

Arts (Statutory Bodies) and Other Legislation Amendment Bill 2024

Explanatory Notes

Short title

The short title of the Bill is the Arts (Statutory Bodies) and Other Legislation Amendment Bill 2024.

Policy objectives and the reasons for them

Arts (Statutory Bodies) and Other Legislation Amendment Bill 2024

The enabling Acts of the Arts Statutory Bodies (ASBs), *Queensland Performing Arts Trust Act 1977*, *Queensland Art Gallery Act 1987*, *Libraries Act 1988*, *Queensland Theatre Company Act 1970* and the *Queensland Museum Act 1970* (the Acts) will be amended to enshrine a greater recognition of First Nations peoples and modernise governance provisions.

The legislated objective of the ASBs is to contribute to the cultural, social and intellectual development of all Queenslanders. Given the role these ASBs have in sharing Queensland stories and histories and, in particular, those of First Nations people through performances, exhibitions, research and care for and repatriation of collections, these amendments are designed to reflect, complement and move forward the arts sector as a leading engager of communities.

With each Act only having a single reference to Aboriginal and Torres Strait Islander peoples (that “respect for Aboriginal and Torres Strait Islander cultures should be affirmed”), the Acts do not reflect the Government’s commitment to Path to Treaty or the recognition and inclusion which is sought for First Nations peoples and their communities.

The Bill will amend the Acts to reflect best practice governance, accountability and integrity required for State organisations and require amendments to modernise general governance provisions and include principles of accountability and integrity within the public service.

Achievement of policy objectives

The Bill establishes a five-part approach, with the parts working collectively to achieve the policy objective:

- An overarching statement on First Nations and arts and culture
- Revising and improving the Guiding Principles of each Act
- Mandating two Board roles for First Nations peoples
- A new section to establish a First Nations Committee

- Revise the Strategic Plan section to require the inclusion of First Nations initiatives and plans (and prescribe the Queensland Performing Arts Trust and Queensland Theatre Company as Reframing Entities under the *Public Sector Act 2022*).

The draft governance amendments will improve the overall accountability and integrity of corporate governance performance of the ASBs, remove operational barriers and create consistency in their functions and performance.

Alternative ways of achieving policy objectives

Embedding the First Nations and governance amendments into the Acts is the strongest option to achieve the required outcome as the Acts are the enabling governing instrument. A policy will not achieve the level of recognition sought for First Nations peoples within the ASBs legislative environment, nor is it able to correct the governance limitations identified.

The amendments would reflect, complement and affirm into statute the government's commitment to First Nations peoples and highlight the arts and cultural sectors' close connection and engagement with First Nations communities and position Queensland's ASBs as national leaders through a legislated commitment to First Nations peoples and culture.

Estimated cost for government implementation

No additional funds are required to support the implementation of the proposed amendments as ASBs will support the establishment of the First Nations Committee from within existing budgets.

Consistency with fundamental legislative principles

Legislation should have sufficient regard to the rights and liberties of individuals – *Legislative Standards Act 1992 (LSA)*, section 4(2)(a)

The Bill has been drafted in consideration of fundamental legislative principles (FLPs) as defined in section 4 of the *Legislative Standards Act 1992 (LSA)*. Certain clauses in the Bill that raise relevant considerations of FLPs are discussed in further detail below.

Rights and liberties of individuals - s 4(2)(a)

Offences and penalties—proportion and relevance

There are a small number of offences included in the draft Bill:

1. Disqualification from membership

This relates to disqualification from membership (as board member) resulting from:

- (a) conviction for an indictable offence;
- (b) insolvency under administration under the Corporations Act, section 9; or
- (c) disqualification from managing corporations because of the Corporations Act, part 2D.6.

The offence under section 12A relates to the requirement to disclose changes in (b) or (c) – both of which require a person to immediately give the Minister notice, unless the person has a reasonable excuse. Similarly, the offence under s40AJ relates to disclosure of a member who is charged with or convicted of an indictable offence during the term of appointment.

Both offences are proportionate to a members' role within a Statutory Body, given the circumstances under which notice is required would or would have the potential to impact the individuals' suitability for a appointment. Immediate notification is required (unless with reasonable excuse) to ensure all members are maintaining suitability. Reasonable excuse potentially provides for circumstances by which are not within directly the members' immediate control.

The provisions align with those of the recent *Queensland Veteran's Council Act 2021*, including the maximum penalty of 100 penalty units.

2. Criminal History - Confidentiality

Within the Criminal History provisions included with this Bill, is the offence of maintaining confidentiality with respect to an individuals who have acquired or have access to confidential information about another person (ie. a person for which a check has been undertaken for the purpose of appointment processes - The Criminal History provisions are included to provide a specific power to undertake searches, as appropriate, per the Cabinet Handbook).

The provisions require any of the specified persons (Minister, public service employee, or another person who has acquired access about a person) to not disclose the confidential information.

This is appropriate offence as the application serves to protect the rights of an individual (prospective Board member) to privacy of their personal information, who has consented to a criminal history check be undertaken on the basis of being considered for an appointment. Similarly to above, the maximum penalty of 100 penalty units is appropriate.

Criminal history and disclosure of information—right to privacy

The Bill requires a person to disclose their criminal history, including changes in their criminal history under section 40AJ, or matters about whether they are disqualified from managing a corporation under section 40AH, which may give rise to a potential FLP issue.

As the portfolio has a practice of undertaking criminal history disclosures for the five Arts Statutory Body board appointments, the inclusion of this provision is appropriate and provides the legislative remit to undertake them.

An individuals' rights are considered with regard to confidential or personal information so far as this information is:

- only obtained with consent;
- there is a limit on the information required to be disclosed (convictions do not include spent convictions);

- how the information must be treated (including an offence for any disclosures outside of the Act's provisions; and
- required to be destroyed as soon as it is no longer required.

Members of First Nations committee—reasonable and fair treatment

The provisions relating to First Nations Committee (s12B) provide that a person may be a member of the First Nations committee only if the person is an Aboriginal person or Torres Strait Islander person. As legislation should be reasonable and fair in its treatment of individuals and it should not be discriminatory, however this requirement is deemed appropriate given:

- the First Nations Committee is to provide the Board with (s12D) a range of advice and support in relation to cultural leadership and governance on matters relating to Aboriginal peoples and Torres Strait Islander peoples. These are functions that are only appropriate to be performed by an Aboriginal person or Torres Strait Islander person.
- It is appropriate to enact the principle of self-determination for the membership of this Committee to be wholly formed of Aboriginal peoples and Torres Strait Islander peoples.
- This requirement is for the members of the group, to which there may be attendees who are not members. This facilitates participation by other Board members, but not to the extent as Committee members (subject to the Charter of each Committee).
- In developing this requirement, it was discussed and confirmed with the co-design panel that there not be any specific requirements as to the background of persons (ie. No requirement for there to be 1 Aboriginal person and 1 Torres Strait Islander person).
- There is also a secondary requirement that the persons on the Committee be appropriately qualified.

Principles of Natural Justice - Disqualification from membership —s 4(3)(b)

Section 40AH provides for a person to be disqualified from continuing as a member of the board in particular circumstances:

- (a) conviction for an indictable offence;
- (b) insolvency under administration under the Corporations Act, section 9; or
- (c) disqualification from managing corporations because of the Corporations Act, part 2D.6.

As outlined above, the requirement and associated offence in 40AL is appropriate given the level of responsibility of a member to that of a Statutory Body. With regard to the principles of natural justice, the provision applies only to that of indictable offences (eg. Stealing, fraud, assault, manslaughter), does not make any inference in relation to guilt and the provision does provide a person with a reasonable excuse for non-compliance.

Delegation of administrative powers s 4(3)(c)

The Bill allows for ASBs to delegate their powers to the First Nations Committee, the Foundation Committee (for the Libraries Act) and other committees established by the ASB (for the Libraries Act, QAG Act and QPAT Act).

The delegation of Board powers to a Board sub-committee is an appropriate case and to appropriate person based on:

- The sub-committee having a dedicated function to perform for the Board (e.g. First Nations Committee is to provide cultural governance to the Board; an Audit and Risk Committee provides a range of financial and risk focused advice).
- This dedicated function represents a sound governance approach to seeking specialist advice on matters central to the Board's overall governance of the ASB.
- Sub-Committees report their actions to the Board and are required to seek approval for progressing any relevant actions.

For the newly established First Nations Committee, the delegation is appropriate and provided on the basis that the Committee is required to prepare a Charter, to be submitted to the Board for its approval, based on the role of the committee (articulated in the Bill).

The Bill also provides for appropriate delegation of powers with respect to the delegation of administrative decisions relating to:

- Temporary extensions for Director (Chief Executive Officer)
- Leave of absence of Director.

These represent appropriate delegations as they:

- are time limited (3 months)
- require approval at an administratively appropriately level (relative to the nature and extend of the decision).
- Provide administratively appropriate solutions to ensuring governance is maintained (closing the current gaps identified).

Reversal of onus of proof (s 4(3)(d) (reasonable excuse)

3. New sections 40AH(2) and 40AJ(2) require persons who are members of the board to give notice of a disqualification from managing corporations or of a charge or conviction during the person's term of appointment unless the person has a reasonable excuse. These offences are drafted on the assumption that the *Justices Act 1886*, section 76 requires the accused to prove the existence of the reasonable excuse and so are a reversal of the onus of proof. Generally, for a reversal to be justified, the relevant fact must be something inherently impractical to test by alternative evidential means and the defendant would be particularly well positioned to disprove guilt.

Failing to disclose being charged with, or convicted of, an indictable offence

Similar offences are included across the Queensland statute book, such as the *Hospital Foundations Act 2018*, *Jobs Queensland Act 2015*, *Cross River Rail Delivery Authority Act 2016* and *the Health and Well Being Act 2019* which all impose penalties where a person fails to disclose a conviction relating to an indictable offence. The offence and its penalty is justified because the penalty reinforces the expectation that council members and the chief executive

officer are to uphold ethical and legal standards in carrying out their functions. The offence is considered to have a penalty which is proportionate to the offence.

Appropriateness of penalties

Consistent with the principle that penalties should be proportionate and relevant to the consequences of actions, the penalties proposed for the following offences are all set at 100 penalty units:

- Disclosure of confidential information
- Disclosure of confidential information – criminal history information
- Notice of insolvency or disqualification (Disqualification from Membership)
- Changes in criminal history

As noted previously, the seriousness of these offences includes the potential for breaches of privacy, which supports the more serious penalty proposed, and is consistent across the legislation.

Consistent with the principle that offences of greater seriousness should have higher penalties than for those of lesser offences, the offence of resale of tickets (ticket scalping) has a lower penalty (20 penalty units) than that of the disclosure of confidential information (100 penalty units).

Consultation

Co-design and consultation processes underpin the amendments to the Arts Statutory Body Acts. These processes were developed to the policy objectives sought to achieve, noting that the amendments having no regulatory impact on the ASBs or members of the public individually.

The amendments also take guidance from the Minister’s Roundtables (September 2022 and October 2023) with ASB Chairs and First Nations committee members, as well as the directions set out in the Statement of Commitment, the Reframing the Relationship sections with the *Public Sector Act 2022* and the principles and commitments made in the *Path to Treaty Act 2023*.

The First Nations provisions are First-Nations led through co-design with Arts Queensland’s First Nations Arts and Cultures Panel (FNACP). The panel established a sub-committee to co-design the amendments and provided detailed advice on:

- The establishment of the First Nations Group, its membership (ASB Board and external members) its role and functions and connections with the ASB Board
- The relationship between the proposed amendments and the Charter which will operationalise the Groups’ role
- The need for the Group to have a meaningful role
- The name of the First Nations Group, of which First Nations Committee was the consensus.

For the governance amendments, detailed consultation with the ASBs (via ASB Governance Working Group – chaired by Arts Queensland), Queensland Cultural Centre CEO Forum

(ASBs) and Boards briefed by Arts Queensland), to identify issues impacting governance performance. ASBs also consulted internally on the issues which were being proposed to be addressed.

Direct public consultation was not required as the amendments do not have a direct impact or regulatory impact on the public.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform with any current legislation of the Commonwealth or another State or Territory.

A review of Queensland legislation has found that only a small number of Acts have provisions requiring an Aboriginal person or Torres Strait Islander person be a Board member (*TAFE Queensland Act 2013* and *Hospital and Health Boards Act 2011*), the latter also including a range of references including functions and objectives in the Hospital and Health Boards' role in working with and for Aboriginal people and Torres Strait Islander people.

Additionally, the Bill would also be the first example of embedding a dedicated First Nations Committee of this nature within legislation. This commitment ensures that each ASB Board is advised by First Nations peoples and reflects the State's commitment to self-determination. This is a considerable step forward, in line with the values and principles the State Government has set out for the ways in which the public sector should be working with First Nations, on the Path to Treaty.

A national review of comparable arts legislation found only minor, if any references to Aboriginal and Torres Strait Islanders, primarily in Museums Acts (as collecting institutions, keepers of historical material). There is no comparable, legislatively embedded First Nations governance model, designed to recognise, value and raise to prominence a First Nations Committee.

Approaches in other jurisdictions for such as New Zealand's co-governance arrangements of Maori organisations, were a reference point for the development of the proposed First Nations amendments. This is viewed as a partnership approach, with equal seats at decision making table (particularly in managing natural resources).

Notes on provisions

Part 1 Preliminary

Clause 1 states when enacted, the Bill will be cited as the Arts (Statutory Bodies) and Other Legislation Amendment Act 2024.

Clause 2 provides the Bill commences on a day to be fixed by proclamation.

Part 2 Amendment of the Libraries Act 1988

Clause 3 states Part 2 presents the amendments to the *Libraries Act 1988*.

Clause 4 sets out the guiding principles as relating to First Nations peoples, providing an improved recognition of Aboriginal peoples and Torres Strait Islander peoples within the *Libraries Act 1988*. The guiding principles omit the related existing provision (1B(c) ‘respect for Aboriginal and Torres Strait Islander cultures should be affirmed’) on the basis that the new provisions outline more detailed principles for engaging with Aboriginal peoples and Torres Strait Islander peoples.

The guiding principles relating to First Nations set out that the principles include the cultural and creative rights and practices of Aboriginal and Torres Strait Islander peoples. 1B(3)(a) has been included to highlight the importance of ethical art for First Nations communities.

Ethical art, both in regards to products and practices, is a significant issue for First Nations communities. It is intended for this provision to encompass where a retail or online shop is selling products that incorporate Aboriginal and Torres Strait Islander cultural expression as well as the range of engagements with Aboriginal and Torres Strait Islander people for the creation, use and display of their cultural and cultural expressions. The provision has been drafted to reflect these elements as two limbs to reflect address that these engagements are relate to products as well as practices.

Clause 4 also sets out the connection between the role of the State Library and that of truth-telling, conserving, presenting the histories of Aboriginal peoples and Torres Strait Islander peoples and the Library’s role in maintaining a collection which reflects and represents the diversity of Queensland and Queensland’s shared history with Aboriginal peoples and Torres Strait Islander peoples. These provisions are drafted to reflect a more modern view of Queensland’s communities, with a more prominent inclusion of First Nations communities and our shared histories.

Clause 5 sets on minor omissions to redundant definitions and includes a number of new definitions relevant to the First Nations Committee and Criminal History.

Clause 6 sets on the new requirements that at least 2 members must be an Aboriginal person or a Torres Strait Islander person. This provision has been designed to establish this new requirement without setting any targets or requirements within this total.

Clause 7 Provides for the omission of eligibility for appointment on the basis it is integrated into subsequent amendments regarding membership.

Clause 8 Sets out a new provision regarding eligibility relative to the disqualification provisions (a subsequent amendment).

Clause 9 sets out the requirements for a person to be disqualified from membership of the Libraries Board. This new provision integrates updated provisions relating to eligibility and membership, in a manner consistent across the statute book. These amendments are related to the new criminal history provisions, consistent with the approach across the statute book.

This clause also includes for leave of absence for Board members, time limited to not more than 3 months, with notice to the Minister. This is to provide for improved board governance in managing members attendance and temporary absences, without limiting Governor in Council arrangements.

Division 1A First Nations Committee

Clause 10 sets out the establishment of the First Nations Committee, including its functions, membership, appointments processes and requirements for a Charter.

Developed through co-design with the First Nations Arts and Cultures Panel (FNACP), the functions outline to the role of the First Nations Committee, as a board sub-committee supporting the Board's role and engagements with First Nations communities. The role is outlined in three sub-parts to articulate the Committee's role in advising the Board on how cultural learning and knowledge could be embedded across the State Library's full organisation (including the development and action of related plans). Cultural leadership and cultural governance are outlined in the provisions to reflect the role the Committee would have relative to the Board's consideration on matters relating to Aboriginal peoples and Torres Strait Islander peoples.

Through co-design the FNACP assisted with the understanding that cultural governance in this context is the integration of cultural ways and practises into a governance framework.

The clause requires that the Committee be formed of members who are an Aboriginal person or Torres Strait Islander person, with one of the board members (who is an Aboriginal person or Torres Strait Islander person) to be appointed as Chair. This ensure a culturally-appropriate governance connection to the Board while supporting the Committee to be a cultural safe environment to discuss cultural matters relating to the State Library.

This clause also provides for the requirements of the Chairperson and duration of appointment and the circumstances of re-establishing the First Nations Committee, should the committee be without any members.

Section 12H refers to the Committee's remuneration and allowances being decided by the Board. The decision of the Board will be consistent with the Government's policy on Board Remuneration.

Clause 11 provides for a temporary extension of the State Librarian's appointment, with a time limit of 3 months and without limit to the Governor in Council's powers. This provides appropriate (time limited to 3 months) reduction to administrative and approval processes.

Clause 12 in line with the modernisation of the Act, the revision to include a 'function' as a 'power' clarifies the role of the State Library with regards to what should be and can be performed.

Clause 13 Provides for the Board to approve a temporary leave of absence of the State Librarian and the temporary appointment of another person to act as the State Librarian for the period of absence. This enables appropriate (time limited to 3 months) administrative efficiencies without limit to the Governor in Council's powers.

Clause 14 These new provisions support the Board to engage in partnerships and carry out activities of cultural purposes across the cultural centre. The provisions affirm into legislation activities which are routine activities of the State Library (ie. Raising of philanthropic funds to support delivery of functions; undertaking activities such as event activation and performance of services).

Clause 15 Provides for administrative and governance arrangements relating to the awarding of grants or subsidies by the State Library. It provides for the separation of the approving of methodology (by the Minister) from the approval to making or giving of a grant or subsidy (by the Board). This provision is consistent with reviews on the governance arrangements of government grants. The definition of government funds is included to outline the type of funds and has been drafted to ensure it relates only to State government funds.

Clause 16 Omits the provisions of the Act relating to abandoned property. This is an administrative efficiency not required within the Act as there are common law provisions and related policies and procedures supporting the State Libraries activities in this area.

Clause 17 Provides for the delegation of functions by the Board to include the First Nations Committee and the Foundation Committee. This provision ensures that the Committees, provided for in these amendments are included in this section.

Division 5A Foundation Committee

Clause 18 sets out the provisions for a Foundation Committee, to operate as a sub-committee to the Board, to assist the Board in fulfilling its function to encourage gifts, donations, bequests and legacies for the benefit of the Board. As outlined in Clause 14, philanthropic engagements are a routine activity now being affirmed into the Act with these amendments. These amendments are modelled on the Foundation Committee provisions already within the *Queensland Art Gallery Act 1987* (section 40C).

The Board currently operates a Foundation Committee outside of the Act under the *Corporations Act*, these provisions consider this through transitional arrangements for the winding up of that Committee.

Division 5B Other committees

This provision also includes amendments to s40AG to enable other committees to appoint a person to a committee whether or not they are a member of the Board. External membership of committees is consistent with government policies and recommendations of governance in government bodies.

Division 5C Criminal history

Clause 18 also amends the Act to include Criminal History provisions, which are referred to in the Queensland Cabinet Handbook, in a manner consistent with other Acts in the Queensland statute.

These amendments provide a legislative remit for the conducting of history checks (ie. Only where a person has consented and for the purpose of a Minister deciding whether a person is disqualified from becoming or continuing as a member) and the limitations of these checks and the treatment of the criminal history reports obtained (ie confidentiality by persons identified in s40AK). The latter also includes an offence for a person who does not comply with the confidentiality of criminal history information.

It provides the requirements of a member, to disclose changes in criminal history and provides for an offence for not doing so without a reasonable excuse.

Clause 19 Provides for a minor amendment to s40A(3)(b) which relates to the clarification of powers and functions, per Clause 12.

Clause 20 Removes section 45(2) with respect to modernising the Acts in relation to the current operations of government, as it is not possible to wait until Parliament appropriate funding and require submission of plans no later than 2 months before the end of the financial year (per section 43(1)).

Clause 21 Provides for the removal of extraneous requirements for processes regarding Strategic and Operational plans, which are in conflict to modern government processes. The removal has the effect of modernising the Act, creating operational efficiency and removing potential, unintentional breaches of the Act.

It also repurposes s48 to relate to Strategic Plans, specifically the requirement for key actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples to be included in the Strategic Plan. This is reflective of the revised guiding principles, which provide greater prominence to the State Library's role in working with First Nations communities.

Clause 22 Provides for the Minister to give the Board a written Statement of Expectations relating to Board's performance of its functions. This supports but is different to the directions a Minister may provide to the Board in exercising its powers, as the Statement of Expectations may provide guidance on policy matters.

Clause 23 Provides for the inclusion of the above Statement of Expectations to be included within the Annual Report.

Clause 24 Provides for amendments which reflect the clarifications of functions and powers (per Clause 12) and the Statement of Expectations (Clause 22) as well as the modernisation of language from officer to public service officer.

Clause 25 Provides the effect of clarifying the protections from liability for members by removing the circumstances under which liability would not attach and inserting confidentiality requirements (which include a relevant penalty for the disclosure of confidential information)

Clause 26 Provides for the inclusion of an additional sub-section for s76 connecting the civil liability provisions of the *Public Sector Act 2022*. Subsequent amendments to the Public Sector Regulation will provide for clarity of who is entitled to protections from liability.

Division 4 Transitional provision for Arts (Statutory Bodies) and Other Legislation Amendment Act 2024

Clause 27 provides for the transitional arrangements relating to the First Nations Committee. The overall effect provides that in establishing the First Nations Committee, the principle of self-determination is supported by limiting the Board's number of appointments, in its establishment and for the initial term of not more than 1 year. The transition arrangements also require that the Board has 6 months from which the Committee will operate under the Charter required under the relevant section.

For the *Libraries Act 1988*, the transitional arrangements also relate to the winding up of the Queensland Library Foundation, to the extent that a gift, donation, bequest or legacy to, or for the benefit of, the foundation is taken to be a gift, donation, bequest or legacy to, or for the benefit of, the board.

Schedule 1 Dictionary

Clause 28 Provides for the inclusion of a Dictionary after part 10.

Part 3 Amendment of the Queensland Art Gallery Act 1987

Clause 29 states Part 3 presents the amendments to the *Queensland Art Gallery Act 1987*

Clause 30 sets out the guiding principles as relating to First Nations peoples, providing an improved recognition of Aboriginal peoples and Torres Strait Islander peoples within the *Queensland Art Gallery Act 1987*. The guiding principles omit the related existing provision (1B(c) 'respect for Aboriginal and Torres Strait Islander cultures should be affirmed') on the basis that the new provisions outline more detailed principles for engaging with Aboriginal peoples and Torres Strait Islander peoples.

The guiding principles relating to First Nations set out that the principles include the cultural and creative rights and practices of Aboriginal and Torres Strait Islander peoples. 1B(3)(a) has been included to highlight the importance of ethical art for First Nations communities.

Ethical art, both in regards to products and practices, is a significant issue for First Nations communities. It is intended for this provision to encompass where a retail or online shop is selling products that incorporate Aboriginal and Torres Strait Islander cultural expression as well as the range of engagements with Aboriginal and Torres Strait Islander people for the creation, use and display of their cultural and cultural expressions. The provision has been drafted to reflect these elements as two limbs to reflect address that these engagements are relate to products as well as practices.

Clause 30 also sets out the connection between the role of the Queensland Art Gallery and that of truth-telling, conserving, presenting the histories of Aboriginal peoples and Torres Strait Islander peoples and the Gallery's role in maintaining a collection which reflects and represents the diversity of Queensland and Queensland's shared history with Aboriginal peoples and Torres Strait Islander peoples. These provisions are drafted to reflect a more modern view of Queensland's communities, with a more prominent inclusion of First Nations communities and our shared histories.

Clause 31 sets out minor omissions to redundant definitions and includes a number of new definitions relevant to the First Nations Committee and Criminal History.

Clause 32 sets out the new requirements that at least 2 members must be an Aboriginal person or a Torres Strait Islander person. This provision has been designed to establish this new requirement without setting any targets or requirements within this total.

Clause 33 provides for the omission of eligibility for appointment on the basis it is integrated into subsequent amendments regarding membership.

Clause 34 sets out a new provision regarding eligibility relative to the disqualification provisions (a subsequent amendment).

Clause 35 sets out the requirements for a person to be disqualified from membership of the Libraries Board. This new provision integrates updated provisions relating to eligibility and membership, in a manner consistent across the statute book. These amendments are related to the new criminal history provisions, consistent with the approach across the statute book.

This clause also includes for leave of absence for Board members, time limited to not more than 3 months, with notice to the Minister. This is to provide for improved board governance in managing members attendance and temporary absences, without limiting Governor in Council arrangements.

Division 1A First Nations Committee

Clause 36 sets out the establishment of the First Nations Committee, including its functions, membership, appointments processes and requirements for a Charter.

Developed through co-design with the First Nations Arts and Cultures Panel (FNACP), the functions outline to the role of the First Nations Committee, as a board sub-committee supporting the Board's role and engagements with First Nations communities. The role is outlined in three sub-parts to articulate the Committee's role in advising the Board on how cultural learning and knowledge could be embedded across the Gallery's full organisation (including the development and action of related plans). Cultural leadership and cultural

governance are outlined in the provisions to reflect the role the Committee would have relative to the Board's consideration on matters relating to Aboriginal peoples and Torres Strait Islander peoples.

Through co-design the FNACP assisted with the understanding that cultural governance in this context is the integration of cultural ways and practises into a governance framework.

The clause requires that the Committee be formed of members who are an Aboriginal person or Torres Strait Islander person, with one of the board members (who is an Aboriginal person or Torres Strait Islander person) to be appointed as Chair. This ensure a culturally-appropriate governance connection to the Board while supporting the Committee to be a cultural safe environment to discuss cultural matters relating to the Queensland Art Gallery.

This clause also provides for the requirements of the Chairperson and duration of appointment and the circumstances of re-establishing the First Nations Committee, should the committee be without any members.

Section 11H refers to the Committee's remuneration and allowances being decided by the Board. The decision of the Board will be consistent with the Government's policy on Board Remuneration.

Clause 37 provides for a temporary extension of the Director's appointment, with a time limit of 3 months and without limit to the Governor in Council's powers. This provides appropriate (time limited to 3 months) reduction to administrative and approval processes.

Clause 38 Provides that, in line with the modernisation of the Act, the revision to include a 'function' as a 'power' clarifies the role of the Gallery with regards to what should be and can be performed.

Clause 39 provides for the Board to approve a temporary leave of absence of the Director and the temporary appointment of another person to act as the Director for the period of absence. This enables appropriate (time limited to 3 months) administrative efficiencies without limit to the Governor in Council's powers.

Clause 40 Provides that these new provisions support the Board to engage in partnerships and carry out activities of cultural purposes across the cultural centre. The provisions affirm into legislation activities which are routine activities of the Queensland Art Gallery (ie. Raising of philanthropic funds to support delivery of functions; undertaking activities such as event activation and performance of services).

Clause 41 Provides for that the proceeds from the sale of other works of art are to be used for the building and caring for the art gallery's collection of works of art. This is consistent with the Queensland Art Gallery's role as a collecting institution with responsibilities for collection and caring for the collection.

Clause 42 Omits the provisions of the Act relating to abandoned property (s28). This is an administrative efficiency not required within the Act as there are common law provisions and related policies and procedures supporting the Queensland Art Gallery's activities in this area.

Clause 43 Provides for the amendment of s29 in line with the omission of s28.

Clause 44 Provides for the amendment of s30 in line with the omission of s28.

Clause 45 Provides for the delegation of functions by the Board to include the First Nations Committee and the Foundation Committee. This provision ensures that the Committees, provided for in these amendments are included in this section.

Clause 46 in line with the modernisation of the Act, the revision to include a ‘function’ as a ‘power’ clarifies the role of the Queensland Art Gallery with regards to what should be and can be performed. In relation to s40A(3)(b), this provides the inclusion of ‘perform functions’ in addition to the exercise powers.

Clause 47 Provides similar modernisation as Clause 46, in relation to functions and powers relative to s40C which relates to the Foundation Committee.

Clause 48 Provides similar modernisation as Clause 46, in relation to functions and powers relative to s40E which relates to the powers of the Board.

Division 8 Other committees

Clause 49 Provides for amendments to enable other committees to appoint a person to a committee whether or not they are a member of the Board. External membership of committees is consistent with government policies and recommendations of governance in government bodies.

This clause also amends the Act to include Criminal History provisions, which are referred to in the Queensland Cabinet Handbook, in a manner consistent with other Acts in the Queensland statute.

These amendments provide a legislative remit for the conducting of history checks (ie. Only where a person has consented and for the purpose of a Minister deciding whether a person is disqualified from becoming or continuing as a member) and the limitations of these checks and the treatment of the criminal history reports obtained (ie confidentiality by persons identified in s40M). The latter also includes an offence for a person who does not comply with the confidentiality of criminal history information.

It provides the requirements of a member, to disclose changes in criminal history and provides for an offence for not doing so without a reasonable excuse.

Clause 50 Removes section 45(2) with respect to modernising the Acts in relation to the current operations of government, as it is not possible to wait until Parliament appropriate funding and require submission of plans no later than 2 months before the end of the financial year (per section 43(1)).

Clause 51 Provides for the removal of extraneous requirements for processes regarding Strategic and Operational plans, which are in conflict to modern government processes. The removal has the effect of modernising the Act, creating operational efficiency and removing potential, unintentional breaches of the Act.

It also repurposes s48 to relate to Strategic Plans, specifically the requirement for key actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples to be

included in the Strategic Plan. This is reflective of the revised guiding principles, which provide greater prominence to the Gallery's role in working with First Nations communities.

Clause 52 Provides for the Minister to give the Board a written Statement of Expectations relating to Board's performance of its functions. This supports but is different to the directions a Minister may provide to the Board in exercising its powers, as the Statement of Expectations may provide guidance on policy matters.

Clause 53 Provides for the inclusion of the above Statement of Expectations to be included within the Annual Report.

Clause 54 Provides for amendments which reflect the clarifications of functions and powers and the Statement of Expectations as well as the modernisation of language from officer to public service officer.

Clause 55 Provides the effect of clarifying the protections from liability for members by removing the circumstances under which liability would not attach and inserting confidentiality requirements (which include a relevant penalty for the disclosure of confidential information).

Clause 56 Provides for the inclusion of an additional sub-section for s76 connecting the civil liability provisions of the *Public Sector Act 2022*. Subsequent amendments to the Public Sector Regulation will provide for clarity of who is entitled to protections from liability.

Division 5 Transitional provision for Arts (Statutory Bodies) and Other Legislation Amendment Act 2024

Clause 57 provides for the transitional arrangements relating to the First Nations Committee. The overall effect provides that in establishing the First Nations Committee, the principle of self-determination is supported by limiting the Board's number of appointments, in its establishment and for the initial term of not more than 1 year. The transition arrangements also require that the Board has 6 months from which the Committee will operate under the Charter required under the relevant section.

Clause 58 Provides for the inclusion of a Dictionary after part 7.

Part 4 Amendment of the Queensland Museum Act 1970

Clause 59 states Part 4 presents the amendments to the *Queensland Museum Act 1970*.

Clause 60 sets out the guiding principles as relating to First Nations peoples, providing an improved recognition of Aboriginal peoples and Torres Strait Islander peoples within the *Queensland Museum Act 1970*. The guiding principles omit the related existing provision (1B(c) 'respect for Aboriginal and Torres Strait Islander cultures should be affirmed') on the basis that the new provisions outline more detailed principles for engaging with Aboriginal peoples and Torres Strait Islander peoples.

The guiding principles relating to First Nations set out that the principles include the cultural and creative rights and practices of Aboriginal and Torres Strait Islander peoples. 1B(3)(a) has been included to highlight the importance of ethical art for First Nations communities.

Ethical art, both in regards to products and practices, is a significant issue for First Nations communities. It is intended for this provision to encompass where a retail or online shop is selling products that incorporate Aboriginal and Torres Strait Islander cultural expression as well as the range of engagements with Aboriginal and Torres Strait Islander people for the creation, use and display of their cultural and cultural expressions. The provision has been drafted to reflect these elements as two limbs to reflect address that these engagements are relate to products as well as practices.

Clause 60 also sets out the connection between the role of the Queensland Museum and that of truth-telling, conserving, presenting the histories of Aboriginal peoples and Torres Strait Islander peoples and the Museum's role in maintaining a collection which reflects and represents the diversity of Queensland and Queensland's shared history with Aboriginal peoples and Torres Strait Islander peoples. These provisions are drafted to reflect a more modern view of Queensland's communities, with a more prominent inclusion of First Nations communities and our shared histories.

Clause 61 sets out minor omissions to redundant definitions and includes a number of new definitions relevant to the First Nations Committee and Criminal History.

Clause 62 sets out the new requirements that at least 2 members must be an Aboriginal person or a Torres Strait Islander person. This provision has been designed to establish this new requirement without setting any targets or requirements within this total.

Clause 63 provides for the omission of eligibility for appointment on the basis it is integrated into subsequent amendments regarding membership.

Clause 64 sets out a new provision regarding eligibility relative to the disqualification provisions (a subsequent amendment).

Clause 65 sets out the requirements for a person to be disqualified from membership of the Libraries Board. This new provision integrates updated provisions relating to eligibility and membership, in a manner consistent across the statute book. These amendments are related to the new criminal history provisions, consistent with the approach across the statute book.

This clause also includes for leave of absence for Board members, time limited to not more than 3 months, with notice to the Minister. This is to provide for improved board governance in managing members attendance and temporary absences, without limiting Governor in Council arrangements.

Clause 66 Provides that these new provisions support the Board to engage in partnerships and carry out activities of cultural purposes across the cultural centre. The provisions affirm into legislation activities which are routine activities of the Queensland Museum (ie. Raising of philanthropic funds to support delivery of functions; undertaking activities such as event activation and performance of services).

Clause 67 Omits the provisions of the Act relating to abandoned property (s21). This is an administrative efficiency not required within the Act as there are common law provisions and related policies and procedures supporting the State Libraries activities in this area.

Clause 68 Provides for the amendment of s29 in line with the omission of s21.

Clause 69 Provides for the amendment of s30 in line with the omission of s21.

Clause 70 omits s24 on the basis of a subsequent amendment to modernise the composition of committees (Clause 76).

Clause 71 Provides for the delegation of functions by the Board to include the First Nations Committee and the Foundation Committee. This provision ensures that the Committees, provided for in these amendments are included in this section.

Division 4A First Nations Committee

Clause 72 sets out the establishment of the First Nations Committee, including its functions, membership, appointments processes and requirements for a Charter.

Developed through co-design with the First Nations Arts and Cultures Panel (FNACP), the functions outline to the role of the First Nations Committee, as a board sub-committee supporting the Board's role and engagements with First Nations communities. The role is outlined in three sub-parts to articulate the Committee's role in advising the Board on how cultural learning and knowledge could be embedded across the Museum's full organisation (including the development and action of related plans). Cultural leadership and cultural governance are outlined in the provisions to reflect the role the Committee would have relative to the Board's consideration on matters relating to Aboriginal peoples and Torres Strait Islander peoples.

Through co-design the FNACP assisted with the understanding that cultural governance in this context is the integration of cultural ways and practises into a governance framework.

The clause requires that the Committee be formed of members who are an Aboriginal person or Torres Strait Islander person, with one of the board members (who is an Aboriginal person or Torres Strait Islander person) to be appointed as Chair. This ensure a culturally-appropriate governance connection to the Board while supporting the Committee to be a cultural safe environment to discuss cultural matters relating to the Queensland Museum.

This clause also provides for the requirements of the Chairperson and duration of appointment and the circumstances of re-establishing the First Nations Committee, should the committee be without any members.

Section 34F refers to the Committee's remuneration and allowances being decided by the Board. The decision of the Board will be consistent with the Government's policy on Board Remuneration.

Clause 73 provides for a temporary extension of the Director's appointment, with a time limit of 3 months and without limit to the Governor in Council's powers. This provides appropriate (time limited to 3 months) reduction to administrative and approval processes.

Clause 74 Provides that, in line with the modernisation of the Act, the revision to include a ‘function’ as a ‘power’ clarifies the role of the Queensland Museum with regards to what should be and can be performed.

Clause 75 provides for the Board to approve a temporary leave of absence of the Director and the temporary appointment of another person to act as the Director for the period of absence. This enables appropriate (time limited to 3 months) administrative efficiencies without limit to the Governor in Council’s powers.

Division 5A Other committees

Clause 76 Provides for amendments to enable other committees to appoint a person to a committee whether or not they are a member of the Board. External membership of committees is consistent with government policies and recommendations of governance in government bodies.

This clause also amends the Act to include Criminal History provisions, which are referred to in the Queensland Cabinet Handbook, in a manner consistent with other Acts in the Queensland statute.

These amendments provide a legislative remit for the conducting of history checks (ie. Only where a person has consented and for the purpose of a Minister deciding whether a person is disqualified from becoming or continuing as a member) and the limitations of these checks and the treatment of the criminal history reports obtained (ie confidentiality by persons identified in s42). The latter also includes an offence for a person who does not comply with the confidentiality of criminal history information.

It provides the requirements of a member, to disclose changes in criminal history and provides for an offence for not doing so without a reasonable excuse.

Clause 77 in line with the modernisation of the Act, the revision to include a ‘function’ as a ‘power’ clarifies the role of the Queensland Museum with regards to what should be and can be performed. In relation to s42A(3)(b), this provides the inclusion of ‘perform functions’ in addition to the exercise powers.

Clause 78 Removes section 47(2) with respect to modernising the Acts in relation to the current operations of government, as it is not possible to wait until Parliament appropriate funding and require submission of plans no later than 2 months before the end of the financial year (per section 45(1)).

Clause 79 Provides for the removal of extraneous requirements for processes regarding Strategic and Operational plans, which are in conflict to modern government processes. The removal has the effect of modernising the Act, creating operational efficiency and removing potential, unintentional breaches of the Act.

It also repurposes s50 to relate to Strategic Plans, specifically the requirement for key actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples to be included in the Strategic Plan. This is reflective of the revised guiding principles, which provide greater prominence to the Museum’s role in working with First Nations communities.

Clause 80 Provides for the Minister to give the Board a written Statement of Expectations relating to Board's performance of its functions. This supports but is different to the directions a Minister may provide to the Board in exercising its powers, as the Statement of Expectations may provide guidance on policy matters.

Clause 81 Provides for the inclusion of the above Statement of Expectations to be included within the Annual Report.

Clause 82 Provides for amendments which reflect the clarifications of functions and powers and the Statement of Expectations as well as the modernisation of language from officer to public service officer.

Clause 83 Provides the effect of clarifying the protections from liability for members by removing the circumstances under which liability would not attach and inserting confidentiality requirements (which include a relevant penalty for the disclosure of confidential information).

Clause 84 Provides for the inclusion of an additional sub-section for s76 connecting the civil liability provisions of the *Public Sector Act 2022*. Subsequent amendments to the Public Sector Regulation will provide for clarity of who is entitled to protections from liability.

Division 4 Transitional provision for Arts (Statutory Bodies) and Other Legislation Amendment Act 2024

Clause 85 provides for the transitional arrangements relating to the First Nations Committee. The overall effect provides that in establishing the First Nations Committee, the principle of self-determination is supported by limiting the Board's number of appointments, in its establishment and for the initial term of not more than 1 year. The transition arrangements also require that the Board has 6 months from which the Committee will operate under the Charter required under the relevant section.

Clause 86 Provides for the inclusion of a Dictionary after part 7.

Part 5 Amendment of the Queensland Performing Arts Trust Act 1977

Clause 87 states Part 2 presents the amendments to the *Queensland Performing Arts Trust Act 1977*.

Clause 88 sets out the guiding principles as relating to First Nations peoples, providing an improved recognition of Aboriginal peoples and Torres Strait Islander peoples within the *Queensland Performing Arts Act 1977*. The guiding principles omit the related existing provision (1B(c) 'respect for Aboriginal and Torres Strait Islander cultures should be affirmed') on the basis that the new provisions outline more detailed principles for engaging with Aboriginal peoples and Torres Strait Islander peoples.

The guiding principles relating to First Nations set out that the principles include the cultural and creative rights and practices of Aboriginal and Torres Strait Islander peoples. 1B(3)(a) has been included to highlight the importance of ethical art for First Nations communities.

Ethical art, both in regards to products and practices, is a significant issue for First Nations communities. It is intended for this provision to encompass where a retail or online shop is selling products that incorporate Aboriginal and Torres Strait Islander cultural expression as well as the range of engagements with Aboriginal and Torres Strait Islander people for the creation, use and display of their cultural and cultural expressions. The provision has been drafted to reflect these elements as two limbs to reflect address that these engagements are relate to products as well as practices.

Clause 88 also sets out the connection between the role of the Queensland Performing Art Trust and that of truth-telling and presenting the histories of Aboriginal peoples and Torres Strait Islander peoples and the Trust's role in representing and reflecting Queensland's shared history with Aboriginal peoples and Torres Strait Islander peoples in the performing arts.

These provisions are drafted to reflect a more modern view of Queensland's communities, with a more prominent inclusion of First Nations communities and our shared histories.

Clause 89 sets out minor omissions to redundant definitions and includes a number of new definitions relevant to the First Nations Committee and Criminal History.

Clause 90 sets out the new requirements that at least 2 members must be an Aboriginal person or a Torres Strait Islander person. This provision has been designed to establish this new requirement without setting any targets or requirements within this total.

Clause 91 provides for the omission of eligibility for appointment on the basis it is integrated into subsequent amendments regarding membership.

Clause 92 sets out a new provision regarding eligibility relative to the disqualification provisions (a subsequent amendment).

Clause 93 sets out the requirements for a person to be disqualified from membership of the Queensland Performing Arts Trust. This new provision integrates updated provisions relating to eligibility and membership, in a manner consistent across the statute book. These amendments are related to the new criminal history provisions, consistent with the approach across the statute book.

This clause also includes for leave of absence for Board members, time limited to not more than 3 months, with notice to the Minister. This is to provide for improved board governance in managing members attendance and temporary absences, without limiting Governor in Council arrangements.

Clause 94 Provides that these new provisions support the Board to engage in partnerships and carry out activities of cultural purposes across the cultural centre. The provisions affirm into legislation activities which are routine activities of the Queensland Performing Arts Trust (ie. Raising of philanthropic funds to support delivery of functions; undertaking activities such as event activation and performance of services).

Clause 95 Omits the provisions of the Act relating to abandoned property (s19). This is an administrative efficiency not required within the Act as there are common law provisions and related policies and procedures supporting the Trusts' activities in this area.

Clause 96 Provides for the amendment of s20 in line with the omission of s19.

Clause 97 Provides for the amendment of s21 in line with the omission of s19.

Clause 98 Provides for the delegation of functions by the Board to include the First Nations Committee or a Committee established under s38A. This provision ensures that the Committees, provided for in these amendments are included in this section.

Division 4A First Nations Committee

Clause 99 sets out the establishment of the First Nations Committee, including its functions, membership, appointments processes and requirements for a Charter.

Developed through co-design with the First Nations Arts and Cultures Panel (FNACP), the functions outline to the role of the First Nations Committee, as a board sub-committee supporting the Board's role and engagements with First Nations communities. The role is outlined in three sub-parts to articulate the Committee's role in advising the Board on how cultural learning and knowledge could be embedded across the Queensland Performing Arts Trust's full organisation (including the development and action of related plans). Cultural leadership and cultural governance are outlined in the provisions to reflect the role the Committee would have relative to the Board's consideration on matters relating to Aboriginal peoples and Torres Strait Islander peoples.

Through co-design the FNACP assisted with the understanding that cultural governance in this context is the integration of cultural ways and practises into a governance framework.

The clause requires that the Committee be formed of members who are an Aboriginal person or Torres Strait Islander person, with one of the board members (who is an Aboriginal person or Torres Strait Islander person) to be appointed as Chair. This ensure a culturally-appropriate governance connection to the Board while supporting the Committee to be a cultural safe environment to discuss cultural matters relating to the Queensland Performing Arts Trust.

This clause also provides for the requirements of the Chairperson and duration of appointment and the circumstances of re-establishing the First Nations Committee, should the committee be without any members.

Section 31F refers to the Committee's remuneration and allowances being decided by the Board. The decision of the Board will be consistent with the Government's policy on Board Remuneration.

Clause 100 provides for a temporary extension of the Director's appointment, with a time limit of 3 months and without limit to the Governor in Council's powers. This provides appropriate (time limited to 3 months) reduction to administrative and approval processes.

Clause 101 Provides that, in line with the modernisation of the Act, the revision to include a 'function' as a 'power' clarifies the role of the State Library with regards to what should be and can be performed.

Clause 102 provides for the Board to approve a temporary leave of absence of the Director and the temporary appointment of another person to act as the Director for the period of absence. This enables appropriate (time limited to 3 months) administrative efficiencies without limit to the Governor in Council's powers.

Division 6 Other committees

Clause 103 Provides for amendments to enable other committees to appoint a person to a committee whether or not they are a member of the Board. . External membership of committees is consistent with government policies and recommendations of governance in government bodies.

This clause also amends the Act to include Criminal History provisions, which are referred to in the Queensland Cabinet Handbook, in a manner consistent with other Acts in the Queensland statute.

These amendments provide a legislative remit for the conducting of history checks (ie. Only where a person has consented and for the purpose of a Minister deciding whether a person is disqualified from becoming or continuing as a member) and the limitations of these checks and the treatment of the criminal history reports obtained (ie confidentiality by persons identified in s38E). The latter also includes an offence for a person who does not comply with the confidentiality of criminal history information.

It provides the requirements of a member, to disclose changes in criminal history and provides for an offence for not doing so without a reasonable excuse.

Clause 104 Provides for the Queensland Performing Arts Trust to include a reference to a reframing entity.

Clause 105 Provides for the Trust to be a reframing entity as defined by the *Public Sector Act 2022*. The intention in doing this is to provide consistency with Arts Statutory Bodies, as the Trust is excluded by definition of public sector entity (s8(2)(p)).

Clause 106 Removes section 46(2) with respect to modernising the Acts in relation to the current operations of government, as it is not possible to wait until Parliament appropriate funding and require submission of plans no later than 2 months before the end of the financial year (per section 44(1)).

Clause 107 Provides for the removal of extraneous requirements for processes regarding Strategic and Operational plans, which are in conflict to modern government processes. The removal has the effect of modernising the Act, creating operational efficiency and removing potential, unintentional breaches of the Act.

It also repurposes s49 to relate to Strategic Plans, specifically the requirement for key actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples to be included in the Strategic Plan. This is reflective of the revised guiding principles, which provide greater prominence to the Trust's role in working with First Nations communities.

Clause 108 Provides for the Minister to give the Board a written Statement of Expectations relating to Board's performance of its functions. This supports but is different to the directions

a Minister may provide to the Board in exercising its powers, as the Statement of Expectations may provide guidance on policy matters.

Clause 109 Provides for the inclusion of the above Statement of Expectations to be included within the Annual Report.

Part 6A Resale of Tickets

Clause 110 Sets out the definitions supporting the provisions restricting the resale of tickets (unauthorised reselling or “ticket scalping”). These provisions will support the Trust to restrict the unauthorised reselling of tickets for events staged at the Queensland Performing Arts Centre. Unauthorised reselling is an issue for the Trust with respect to financial loss, consumer disappointment and reputational damage to the venue, and the introduction of these provisions is in line with those within the *Major Sports Facilities Act 2001* and *Major Events Act 2014*.

The intention is to maintain a policy and legislative consistency across the Queensland statute with that of sport and major events ticket reselling provisions.

Clause 111 Provides for the Minister to give the Board a written Statement of Expectations relating to Board’s performance of its functions. This supports but is different to the directions a Minister may provide to the Board in exercising its powers, as the Statement of Expectations may provide guidance on policy matters.

Clause 112 Provides the effect of clarifying the protections from liability for members by removing the circumstances under which liability would not attach and inserting confidentiality requirements (which include a relevant penalty for the disclosure of confidential information).

Clause 113 Provides for the inclusion of an additional sub-section for s76 connecting the civil liability provisions of the *Public Sector Act 2022*. Subsequent amendments to the Public Sector Regulation will provide for clarity of who is entitled to protections from liability.

Division 3 Transitional provision for Arts (Statutory Bodies) and Other Legislation Amendment Act 2024

Clause 114 provides for the transitional arrangements relating to the First Nations Committee. The overall effect provides that in establishing the First Nations Committee, the principle of self-determination is supported by limiting the Board’s number of appointments, in its establishment and for the initial term of not more than 1 year. The transition arrangements also require that the Board has 6 months from which the Committee will operate under the Charter required under the relevant section.

Clause 115 Provides for the inclusion of a Dictionary after part 8.

Part 6 Amendment of the Queensland Theatre Company Act 1970

Clause 116 states Part 2 presents the amendments to the *Queensland Theatre Company Act 1970*.

Clause 117 sets out the guiding principles as relating to First Nations peoples, providing an improved recognition of Aboriginal peoples and Torres Strait Islander peoples within the *Queensland Theatre Company Act 1970*. The guiding principles omit the related existing provision (1B(c) ‘respect for Aboriginal and Torres Strait Islander cultures should be affirmed’) on the basis that the new provisions outline more detailed principles for engaging with Aboriginal peoples and Torres Strait Islander peoples.

The guiding principles relating to First Nations set out that the principles include the cultural and creative rights and practices of Aboriginal and Torres Strait Islander peoples. 1B(3)(a) has been included to highlight the importance of ethical art for First Nations communities.

Ethical art, both in regards to products and practices, is a significant issue for First Nations communities. It is intended for this provision to encompass where a retail or online shop is selling products that incorporate Aboriginal and Torres Strait Islander cultural expression as well as the range of engagements with Aboriginal and Torres Strait Islander people for the creation, use and display of their cultural and cultural expressions. The provision has been drafted to reflect these elements as two limbs to reflect address that these engagements are relate to products as well as practices.

Clause 117 also sets out the connection between the role of the Queensland Theatre Company and that of truth-telling and presenting the histories of Aboriginal peoples and Torres Strait Islander peoples and the Theatre Company’s role in representing and reflecting Queensland’s shared history with Aboriginal peoples and Torres Strait Islander peoples in the performing arts.

These provisions are drafted to reflect a more modern view of Queensland’s communities, with a more prominent inclusion of First Nations communities and our shared histories.

Clause 118 sets out minor omissions to redundant definitions and includes a number of new definitions relevant to the First Nations Committee and Criminal History.

Clause 119 sets out the new requirements that at least 2 members must be an Aboriginal person or a Torres Strait Islander person. This provision has been designed to establish this new requirement without setting any targets or requirements within this total.

Clause 120 provides for the omission of eligibility for appointment on the basis it is integrated into subsequent amendments regarding membership.

Clause 121 sets out a new provision regarding eligibility relative to the disqualification provisions (a subsequent amendment).

Clause 122 sets out the requirements for a person to be disqualified from membership of the Theatre Company. This new provision integrates updated provisions relating to eligibility and membership, in a manner consistent across the statute book. These amendments are related to the new criminal history provisions, consistent with the approach across the statute book.

This clause also includes for leave of absence for Board members, time limited to not more than 3 months, with notice to the Minister. This is to provide for improved board governance in managing members attendance and temporary absences, without limiting Governor in Council arrangements.

Clause 123 Provides that these new provisions support the Board to engage in partnerships and carry out activities of cultural purposes across the cultural centre. The provisions affirm into legislation activities which are routine activities of the Queensland Theatre Company (ie. Raising of philanthropic funds to support delivery of functions; undertaking activities such as event activation and performance of services).

Clause 124 Omits the provisions of the Act relating to abandoned property (s18-20). This is an administrative efficiency not required within the Act as there are common law provisions and related policies and procedures supporting the Theatre Company's activities in this area.

Clause 125 Provides for the delegation of functions by the Board to include the First Nations Committee and the Foundation Committee. This provision ensures that the Committees, provided for in these amendments are included in this section.

Division 4A First Nations Committee

Clause 126 sets out the establishment of the First Nations Committee, including its functions, membership, appointments processes and requirements for a Charter.

Developed through co-design with the First Nations Arts and Cultures Panel (FNACP), the functions outline to the role of the First Nations Committee, as a board sub-committee supporting the Board's role and engagements with First Nations communities. The role is outlined in three sub-parts to articulate the Committee's role in advising the Board on how cultural learning and knowledge could be embedded across the Theatre Company's full organisation (including the development and action of related plans). Cultural leadership and cultural governance are outlined in the provisions to reflect the role the Committee would have relative to the Board's consideration on matters relating to Aboriginal peoples and Torres Strait Islander peoples.

Through co-design the FNACP assisted with the understanding that cultural governance in this context is the integration of cultural ways and practises into a governance framework.

The clause requires that the Committee be formed of members who are an Aboriginal person or Torres Strait Islander person, with one of the board members (who is an Aboriginal person or Torres Strait Islander person) to be appointed as Chair. This ensure a culturally-appropriate governance connection to the Board while supporting the Committee to be a cultural safe environment to discuss cultural matters relating to the Queensland Theatre Company.

This clause also provides for the requirements of the Chairperson and duration of appointment and the circumstances of re-establishing the First Nations Committee, should the committee be without any members.

Section 30F refers to the Committee's remuneration and allowances being decided by the Board. The decision of the Board will be consistent with the Government's policy on Board Remuneration.

Clause 127 provides for a temporary extension of the Director's appointment, with a time limit of 3 months and without limit to the Governor in Council's powers. This provides appropriate (time limited to 3 months) reduction to administrative and approval processes.

Clause 128 Provides that, in line with the modernisation of the Act, the revision to include a ‘function’ as a ‘power’ clarifies the role of the State Library with regards to what should be and can be performed.

Clause 129 provides for the Board to approve a temporary leave of absence of the Director and the temporary appointment of another person to act as the Director for the period of absence. This enables appropriate (time limited to 3 months) administrative efficiencies without limit to the Governor in Council’s powers.

Division 6 Other committees

Clause 130 omits a heading.

Clause 131 Provides for amendments in line with the modernisation of the Act.

Clause 132 amends the Act to include Criminal History provisions, which are referred to in the Queensland Cabinet Handbook, in a manner consistent with other Acts in the Queensland statute.

These amendments provide a legislative remit for the conducting of history checks (ie. Only where a person has consented and for the purpose of a Minister deciding whether a person is disqualified from becoming or continuing as a member) and the limitations of these checks and the treatment of the criminal history reports obtained (ie confidentiality by persons identified in s38D). The latter also includes an offence for a person who does not comply with the confidentiality of criminal history information.

It provides the requirements of a member, to disclose changes in criminal history and provides for an offence for not doing so without a reasonable excuse.

Clause 133 Provides for the Queensland Theatre Company to include a reference to a reframing entity

Clause 134 Provides for the Company to be a reframing entity as defined by the *Public Sector Act 2022*. The intention in doing this is to provide consistency with Arts Statutory Bodies, as the Company is excluded by definition of public sector entity (s8(2)(p)).

Clause 135 Removes section 46(2) with respect to modernising the Acts in relation to the current operations of government, as it is not possible to wait until Parliament appropriate funding and require submission of plans no later than 2 months before the end of the financial year (per section 44(1)).

Clause 136 Provides for the removal of extraneous requirements for processes regarding Strategic and Operational plans, which are in conflict to modern government processes. The removal has the effect of modernising the Act, creating operational efficiency and removing potential, unintentional breaches of the Act.

It also repurposes s49 to relate to Strategic Plans, specifically the requirement for key actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples to be

included in the Strategic Plan. This is reflective of the revised guiding principles, which provide greater prominence to the Company's role in working with First Nations communities.

Clause 137 Provides for the Minister to give the Board a written Statement of Expectations relating to Board's performance of its functions. This supports but is different to the directions a Minister may provide to the Board in exercising its powers, as the Statement of Expectations may provide guidance on policy matters.

Clause 138 Provides for the Minister to give the Board a written Statement of Expectations relating to Board's performance of its functions. This supports but is different to the directions a Minister may provide to the Board in exercising its powers, as the Statement of Expectations may provide guidance on policy matters.

Clause 139 Provides for the inclusion of the above Statement of Expectations to be included within the Annual Report.

Clause 140 Provides the effect of clarifying the protections from liability for members by removing the circumstances under which liability would not attach and inserting confidentiality requirements (which include a relevant penalty for the disclosure of confidential information).

Clause 141 Provides for the inclusion of an additional sub-section for s76 connecting the civil liability provisions of the *Public Sector Act 2022*. Subsequent amendments to the Public Sector Regulation will provide for clarity of who is entitled to protections from liability.

Clause 142 provides for the transitional arrangements relating to the First Nations Committee. The overall effect provides that in establishing the First Nations Committee, the principle of self-determination is supported by limiting the Board's number of appointments, in its establishment and for the initial term of not more than 1 year. The transition arrangements also require that the Board has 6 months from which the Committee will operate under the Charter required under the relevant section.

Clause 143 Provides for the inclusion of a Dictionary after part 8.

Clause 144 Provides for the legislation amended to be detailed in Schedule 1.