

# Education and Other Legislation Amendment Bill 2026

## Explanatory Notes

### Short title

The short title of the Bill is the Education and Other Legislation Amendment Bill 2026 (Bill).

### Policy objectives and the reasons for them

The Bill supports the Queensland Government's commitment to reduce regulatory burden and deliver for Queensland by delivering key reforms across the education and arts portfolios to strengthen governance; improve educational outcomes; support re-engagement of students and continuity of education; and improve the efficiency of operations for arts and education statutory bodies.

#### Education

Queensland's education sector encompasses state and non-state schools, early childhood education and care, curriculum and assessment, teacher registration and accreditation.

The Department of Education (DoE) is responsible for policy, delivery and regulation across these functions, supported by statutory bodies including the Queensland Curriculum and Assessment Authority (QCAA), the Queensland College of Teachers (QCT) and the Non-State Schools Accreditation Board (NSSAB). DoE also supports Queensland Government priorities including improving education outcomes, maintaining public confidence, reducing red tape and strengthening governance.

In 2023, an independent review of the Queensland Non-State Schools Accreditation Framework was completed with the release of a final report (report) in March 2023. The report made recommendations under four key themes: culture, collaboration and communication; clarity and consistency; compliance; and community confidence.

The reforms in the Bill will respond to two of the recommendations in the report by addressing operational issues identified by NSSAB and DoE, and support a more proactive, risk-based and educative regulatory approach.

The Bill delivers reforms to support continuity of education through legislative recognition of Education and Training Centres in youth detention settings and re-engagement supports for children and young people. It will also clarify information sharing required to enable referral into education re-entry and transition services programs.

The Bill enables an expanded model for the international delivery of the Queensland Certificate of Education (QCE) by allowing accredited non-state schools in Queensland to partner with overseas schools to deliver the QCE, with program governance shifting to the QCAA to strengthen consistent approval, assurance and oversight.

## Arts

The *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 Arts Enabling Acts) provide for governance of the Queensland Arts Statutory Bodies (ASBs).

The Bill will deliver amendments to the Arts Enabling Acts that will foster a vibrant arts sector by delivering administrative efficiencies and improved governance arrangements for Queensland's ASBs.

## **Achievement of policy objectives**

### Education

The Bill amends the *Education (Accreditation of Non-State Schools) Act 2017* (EANSS Act), the *Education (General Provisions) Act 2006* (EGPA), the *Education (Queensland Curriculum and Assessment Authority) Act 2014* (QCAA Act), the *Education (Queensland College of Teachers) Act 2005* (QCT Act) and the *Education (Capital Assistance) Act 1993* (ECA Act), the *Education (General Provisions) Regulation 2017* (EGP Regulation), the *Education (Queensland College of Teachers) Regulation 2016* (QCT Regulation) and the *Working with Children Check Act 2000* (WWCC Act) to support continuity of education, improve educational outcomes and strengthen governance.

The primary proposed education-related amendments in the Bill:

- reduce regulatory burden, deliver risk-based regulation, improve legislative clarity and enhance governance for NSSAB and the non-state schooling sector;
- clarify legislative status of education and training centres (ETC) in youth detention centres and working with children authority requirements for approved teachers working in an ETC;
- clarify and facilitate delivery of re-engagement supports for children and young people who are disengaged, or at risk of disengagement, from education;
- expand the model for international delivery of the QCE, including allowing eligible Queensland non-state schools to partner with overseas schools under QCAA oversight and quality assurance arrangements;
- implement operational and governance improvements for the QCT; and
- make minor and technical amendments across the package to ensure currency, update cross references, and provide for contemporary legislative mechanisms for particular education purposes.

### ***Non-State Schools Accreditation Framework***

#### Change in accreditation attribute

Non-state schools sometimes need to change an accreditation attribute, such as adding year levels or introducing boarding facilities. The current approach requires NSSAB to undertake a full accreditation-style assessment, rather than being empowered to undertake a targeted, risk-based approach to assessment that is proportionate to the change in attribute. This increases administrative burden for schools and NSSAB and can cause uncertainty for schools regarding accreditation status while their change is being considered.

The Bill amends the EANSS Act to introduce a risk-based assessment process to allow NSSAB to choose a simple assessment or a complex assessment depending on the risk and complexity

of the proposed change, with the assessment focused on aspects of a school's operations relevant to the change rather than unrelated aspects of accreditation.

#### Use of temporary sites by Special Assistance Schools and by other non-state schools

Currently, Special Assistance Schools (SAS) must notify NSSAB before a school starts operating at a temporary site for the first time, including when the school stops providing special assistance at the temporary site. While the period for which a special assistance school may operate at a temporary site is prescribed in the Regulation, the EANSS Act is unclear on whether accreditation of a school continues while NSSAB makes a decision about an application to change the site attribute for the school to include the temporary site.

Further, except for SAS, all other non-state schools are currently not able to operate from a temporary site even where emergency events, such as natural disasters, affect a school's accredited site and makes it unsuitable or unsafe to use for educational purposes.

The Bill amends the EANSS Act to extend the temporary site framework so all non-state schools can operate from a temporary site when needed and clarify the accreditation status during the site inclusion application process, including providing for the extension of the period for which a school may operate at a temporary site. This will support continuity of education for students and provide greater certainty for schools planning short-term delivery arrangements.

As a consequence of this reform to the EANSS Act, the Bill amends the *Education (Capital Assistance) Act 1993* to ensure the existing policy that capital assistance cannot be provided for a capital project for a temporary site (for an SAS) also applies to the expansion of temporary site use by any non-state school. This will ensure that capital assistance will not be provided for a capital project related to a temporary site regardless of the type of non-state school using a temporary site.

#### NSSAB power to delegate functions

NSSAB does not currently have a clear power to delegate its functions and powers, which can limit operational flexibility and efficiency and slow routine regulatory processes. The Bill amends the EANSS Act to introduce a contemporary delegation model so NSSAB can delegate appropriate functions and powers to suitable persons, supporting timely administration while maintaining accountability for key regulatory decisions.

#### Ministerial Statement of Expectations for NSSAB

The EANSS Act does not currently provide a mechanism for the Minister to clearly state performance and strategic expectations for NSSAB. While direction powers exist, they are not designed to set routine operational expectations and performance priorities.

The Bill amends the EANSS Act to introduce a Ministerial Statement of Expectations mechanism to improve clarity about expectations for NSSAB's performance and alignment with government priorities, operating alongside and separately from existing direction powers.

#### Information sharing between NSSAB and DoE

Under the EANSS Act, NSSAB can provide certain information to the Minister, but not DoE. While NSSAB shares some information with DoE to support the administration of funding, the legislation does not clearly support timely information sharing between NSSAB and DoE about key regulatory actions. This can limit DoE's ability to respond quickly where accreditation actions may affect students, communities and funding administration.

The Bill amends the EANSS Act to enable timely information sharing with DoE about its decisions on accreditation and governing body eligibility for government funding, accreditation surrender, show cause processes, and show cause/compliance or accreditation cancellation relating to a grammar school.

***Ensure continuity of education and improve legislative clarity***

**Re-engagement of children and young persons in education, training and employment**

The EGPA requires a child of compulsory school age to be enrolled at and attend a state or non-state school, and a young person in the compulsory participation phase to participate in school or another eligible option.

DoE and non-government providers deliver a range of non-school based programs designed to re-engage children and young persons in education, training or employment pathways, often in coordination with other agencies. These programs are for children and young people with, or at risk of, entrenched disengagement who require extended support to address barriers to school attendance and engagement. The legislation is not sufficiently clear in its recognition of these re-engagement programs where a child or young person is not immediately capable of transitioning to a school environment or another eligible option to meet the compulsory schooling and compulsory participation requirements.

The Bill amends the EGPA to clarify that DoE and prescribed non-government providers may support and manage participation of children and young people in re-engagement programs (i.e. education re-entry and transition service programs), until they are ready to transition back into school or another eligible option.

The Bill will also put beyond doubt that information sharing may occur between DoE and a non-government provider of an education re-entry and transition service program or another entity to enable referral into a program and obtain information about a child or young person's participation in the program. DoE will be permitted to on-share the information about the child or young person's participation in the program to the school, or a provider of another eligible option the student transitions to after participation in the program.

**Recognition of Education and Training Centres (ETC) as state educational institutions**

ETCs provide education to young persons in youth detention settings and have unique characteristics, including shorter enrolments and tailored delivery. While the EGPA provides for the establishment of state schools and other state educational institutions, it is not clear that ETCs fall within the current legislative framework. This lack of legislative status has caused uncertainty about the authority for delivery of education programs in youth detention centres and for exemption card requirements under the WWCC Act for approved teachers employed in ETCs.

The Bill amends the EGPA to explicitly recognise ETCs as state educational institutions to clarify authority for the delivery of education programs in youth detention centres. The Bill will also clarify that QCT approved teachers working in ETCs do not require a blue card or exemption card, consistent with the requirements for teachers working in other educational institutions in Queensland.

### ***Improve efficiency of operations for the Queensland College of Teachers***

The Bill updates terminology (that is, the title of *director* to *chief executive officer*) to align the QCT Act with contemporary governance standards, consistent with other statutory bodies.

The Bill also changes QCT's financial year and associated reporting to commence from 1 July (instead of 1 January). This will align the QCT's financial reporting with the broader Queensland Government financial cycle and improve operational efficiency.

The Bill also corrects various references to ensure the QCT Act remains accurate.

### ***Expand offshore education delivery for non-state schools – international delivery of the QCE***

The QCE is Queensland's senior secondary qualification recognised within the Australian Qualifications Framework. It is internationally recognised and provides a pathway to further education in Queensland, across Australia and internationally.

Since 2011, DoE, through Department of Education International (DEi), has worked with the QCAA to enable delivery of the QCE in recognised overseas schools. Under the current model, DEi undertakes due diligence, monitors performance, facilitates school reviews, and provides professional development and mentoring.

DEi currently has service agreements in place with seven overseas schools for international delivery of the QCE, with around 795 students, across four countries eligible to be awarded a QCE in 2026 and 2027:

- Hangzhou Dongfang High School, Qingdao Guokai Middle School, Tianmen Huatai Middle School and Wuxi Foreign Language School – China;
- New Taipei Yuteh Private School – Taiwan;
- AIS Sharjah – United Arab Emirates; and
- Nauru Secondary School – Nauru.

Independent Schools Queensland (ISQ), the peak body for independent non-state schools in Queensland, has advocated for the opportunity to engage in commercial agreements with partner overseas schools to deliver the QCE.

The Bill amends the QCAA Act and EANSS Act to enable an expanded offshore delivery model so non-state schools, including Grammar schools, can participate in international delivery arrangements, with program governance shifting to the QCAA to strengthen consistent approval, assurance and oversight.

The Bill will establish the QCAA as the authorising entity responsible for assessing and approving overseas schools to partner with both DEi and non-state schools.

DEi will retain its role in partnering with certain overseas schools to support their delivery of the QCE and continue its service agreement with the QCAA for the supply of QCE-related products and services.

The Bill provides for the QCAA to charge fees, where necessary, to offset costs of providing services under its functions. The authority to charge fees is provided in new section 20A of the QCAA Act. Fees will be stated in authorising agreements between QCAA and partnering entities (DEi and non-state schools). Fees will be subject to indexation in accordance with the *Queensland Government's Principles for Fees and Charges*.

### ***Minor and Technical Amendments***

The Bill makes minor and technical amendments across the package, including correcting typographical errors, updating outdated references and clarifying heads of power to support effective operation of legislation. Some provisions relating to enrolment of international students in State schools have been moved from the EGP Regulation to the EGPA, but the purpose of these provisions have remained unchanged.

#### Criminal history check (CHC) fees

CHC fees are currently prescribed in the EGP Regulation and the QCT Regulation as a dollar value and requires regular (typically annual) updates via an amendment regulation, when the Queensland Police Service (QPS) notifies DoE it has adjusted the fee. This creates unnecessary administrative burden and risk of delay in legislative amendment, which would lead to the prescribed CHC fee that DoE and the QCT can collect from an applicant being inconsistent with the fee charged by QPS.

The Bill amends the EGPA and QCT Act to provide a contemporary approach for the collection of the CHC fee for the purposes of obtaining a criminal history report and will shift the CHC fee publication to relevant websites. The fee will remain set by the QPS.

#### Arts

ASBs operate under the Arts Enabling Acts and several provisions across the portfolio do not align with contemporary governance practice and government processes.

The Bill modernises appointments and short-term operational arrangements to support continuity, strengthen probity and integrity settings, and update additional operational provisions across the portfolio.

The governance amendments will improve governance performance of the ASBs, through clear and consistent provisions which align with the statute book.

## **Alternative ways of achieving policy objectives**

In order to achieve the policy objectives, legislative amendments are necessary, as provided for in the Bill. Where possible non-legislative options have been considered. However, as the provision of state and non-state schooling is provided for under a legislative framework, including statutory bodies such as the QCT and QCAA, legislative amendments are required to give effect to the policy objectives.

As ASBs are established by legislation, legislation is the most appropriate method for achieving policy objectives.

## **Estimated cost for government implementation**

While there will be costs for government implementation of the education amendments in the Bill, these costs are not expected to be substantial. Overall, costs are likely to occur as a result of staff training and the development of supporting materials to communicate the changes to principals, schools, students, parents and the community.

Any potential costs will be met from existing budget allocations and are anticipated to be offset in the longer term as process efficiencies are realised.

No additional funds are required to support the implementation of the proposed amendments in relation to ASBs.

## Consistency with fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* (LSA) states that fundamental legislative principles (FLPs) are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law. Under section 4(2) of the LSA, to be consistent with FLPs, legislation must have sufficient regard to fundamental legislative principles, the rights and liberties of individuals, and to the institution of Parliament.

Under section 4(3)(c) of the LSA, sufficient regard to rights and liberties of individuals depends on whether the legislation allows the delegation of administrative power only in appropriate cases and to appropriate persons. Under section 4(4)(c) of the LSA, the legislation must have sufficient regard to the institution of Parliament and whether the Bill authorises the amendment of an Act only by another Act.

The proposed reforms are generally considered compliant with the Fundamental Legislative Principles (FLP), although some minor potential inconsistencies have been identified and are outlined below.

### 1. Delegation of NSSAB functions and powers

The Bill amends the *Education (Accreditation of Non-State Schools) Act 2017* (EANSS Act) to provide NSSAB with a power to delegate its functions and powers to appropriate persons who will perform those functions on behalf of NSSAB.

Under the Bill, NSSAB will be able to delegate its functions or powers to a member of NSSAB or the chief executive of DoE. The chief executive may subdelegate any functions or powers the chief executive was delegated by NSSAB to an appropriately qualified employee within DoE.

The Bill will place parameters around what NSSAB functions, due to their nature, would not be delegable. These are:

- deciding accreditation of a non-state school;
- deciding whether a governing body meets the government funding eligibility criteria; and
- advising the Minister about the operation of the accreditation and government funding schemes under the EANSS Act.

The Bill will also provide that the *Education (Accreditation of Non-State Schools) Regulation 2017* (EANSS Regulation) may prescribe other matters that cannot be delegated or that may only be delegated to a member of NSSAB or the chief executive.

Section 4(5)(c) of the *Legislative Standards Act 1992* (LSA) states that subordinate legislation should contain only matters appropriate to that level of legislation. Allowing additional matters to be prescribed in regulation as matters that cannot be delegated or cannot be delegated to either a NSSAB member or the chief executive is potentially inconsistent with section 4(5)(c) of the LSA.

It is noted that parliamentary portfolio committees have expressed concern about the appropriateness of including particular types of provisions in subordinate legislation. Examples of the types of matters that have drawn the committees' attention include: important matters for the operation of the Act; offences and penalties; fees and taxation; and rights of appeal and review. The Bill does not include provision of these types of matters in subordinate legislation.

The Bill sets out in the EANSS Act the critical functions or powers of NSSAB that must not be delegated. Only additional matters that are otherwise considered appropriate to be delegated

may, by prescription in the EANSS Regulation, be determined as not being able to be delegated (either at all or not to a NSSAB member or the chief executive). While NSSAB may deal with this administratively by simply not delegating particular powers or functions, NSSAB or Minister may seek to provide explicitly in the EANSS Regulation that particular additional powers or functions cannot be delegated (or not delegated to a particular person), for example, to address sector expectations.

Therefore, it is considered that allowing for prescribing additional matters in the EANSS Regulation that may not be delegated is reasonable and justified.

## **2. Re-engagement of children and young people**

### Rights and liberties of individuals

The EGPA requires a child of compulsory school age to be enrolled at and attend a State or non-state school, and a young person in the compulsory participation phase to participate in an eligible option.

DoE and select non-government organisations deliver a range of non-school-based programs designed to re-engage children and young persons in education, training or employment pathways, often in coordination with other agencies or services. These programs are for children and young people with, or at risk of, entrenched disengagement who require extended support to address barriers to school attendance and engagement. Examples of these programs include department-led individualised case management and specialised alternative learning programs delivered by non-government organisations.

However, the EGPA does not provide an explicit framework for these programs where a child or young person has significant barriers making them not immediately capable of transitioning back into a school environment or another eligible option to meet the compulsory schooling and compulsory participation requirements.

The Bill will amend the EGPA to clarify that DoE and prescribed non-government providers may support and manage participation of children and young people in re-engagement programs (referred to in the Bill as an education re-entry and transition service program), until they are ready to transition back into school or another eligible option.

In addition, the Bill provides authority for the disclosure, without consent, of personal information about a child or young person as it pertains to their referral to or participation in an education re-entry and transition service program and transition out of the program into a school or another eligible option.

Under section 4(2) of the LSA, legislation must have sufficient regard to the rights and liberties of individuals. The right to privacy, the disclosure of private or confidential information, and privacy and confidentiality issues have generally been identified by the former Scrutiny of Legislation Committee as relevant to consideration of whether legislation has sufficient regard to the rights and liberties of individuals.

The information sharing provisions relating to children and young people participating in an education re-entry and transition service program are potentially inconsistent with the FLP that legislation must have sufficient regard to the rights and liberties of individuals.

To facilitate referral to a suitable education re-entry and transition service program for a child or young person experiencing or at risk of experiencing entrenched disengagement, and ensure the program remains suitable and the child or young person is participating in the program, it is critical for DoE to be able to share personal information about a child or young person with

a program provider or another entity and to seek information from a provider about the child or young person's participation.

Children and young people with, or at risk of, entrenched disengagement are more likely to have complex needs and backgrounds and behaviours, which have contributed to their disengagement from education. Having the necessary information about the child or young person's circumstances will facilitate successful referral to an appropriate education re-entry and transition service that meets the child or young person's particular needs and enhances the likelihood of success of their participation in a program.

It is also important that DoE is empowered to obtain, from a prescribed non-government organisation providing such an education re-entry and transition service, information about a child or young person's participation in the program to maintain oversight of the child or young person and ensure the program remains suitable for the child or young person.

Additionally, noting the primary goal of education re-entry and transition service programs is to support a child or young person to successfully re-engage with education and return to formal schooling or another eligible option, it is necessary to be able to provide the school or provider of another eligible option with information about the child or young person's participation in the program and other information about the child or young person. This is critical in order to ensure:

- the destination school or provider of another eligible option is well informed of any ongoing additional needs of the child or young person and necessary supports to facilitate successful transition to the school or another eligible option and provide for continuity of education; and
- the destination school has necessary information to support the safety and wellbeing of the child or young person and that of the school's community.

For these reasons, the Bill amends the EGPA to put beyond doubt that information sharing may occur between DoE and a non-government organisation providing an education re-entry and transition service program or another entity to enable referral into a program and obtain information about a child or young person's participation in the program. DoE will be permitted to on-share the information about the child or young person's participation in the program to the school or provider of another eligible option the student transitions to after participation in the program.

Only information that is relevant to the referral to the program or participation in the program or continuity of education and the safety and wellbeing of the child or young person or the school community for their destination school will be permitted to be shared.

Providers of re-engagement programs will be prescribed in regulation and are subject to requirements set by funding agreements in place with DoE.

Further, the Bill includes a confidentiality provision pertaining to the information sharing powers to limit the further sharing of the information without consent or for particular limited prescribed circumstances. A penalty is attached to non-compliance with this confidentiality provision.

It should also be noted, the information sharing power in the Bill is consistent with information sharing that also occurs under the EGPA via transfer notes when a student moves between Queensland schools, to support continuity of education, and safety and wellbeing of the student and that of the school community at the student's new school. Like the use of transfer notes,

the Bill further supports the intent of the recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) in terms of the importance of information sharing and use of transfer notes.

In addition, the Royal Commission found that the transfer of a student's relevant information is one of the most significant factors in successful transition to a new school, and may be particularly necessary where the student has:

- engaged in harmful sexual behaviours and, as a consequence, may pose risks to other students; or
- experienced sexual abuse and as a consequence had particular educational and support needs.

The Royal Commission emphasised the importance of ensuring schools are able to address the educational and support needs of students who have been victims of sexual abuse, noting associated negative effects on academic achievement, learning ability, cognitive function, concentration, educational engagement and school completion rates.

The Royal Commission made a number of recommendations which call for states and territories to provide for student information to be exchanged between schools in a manner that is proportionate, proactive and cross-sectoral to ensure continuity of the student's educational program when a student transfers schools and to provide appropriate protections to both the student transferring and to the other students and staff at the new school.

Given the underlying policy intent of the education re-entry and transition service programs, the Royal Commission findings and recommendations, and the confidentiality safeguards within the EGPA, it is considered that the potential breach of the FLP is reasonable and justified.

#### Appropriateness of penalties

The confidentiality provision includes an offence for breaching confidentiality (maximum penalty of 50 penalty units) by requiring any of the specified relevant persons who have gained or have access to personal information about a child or young person to not make a record of or disclose the information except in prescribed limited circumstances and make an offence for inappropriate recording or disclosing.

A specified relevant person to which the confidentiality provision applies is: the chief executive or a public service employee in DoE; an employee of a prescribed provider of an education re-entry and transition service program; employee of another entity given information in relation to the referral in an education re-entry and transition service program; or an employee of a state school, non-state school, or provider for an eligible option to whom the chief executive has given information to support transition of the child or young person into a school or other eligible option.

This offence protects the rights of the child or young person, and the penalty amount is the same as the penalty amount for offences under other similar confidentiality provisions in the EGPA (for example, sections 251D and 426). Therefore, it is considered that the penalty is reasonable and justified.

### **3. Arts Statutory Bodies' (ASB) amendments**

#### Offences and penalties—proportion and relevance

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 the relevant sections of each Act (*Libraries Act, 1988* s12A; *Queensland Art Gallery Act 1987*, s11A, *Queensland Museum Act 1970*, s11A, *Queensland Performing Arts Trust 1977*, s11A, and *Queensland Theatre Company Act 1970*, s11A) 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 the relevant sections of each Act (*Libraries Act 1988* s40AJ; *Queensland Art Gallery Act 1987* s40L, *Queensland Museum Act 1970* s41C, *Queensland Performing Arts Trust 1977* s38D, and *Queensland Theatre Company Act 1970* s38C) 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 member’s 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 an appointment. Immediate notification is required (unless with reasonable excuse) to ensure all members are maintaining suitability. Reasonable excuse potentially provides for circumstances which are not directly within 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.

#### Resale of Tickets

The amendments introduce a penalty for the resale of tickets at the Queensland Performing Arts Centre (QPAC). This amendment is introduced on the basis that the resale of tickets “ticket scalping” has caused a range of impacts to QPAC and its patrons. These include the potential for significant loss and disappointment to patrons and financial and reputational damage to QPAC. While the introduction of a penalty may be considered a potential breach to the rights of an individual, these are outweighed by the losses experienced by QPAC and its patrons. It could be argued these penalties protect consumers and are proportionate to the harm caused by the resale of tickets.

## 2. Criminal History - Confidentiality

Within the Criminal History provisions included with this Bill, is the offence of maintaining confidentiality with respect to an individual who have acquired or have access to confidential information about another person (i.e. 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 being 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 the relevant sections (*Libraries Act 1988* s40AJ; *Queensland Art Gallery Act 1987* s40L, *Queensland Museum Act 1970* s41C, *Queensland Performing Arts Trust 1977* s38D, and *Queensland Theatre Company Act 1970* s38C), or matters about whether they are disqualified from managing a corporation under section the relevant sections (*Libraries Act 1988* s12A; *Queensland Art Gallery Act 1987* s11A, *Queensland Museum Act 1970* s11A, *Queensland Performing Arts Trust 1977* s11A, and *Queensland Theatre Company Act 1970* s11A), 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 individual's 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.

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

The amendments provide for a person to be disqualified from continuing as a member of the board in particular circumstances:

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

As outlined above, the requirement and associated offence 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 (e.g. 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 also provides for appropriate delegation of powers with respect to the delegation of administrative decisions relating to:

- temporary extensions for Director (Chief Executive Officer); and
- leave of absence of Director.

These represent appropriate delegations as they:

- are time limited (3 months);
- require approval at an administratively appropriate level (relative to the nature and extend

of the decision); and

- 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)

The new provisions 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); and
- 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 those of lesser offences, for the offence of resale of tickets (ticket scalping) the penalty for an individual is lower (135 penalty units) than for a corporation (680 penalty units). This reflects the potential level of seriousness where a corporation is reselling tickets to consumers. These penalty units are consistent with the *Major Sports Facilities Act 2001*, which was amended in 2025 with these same penalties.

Amendments to the *Libraries Act 1988* to establish the Foundation Committee, inserts a penalty provision that requires that Foundation members must disclose particular interests (direct or indirect interest in a matter being considered or about to be considered by the Foundation Committee). The provision carries a penalty of 100 penalty units.

This is an appropriate limitation on those individuals, who in addition to a role as a Foundation

Committee member, may have other interests and it is reasonable that if relevant to the Committee, that these be disclosed. The penalty is consistent with the provisions contained within the *Queensland Art Gallery Act 1987* (s40G).

## Consultation

### Education

Targeted consultation has been undertaken with relevant Queensland Government agencies, impacted arts and education statutory bodies (QCT, QCAA, NSSAB and ASB) and other education stakeholders in the state and non-state schooling sectors, including unions representing teachers, peak bodies representing non-state schools, principal associations and parent representative bodies.

QCT supports the amendments providing operational improvements for the QCT. QCAA supports the amendments to provide for the international delivery of the QCE, including QCAA's new regulatory functions in relation to this reform.

The two peak bodies representing non-state schools, Independent Schools Queensland (ISQ) and Catholic Education Queensland Limited (CEQL) raised some concerns about amendments impacting non-state schools. Both CEQL and ISQ noted concerns or sought assurance about the amendment allowing NSSAB to delegate functions or powers. In particular, the issues raised pertained to the scope of delegation and consistency and oversight of exercise of functions by a delegate. CEQL also raised concern about the scope and purpose of the amendments requiring NSSAB to share particular information with DoE and ISQ sought further clarity about how this would work in practice. ISQ sought assurances about the scope of the Ministerial Statement of Expectations for NSSAB. One non-state school parent representative body also echoed CEQL and ISQ feedback.

ISQ supports the intent of the Bill more broadly and strongly supports the amendments to provide opportunity for non-state schools to work in partnership with overseas schools for the international delivery of the QCE, which it has advocated for.

NSSAB supported the amendments in the Bill that reduce administrative burden for NSSAB and the non-state schooling sector, including the amendments relating to change of attributes of accreditation, use of temporary sites and delegation of NSSAB functions and powers. However, NSSAB did raise some concerns about the amendments relating to the impact of information sharing with DoE and the Ministerial Statement of Expectations in the context of their expressed independence.

DoE will lead proactive and coordinated communication with NSSAB to prevent misconceptions in the non-state schooling sector and address concerns about the purpose, scope and implementation of the amendments, as well as a clear articulation of the role of DoE, assurance of confidentiality of information shared with DoE, and retention of NSSAB independence. Outcomes of these consultations will directly inform the development of the implementation approach. These amendments commence upon proclamation allowing time for considered implementation and communication planning and activities to occur.

### Arts

Reforms for ASBs have been consulted on with ASBs and are supported. 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**

### Education

The amendments in the Bill are generally designed to improve processes within the Queensland regulatory system and are specific to the Queensland regulatory framework which has been developed over more than a century.

All Australian jurisdictions have legislation that provide for education systems. When considering the legislative amendments, the approaches of other jurisdictions were reviewed. For example, the model of QCE international delivery is partially influenced by a similar model in Victoria. However, in general, as each jurisdiction's legislation is designed differently and for circumstances relevant to the jurisdictions, direct comparisons in relation to the detail of particular amendments is not always possible.

### Arts

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.

# Notes on provisions

## Part 1 Preliminary

Clause 1 provides that the short title of the Act is the *Education and Other Legislation Amendment Act 2026*.

Clause 2 provides for commencement of provisions.

- Amendments to the *Education (Accreditation of Non-State Schools) Act 2017* (EANSS Act), *Education (Capital Assistance) Act 1993* (ECA Act), *Education (Queensland Curriculum and Assessment Authority) Act 2014* (QCAA Act), *Education (Queensland Curriculum and Assessment Authority) Regulation 2025* (QCAA Regulation) commence on proclamation to allow for implementation processes such as preparation of information materials and guidelines
- The following provisions amending the *Education (Queensland College of Teachers) Act 2005* (QCT Act) commence on 1 July 2027—
  - section 64 - Omission of s 267;
  - section 65 - Amendment of s 275;
  - section 68 to the extent it inserts section 373 and 374;
  - section 69(1) to the extent it omits the definition *financial year*.
- Amendments to the QCT Act, other than those identified above; amendments to the *Education (General Provisions) Act 2006* (EGPA), *Education (General Provisions) Regulation 2017* (EGP Regulation), *Education (Queensland College of Teachers) Regulation 2016* (QCT Regulation) and *Working with Children Check Act 2000* (WWCC Act), will commence on assent.
- Amendments to the *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 Arts Enabling Acts) and consequential amendments to other legislation will commence on assent.

## Part 2 Amendment of *Education (Accreditation of Non-State Schools) Act 2017*

Clause 3 provides this Part amends the EANSS Act.

Clause 4 amends section 6 to clarify that a non-state school under the EANSS Act does not include a recognised school (that is, an overseas school delivering a Queensland Certificate of Education program), even if a recognised school has entered into a partnership agreement with a non-state school. This ensures clarity of the scope of the EANSS Act, so that there is no confusion as to whether a recognised school is subject to provisions under the EANSS Act.

Clause 5 amends section 10 to provide that government funding for a non-state school is not impacted if the school enters into a partnership agreement with a recognised school.

Clause 6 amends section 19 to include a note that a school may temporarily provide accredited education at other sites.

Clause 7 amends section 25 to provide the Board must give a notice of a decision to accredit the school to the chief executive in the same way it now gives it to the Minister.

Clause 8 amends section 32 to provide that this section does not apply if a governing body of a school has given a notice under section 50(1)(a) of its intention to use a temporary site.

Clause 9 amends section 40 to provide that the Board may grant an application about a change in an attribute of accreditation, other than a change in the school's governing body, only if the Board is satisfied that when the change has effect the school will comply with the accreditation criteria to which the change relates and any other accreditation criteria it considers appropriate.

Clause 10 amends Chapter 2, Part 4 to expand the use of temporary site provision to all non-state schools.

Clause 11 amends section 47 to allow for non-state schools to use a temporary site to provide accredited education during an emergency event in addition to allowing special assistance schools to use temporary site whether or not there is an emergency event.

Clause 12 amends section 48 to provide for definitions for the following terms: 'accredited education', 'accredited site', 'emergency event', and 'temporary site'.

Clause 13 inserts a new section 48A after section 48 to provide that a school may use a temporary site only if an emergency event has affected the school's accredited site (except for special assistance schools) and the education provided at the temporary site must be the type of education the school is accredited to provide.

Clause 14 amends section 49 to apply to all non-state schools and for certain matters to be prescribed in a regulation.

Clause 15 amends section 50 to include that a governing body of a non-state school must declare that the school needs to use a temporary site because of an emergency event and would comply with the temporary site criteria while education is provided at the temporary site.

Clause 16 amends section 51 to apply this section to all non-state schools using temporary site.

Clause 17 amends section 52 to apply this section to all non-state schools using temporary site.

Clause 18 amends section 53 to apply this section to all non-state schools using temporary site.

Clause 19 amends section 66(1)(i) to apply the ground for cancellation to all non-state schools.

Clause 20 amends section 67 to provide that if the Board gives a governing body a show cause notice under this section, they must also give the chief executive a copy of the show cause notice.

Clause 21 amends section 69 to provide that if the Board ends a show cause process under this section, they must also give the chief executive a copy of the show cause notice.

Clause 22 amends section 70 to provide that if the Board gives a notice under this section, they must also give the chief executive a copy of the notice.

Clause 23 amends section 71 to provide that if the Board gives a notice to cancel an accreditation under this section, they must also give the chief executive a copy of the notice.

Clause 24 amends section 73 to provide that if a governing body surrenders their accreditation the Board must advise the chief executive as soon as possible after receiving notice of the surrender.

Clause 25 amends section 84 to provide that the Board must give notice of the decision about eligibility of funding to the Minister and the chief executive. Previously, it was just the Minister.

Clause 26 amends section 89 to align a cross reference to amended section 10.

Clause 27 amends section 90 to require the Board to give a copy of a show cause notice about funding withdrawals to the Minister and the chief executive. Previously, it was just the Minister.

Clause 28 amends section 92 to require the Board to give a notice about ending a show cause about funding withdrawals to the governing body, the Minister and the chief executive. Previously, it was just the Minister and the governing body.

Clause 29 amends section 93 to require the Board to give a notice about a decision to withdraw funding to both the Minister and the chief executive. Previously, it was just the Minister.

Clause 30 inserts new section 123A to provide that the Minister may give the Board a statement of expectations for the performance of its functions or the exercise of its powers.

Clause 31 amends section 125 to require the Board to give a notice to the Minister and the chief executive about regulatory actions taken against a Grammar school. Previously, it was just the Minister.

Clause 32 inserts new section 176A to provide that the Board may delegate its functions under the EANNS Act, other than functions mentioned in subsection (2), to a board member or the chief executive.

Clause 33 inserts a transitional provision that provides that the new section 40(4) applies to an application made under section 39 to change an attribute of accreditation, other than a change in the school's governing body, but not decided.

Clause 34 amends Schedule 1 by including the following terms: 'accredited education', 'accredited site' and 'emergency event'.

### **Part 3 Amendment of *Education (Capital Assistance) Act 1993***

Clause 35 provides that this part amends the ECA Act.

Clause 36 amends section 14(1)(c) to include that capital assistance will not be provided for a capital project related to a temporary site used or proposed to be used by any non-state school.

### **Part 4 Amendment of *Education (General Provisions) Act 2006***

Clause 37 provides that this part amends the EGPA.

Clause 38 amends section 12(1) to include a reference to an education and training centre.

Clause 39 amends section 15 to include new subsection (c) to provide that centres for the education and training of detainees in a detention centre is an example of an educational institution that may be established under section 15.

Clause 40 inserts new section 15A to clarify that the establishment of an education and training centre under section 15 is not intended to limit the operation of the *Youth Justice Act 1992*.

Clause 41 amends the heading of Chapter 2, Part 4, to reflect amendments relating to education and training centres.

Clause 42 amends the heading of section 21 and section 21(1) to include a reference to education and training centres, and section 21(2) to update the definition of *curriculum framework* to reflect the inclusion of an education and training centre in section 21(1).

Clause 43 amends section 45 to include new subsection (2), which clarifies the interaction with the *Youth Justice Act 1992* in relation to inspection of an education and training centre premises.

Clause 44 amends section 155B to provide that an application for enrolment as mature age student must be accompanied by the actual criminal history check fee payable on behalf of the applicant to the police commissioner and that the fee must be published on the Department of Education's website.

Clause 45 inserts new section 156A that clarifies how international students are enrolled in State Schools. This provision was previously located in the EGP Regulation.

Clause 46 inserts new section 204A to provide that section 176(1) does not apply to a child who is participating in an education re-entry and transition service program.

Clause 47 amends section 240 by inserting new subsection (6) to provide that section 239(1) does not apply to a young person if the young person is participating in an education re-entry and transition service program.

Clause 48 omits section 251C, which is a transitional provision that is no longer relevant.

Clause 49 amends the heading of Chapter 12, Part 4, consequential to amendments to this Part.

Clause 50 amends section 333 to provide for a definition of a relevant State educational institution for this section that does not include an education and training centre.

Clause 51 amends section 334 to provide for a definition of a relevant State educational institution for this section that does not include an education and training centre.

Clause 52 inserts new Chapter 19, Part 2A which provides for education re-entry and transition service programs. It inserts:

- new section 420B to provide a definition of *prescribed provider*, and other key terms, for Chapter 19, Part 2A;
- new section 420C to clarify what a reference to a child or young person in Chapter 19, Part 2A means;
- new section 420D which provides what an education re-entry and transition service program means;

- new section 420E which provides for disclosure of particular information about a child or young person to an entity to help in arranging for the child or young person to participate in an education re-entry and transition service program;
- new section 420F which provides the chief executive may ask a prescribed provider of an education re-entry and transition service program for particular information about a child or young person for which an arrangement has been made for the child or young person to participate in the program;
- new section 420G which provides a prescribed provider who is complying with a request under section 420F with protection from liability; and
- new section 420H which provides for confidentiality of personal information about a child or young person for which a relevant person has gained or has access to.

Clause 53 amends section 434(2) to clarify that these regulation making powers do not apply in relation to education and training centres.

Clause 54 amends Schedule 4 to insert definitions for *detainee*, *detention centre*, *education and training centre*, *education re-entry and transition service program* and *prescribed provider*. It also makes a minor amendment to the definition of *employee*.

## **Part 5 Amendment of *Education (General Provisions) Regulation 2017***

Clause 55 provides that this part amends the EGP Regulation.

Clause 56 omits section 63 in relation to the enrolment of overseas students in State schools. This provision has been moved to the EGPA to address a potential head of power issue.

Clause 57 inserts new section 75 to provide for the prescription of education re-entry and transition service programs and providers for the purpose of new Chapter 19, Part 2A of the EGPA.

Clause 58 removes section 76 in relation to prescribing the criminal history check fee for application for enrolment as mature age student under section 155B(1)(b) of the EGPA.

Clause 59 removes Schedule 5 that sets out the criminal history check fee in dollar value under section 155B(1)(b) of the EGPA.

## **Part 6 Amendment of *Education (Queensland College of Teachers) Act 2005***

Clause 60 provides that this part amends the QCT Act.

Clause 61 amends section 12E to provide that an application for eligibility declaration must be accompanied by the actual criminal history check fee payable on behalf of the applicant to the police commissioner and that the fee must be published on the college's website.

Clause 62 amends section 14 to provide that an application for registration or permission to teach must be accompanied by the actual criminal history check fee payable on behalf of the applicant to the police commissioner and that the fee must be published on the college's website.

Clause 63 amends section 239 to ensure accuracy of entity references.

Clause 64 removes section 267 in relation to the college's financial year beginning on 1 January.

Clause 65 amends section 275 to provide that the college must give annual report to the Minister no later than 30 October about its work and activities during the previous financial year.

Clause 66 amends section 276 to change the title of the 'director' of the office to 'chief executive officer'.

Clause 67 amends section 278 to change reference to 'director' to 'chief executive officer'. The clause provide that the chief executive officer is appointed under the *Public Sector Act 2022*, Part 5, part 3, to ensure there is no ambiguity about how the role is appointed.

Clause 68 inserts new Chapter 12, Part 18 to provide transitional provisions in relation to the budget for the period 1 January 2027 to 30 June 2027 and clarifying that the change in title of 'director' to 'chief executive officer' does not establish a new office and the person who immediately before the commencement held the position as the 'director' continues to hold appointment as the 'chief executive officer'.

Clause 69 amends Schedule 3 to remove definitions for 'criminal history check fee', 'director' and 'financial year' and insert definition for 'chief executive officer'.

## **Part 7 Amendment of *Education (Queensland College of Teachers) Regulation 2016***

Clause 70 provides that this part amends the QCT Regulation.

Clause 71 removes Schedule 1, Part 2, item 13 that sets out the criminal history check fee in dollar value.

## **Part 8 Amendment of *Education (Queensland Curriculum and Assessment Authority) Act 2014***

Clause 72 provides that this part amends the QCAA Act.

Clause 73 inserts new section 18A to provide for the Queensland Curriculum and Assessment Authority (QCAA) to have functions in relation to the delivery of the Queensland Certificate of Education (QCE) to overseas schools (recognised schools) through partnering entities (either a Queensland non-state school (inclusive of Grammar schools) or DoE). The QCAA is given the functions of approving recognised schools, as well as undertaking due diligence on the recognised schools and any non-state schools who are partnering entities to ensure quality and appropriate implementation of the QCE program in recognised schools.

Clause 74 inserts new section 20A to provide that the QCAA may enter into authorising agreements with partnering entities for the implementation of QCAA syllabuses for senior subjects in recognised schools. Subsection (2) provides criteria for the QCAA to approve an authorised agreement (and accordingly recognised schools, as an overseas school can only be a recognised school if there is an authorised agreement for that school). The QCAA may include charges in the authorised agreement, payable by the partnering entity, to allow the QCAA to provide services in relation to the delivery of the QCE program and ensuring due

diligence. The QCAA can terminate the authorising agreement if it decides that the recognised school and partnering entity do not meet the criteria under subsection (2).

Clause 75 makes a minor amendment to section 91 to state the intent of the section in relation to when guidelines should be made under the QCAA Regulation.

Clause 76 amends the regulation making power in section 92, to provide that a regulation may be made about the oversight of recognised school, and to clarify that a regulation may prescribe fees for the performance of QCAA's functions.

Clause 77 inserts new Part 7, Division 5 to provide for a transitional provision to apply the new regulatory framework to existing recognised schools. Previously, these recognised schools were approved by the Department of Education. These schools will continue to provide the QCE as recognised schools, but under the new framework, with the Department of Education (DEi) as the partnering entity.

Clause 78 amends schedule 1 to provide for a new definition of recognised school under the new regulatory framework.

## **Part 9 Amendment of *Education (Queensland Curriculum and Assessment Authority) Regulation 2025***

Clause 79 provides that this part amends the QCAA Regulation.

Clause 80 inserts new section 174A to require the QCAA to make a guideline about matters the QCAA must consider in deciding suitability, including investigations, of recognised schools and partnering entities. This is to ensure that the QCAA has transparent processes in relation to its functions for recognised schools.

## **Part 10 Amendment of the *Libraries Act 1988***

Clause 81 states that this part amends the *Libraries Act 1988*.

Clause 82 provides for additional definitions to be included in the Act, required to support the proposed amendments.

Clause 83 provides for the omission of eligibility for appointment on the basis it is integrated into subsequent amendments regarding membership.

Clause 84 provides that the Deputy Chairperson must act as Chairperson during a vacancy. As an appointed position, this ensures there is always a Chairperson available and able to carry out this position.

Clause 85 sets out a new provision regarding eligibility relative to the disqualification provisions (a subsequent amendment). The provision also provides that the Minister may extend a Member's term (including Chairperson) until the earlier of two circumstances occurs - either 3 months after the term would have expired or the appointment of a person's successor takes effect. These provisions are intended to provide short term extensions, without limiting the Governor in Council's powers, to create operational efficiencies in Board appointment processes.

Clause 86 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 powers.

Clause 87 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 88 makes amendments 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 89 provides for the Chairperson 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 90 make amendments to 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 (i.e. Raising of philanthropic funds to support delivery of functions; undertaking activities such as event activation and performance of services).

Clause 91 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 92 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 93 provides for the delegation of functions by the Board to include the Foundation Committee or a Committee established under section 40AG. This provision ensures that the Committees, provided for in these amendments are included in this section.

Clause 94 sets out the provisions for a Foundation Committee, to operate as a committee of 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.

This provision also includes amendments to s40AG to enable the Board to establish other committees and that a person may be 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.

Clause 95 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 (i.e. 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 (i.e. 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 95 provides for a minor amendment to s40A(3)(b) which relates to the clarification of powers and functions.

Clause 96 removes section 43(4)(c) 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.

Clause 97 provides for the removal of s45(2) as extraneous requirements for processes regarding Strategic and Operational plans, which are in conflict to modern government processes. The removal has the effect creating operational efficiency and removing potential, unintentional breaches of the Act.

Clause 98 provides for the removal of ss48-50 which also relate to extraneous reporting requirements, including operational plans.

Clause 99 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 100 provides for the inclusion of the details of expectations given by the Minister are to be included within the Annual Report.

Clause 101 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 102 provides that s75 be repurposed for inserting confidentiality requirements (which include a relevant penalty for the disclosure of confidential information).

Clause 103 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 104 provides for the transitional arrangements 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. This provides continuity for the Foundation transitioning to be a committee of the Board established through the *Libraries Act 1988*. This clause also provides a transitional arrangement for the new section 12A and the new Part 2 division 5C relating to a member holding office after the commencement.

Clause 105 Provides for the inclusion of a Schedule for the Dictionary after part 10.

## **Part 11 Amendment of the *Public Sector Regulation 2023***

Clause 106 states this part amends to the *Public Sector Regulation 2023*.

Clause 107 sets out that a person appointed to a committee of the Queensland Art Gallery Board of Trustees (under *Queensland Art Gallery Act 1987*), the Foundation Committee established under the *Libraries Act 1988* or a committee of the Library Board of Queensland under the *Libraries Act 1988* and a person appointed to a committee of the *Queensland Performing Arts Trust 1977* are prescribed person under the *Public Sector Regulation 2023*. This affords these persons with the relevant protections of a prescribed person.

## **Part 12 Amendment of the *Queensland Art Gallery Act 1987***

Clause 108 provides that this part amends the *Queensland Art Gallery Act 1987*.

Clause 109 provides for additional definitions to be included in the Act, required to support the proposed amendments.

Clause 110 provides for the omission of eligibility for appointment on the basis it is integrated into subsequent amendments regarding membership.

Clause 111 provides for the Deputy Chairperson must act as Chairperson during a vacancy. As an appointed position, this ensures there is always a Chairperson available and able to carry out this position.

Clause 112 sets out a new provision regarding eligibility relative to the disqualification provisions (a subsequent amendment). The provision also provides that the Minister may extend a Member's term (including Chairperson) until the earlier of two circumstances occurs - either 3 months after the term would have expired or the appointment of a person's successor takes effect. These provisions are intended to provide short term extensions, without limiting the Governor in Council's powers, to create operational efficiencies in Board appointment processes.

Clause 113 sets out the requirements for a person to be disqualified from membership of the Queensland Art Gallery Board of Trustees. 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 powers.

Clause 114 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 115 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 116 provides for the Chairperson 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 117 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 (i.e. Raising of philanthropic funds to support delivery of functions; undertaking activities such as event activation and performance of services).

Clause 118 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 119 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 120 provides for the amendment of s29 in line with the omission of s28.

Clause 121 provides for the amendment of s30 in line with the omission of s28.

Clause 122 provides, 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.

Clause 123 provides similar modernisation, in relation to functions and powers relative to s40A which relates to the Foundation Committee.

Clause 124 provides similar modernisation, in relation to functions and powers relative to s40C(4) which relates to the powers of the Board.

Clause 125 provides similar modernising provisions relating to the Foundation Committee and delegations by the Board, including that it is subject to written directions of the Board.

Clause 126 provides similar modernisation, in relation to functions and powers relative to s40E which includes that the Foundation Committee has the power necessary to undertake its functions for the benefit of the Board.

Clause 127 provides for amendments to enable the Board to establish other committees and that a person may be 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 (i.e. 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 (i.e. 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 128 removes section 43(4)(c) 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.

Clause 129 removes s45(2) as extraneous requirements for processes regarding Strategic and Operational plans, which are in conflict to modern government processes. The removal has the effect creating operational efficiency and removing potential, unintentional breaches of the Act.

Clause 130 provides for the removal of ss48-50 which also relate to extraneous reporting requirements, including operational plans.

Clause 131 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 132 provides for the inclusion of the above Statement of Expectations to be included within the Annual Report.

Clause 133 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 134 provides that s55 be repurposed for inserting confidentiality requirements (which include a relevant penalty for the disclosure of confidential information).

Clause 135 provides for the inclusion of an additional sub-section for s56 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 136 provides a transitional arrangement for the new section 11A and the new Part 2 division 9 relating to a member holding office after the commencement.

Clause 137 provides for the inclusion of a Dictionary after part 7.

## **Part 13 Amendment of the *Queensland Museum Act 1970***

Clause 138 states this part amends the *Queensland Museum Act 1970*.

Clause 139 provides for additional definitions to be included in the Act, required to support the proposed amendments.

Clause 140 provides for the omission of eligibility for appointment on the basis it is integrated into subsequent amendments regarding membership.

Clause 141 provides for the Deputy Chairperson must act as Chairperson during a vacancy. As an appointed position, this ensures there is always a Chairperson available and able to carry out this position.

Clause 142 makes amendments regarding eligibility relative to the disqualification provisions (a subsequent amendment). The provision also provides that the Minister may extend a Member's term (including Chairperson) until the earlier of two circumstances occurs - either 3 months after the term would have expired or the appointment of a person's successor takes effect. These provisions are intended to provide short term extensions, without limiting the Governor in Council's powers, to create operational efficiencies in Board appointment processes.

Clause 143 sets out the requirements for a person to be disqualified from membership of the Board of the Museum. 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 144 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 (i.e. Raising of philanthropic funds to support delivery of functions; undertaking activities such as event activation and performance of services).

Clause 145 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 Museums' activities in this area.

Clause 146 provides for the amendment of s22 in line with the omission of s21.

Clause 147 provides for the amendment of s23 in line with the omission of s21.

Clause 148 omits s24 on the basis of a subsequent amendment to modernise the composition of committees.

Clause 149 provides that, in line with the modernisation of the Act, the revision to include a 'function' as a 'power' clarifies the role of the Museum with regards to what should be and can be performed.

Clause 150 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 151 provides that, in line with the modernisation of the Act, the revision to include a 'function' as a 'power' clarifies the role of the Museum with regards to what should be and can be performed.

Clause 152 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 153 provides for amendments to enable the Board to establish other committees and that a person may be 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 (i.e. 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 (i.e. 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 154 makes amendments 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 155 removes section 45(4)(c) 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.

Clause 156 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.

Clause 157 provides for the removal of ss50-52 which also relate to extraneous reporting requirements, including operational plans.

Clause 158 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 159 provides for the inclusion of the above Statement of Expectations to be included within the Annual Report.

Clause 160 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 161 provides that s57 be repurposed for inserting confidentiality requirements (which include a relevant penalty for the disclosure of confidential information).

Clause 162 provides for the inclusion of an additional sub-section for s58 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 163 provides a transitional arrangement for the new section 11A and the new Part 2 division 5B relating to a member holding office after the commencement.

Clause 164 provides for the inclusion of a Dictionary after part 7.

## **Part 14 Amendment of the *Queensland Performing Arts Trust Act 1977***

Clause 165 states this part amends the *Queensland Performing Arts Trust Act 1977*.

Clause 166 provides for additional definitions to be included in the Act, required to support the proposed amendments.

Clause 167 provides for the omission of eligibility for appointment on the basis it is integrated into subsequent amendments regarding membership.

Clause 168 provides for the Deputy Chairperson must act as Chairperson during a vacancy. As an appointed position, this ensures there is always a Chairperson available and able to carry out this position.

Clause 169 sets out a new provision regarding eligibility relative to the disqualification provisions (a subsequent amendment). The provision also provides that the Minister may extend a Member's term (including Chairperson) until the earlier of two circumstances occurs - either 3 months after the term would have expired or the appointment of a person's successor takes effect. These provisions are intended to provide short term extensions, without limiting the Governor in Council's powers, to create operational efficiencies in Trust appointment processes.

Clause 170 sets out the requirements for a person to be disqualified from membership of the 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 Trust 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 171 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 (i.e. Raising of philanthropic funds to support delivery of functions; undertaking activities such as event activation and performance of services).

Clause 172 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 173 provides for the amendment of s20 in line with the omission of s19.

Clause 174 provides for the amendment of s21 in line with the omission of s19.

Clause 175 provides that, in line with the modernisation of the Act, the revision to include a 'function' as a 'power' clarifies the role of the Trust with regards to what should be and can be performed.

Clause 176 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 177 provides that, in line with the modernisation of the Act, the revision to include a 'function' as a 'power' clarifies the role of the Trust with regards to what should be and can be performed.

Clause 178 provides for the Trust 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 179 provides for amendments to enable the Board to establish other committees and that a person may be to appoint a person to a committee whether or not they are a member of the Trust. 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 (i.e. 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 (i.e. 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 180 removes section 44(4)(c) 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.

Clause 181 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.

Clause 182 provides for the removal of ss49-51 which also relate to extraneous reporting requirements, including operational plans.

Clause 183 provides for the Minister to give the Board a written Statement of Expectations relating to Trust's performance of its functions. This supports but is different to the directions a Minister may provide to the Trust in exercising its powers, as the Statement of Expectations may provide guidance on policy matters.

Clause 184 provides for the inclusion of the above Statement of Expectations to be included within the Annual Report.

Clause 185 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 186 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 187 provides that s56 be repurposed for inserting confidentiality requirements (which include a relevant penalty for the disclosure of confidential information).

Clause 188 provides for the inclusion of an additional sub-section for s57 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 189 provides a transitional arrangement for the new section 11A and the new Part 2 division 7 relating to a member holding office after the commencement.

Clause 190 provides for the inclusion of a Dictionary after part 8.

## **Part 15 Amendment of the *Queensland Theatre Company Act 1970***

Clause 191 states this part presents the amendments to the *Queensland Theatre Company Act 1970*.

Clause 192 provides for additional definitions to be included in the Act, required to support the proposed amendments.

Clause 193 provides for the omission of eligibility for appointment on the basis it is integrated into subsequent amendments regarding membership.

Clause 194 provides for the Deputy Chairperson must act as Chairperson during a vacancy. As an appointed position, this ensures there is always a Chairperson available and able to carry out this position.

Clause 195 sets out a new provision regarding eligibility relative to the disqualification provisions (a subsequent amendment).

The provision also provides that the Minister may extend a Member's term (including Chairperson) until the earlier of two circumstances occurs - either 3 months after the term would have expired or the appointment of a person's successor takes effect. These provisions are intended to provide short term extensions, without limiting the Governor in Council's powers, to create operational efficiencies in Board appointment processes.

Clause 196 sets out the requirements for a person to be disqualified from membership of the Board 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 197 provides that these new provisions support the Board to engage in philanthropic partnerships. The provisions affirm into legislation activities which are routine activities of the Queensland Theatre Company (i.e. Raising of philanthropic funds to support delivery of functions).

Clause 198 omits the sections 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 199 provides for the Provides that, in line with the modernisation of the Act, the revision to include a 'function' as a 'power' clarifies the role of the Company with regards to what should be and can be performed.

Clause 200 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 201 provides that, in line with the modernisation of the Act, the revision to include a 'function' as a 'power' clarifies the role of the Theatre Company with regards to what should be and can be performed.

Clause 202 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 203 provides that a Committee may perform the functions or exercise the powers delegated to it by the Theatre Company and is subject to the directions of the Theatre Company. This updates the concept of functions and powers (subject of another amendment).

Clause 204 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 (i.e. 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 (i.e. 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 205 removes section 44(4)(c) 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.

Clause 206 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.

Clause 207 provides for the removal of ss49-51 which also relate to extraneous reporting requirements, including operational plans.

Clause 208 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 209 provides for the inclusion of the above Statement of Expectations to be included within the Annual Report.

Clause 210 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 211 provides that s56 be repurposed for inserting confidentiality requirements (which include a relevant penalty for the disclosure of confidential information).

Clause 212 provides for the inclusion of an additional sub-section for s57 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 213 provides a transitional arrangement for the new section 11A and the new Part 2 division 7 relating to a member holding office after the commencement.

Clause 214 provides for the inclusion of a Dictionary after part 8.

## **Part 16 Amendment of the *Working with Children Check Act 2000***

Clause 215 provides this Part amends the WWCC Act.

Clause 216 amends schedule 1, section 4B, of the WWCC Act by inserting new subsection (2) to clarify that employment mentioned in subsection (1)(a) is not regulated employment if the employee is an approved teacher and any of the usual functions of the employment are carried out at an education and training centre.

Clause 217 amends Schedule 7 to insert a definition for *education and training centre* and clarify that the definition of *school* does not include an education and training centre.

## **Part 17 Other Amendments**

Clause 218 provides that Schedule 1 amends particularly legislative instruments as outlined below:

- A consequential amendment to the *Duties Act 2001*;
- Minor and consequential amendments to the QCT Act, including multiple changes from a reference to the title ‘Director’ to a reference to the title ‘Chief Executive Officer’.
- A consequential amendment to the *Integrity Act 2009*;
- Minor and consequential amendments to the *Libraries Act 1988*;
- A consequential amendment to the *Public Sector Act 2022*;
- Minor and consequential amendments to the *Queensland Art Gallery Act 1987*;
- Minor and consequential amendments to the *Museum Act 1970*;
- Minor and consequential amendments to the *Queensland Performing Arts Trust Act 1977*;  
and
- Minor and consequential amendments to the *Queensland Theatre Company Act 1970*.