

17 SEP 2013



Department of
Education, Training and Employment

Mrs Rosemary Menkens MP
Chair
Education and Innovation Committee
Parliament House
BRISBANE QLD 4000

Dear Mrs Menkens

Thank you for your letter dated 12 September 2013 seeking advice about the Vocational Education, Training and Employment (Skills Queensland) and Another Act Amendment Bill 2013.

In particular, the Committee seeks advice regarding clause 21, to the extent it inserts a proposed new section 412(2) into the *Vocational Education, Training and Employment Act 2000* (the Bill) to provide that the Chief Executive Officer (CEO) of Skills Queensland is not entitled to compensation for going out of office.

This provision was included in the Bill to ensure that the CEO of Skills Queensland is not entitled to any form of compensation for the cessation of their appointment prior to the end of the term of appointment. The provision is not intended to prohibit or override any payment to which the CEO is otherwise entitled under the specific terms and conditions of the appointment. Rather, it is intended to ensure the CEO does not receive any more than was anticipated under the terms and conditions of the appointment.

I note the Committee's concerns about the impacts the loss of compensation could have on someone at this level of position, in particular, their ability to meet financial obligations should the CEO be removed from their position. In this regard, I would like to highlight to the Committee that prior to the introduction of this Bill, the appointment of the former CEO of Skills Queensland was ceased by the Chair of the Skills Queensland Board.

In addition, while the CEO was advised of the intention for Skills Queensland to be abolished, the role of CEO was still required at the time the Chair of the Board ended his appointment.

Therefore, the provisions regarding compensation for the CEO position are considered appropriate and is not a breach of fundamental legislative principles.

While the proposed section could be amended to clarify its policy intent and interaction of the section with employment entitlements, it is not necessary in this instance given the CEO has already taken up alternative employment. However, the Committee's concerns have been noted and the Department will take these concerns into consideration when drafting future provisions of this nature.

Office of the Director-General
Floor 22 Education House
30 Mary Street Brisbane 4000
PO Box 15033 City East
Queensland 4002 Australia
Telephone +61 7 3237 0900
Facsimile +61 7 3237 1369
Website www.dete.qld.gov.au
ABN 76 337 613 647

Furthermore, the Committee has raised concerns this provision will act as a precedent. I can advise that this is not the case. All agencies will need to consider their individual issues and circumstances when determining the form of legislation necessary to meet the objectives of Government's proposals.

Should you have any further queries, I invite you to contact Mr Stuart Busby, Acting Director, Legislative Services Unit, by email at stuart.busby@dete.qld.gov.au or on telephone 3247 5501.

Yours sincerely



DR JIM WATTERSTON
Director-General

Ref: 13/328149
Your ref: 11.1 VETE&AAA