorum for board meeting**

A quorum for a 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.

### **33A Disclosure of interests**

- (1) This section applies to a member of the board if—
- (a) the member has a direct or indirect interest in an issue being considered or about to be considered by the board; and
  - (b) the interest could conflict with the proper performance of the member's duties about the consideration of the issue.
- (2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a board meeting.
- (3) Unless the board otherwise directs, the member must not—
- (a) be present when the board considers the issue; or
  - (b) take part in a decision of the board about the issue.
- (4) The member must not be present when the board is considering whether to give a direction under subsection (3).
- (5) If there is another member who must under subsection (2) also disclose an interest in the issue, the other member must not—
- (a) be present when the board is considering whether to give a direction under subsection (3) about the member; or
  - (b) take part in making the decision about giving the direction.

- (6) Subsection (7) applies if—
- (a) because of this section, a member is not present at a board meeting for considering or deciding an issue or for considering or deciding whether to give a direction under subsection (3); and
  - (b) there would be a quorum if the member were present.
- (7) The remaining members present at the meeting are taken to be a quorum of the 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.
- (9) A disclosure under subsection (2) must be recorded in the board's minutes.

### **34 Board minutes**

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

## **Division 4 Additional functions of board chairperson**

### **34A Chairperson's reporting requirements**

- (1) The chairperson of the board must within 1 month after the end of each quarter give a report to the Minister on the performance of the corporation's functions.
- (2) If the Minister requires the chairperson to give a report, advice or stated information about a matter relating to the functions, the chairperson must comply with the requirement to the extent the chairperson is able to comply.

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- (3) If the chairperson is unable to comply fully with the requirement, the chairperson must give the Minister written reasons for the noncompliance.
- (4) If the chairperson becomes aware of a matter the chairperson is satisfied may adversely affect the corporation's ability to perform the functions, the chairperson must report the matter to the Minister as soon as practicable but within 1 month after the chairperson first becomes aware of the matter.
- (5) In this section—  
*quarter* means a 3-month period ending on 31 March, 30 June, 30 September or 31 December.

## **Division 5                      Board committees**

### **35            Establishing committees**

- (1) The board may establish a committee to help it perform its functions.
- (2) Appointments to the committee are to be made by the board by written notice.
- (3) The board may appoint a person to the committee only if the person has skills or experience appropriate to the committee's terms of reference or functions.
- (4) A committee member is not entitled to any remuneration, other than the reimbursement of reasonable expenses and travel allowance, unless remuneration is approved in writing by the Minister.

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## 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.

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- (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.

## **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

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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.
- (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.

## Part 5                      General

### 45      Driver training

- (1) Despite the *Transport Operations (Road Use Management) Act 1995*, a student who is required to drive a specially constructed vehicle in the grounds of the agricultural college as part of the student's training at the agricultural college is, while driving the specially constructed vehicle, taken to hold a learner licence to drive the specially constructed vehicle.
- (2) Subsection (1) does not apply if the student—
  - (a) has a driver licence that, at the time of driving the specially constructed vehicle, is suspended or cancelled; or

(b) is, at the time of driving the specially constructed vehicle, disqualified by order of an Australian court from holding or obtaining a driver licence.

(3) In this section—

*driver licence* has the meaning given by the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

*learner licence* has the meaning given by the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

*specially constructed vehicle* has the meaning given by the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, schedule 9.

*student* means a student of the agricultural college who is at least 16 years and 6 months.

## 47 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may be made about the following—
  - (a) fees, including the refunding of fees, for this Act;
  - (b) imposing a penalty of not more than 20 penalty units for a contravention of a provision of a regulation.

# Part 6 Repeal and transitional provisions

## Division 1 Repeal

### 48 Repeal of Agricultural Colleges Act 1994

The Agricultural Colleges Act 1994 No. 58 is repealed.

## **Division 2**                      **Transitional provisions for Agricultural College Act 2005**

### **49**        **Definitions for div 2**

*college board* means a college board under the repealed Act.

*commencement* means the day this division commences.

*former agricultural college* means an agricultural college under the repealed Act.

### **50**        **References to repealed Act or college board**

- (1) In an Act or document, a reference to the repealed Act may, if the context permits, be taken as a reference to this Act.
- (2) A reference in an Act or document to a former agricultural college or a college board may, if the context permits, be taken to be a reference to the corporation.

### **51**        **Dissolution of college boards**

- (1) On the commencement—
  - (a) each of the college boards is dissolved; and
  - (b) the members of each of the boards go out of office.
- (2) No compensation is payable to a member of a college board because of subsection (1).

### **52**        **Assets and liabilities**

- (1) On the commencement—
  - (a) the assets and liabilities of the college boards become assets and liabilities of the corporation; and
  - (b) any contracts, agreements, arrangements and deeds entered into by or on behalf of a college board, in force immediately before the commencement, are taken to

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- have been entered into by the corporation and may be enforced against or by the corporation; and
- (c) all guarantees, mandates, instructions, notices, directions, undertakings and securities given by or on behalf of, or to, a college board, in force immediately before the commencement, are taken to have been given by or to the corporation and may be enforced against or by the corporation; and
  - (d) any property that, immediately before the commencement, was held on trust, or subject to a condition, by a college board continues to be held on the same trust, or subject to the same condition, by the corporation; and
  - (e) any lease granted by, or to, a college board, in force immediately before the commencement, is taken to have been granted by, or to, the corporation.
- (2) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the corporation, record the vesting of the property under this section in the corporation.

### **53 Proceedings**

A proceeding that could have been started or continued by or against a college board before the commencement may be started or continued by or against the corporation.

### **54 Existing decisions of college boards**

- (1) This section applies to a decision of a college board before the commencement, if the decision had not had full effect at the commencement.
- (2) The decision continues in force, subject to this Act, and is taken to be a decision of the corporation.
- (3) Without limiting subsection (2), if the decision is one in relation to which a person had a right to appeal against the decision that had not ended immediately before the

commencement, the person may appeal against the decision as if it were a decision of the corporation.

## **55 Dealing with disciplinary matters**

(1) A matter that under a disciplinary rule had started to be, or could have been, dealt with by a former agricultural college before the commencement may be continued to be dealt with, or started, by the director.

(2) In this section—

*disciplinary rule* means a college rule about the disciplining of students made by a former agricultural college and in force immediately before the commencement.

## **56 Administrator**

(1) This section applies if, immediately before the commencement, a person held office as an administrator for a former agricultural college.

(2) On the commencement—

(a) the administrator stops holding office; and

(b) any decision made by the administrator before the commencement that has not had full effect continues in force, subject to this Act, and is taken to be a decision of the corporation.

(3) No compensation is payable to an administrator because of subsection (2)(a).

## **57 Continuation of appointment of staff**

(1) This section applies to a person who, immediately before the commencement—

(a) held the position of director of a former agricultural college; or

(b) was member of a former agricultural college's staff.

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- (2) On the commencement, the person is taken to be an officer of the corporation.
  - (3) Until otherwise decided under section 15(2), the person is taken to be employed by the corporation on the same conditions on which the person was employed by the former agricultural college.
  - (4) Also—
    - (a) the person keeps all rights accrued or accruing to the person as an employee of the former agricultural college; and
    - (b) the person's entitlements to receive long service, recreation and sick leave and any similar entitlements accrued or accruing to the person as an employee of the former agricultural college are unaffected; and
    - (c) if the person is a member of a superannuation scheme—
      - (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and
      - (ii) the person's membership of the scheme is not affected.
  - (5) Without limiting subsection (3), if an industrial instrument applies to the person immediately before the repeal, the instrument continues to apply to the person.
  - (6) Subsection (5) has effect subject to the *Industrial Relations Act 2016*.

## **58 Amalgamation of former agricultural colleges**

On the commencement—

- (a) the former agricultural colleges are amalgamated and taken to be the agricultural college under section 36(1); and

- (b) each former agricultural college is taken to be a campus of the agricultural college as if it had been established by the corporation as a campus under section 36(3)(b).

## **59 Registered providers under the Education (Overseas Students) Act 1996**

- (1) This section applies if, immediately before the commencement, the chairperson of a board of a former agricultural college was a registered provider under the *Education (Overseas Students) Act 1996*.
- (2) On the commencement, the director is taken to be the registered provider for that Act.
- (3) As soon as practicable after the commencement—
  - (a) the director must return any registration certificate given to the former agriculture college; and
  - (b) the chief executive of the department in which the *Education (Overseas Students) Act 1996* is administered must—
    - (i) return to the director the certificate suitably amended; or
    - (ii) give the director a suitable new registration certificate.
- (4) Without limiting the conditions that may be included in an amended or new certificate of registration under subsection (3)(b)(i) or (ii), the certificate must include a condition stating the campuses of the agricultural college where registered courses under the *Education (Overseas Students) Act 1996* may be delivered.

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## **Division 3**                      **Transitional provisions for Statutory Bodies Legislation Amendment Act 2007**

### **60**        **Rights and entitlements of particular employees**

- (1) This section applies to a person who—
  - (a) becomes an employee of the employing office; and
  - (b) was an employee of the corporation—
    - (i) immediately before the commencement of this section; and
    - (ii) immediately before becoming an employee of the employing office.
- (2) On becoming an employee of the employing office, the person is taken to be employed under section 20A on the conditions on which the person would have been employed by the corporation, immediately before the person became an employee of the employing office, if the corporation had never become an employer under the *Workplace Relations Act 1996* (Cwlth).
- (3) Also—
  - (a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that—
    - (i) have accrued or were accruing to the person as an employee of the corporation; and
    - (ii) would have accrued to the person if the corporation had never become an employer under the *Workplace Relations Act 1996* (Cwlth); and
  - (b) if the person is a member of a superannuation scheme—
    - (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and

- (ii) the person's membership of the scheme is not affected.
- (4) Without limiting subsection (3), for working out the person's rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person by the employing office is a continuation of employment of the person by the corporation.
- (5) If the person was a seconded employee immediately before becoming an employee of the employing office, the arrangement under which the person was performing work for a government entity other than the corporation may continue until the arrangement ends, and, if the arrangement does continue—
  - (a) subsection (2) does not apply to the person; and
  - (b) on the ending of the arrangement, the person is taken to be employed under section 20A on the conditions on which the person would have been employed by the corporation, on the ending of the arrangement, if—
    - (i) the person had continued to be an employee of the corporation; and
    - (ii) the corporation had never become an employer under the *Workplace Relations Act 1996* (Cwlth).
- (6) Subsections (2) and (5)(b) do not limit section 20A(3) and (4).
- (7) In this section—

*employee of the corporation* includes a seconded employee.

*seconded employee* means an employee of the corporation performing work for another government entity under an arrangement entered into, before the commencement of this section, by the corporation with the appropriate authority of the other government entity.

## 61 Application of industrial instruments

The employing office is taken to be bound by the industrial instruments that bound the corporation immediately before it

became an employer under the *Workplace Relations Act 1996* (Cwlth).

**62 Amending Act does not affect particular powers of corporation**

Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 2, affects the powers of the corporation under section 7.

**63 Continued application of repealed provisions**

- (1) Part 2, division 5, as in force immediately before the commencement of this section (the *repealed division*), continues to apply in relation to persons employed by the corporation under the repealed division immediately before the commencement while that employment continues.
- (2) Also, section 19 of the repealed division continues to apply to those persons on the ending of their employment by the corporation.
- (3) Section 37, as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the corporation under repealed section 37(3) immediately before the commencement while that employment continues.
- (4) This section does not limit section 62.

**Division 4 Transitional provision for  
Agricultural College and Other  
Legislation Amendment Act 2010**

**64 References to board by its former name**

- (1) In a document, a reference to the board by its former name may, if the context permits, be taken to be a reference to the board.

(2) In this section—

*former name* means the Australian Agricultural College Corporation Advisory Board.

## **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.

*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*.

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

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- (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.

### **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—

*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—

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- (a) the *Industrial Relations Act 2016*; and
  - (b) any industrial instrument.
- (6) This section does not apply to the executive officer.

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## Schedule 2 Dictionary

### section 3

***agricultural college*** means an agricultural college established under section 36(1).

***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.

***compulsory participation phase*** see the *Education (General Provisions) Act 2006*, section 231.

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

***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*.

***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*.

***government entity*** see the *Public Service Act 2008*, section 24.

***indictable offence*** includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659 applies to the indictable offence.

***industrial instrument*** has the meaning given by the *Industrial Relations Act 2016*.

***insolvent under administration*** means—

- (a) a person who is an undischarged bankrupt within the meaning of the *Bankruptcy Act 1966* (Cwlth) or the corresponding provisions of the law of a foreign country or external territory; or
- (b) a person who has executed a deed of arrangement under the *Bankruptcy Act 1966* (Cwlth), part X or the corresponding provisions of the law of a foreign country or external territory, if the terms of the deed have not been fully complied with; or
- (c) a person whose creditors have accepted a composition under the *Bankruptcy Act 1966* (Cwlth), part X or the corresponding provisions of the law of a foreign country or external territory, if a final payment has not been made under that composition; or
- (d) a person for whom a debt agreement has been made under the *Bankruptcy Act 1966* (Cwlth), part IX or the corresponding provisions of the law of a foreign country or external territory, if the debt agreement has not ended or has not been terminated; or
- (e) a person who has executed a personal insolvency agreement under the *Bankruptcy Act 1966* (Cwlth), part X or the corresponding provisions of the law of a foreign country or external territory, but not if the agreement has been set aside or terminated or all of the obligations that the agreement created have been discharged.

*pastoral care* includes—

- (a) care and support provided for students in a safe living and working environment; and
- (b) care and support provided—
  - (i) with the help of people in the agricultural college or community who have appropriate life experience or skills, or the ability, to work with young people who may be experiencing personal or educational difficulties; and
  - (ii) to help students develop interpersonal and living skills.

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

**qualification** means a VET qualification under the *National Vocational Education and Training Regulator Act 2011* (Cwlth).

**registered training organisation** see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

**repealed Act** means the *Agricultural Colleges Act 1994*.

**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.

**statement of attainment** means a VET statement of attainment under the *National Vocational Education and Training Regulator Act 2011* (Cwlth).

**student**, of the agricultural college, means a student enrolled in the agricultural college.

**work performance arrangement** means an arrangement under which an employee of a government entity performs work for another government entity.