




Speech by

Stephen Bennett

MEMBER FOR BURNETT

Hansard Wednesday, 12 September 2012

QUEENSLAND ART GALLERY AMENDMENT BILL

 **Mr BENNETT** (Burnett—LNP) (9.55 pm): I rise to speak in support of the Queensland Art Gallery Amendment Bill 2012. I would like to acknowledge the fellow members of the Education and Innovation Committee and the assistance provided by Bernice, Emily and Carolyn. I thank the representatives from the Department of Science, Information Technology, Innovation and the Arts for their professional contributions. This proposed bill enables the Art Gallery Board of Trustees to regularise the legal status of the existing Queensland Art Gallery Foundation. It also proposes to establish a committee to carry on the important activities of the unincorporated foundation for the benefit of all Queenslanders including those in regional Queensland. This proposed amendment is a change in governance for the foundation. The amendments will not incur any additional costs.

In dealing with the Art Gallery, it was encouraging to get a real insight into the workings of the gallery. Of particular interest to me was the work in regional Queensland. The foundation was originally formed in the late seventies for the purpose of assisting the board in the management and expansion of the state collection of works of art and the facilities and operations of the Art Gallery. The foundation had a constitution from 1979, but there have been questions around the foundation's status in a legal sense. The foundation was originally established to attract and encourage donations, gifts, bequests and other forms of assistance for the benefit of the gallery and Queensland.

The committee is comfortable with the proposed amendments and safeguards to alleviate any differences in the objectives of the foundation and the board. The foundation has been successful in achieving its objectives, with nearly 1,500 members and around \$75 million of donations and other monies raised since its inception. Each year the foundation receives donations, bequests and gifts of artworks from private and corporate donors, and over \$2 million was received in 2010-11. The foundation provides funds to the board for the acquisition of artworks and development of exhibitions and programs. The size of programs is dependent upon donations received by the foundation, returns on investments, the needs of the gallery and the artwork available for purchase. A third of the gallery's collection was acquired by the foundation. Some of these works include those by major artists such as Ian Fairweather, Margaret Olley, William Robinson, Fred Williams, Lloyd Rees and Nora Heysen.

The foundation conducts fundraising activities at the gallery. Through the generous donations of Mr Tim Fairfax, AM, the Queensland Art Gallery Foundation was able to acquire for the gallery the artwork *Ressort 2012* by Chinese/French artist Huang Yong Ping. *Ressort* will feature as a central work in *The 7th Asia Pacific Triennial of Contemporary Art*, known as APT7. The upcoming APT7 will mark the 20th anniversary since the first APT. The sculpture is a 53-metre snake skeleton which is cast from aluminium. It will spiral from the ceiling of the Queensland Art Gallery's Water Mall. The work has been created especially for this unique space by the artist and will be the signature work. The foundation also conducts an annual appeal which obtains donations towards particular artworks. In 2011 the appeal resulted in the purchase of the work painted in 1937 by artist Peter Purves Smith.

The foundation is currently governed by a council. In order to regularise its status, it is proposed that the foundation is merged into the board and that a newly created committee governs the foundation's

activities. Currently, the act allows the board to delegate its powers to a committee consisting only of board members. Amendments to the act are required to enable the board to establish a committee with broader membership consisting of both board and non-board members to carry on the activities of the foundation. This approach allows the board to retain control over the management and operations of the foundation, given the large amount of government and private funds under management, and avoids the need to create a new government body for the foundation.

It is important that we have confidence and probity. The proposed amendment bill will include within the board's functions the development of the gallery's collection. The foundation committee will deal with any funds agreed by the board to be managed and invested by the foundation committee for its fundraising purposes. The proposed amendment bill ensures the board will have control and flexibility over the governance arrangements for the foundation committee including its composition, criteria for membership, responsibilities and meeting procedures.

The foundation committee will include at least two board members. It may also include non-board members, allowing foundation members with the capacity to assist the foundation achieve its objectives also to be represented if the board considers that appropriate. The board will have power to delegate its powers to foundation committee members for the purpose of performing the functions of the foundation committee, which is to raise funds to assist in the outcomes of the board's functions.

The foundation committee will have the powers necessary to encourage gifts, donations, bequests and legacies of property for the benefit of the board but must not incur a debt. The bill provides that the board is a charitable institution and deems gifts to the foundation to be gifts to the board. Private ancillary funds are the major source of donations to the foundation. However, many of these private ancillary funds are restricted to donating to charitable organisations. The bill specifies that the board is a charitable organisation to ensure that private ancillary funds are able to make donations to the foundation.

In terms of protection to foundation committee members, the bill will extend the protection from civil liability afforded to board members to committee members and also extend liability for illegal borrowing by board members to committee members. The bill will also extend provisions regarding board members who have an interest in matters being considered by the board to committee members who have an interest in matters being considered by the committee.

The establishment of a committee of the board to undertake the activities of the foundation is the most reasonable and appropriate way to regularise the status of the foundation and to limit any restrictions on the foundation's ability to receive and deal with donations and bequests. It also meets the preference expressed by existing donors and benefactors for the work of the foundation to be transparent.

The committee reviewed the terms of appointment to the foundation committee, and the view was that this would be beneficial to align the terms of appointments to develop the state collection.

The application of fundamental legislative principles was considered by the committee, and we concluded that they were appropriate in this legislation. The committee members were unanimous in their deliberations, and I commend the bill to the House.