



Arts (Statutory Bodies) and Other Legislation Amendment Bill 2024



Queensland

Arts (Statutory Bodies) and Other Legislation Amendment Bill 2024

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2024

A Bill

for

An Act to amend the *Libraries Act 1988*, the *Queensland Art Gallery Act 1987*, the *Queensland Museum Act 1970*, the *Queensland Performing Arts Trust Act 1977*, the *Queensland Theatre Company Act 1970* and the legislation mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Arts (Statutory Bodies) and Other Legislation Amendment Act 2024*. 4
5

Clause 2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

Part 2 Amendment of Libraries Act 1988 8
9

Clause 3 Act amended 10

This part amends the *Libraries Act 1988*. 11

Note— 12

See also the amendments in schedule 1. 13

Clause 4 Amendment of s 1B (Guiding principles for achieving the object) 14
15

(1) Section 1B, before unnumbered subsection— 16

insert— 17

(1) This Act recognises the principle that Aboriginal 18
peoples and Torres Strait Islander peoples hold 19
distinct cultural rights that must be respected, 20
reflected and represented in the way the State 21
Library contributes to the cultural, social and 22
intellectual development of all Queenslanders. 23

(2) Section 1B, unnumbered subsection—	1
<i>number</i> as section 1B(2).	2
(3) Section 1B(2), as numbered, after ‘The’—	3
<i>insert</i> —	4
general	5
(4) Section 1B(2), as numbered, ‘the Act’—	6
<i>omit, insert</i> —	7
this Act	8
(5) Section 1B(2)(c), as numbered—	9
<i>omit.</i>	10
(6) Section 1B(2)(d) to (h), as numbered—	11
<i>renumber</i> as section 1B(2)(c) to (g).	12
(7) Section 1B—	13
<i>insert</i> —	14
(3) Without limiting subsection (2), the following	15
principles are also intended to guide the	16
achievement of the object of this Act—	17
(a) cultural and creative rights and practices of	18
Aboriginal peoples and Torres Strait	19
Islander peoples should be recognised and	20
respected through fair and transparent	21
arrangements for the creation, sale and use	22
of expressions or works of, or reflecting,	23
their cultures;	24
(b) the importance to Aboriginal peoples and	25
Torres Strait Islander peoples of the right to	26
self-determination should be recognised;	27
(c) the importance of truth-telling and	28
conserving and presenting Queensland’s	29
history, including the histories and stories of	30
Aboriginal peoples and Torres Strait	31
Islander peoples, should be recognised;	32

[s 5]

	(d) library and archival collections should reflect and represent the diversity of Queensland and Queensland's shared history with Aboriginal peoples and Torres Strait Islander peoples.	1 2 3 4 5
Clause 5	Amendment of s 2 (Interpretation)	6
(1)	Section 2, heading— <i>omit, insert—</i>	7 8
	2 Definitions	9
(2)	Section 2(1), 'In this Act—' <i>omit, insert—</i>	10 11
	The dictionary in schedule 1 defines particular words used in this Act.	12 13
(3)	Section 2(1), definitions <i>appropriately qualified, board, commencement, current appointment, current conditions, pre-amended Act</i> and <i>present librarian—</i> <i>omit.</i>	14 15 16 17
(4)	Section 2(1)— <i>insert—</i>	18 19
	<i>board</i> means the Library Board of Queensland continued in existence under section 4.	20 21
	<i>conviction</i> means a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded.	22 23 24
	<i>criminal history</i> , of a person, for part 2, division 5C, see section 40AH.	25 26
	<i>First Nations committee</i> means the First Nations Committee established under section 12C.	27 28
	<i>foundation committee</i> see section 40AA(1).	29
	<i>foundation committee member</i> means a person appointed as a member of the foundation	30 31

	committee under section 40AA.	1
	<i>notice</i> means written notice.	2
	<i>possession</i> , of a thing, includes custody or control of the thing, whether or not another person has the actual possession of the thing.	3 4 5
	<i>statement of expectations</i> see section 50(1).	6
(5)	Section 2(5) and (6)— <i>omit.</i>	7 8
(6)	Section 2(1), all definitions, as amended by this Act— <i>relocate</i> to schedule 1 as inserted by this Act.	9 10
Clause 6	Amendment of s 7 (Composition of board)	11
(1)	Section 7— <i>insert—</i>	12 13
	(1A) At least 2 members must be either an Aboriginal person or a Torres Strait Islander person.	14 15
(2)	Section 7— <i>insert—</i>	16 17
	(2A) The Minister must not recommend a person for appointment as a member unless the Minister has consulted the board about the appointment of the person.	18 19 20 21
(3)	Section 7(1A) to (3)— <i>renumber</i> as section 7(2) to (5).	22 23
Clause 7	Omission of s 9 (Eligibility for appointment)	24
	Section 9— <i>omit.</i>	25 26

[s 8]

Clause 8	Amendment of s 11 (Duration of appointment)	1
	Section 11(2)(b)—	2
	<i>omit, insert—</i>	3
	(b) the member is disqualified from continuing as a member under section 12A; or	4 5
Clause 9	Insertion of new ss 12A and 12B	6
	After section 12—	7
	<i>insert—</i>	8
	12A Disqualification from membership	9
	(1) A person is disqualified from becoming or continuing as a member if the person—	10 11
	(a) has a conviction, other than a spent conviction, for an indictable offence; or	12 13
	<i>Note—</i>	14
	For the requirement to give notice of a change in a person’s criminal history, see section 40AJ.	15 16
	(b) is an insolvent under administration; or	17
	(c) is disqualified from managing corporations because of the Corporations Act, part 2D.6.	18 19
	(2) Also, a person is disqualified from becoming or continuing as a member if the Minister asks for the person’s consent to make a request under section 40AI in relation to the person and the person does not consent.	20 21 22 23 24
	(3) If an event mentioned in subsection (1)(b) or (c) happens during the term of a person’s appointment as a member, the person must, unless the person has a reasonable excuse, immediately give the Minister notice of the person’s insolvency or disqualification.	25 26 27 28 29 30
	Maximum penalty—100 penalty units.	31

	12B Leave of absence for members	1
	(1) The board may approve a leave of absence for a member for a period of not more than 3 months.	2 3
	(2) The board must give the Minister notice of the leave of absence.	4 5
Clause 10	Insertion of new pt 2, div 1A	6
	Part 2—	7
	<i>insert—</i>	8
	Division 1A First Nations committee	9
	12C Establishment	10
	The First Nations Committee is established.	11
	12D Functions	12
	The functions of the First Nations committee are—	13 14
	(a) to advise the board on the integration of cultural learning and knowledge into the board’s decision-making frameworks, policies and processes; and	15 16 17 18
	(b) to support the development of actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples; and	19 20 21 22
	(c) to provide cultural leadership, and cultural governance expertise, to the board on matters relating to Aboriginal peoples and Torres Strait Islander peoples.	23 24 25 26
	12E Membership	27
	(1) The First Nations committee consists of the	28

[s 10]

- members appointed by the board on the recommendation of the committee. 1
2
- (2) The First Nations committee may recommend a person for appointment as a member of the committee only if— 3
4
5
- (a) the person is an Aboriginal person or a Torres Strait Islander person; and 6
7
- (b) the selection and appointment of the person is consistent with the committee’s charter under section 12J; and 8
9
10
- (c) the committee is satisfied the person is appropriately qualified. 11
12
- (3) At least 1 member of the board who is an Aboriginal person or a Torres Strait Islander person must be appointed as a member of the First Nations committee. 13
14
15
16

12F Chairperson 17

- (1) The board must appoint a member of the First Nations committee who is also a member of the board to be the chairperson of the committee. 18
19
20
- (2) A person may be appointed as the chairperson at the same time as the person is appointed as a member of the First Nations committee. 21
22
23
- (3) The chairperson of the First Nations committee holds office for the term stated in the person’s instrument of appointment as chairperson. 24
25
26
- (4) A vacancy in the office of chairperson of the First Nations committee arises if the person holding the office— 27
28
29
- (a) resigns office by signed notice given to the board; or 30
31
- (b) ceases to be a member of the committee; or 32
- (c) ceases to be a member of the board. 33

12G Duration of appointment	1
(1) A member of the First Nations committee is appointed for the term decided by the board and stated in the member's instrument of appointment.	2 3 4 5
(2) The term decided by the board under subsection (1) must not be longer than—	6 7
(a) for any member of the First Nations committee—the maximum term of appointment of members of the First Nations committee stated in the committee's charter under section 12J; or	8 9 10 11 12
(b) for a member of the First Nations committee who is also a member of the board—the person's term of appointment as a member of the board.	13 14 15 16
(3) A person may be reappointed as a member of the First Nations committee.	17 18
12H Conditions of appointment	19
(1) A member of the First Nations committee is to be paid the remuneration and allowances decided by the board.	20 21 22
(2) A member of the First Nations committee holds office on the terms and conditions, not provided for by this Act, decided by the board.	23 24 25
12I Requirement to operate under charter	26
The First Nations committee must operate under the charter that has effect for the committee under section 12J.	27 28 29

[s 10]

12J Preparation, approval and amendment of charter	1 2
(1) The First Nations committee must prepare a draft charter that provides for the following matters in relation to the committee—	3 4 5
(a) the objectives, roles and responsibilities of the committee;	6 7
(b) matters about the selection and appointment of persons as members of the committee, including—	8 9 10
(i) the number of persons to be appointed to the committee; and	11 12
(ii) any appropriate qualifications for membership of the committee; and	13 14
(iii) the maximum term of appointment of members of the committee;	15 16
(c) the way, or frequency with which, the committee is to conduct its meetings or report to the board, including, for example, whether the committee may invite members of the board, or other persons, to attend meetings of the committee;	17 18 19 20 21 22
(d) any other matter the committee considers appropriate.	23 24
(2) The First Nations committee must give a copy of the draft charter to the board for approval.	25 26
(3) If the board approves the draft charter, the draft charter has effect as the charter for the First Nations committee.	27 28 29
(4) The First Nations committee may amend its charter, including its charter as amended under this section, by—	30 31 32
(a) preparing an amendment of the charter; and	33

-
- (b) giving a copy of the amendment, and the charter as amended, to the board for approval. 1
2
3
- (5) The amendment of the charter does not have effect until the amendment is approved by the board. 4
5
6

12K Re-establishment of First Nations committee 7

- (1) This section applies if, at any time after the first members of the First Nations committee are appointed, there are no members of the committee. 8
9
10
11

Note— 12

See section 100 in relation to the appointment of the first members of the First Nations committee. 13
14

- (2) Each member of the board who is an Aboriginal person or a Torres Strait Islander person is taken to be a member of the First Nations committee for the purpose only of making a recommendation to the board under section 12E(1). 15
16
17
18
19
- (3) On the appointment by the board of 1 or more persons as members of the First Nations committee, the members of the board mentioned in subsection (2) cease to be taken to be members of the committee under that subsection. 20
21
22
23
24
- (4) However, subsection (3) does not prevent a member of the board mentioned in subsection (2) being a member of the First Nations committee under section 12E. 25
26
27
28

- Clause 11 Replacement of ss 13 and 13A** 29
- Sections 13 and 13A— 30
- omit, insert—* 31

[s 12]

13 State librarian	1
(1) There is to be a State librarian.	2
(2) The State librarian is appointed by the Governor in Council.	3 4
(3) The Minister must not recommend a person for appointment as the State librarian unless the recommendation has been approved by the board.	5 6 7
13A Duration of appointment	8
(1) The State librarian holds office for the term, of not more than 5 years, stated in the State librarian's instrument of appointment.	9 10 11
(2) A person may be reappointed as the State librarian.	12 13
(3) The Minister may extend a person's term of appointment as the State librarian until the earlier of the following—	14 15 16
(a) 3 months after the term would have expired under the person's instrument of appointment;	17 18 19
(b) the appointment of the person's successor takes effect.	20 21
(4) Subsection (3) does not limit the Governor in Council's power under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(i) or (c).	22 23 24
13AA Conditions of appointment	25
The State librarian holds office on the conditions, not provided for by this Act, decided by the Governor in Council.	26 27 28

Clause 12 Amendment of s 17 (Delegation by State librarian)	29
(1) Section 17(1), 'powers'—	30

<i>omit, insert—</i>	1
functions	2
(2) Section 17(1), ‘power’—	3
<i>omit, insert—</i>	4
function	5
(3) Section 17—	6
<i>insert—</i>	7
(3) In this section—	8
<i>function</i> includes power.	9

Clause 13	Insertion of new s 18	10
	After section 17—	11
	<i>insert—</i>	12
	18 Leave of absence	13
	(1) The board may approve a leave of absence for the State librarian for a period of not more than 3 months.	14 15 16
	(2) The board may appoint another person to act in the office of the State librarian during the leave of absence.	17 18 19
	(3) Subsection (2) does not limit the Governor in Council’s power under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(v).	20 21 22

Clause 14	Amendment of s 20 (Functions of board)	23
	(1) Section 20(1), after ‘board are’—	24
	<i>insert—</i>	25
	the following	26
	(2) Section 20(1)—	27
	<i>insert—</i>	28

[s 14]

- (ia) to engage in partnerships, including philanthropic partnerships, to support the performance of the other functions of the board; 1
2
3
4
- (ib) to carry out activities that support the cultural purposes of the cultural centre precinct, including, for example, providing services in or on the cultural centre precinct to the department or a State arts entity; 5
6
7
8
9
- (3) Section 20(1)(k), ‘to (j)’— 10
omit, insert— 11
to (k) 12
- (4) Section 20(1)(l), ‘paragraph (k)’— 13
omit, insert— 14
paragraph (l) 15
- (5) Section 20(1)(i) to (l)— 16
renumber as section 20(1)(h) to (m). 17
- (6) Section 20(2), ‘subsection (1)(l)’— 18
omit, insert— 19
subsection (1)(m) 20
- (7) Section 20— 21
insert— 22
- (4) In this section— 23
cultural centre precinct means the precinct of arts and cultural venues in South Brisbane located on the following lots— 24
25
26
- (a) lot 700 on SP273957; 27
- (b) lot 500 on SP259412; 28
- (c) lots 1, 2 and 3 on RP129041; 29
- (d) lot 3 on RP42859. 30

	<i>State arts entity</i> means any of the following entities—	1 2
	(a) the Board of the Queensland Museum continued under the <i>Queensland Museum Act 1970</i> ;	3 4 5
	(b) the Queensland Art Gallery Board of Trustees continued under the <i>Queensland Art Gallery Act 1987</i> ;	6 7 8
	(c) the Queensland Performing Arts Trust continued under the <i>Queensland Performing Arts Trust Act 1977</i> ;	9 10 11
	(d) the Queensland Theatre Company continued under the <i>Queensland Theatre Company Act 1970</i> .	12 13 14
Clause 15	Replacement of s 27 (Grants or subsidies to local government)	15 16
	Section 27—	17
	<i>omit, insert—</i>	18
	27 Grants or subsidies using government funds	19
	(1) This section applies if the board proposes to make or give a grant or subsidy to a local government using government funds.	20 21 22
	(2) The board must prepare and give to the Minister a draft methodology for calculating the amount of the grant or subsidy the board proposes to make or give to the local government.	23 24 25 26
	(3) If the Minister approves the draft methodology, the draft methodology has effect as the methodology for subsection (4).	27 28 29
	(4) The board must not approve the making or giving of the grant or subsidy to the local government unless the amount of the grant or subsidy is calculated in accordance with the methodology	30 31 32 33

[s 16]

	approved by the Minister under subsection (3).	1
	(5) In this section—	2
	<i>government funds</i> means an amount appropriated by Parliament for a department that is granted by that department to the board.	3 4 5
Clause 16	Omission of ss 28–30	6
	Sections 28 to 30—	7
	<i>omit.</i>	8
Clause 17	Amendment of s 40 (Delegation by board)	9
	(1) Section 40, ‘powers’—	10
	<i>omit, insert—</i>	11
	functions	12
	(2) Section 40—	13
	<i>insert—</i>	14
	(ba) the First Nations committee; or	15
	(3) Section 40—	16
	<i>insert—</i>	17
	(ca) the foundation committee; or	18
	(cb) a committee established under section 40AG; or	19 20
	(4) Section 40(ba) to (e)—	21
	<i>renumber</i> as section 40(c) to (h).	22
	(5) Section 40—	23
	<i>insert—</i>	24
	(2) In this section—	25
	<i>function</i> includes power.	26

Clause 18	Insertion of new pt 2, divs 5A–5C	1
	Part 2—	2
	<i>insert</i> —	3
	Division 5A	
	Foundation committee	4
	40AA Foundation committee	5
	(1) The board may establish a committee of the board (the <i>foundation committee</i>) to perform the function under section 40AB.	6 7 8
	(2) The foundation committee consists of the members appointed by the board.	9 10
	(3) A person may be appointed as a member of the foundation committee whether or not the person is a member of the board.	11 12 13
	(4) However, at least 2 members of the foundation committee must be members of the board.	14 15
	(5) In appointing a person as a member of the foundation committee, the board must have regard to the person’s ability to take part in—	16 17 18
	(a) the performance of the foundation committee’s function under section 40AB; and	19 20 21
	(b) the exercise of the foundation committee’s powers under section 40AC(3); and	22 23
	(c) the performance of the functions and the exercise of the powers delegated to the foundation committee under section 40.	24 25 26
	(6) The board must—	27
	(a) decide the name of the foundation committee; and	28 29
	(b) decide the conditions of membership of the foundation committee; and	30 31

[s 18]

(c) prepare the constitution for the foundation committee.	1 2
(7) The board may decide matters about the foundation committee that are not provided for under this Act.	3 4 5
(8) The board may, by notice given to each foundation committee member, dissolve the foundation committee at any time.	6 7 8
40AB Functions	9
The function of the foundation committee is to raise funds to assist in fulfilling the board's functions, including, for example, by encouraging the making of gifts, donations, bequests and legacies of property for the benefit of the board.	10 11 12 13 14
40AC Powers	15
(1) The foundation committee may perform the functions or exercise the powers delegated to it by the board under section 40.	16 17 18
(2) In performing the functions or exercising the powers mentioned in subsection (1), the foundation committee is subject to the written directions of the board.	19 20 21 22
(3) In performing the function under section 40AB, the foundation committee has the powers necessary to encourage the making of gifts, donations, bequests and legacies of property for the benefit of the board.	23 24 25 26 27
40AD Proceedings and business	28
(1) The board may decide how the foundation committee is to conduct its business and proceedings at meetings (the <i>meeting procedure</i>).	29 30 31

-
- (2) To the extent the board does not decide the meeting procedure, the foundation committee may decide the meeting procedure. 1
2
3
- (3) The meeting procedure decided by the board under subsection (1) or the foundation committee under subsection (2) must— 4
5
6
- (a) require the foundation committee to keep minutes of its meetings; and 7
8
- (b) provide for the quorum for meetings. 9
- (4) To the extent the board and the foundation committee do not decide the meeting procedure, sections 32 to 37 apply as if— 10
11
12
- (a) a reference in the sections to the board were a reference to the foundation committee; and 13
14
15
- (b) a reference in the sections to a member were a reference to a foundation committee member; and 16
17
18
- (c) a reference in section 33 to the chairperson or deputy chairperson were a reference to the chairperson or deputy chairperson of the foundation committee. 19
20
21
22
- (5) If section 33 is applied under subsection (4), the foundation committee members must— 23
24
- (a) if the foundation committee members have not elected a chairperson of the foundation committee—elect 1 foundation committee member as the chairperson of the foundation committee; and 25
26
27
28
29
- (b) if the foundation committee members have not elected a deputy chairperson of the foundation committee—elect a foundation committee member, other than the chairperson of the foundation committee, as 30
31
32
33
34

[s 18]

the deputy chairperson of the foundation 1
committee. 2

**40AE Disclosure of interests by foundation 3
committee members 4**

- (1) This section applies if a foundation committee 5
member has a direct or indirect interest in a matter 6
being considered, or about to be considered, by 7
the foundation committee. 8
- (2) The foundation committee member must disclose 9
the nature of the interest to a meeting of the 10
foundation committee as soon as practicable after 11
the relevant facts come to the foundation 12
committee member's knowledge. 13
- (3) The disclosure must be recorded in the foundation 14
committee's minutes. 15
- (4) A foundation committee member does not have a 16
direct or indirect interest in a matter being 17
considered, or about to be considered, by the 18
foundation committee merely because the 19
foundation committee member has made a gift, 20
donation, bequest or legacy of property to the 21
board. 22

**40AF Voting by interested foundation committee 23
members 24**

- (1) A foundation committee member who has a 25
material personal interest in a matter being 26
considered by the foundation committee must 27
not— 28
- (a) vote on the matter; or 29
- (b) vote on a proposed resolution under 30
subsection (2) (a *related resolution*) in 31
relation to the matter (whether in relation to 32

-
- the foundation committee member or
another foundation committee member); or
- (c) be present while the matter, or a related
resolution, is being considered by the
foundation committee; or
- (d) otherwise take part in any decision of the
foundation committee in relation to the
matter or a related resolution.
- Maximum penalty—100 penalty units.
- (2) Subsection (1) does not apply to the matter if the
foundation committee has at any time passed a
resolution that—
- (a) specifies the foundation committee member,
the interest and the matter; and
- (b) states that the foundation committee
members voting for the resolution are
satisfied that the interest should not
disqualify the foundation committee
member from considering or voting on the
matter.
- (3) If, because of this section, a foundation committee
member is not present at a meeting of the
foundation committee for considering or deciding
a matter, but there would be a quorum if the
foundation committee member were present, the
remaining foundation committee members
present are a quorum for considering or deciding
the matter at the meeting.

Division 5B Other committees 29

40AG Other committees 30

- (1) The board may establish other committees of the
board. 31
32

[s 18]

- (2) A committee may perform the functions or exercise the powers delegated to it by the board under section 40. 1
2
3
- (3) In performing the functions or exercising the powers mentioned in subsection (2), a committee is subject to the directions of the board. 4
5
6
- (4) A person may be appointed to a committee whether or not the person is a member of the board. 7
8
9
- (5) In appointing a person to a committee, the board must have regard to the person's ability to take part in the performance of the functions and the exercise of the powers delegated to the committee. 10
11
12
13
14

Division 5C Criminal history 15

40AH Definition for division 16

In this division— 17

criminal history, of a person, means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than a spent conviction. 18
19
20
21

40AI Criminal history reports 22

- (1) This section applies if the Minister is deciding whether a person is disqualified from becoming or continuing as a member. 23
24
25
- (2) The Minister may ask the police commissioner for— 26
27
- (a) a written report about the criminal history of the person; and 28
29

(b) a brief description of the circumstances of a conviction mentioned in the criminal history.	1 2 3
(3) However, the Minister may make the request only if the person has given the Minister written consent for the request.	4 5 6
(4) The police commissioner must comply with the request.	7 8
(5) However, the duty to comply under subsection (4) applies only to information in the possession of the police commissioner or to which the police commissioner has access.	9 10 11 12
40AJ Requirement to disclose changes in criminal history	13 14
(1) This section applies if a person who is a member is charged with or convicted of an indictable offence during the term of the person's appointment.	15 16 17 18
(2) The person must, immediately after the person is charged or convicted, give the Minister notice under subsection (3) of the charge or conviction, unless the person has a reasonable excuse. Maximum penalty—100 penalty units.	19 20 21 22 23
(3) The notice must include—	24
(a) the existence of the charge or conviction; and	25 26
(b) for a charge—	27
(i) details adequate to identify the alleged offence; and	28 29
(ii) when the offence was alleged to have been committed; and	30 31
(c) for a conviction—	32

[s 18]

- (i) details adequate to identify the offence; 1
and 2
- (ii) when the offence was committed; and 3
- (iii) the sentence imposed on the person. 4

40AK Confidentiality of criminal history information 5
6

- (1) This section applies to a person who— 7
 - (a) is or has been— 8
 - (i) the Minister or a member of the 9
Minister’s staff; or 10
 - (ii) a public service employee performing 11
functions under, or relating to the 12
administration of, this division; and 13
 - (b) in that capacity, has acquired or has access 14
to criminal history information. 15
- (2) The person must not disclose the criminal history 16
information to anyone else, or use the 17
information, other than under this section. 18
Maximum penalty—100 penalty units. 19
- (3) The person may disclose or use the criminal 20
history information— 21
 - (a) to the extent the disclosure or use— 22
 - (i) is necessary to perform a function 23
under, or relating to the administration 24
of, this Act; or 25
 - (ii) is otherwise required or permitted 26
under this Act or another law; or 27
 - (b) with the consent of the person to whom the 28
information relates. 29
- (4) A person who possesses a report given under 30
section 40AI or a notice given under section 40AJ 31

	must ensure the report or notice is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.	1 2 3
	(5) Subsection (4) applies despite the <i>Public Records Act 2002</i> .	4 5
	(6) In this section— <i>criminal history information</i> means information contained in—	6 7 8
	(a) a report given under section 40AI; or	9
	(b) a notice given under section 40AJ.	10
	<i>disclose</i> includes give access to.	11
Clause 19	Amendment of s 40A (Board may enter into work performance arrangements)	12 13
	Section 40A(3)(b), after ‘person to’— <i>insert</i> —	14 15
	perform functions or	16
Clause 20	Amendment of s 45 (Strategic and operational plans on agreement)	17 18
	Section 45(2)— <i>omit</i> .	19 20
Clause 21	Replacement of ss 48–50	21
	Sections 48 to 50— <i>omit, insert</i> —	22 23
	48 Strategic plans	24
	The board’s strategic plan must include an outline of the key actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples the board proposes to undertake.	25 26 27 28

[s 22]

Clause 22	Insertion of new s 50	1
	Before section 51—	2
	<i>insert—</i>	3
	50 Minister may give statement of expectations	4
	(1) The Minister may give the board a written statement (a <i>statement of expectations</i>) about the Minister’s expectations in relation to the performance by the board of its functions.	5 6 7 8
	(2) A statement of expectations may—	9
	(a) apply for a particular period stated in the statement; and	10 11
	(b) provide for any of the following matters—	12
	(i) the board’s strategic or operational activities;	13 14
	(ii) the nature and scope of the board’s activities proposed to be carried out for a particular period;	15 16 17
	(iii) information required to be given to the Minister by the board;	18 19
	(iv) the way the board must report to the Minister about its activities;	20 21
	(v) the sharing of information with a government entity.	22 23
	(3) The board must have regard to a statement of expectations in performing its functions.	24 25
Clause 23	Amendment of s 53 (Annual report)	26
	Section 53—	27
	<i>insert—</i>	28
	(e) details of each statement of expectations given by the Minister during the relevant	29 30

	financial year and any actions taken by the board.	1 2
Clause 24	Amendment of s 74 (Delegation by Minister)	3
(1)	Section 74(1), ‘powers’—	4
	<i>omit, insert—</i>	5
	functions	6
(2)	Section 74(1), ‘officer of’—	7
	<i>omit, insert—</i>	8
	public service officer employed in	9
(3)	Section 74(2)(a), ‘section 20(1)(1)’—	10
	<i>omit, insert—</i>	11
	section 20(1)(m)	12
(4)	Section 74(2)—	13
	<i>insert—</i>	14
	(ca) the power to give the board a statement of expectations;	15 16
(5)	Section 74(2)(ca) and (d)—	17
	<i>renumber</i> as section 74(2)(d) and (e).	18
(6)	Section 74—	19
	<i>insert—</i>	20
	(3) In this section—	21
	<i>function</i> includes power.	22
Clause 25	Replacement of s 75 (Protection from liability of members)	23 24
	Section 75—	25
	<i>omit, insert—</i>	26

[s 25]

75 Confidentiality	1
(1) This section applies to a person who—	2
(a) is, or has been—	3
(i) the Minister or a member of the Minister’s staff; or	4 5
(ii) a public service employee performing functions under, or relating to the administration of, this Act; and	6 7 8
(b) in that capacity, has acquired or has access to confidential information about another person.	9 10 11
(2) The person must not disclose the confidential information to anyone else, or use the information, other than under this section.	12 13 14
Maximum penalty—100 penalty units.	15
(3) The person may disclose or use the confidential information—	16 17
(a) to the extent the disclosure or use—	18
(i) is necessary to perform a function under, or relating to the administration of, this Act; or	19 20 21
(ii) is otherwise required or permitted under this Act or another law; or	22 23
(b) with the consent of the person to whom the information relates; or	24 25
(c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.	26 27 28
(4) In this section—	29
<i>confidential information</i> —	30
(a) means the following information—	31
(i) personal information;	32

	(ii) information given in a notice under section 12A(3);	1 2
	(iii) information that would be likely to damage the commercial activities of a person to whom the information relates; but	3 4 5 6
	(b) does not include criminal history information under section 40AK or information that is lawfully available to the public.	7 8 9 10
	<i>disclose</i> includes give access to.	11
	<i>information</i> includes a document.	12
	<i>personal information</i> see the <i>Information Privacy Act 2009</i> , section 12.	13 14
Clause 26	Amendment of s 76 (Illegal borrowing)	15
	Section 76—	16
	<i>insert</i> —	17
	(8) The <i>Public Sector Act 2022</i> , sections 269 and 270 do not prevent civil liability imposed on a member under this section from attaching to the member.	18 19 20 21
Clause 27	Insertion of new pt 10, div 4	22
	Part 10—	23
	<i>insert</i> —	24
	Division 4	Transitional provisions for
		Arts (Statutory Bodies)
		and Other Legislation
		Amendment Act 2024
		25 26 27 28

[s 27]

99 Membership of board on commencement	1
(1) Despite section 7(2), if on the commencement the board does not include at least 2 members who are either an Aboriginal person or a Torres Strait Islander person, the board is taken to be validly constituted.	2 3 4 5 6
(2) Subsection (1) continues to apply until the day a total of 2 members have been appointed to the board after the commencement.	7 8 9
100 First members of First Nations committee	10
(1) The board must appoint at least 2 but not more than 4 persons to be the first members of the First Nations committee.	11 12 13
(2) The board may appoint a person as a member of the First Nations committee under subsection (1) only if—	14 15 16
(a) the person is an Aboriginal person or a Torres Strait Islander person; and	17 18
(b) the board is satisfied the person is appropriately qualified.	19 20
(3) At least 1 member of the board who is an Aboriginal person or a Torres Strait Islander person must be appointed as a member of the First Nations committee under subsection (1).	21 22 23 24
(4) The board must appoint a member of the First Nations committee appointed under subsection (1) who is also a member of the board to be the chairperson of the committee.	25 26 27 28
(5) Each member of the First Nations committee appointed under subsection (1)—	29 30
(a) is to be paid the remuneration and allowances decided by the board; and	31 32
(b) holds office—	33

(i)	for the term, of not more than 1 year, stated in the member's instrument of appointment; and	1 2 3
(ii)	otherwise on the terms and conditions, not provided for by this Act, decided by the board.	4 5 6
(6)	This section applies despite sections 12E to 12J.	7
101	Operation of First Nations committee before charter in effect	8 9
	Despite section 12I, the First Nations committee need not operate under a charter until the earlier of the following days—	10 11 12
(a)	the day that is 6 months after the commencement;	13 14
(b)	the day a charter first has effect under section 12J.	15 16
102	Gift etc. to foundation taken to be gifts etc. to board	17 18
(1)	A gift, donation, bequest or legacy to, or for the benefit of, the foundation—	19 20
(a)	is taken to be a gift, donation, bequest or legacy to, or for the benefit of, the board; and	21 22 23
(b)	may be dealt with by the board as if the gift, donation, bequest or legacy had been to, or for the benefit of, the board.	24 25 26
(2)	Subsection (1) applies whether the gift, donation, bequest or legacy is made or has effect before or after the commencement of this section.	27 28 29
(3)	In this section—	30
	<i>foundation</i> means Queensland Library	31

[s 28]

	Foundation ACN 087 675 054.	1
Clause 28	Insertion of new sch 1	2
	After part 10—	3
	<i>insert—</i>	4
	Schedule 1 Dictionary	5
	section 2	6
Part 3	Amendment of Queensland Art Gallery Act 1987	7 8
Clause 29	Act amended	9
	This part amends the <i>Queensland Art Gallery Act 1987</i> .	10
	<i>Note—</i>	11
	See also the amendments in schedule 1.	12
Clause 30	Amendment of s 1B (Guiding principles for achieving the object)	13 14
	(1) Section 1B, before unnumbered subsection—	15
	<i>insert—</i>	16
	(1) This Act recognises the principle that Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights that must be respected, reflected and represented in the way the art gallery contributes to the cultural, social and intellectual development of all Queenslanders.	17 18 19 20 21 22
	(2) Section 1B, unnumbered subsection—	23
	<i>number</i> as section 1B(2).	24
	(3) Section 1B(2), as numbered, after ‘The’—	25

<i>insert—</i>	1
general	2
(4) Section 1B(2), as numbered, ‘the Act’—	3
<i>omit, insert—</i>	4
this Act	5
(5) Section 1B(2)(c), as numbered—	6
<i>omit.</i>	7
(6) Section 1B(2)(d) to (h), as numbered—	8
<i>renumber</i> as section 1B(2)(c) to (g).	9
(7) Section 1B—	10
<i>insert—</i>	11
(3) Without limiting subsection (2), the following	12
principles are also intended to guide the	13
achievement of the object of this Act—	14
(a) cultural and creative rights and practices of	15
Aboriginal peoples and Torres Strait	16
Islander peoples should be recognised and	17
respected through fair and transparent	18
arrangements for the creation, sale and use	19
of expressions or works of, or reflecting,	20
their cultures;	21
(b) the importance to Aboriginal peoples and	22
Torres Strait Islander peoples of the right to	23
self-determination should be recognised;	24
(c) the importance of the art gallery in	25
collecting, conserving and presenting	26
Queensland visual arts and culture,	27
including truth-telling through the art and	28
stories of Aboriginal peoples and Torres	29
Strait Islander peoples, should be	30
recognised;	31
(d) the art gallery’s collection of works of art	32
should reflect and represent the diversity of	33

[s 31]

	Queensland and Queensland’s shared history with Aboriginal peoples and Torres Strait Islander peoples.	1 2 3
Clause 31	Amendment of s 2 (Definitions)	4
(1)	Section 2, ‘In this Act—’— <i>omit, insert—</i>	5 6
	The dictionary in schedule 1 defines particular words used in this Act.	7 8
(2)	Section 2, definitions <i>appropriately qualified, board, commencement, current appointment, current conditions, director, pre-amended Act and present director—</i> <i>omit.</i>	9 10 11 12
(3)	Section 2— <i>insert—</i>	13 14
	<i>board</i> means the Queensland Art Gallery Board of Trustees continued in existence under section 3.	15 16 17
	<i>conviction</i> means a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded.	18 19 20
	<i>criminal history</i> , of a person, for part 2, division 9, see section 40J.	21 22
	<i>director</i> means the director of the art gallery appointed under section 12.	23 24
	<i>First Nations committee</i> means the First Nations Committee established under section 11C.	25 26
	<i>notice</i> means written notice.	27
	<i>statement of expectations</i> see section 50(1).	28
(4)	Section 2, all definitions, as amended by this Act— <i>relocate</i> to schedule 1 as inserted by this Act.	29 30

Clause 32	Amendment of s 6 (Composition of board)	1
	(1) Section 6—	2
	<i>insert—</i>	3
	(1A) At least 2 members must be either an Aboriginal person or a Torres Strait Islander person.	4 5
	(2) Section 6—	6
	<i>insert—</i>	7
	(2A) The Minister must not recommend a person for appointment as a member unless the Minister has consulted the board about the appointment of the person.	8 9 10 11
	(3) Section 6(1A) to (3)—	12
	<i>renumber</i> as section 6(2) to (5).	13
Clause 33	Omission of s 8 (Eligibility for appointment)	14
	Section 8—	15
	<i>omit.</i>	16
Clause 34	Amendment of s 10 (Duration of appointment)	17
	Section 10(2)(b)—	18
	<i>omit, insert—</i>	19
	(b) the member is disqualified from continuing as a member under section 11A; or	20 21
Clause 35	Insertion of new ss 11A and 11B	22
	After section 11—	23
	<i>insert—</i>	24
	11A Disqualification from membership	25
	(1) A person is disqualified from becoming or continuing as a member if the person—	26 27

[s 36]

	(a) has a conviction, other than a spent conviction, for an indictable offence; or	1 2
	<i>Note—</i>	3
	For the requirement to give notice of a change in a person's criminal history, see section 40L.	4 5
	(b) is an insolvent under administration; or	6
	(c) is disqualified from managing corporations because of the Corporations Act, part 2D.6.	7 8
	(2) Also, a person is disqualified from becoming or continuing as a member if the Minister asks for the person's consent to make a request under section 40K in relation to the person and the person does not consent.	9 10 11 12 13
	(3) If an event mentioned in subsection (1)(b) or (c) happens during the term of a person's appointment as a member, the person must, unless the person has a reasonable excuse, immediately give the Minister notice of the person's insolvency or disqualification.	14 15 16 17 18 19
	Maximum penalty—100 penalty units.	20
	11B Leave of absence for members	21
	(1) The board may approve a leave of absence for a member for a period of not more than 3 months.	22 23
	(2) The board must give the Minister notice of the leave of absence.	24 25
Clause 36	Insertion of new pt 2, div 1A	26
	Part 2—	27
	<i>insert—</i>	28
	Division 1A First Nations committee	29

11C Establishment	1
The First Nations Committee is established.	2
11D Functions	3
The functions of the First Nations committee are—	4 5
(a) to advise the board on the integration of cultural learning and knowledge into the board’s decision-making frameworks, policies and processes; and	6 7 8 9
(b) to support the development of actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples; and	10 11 12 13
(c) to provide cultural leadership, and cultural governance expertise, to the board on matters relating to Aboriginal peoples and Torres Strait Islander peoples.	14 15 16 17
11E Membership	18
(1) The First Nations committee consists of the members appointed by the board on the recommendation of the committee.	19 20 21
(2) The First Nations committee may recommend a person for appointment as a member of the committee only if—	22 23 24
(a) the person is an Aboriginal person or a Torres Strait Islander person; and	25 26
(b) the selection and appointment of the person is consistent with the committee’s charter under section 11J; and	27 28 29
(c) the committee is satisfied the person is appropriately qualified.	30 31

[s 36]

- (3) At least 1 member of the board who is an Aboriginal person or a Torres Strait Islander person must be appointed as a member of the First Nations committee.

11F Chairperson

- (1) The board must appoint a member of the First Nations committee who is also a member of the board to be the chairperson of the committee.
- (2) A person may be appointed as the chairperson at the same time as the person is appointed as a member of the First Nations committee.
- (3) The chairperson of the First Nations committee holds office for the term stated in the person's instrument of appointment as chairperson.
- (4) A vacancy in the office of chairperson of the First Nations committee arises if the person holding the office—
- (a) resigns office by signed notice given to the board; or
 - (b) ceases to be a member of the committee; or
 - (c) ceases to be a member of the board.

11G Duration of appointment

- (1) A member of the First Nations committee is appointed for the term decided by the board and stated in the member's instrument of appointment.
- (2) The term decided by the board under subsection (1) must not be longer than—
- (a) for any member of the First Nations committee—the maximum term of appointment of members of the First

Nations committee stated in the committee’s charter under section 11J; or	1 2
(b) for a member of the First Nations committee who is also a member of the board—the person’s term of appointment as a member of the board.	3 4 5 6
(3) A person may be reappointed as a member of the First Nations committee.	7 8
11H Conditions of appointment	9
(1) A member of the First Nations committee is to be paid the remuneration and allowances decided by the board.	10 11 12
(2) A member of the First Nations committee holds office on the terms and conditions, not provided for by this Act, decided by the board.	13 14 15
11I Requirement to operate under charter	16
The First Nations committee must operate under the charter that has effect for the committee under section 11J.	17 18 19
11J Preparation, approval and amendment of charter	20 21
(1) The First Nations committee must prepare a draft charter that provides for the following matters in relation to the committee—	22 23 24
(a) the objectives, roles and responsibilities of the committee;	25 26
(b) matters about the selection and appointment of persons as members of the committee, including—	27 28 29
(i) the number of persons to be appointed to the committee; and	30 31

[s 36]

- (ii) any appropriate qualifications for membership of the committee; and
 - (iii) the maximum term of appointment of members of the committee;
 - (c) the way, or frequency with which, the committee is to conduct its meetings or report to the board, including, for example, whether the committee may invite members of the board, or other persons, to attend meetings of the committee;
 - (d) any other matter the committee considers appropriate.
- (2) The First Nations committee must give a copy of the draft charter to the board for approval.
- (3) If the board approves the draft charter, the draft charter has effect as the charter for the First Nations committee.
- (4) The First Nations committee may amend its charter, including its charter as amended under this section, by—
- (a) preparing an amendment of the charter; and
 - (b) giving a copy of the amendment, and the charter as amended, to the board for approval.
- (5) The amendment of the charter does not have effect until the amendment is approved by the board.

11K Re-establishment of First Nations committee

- (1) This section applies if, at any time after the first members of the First Nations committee are appointed, there are no members of the committee.

<i>Note—</i>	1
See section 84 in relation to the appointment of the first members of the First Nations committee.	2 3
(2) Each member of the board who is an Aboriginal person or a Torres Strait Islander person is taken to be a member of the First Nations committee for the purpose only of making a recommendation to the board under section 11E(1).	4 5 6 7 8
(3) On the appointment by the board of 1 or more persons as members of the First Nations committee, the members of the board mentioned in subsection (2) cease to be taken to be members of the committee under that subsection.	9 10 11 12 13
(4) However, subsection (3) does not prevent a member of the board mentioned in subsection (2) being a member of the First Nations committee under section 11E.	14 15 16 17
Clause 37 Replacement of ss 12 and 12A	18
Sections 12 and 12A—	19
<i>omit, insert—</i>	20
12 Director	21
(1) There is to be a director of the art gallery.	22
(2) The director is appointed by the Governor in Council.	23 24
(3) The Minister must not recommend a person for appointment as the director unless the recommendation has been approved by the board.	25 26 27
12A Duration of appointment	28
(1) The director holds office for the term, of not more than 5 years, stated in the director’s instrument of appointment.	29 30 31

[s 38]

- | | | |
|-----|---|----------------|
| (2) | A person may be reappointed as the director. | 1 |
| (3) | The Minister may extend a person's term of appointment as the director until the earlier of the following— | 2
3
4 |
| (a) | 3 months after the term would have expired under the person's instrument of appointment; | 5
6
7 |
| (b) | the appointment of the person's successor takes effect. | 8
9 |
| (4) | Subsection (3) does not limit the Governor in Council's power under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(i) or (c). | 10
11
12 |

12AA Conditions of appointment 13

The director holds office on the conditions, not provided for by this Act, decided by the Governor in Council. 14
15
16

Clause 38 Amendment of s 17 (Delegation by director) 17

- | | | |
|-----|---------------------------------|----|
| (1) | Section 17(1), 'powers'— | 18 |
| | <i>omit, insert—</i> | 19 |
| | functions | 20 |
| (2) | Section 17(1), 'power'— | 21 |
| | <i>omit, insert—</i> | 22 |
| | function | 23 |
| (3) | Section 17— | 24 |
| | <i>insert—</i> | 25 |
| (3) | In this section— | 26 |
| | <i>function</i> includes power. | 27 |

Clause 39	Insertion of new s 18	1
	After section 17—	2
	<i>insert</i> —	3
	18 Leave of absence	4
	(1) The board may approve a leave of absence for the director for a period of not more than 3 months.	5 6
	(2) The board may appoint another person to act in the office of the director during the leave of absence.	7 8 9
	(3) Subsection (2) does not limit the Governor in Council’s power under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(v).	10 11 12
Clause 40	Amendment of s 19 (Functions)	13
	(1) Section 19(1)—	14
	<i>insert</i> —	15
	(ga) to engage in partnerships, including philanthropic partnerships, to support the performance of the other functions of the board; and	16 17 18 19
	(gb) to carry out activities that support the cultural purposes of the cultural centre precinct, including, for example, providing services in or on the cultural centre precinct to the department or a State arts entity; and	20 21 22 23 24
	(2) Section 19(1)(i), ‘to (h)’—	25
	<i>omit, insert</i> —	26
	to (j)	27
	(3) Section 19(1)(j), ‘paragraph (i)’—	28
	<i>omit, insert</i> —	29
	paragraph (k)	30

[s 40]

- (4) Section 19(1)(ga) to (j)— 1
renumber as section 19(1)(h) to (l). 2
- (5) Section 19(2), ‘subsection (1)(j)’— 3
omit, insert— 4
subsection (1)(l) 5
- (6) Section 19— 6
insert— 7
- (4) In this section— 8
cultural centre precinct means the precinct of arts 9
and cultural venues in South Brisbane located on 10
the following lots— 11
- (a) lot 700 on SP273957; 12
- (b) lot 500 on SP259412; 13
- (c) lots 1, 2 and 3 on RP129041; 14
- (d) lot 3 on RP42859. 15
- State arts entity*** means any of the following 16
entities— 17
- (a) the Board of the Queensland Museum 18
continued under the *Queensland Museum* 19
Act 1970; 20
- (b) the Library Board of Queensland continued 21
under the *Libraries Act 1988*; 22
- (c) the Queensland Performing Arts Trust 23
continued under the *Queensland Performing* 24
Arts Trust Act 1977; 25
- (d) the Queensland Theatre Company continued 26
under the *Queensland Theatre Company Act* 27
1970. 28

Clause 41	Amendment of s 27 (Use of proceeds from sale of other works of art)	1 2
	Section 27, ‘for its functions’—	3
	<i>omit, insert</i> —	4
	for building and caring for the art gallery’s collection of works of art	5 6
Clause 42	Omission of s 28 (Disposal of certain abandoned property)	7 8
	Section 28—	9
	<i>omit.</i>	10
Clause 43	Amendment of s 29 (Board must give notice of public auction)	11 12
	(1) Section 29, heading, after ‘auction’—	13
	<i>insert</i> —	14
	of works of art accepted by board	15
	(2) Section 29(1), from ‘any property’ to ‘or 28’—	16
	<i>omit, insert</i> —	17
	a work of art under section 26	18
	(3) Section 29(2)(a), ‘property’—	19
	<i>omit, insert</i> —	20
	work of art	21
	(4) Section 29(2)(b) and (c), ‘property’—	22
	<i>omit, insert</i> —	23
	work	24
Clause 44	Amendment of s 30 (Effect of sale or other disposal of certain works of art or other property)	25 26
	(1) Section 30, heading, from ‘certain works’—	27

[s 45]

omit, insert— 1

works of art accepted by board 2

(2) Section 30(1)— 3

omit, insert— 4

(1) This section applies to the sale or other disposal of
a work of art under section 26. 5
6

(3) Section 30(3), ‘property or’— 7

omit, insert— 8

work of art or 9

(4) Section 30(3)(b), ‘or 28(2A)(a)’— 10

omit. 11

(5) Section 30(3)(c), ‘property’— 12

omit, insert— 13

work 14

Clause 45 Amendment of s 40 (Delegation by board) 15

(1) Section 40, ‘powers’— 16

omit, insert— 17

functions 18

(2) Section 40— 19

insert— 20

(ba) the First Nations committee; or 21

(3) Section 40— 22

insert— 23

(da) a committee established under section 40I;
or 24
25

(4) Section 40(ba) to (f)— 26

renumber as section 40(c) to (h). 27

(5)	Section 40—	1
	<i>insert</i> —	2
	(2) In this section—	3
	<i>function</i> includes power.	4
Clause 46	Amendment of s 40A (Board may enter into work performance arrangements)	5
	Section 40A(3)(b), after ‘person to’—	6
	<i>insert</i> —	7
	perform functions or	8
		9
Clause 47	Amendment of s 40C (Foundation committee)	10
(1)	Section 40C(4), ‘the exercise of’—	11
	<i>omit</i> .	12
(2)	Section 40C(4)(a), before ‘the foundation’—	13
	<i>insert</i> —	14
	the exercise of	15
(3)	Section 40C(4)(b), before ‘the powers’—	16
	<i>insert</i> —	17
	the performance of the functions and the exercise	18
	of	19
Clause 48	Amendment of s 40E (Powers)	20
(1)	Section 40E(1), after ‘committee may’—	21
	<i>insert</i> —	22
	perform the functions or	23
(2)	Section 40E(2), ‘exercising the powers’—	24
	<i>omit, insert</i> —	25

[s 49]

	performing the functions or exercising the powers mentioned in subsection (1)	1 2
(3)	Section 40E(3), ‘its function’—	3
	<i>omit, insert</i> —	4
	the function under section 40D	5
Clause 49	Insertion of new pt 2, divs 8 and 9	6
	Part 2—	7
	<i>insert</i> —	8
	Division 8 Other committees	9
	40I Other committees	10
	(1) The board may establish other committees of the board.	11 12
	(2) A committee may perform the functions or exercise the powers delegated to it by the board under section 40.	13 14 15
	(3) In performing the functions or exercising the powers mentioned in subsection (2), a committee is subject to the directions of the board.	16 17 18
	(4) A person may be appointed to a committee whether or not the person is a member of the board.	19 20 21
	(5) In appointing a person to a committee, the board must have regard to the person’s ability to take part in the performance of the functions and the exercise of the powers delegated to the committee.	22 23 24 25 26
	Division 9 Criminal history	27

40J Definition for division	1
In this division—	2
<i>criminal history</i> , of a person, means the person’s	3
criminal history within the meaning of the	4
<i>Criminal Law (Rehabilitation of Offenders) Act</i>	5
1986, other than a spent conviction.	6
40K Criminal history reports	7
(1) This section applies if the Minister is deciding	8
whether a person is disqualified from becoming or	9
continuing as a member.	10
(2) The Minister may ask the police commissioner	11
for—	12
(a) a written report about the criminal history of	13
the person; and	14
(b) a brief description of the circumstances of a	15
conviction mentioned in the criminal	16
history.	17
(3) However, the Minister may make the request only	18
if the person has given the Minister written	19
consent for the request.	20
(4) The police commissioner must comply with the	21
request.	22
(5) However, the duty to comply under subsection (4)	23
applies only to information in the possession of	24
the police commissioner or to which the police	25
commissioner has access.	26
40L Requirement to disclose changes in criminal	27
history	28
(1) This section applies if a person who is a member	29
is charged with or convicted of an indictable	30
offence during the term of the person’s	31
appointment.	32

[s 49]

- (2) The person must, immediately after the person is charged or convicted, give the Minister notice under subsection (3) of the charge or conviction, unless the person has a reasonable excuse. 1
2
3
4
Maximum penalty—100 penalty units. 5
- (3) The notice must include— 6
- (a) the existence of the charge or conviction; 7
and 8
- (b) for a charge— 9
- (i) details adequate to identify the alleged offence; and 10
11
- (ii) when the offence was alleged to have been committed; and 12
13
- (c) for a conviction— 14
- (i) details adequate to identify the offence; 15
and 16
- (ii) when the offence was committed; and 17
- (iii) the sentence imposed on the person. 18

40M Confidentiality of criminal history information 19

- (1) This section applies to a person who— 20
- (a) is or has been— 21
- (i) the Minister or a member of the Minister's staff; or 22
23
- (ii) a public service employee performing functions under, or relating to the administration of, this division; and 24
25
26
- (b) in that capacity, has acquired or has access to criminal history information. 27
28
- (2) The person must not disclose the criminal history information to anyone else, or use the information, other than under this section. 29
30
31

	Maximum penalty—100 penalty units.	1
(3)	The person may disclose or use the criminal history information—	2
	(a) to the extent the disclosure or use—	3
	(i) is necessary to perform a function under, or relating to the administration of, this Act; or	4
	(ii) is otherwise required or permitted under this Act or another law; or	5
	(b) with the consent of the person to whom the information relates.	6
(4)	A person who possesses a report given under section 40K or a notice given under section 40L must ensure the report or notice is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.	7
(5)	Subsection (4) applies despite the <i>Public Records Act 2002</i> .	8
(6)	In this section—	9
	<i>criminal history information</i> means information contained in—	10
	(a) a report given under section 40K; or	11
	(b) a notice given under section 40L.	12
	<i>disclose</i> includes give access to.	13
Clause 50	Amendment of s 45 (Strategic and operational plans on agreement)	14
	Section 45(2)—	15
	<i>omit</i> .	16

[s 51]

Clause 51	Replacement of ss 48–50	1
	Sections 48 to 50—	2
	<i>omit, insert—</i>	3
	48 Strategic plans	4
	The board’s strategic plan must include an outline of the key actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples the board proposes to undertake.	5 6 7 8
Clause 52	Insertion of new s 50	9
	Before section 51—	10
	<i>insert—</i>	11
	50 Minister may give statement of expectations	12
	(1) The Minister may give the board a written statement (a <i>statement of expectations</i>) about the Minister’s expectations in relation to the performance by the board of its functions.	13 14 15 16
	(2) A statement of expectations may—	17
	(a) apply for a particular period stated in the statement; and	18 19
	(b) provide for any of the following matters—	20
	(i) the board’s strategic or operational activities;	21 22
	(ii) the nature and scope of the board’s activities proposed to be carried out for a particular period;	23 24 25
	(iii) information required to be given to the Minister by the board;	26 27
	(iv) the way the board must report to the Minister about its activities;	28 29
	(v) the sharing of information with a government entity.	30 31

	(3) The board must have regard to a statement of expectations in performing its functions.	1 2
Clause 53	Amendment of s 53 (Annual report)	3
	Section 53—	4
	<i>insert</i> —	5
	(e) details of each statement of expectations given by the Minister during the relevant financial year and any actions taken by the board.	6 7 8 9
Clause 54	Amendment of s 54 (Delegation by Minister)	10
	(1) Section 54(1), ‘powers’—	11
	<i>omit, insert</i> —	12
	functions	13
	(2) Section 54(1), ‘officer of’—	14
	<i>omit, insert</i> —	15
	public service officer employed in	16
	(3) Section 54(2)(a), ‘section 19(1)(i)’—	17
	<i>omit, insert</i> —	18
	section 19(1)(k)	19
	(4) Section 54(2)—	20
	<i>insert</i> —	21
	(ca) the power to give the board a statement of expectations;	22 23
	(5) Section 54(2)(ca) and (d)—	24
	<i>renumber</i> as section 54(2)(d) and (e).	25
	(6) Section 54—	26
	<i>insert</i> —	27

[s 55]

	(3) In this section—	1
	<i>function</i> includes power.	2
Clause 55	Replacement of s 55 (Protection from liability of members)	3
	Section 55—	4
	<i>omit, insert</i> —	5
	55 Confidentiality	6
	(1) This section applies to a person who—	7
	(a) is, or has been—	8
	(i) the Minister or a member of the Minister’s staff; or	9
	(ii) a public service employee performing functions under, or relating to the administration of, this Act; and	10
	(b) in that capacity, has acquired or has access to confidential information about another person.	11
	(2) The person must not disclose the confidential information to anyone else, or use the information, other than under this section.	12
	Maximum penalty—100 penalty units.	13
	(3) The person may disclose or use the confidential information—	14
	(a) to the extent the disclosure or use—	15
	(i) is necessary to perform a function under, or relating to the administration of, this Act; or	16
	(ii) is otherwise required or permitted under this Act or another law; or	17
	(b) with the consent of the person to whom the information relates; or	18
		19
		20
		21
		22
		23
		24
		25
		26
		27
		28
		29
		30
		31

(c)	in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.	1 2 3
(4)	In this section—	4
	<i>confidential information</i> —	5
(a)	means the following information—	6
(i)	personal information;	7
(ii)	information given in a notice under section 11A(3);	8 9
(iii)	information that would be likely to damage the commercial activities of a person to whom the information relates; but	10 11 12 13
(b)	does not include criminal history information under section 40M or information that is lawfully available to the public.	14 15 16 17
	<i>disclose</i> includes give access to.	18
	<i>information</i> includes a document.	19
	<i>personal information</i> see the <i>Information Privacy Act 2009</i> , section 12.	20 21
Clause 56	Amendment of s 56 (Illegal borrowing)	22
(1)	Section 56—	23
	<i>insert</i> —	24
(7A)	The <i>Public Sector Act 2022</i> , sections 269 and 270 do not prevent civil liability imposed on a member under this section from attaching to the member.	25 26 27 28
(2)	Section 56(7A) and (8)—	29
	<i>renumber</i> as section 56(8) and (9).	30

[s 57]

Clause 57	Insertion of new pt 7, div 5	1
	Part 7—	2
	<i>insert—</i>	3
	Division 5	4
	Transitional provisions for	5
	Arts (Statutory Bodies)	6
	and Other Legislation	7
	Amendment Act 2024	7
	83 Membership of board on commencement	8
	(1) Despite section 6(2), if on the commencement the board does not include at least 2 members who are either an Aboriginal person or a Torres Strait Islander person, the board is taken to be validly constituted.	9 10 11 12 13
	(2) Subsection (1) continues to apply until the day a total of 2 members have been appointed to the board after the commencement.	14 15 16
	84 First members of First Nations committee	17
	(1) The board must appoint at least 2 but not more than 4 persons to be the first members of the First Nations committee.	18 19 20
	(2) The board may appoint a person as a member of the First Nations committee under subsection (1) only if—	21 22 23
	(a) the person is an Aboriginal person or a Torres Strait Islander person; and	24 25
	(b) the board is satisfied the person is appropriately qualified.	26 27
	(3) At least 1 member of the board who is an Aboriginal person or a Torres Strait Islander person must be appointed as a member of the First Nations committee under subsection (1).	28 29 30 31

(4)	The board must appoint a member of the First Nations committee appointed under subsection (1) who is also a member of the board to be the chairperson of the committee.	1 2 3 4
(5)	Each member of the First Nations committee appointed under subsection (1)—	5 6
(a)	is to be paid the remuneration and allowances decided by the board; and	7 8
(b)	holds office—	9
(i)	for the term, of not more than 1 year, stated in the member’s instrument of appointment; and	10 11 12
(ii)	otherwise on the terms and conditions, not provided for by this Act, decided by the board.	13 14 15
(6)	This section applies despite sections 11E to 11J.	16
85	Operation of First Nations committee before charter in effect	17 18
	Despite section 11I, the First Nations committee need not operate under a charter until the earlier of the following days—	19 20 21
(a)	the day that is 6 months after the commencement;	22 23
(b)	the day a charter first has effect under section 11J.	24 25
Clause 58	Insertion of new sch 1	26
	After part 7—	27
	<i>insert—</i>	28
	Schedule 1 Dictionary	29

[s 59]

section 2 1

Part 4 **Amendment of Queensland** 2
Museum Act 1970 3

Clause 59 Act amended 4

This part amends the *Queensland Museum Act 1970*. 5

Note— 6

See also the amendments in schedule 1. 7

Clause 60 Amendment of s 1B (Guiding principles for achieving the 8
object) 9

(1) Section 1B, before unnumbered subsection— 10

insert— 11

(1) This Act recognises the principle that Aboriginal 12
peoples and Torres Strait Islander peoples hold 13
distinct cultural rights that must be respected, 14
reflected and represented in the way the museum 15
contributes to the cultural, social and intellectual 16
development of all Queenslanders. 17

(2) Section 1B, unnumbered subsection— 18

number as section 1B(2). 19

(3) Section 1B(2), as numbered, after ‘The’— 20

insert— 21

general 22

(4) Section 1B(2), as numbered, ‘the Act’— 23

omit, insert— 24

this Act 25

(5) Section 1B(2)(c), as numbered— 26

omit. 27

-
- (6) Section 1B(2)(d) to (h), as numbered— 1
renumber as section 1B(2)(c) to (g). 2
- (7) Section 1B— 3
insert— 4
- (3) Without limiting subsection (2), the following 5
principles are also intended to guide the 6
achievement of the object of this Act— 7
- (a) cultural and creative rights and practices of 8
Aboriginal peoples and Torres Strait 9
Islander peoples should be recognised and 10
respected through fair and transparent 11
arrangements for the creation, sale and use 12
of expressions or works of, or reflecting, 13
their cultures; 14
- (b) the importance to Aboriginal peoples and 15
Torres Strait Islander peoples of the right to 16
self-determination should be recognised; 17
- (c) the importance of the museum in 18
truth-telling, and communicating and 19
conserving the shared history of all 20
Queenslanders, including Aboriginal 21
peoples and Torres Strait Islander peoples, 22
should be recognised; 23
- (d) the development of the museum should 24
reflect and represent the diversity of 25
Queensland and the distinct cultural rights 26
of Aboriginal peoples and Torres Strait 27
Islander peoples. 28

Clause 61 Amendment of s 2 (Definitions) 29

- (1) Section 2, ‘In this Act—’— 30
omit, insert— 31
- The dictionary in schedule 1 defines particular 32
words used in this Act. 33

[s 62]

- (2) Section 2, definitions *appropriately qualified, board, commencement, current appointment, current conditions, director, pre-amended Act* and *present director*— 1
omit. 2
3
4
- (3) Section 2— 5
insert— 6
- board* means the Board of the Queensland Museum continued in existence under section 3. 7
8
- conviction* means a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded. 9
10
11
- criminal history*, of a person, for part 2, division 5B, see section 41A. 12
13
- director* means the director of the museum appointed under section 35. 14
15
- First Nations committee* means the First Nations Committee established under section 34A. 16
17
- notice* means written notice. 18
- statement of expectations* see section 52(1). 19
- (4) Section 2, all definitions, as amended by this Act— 20
relocate to schedule 1 as inserted by this Act. 21

Clause 62 Amendment of s 6 (Composition of board) 22

- (1) Section 6— 23
insert— 24
- (1A) At least 2 members must be either an Aboriginal person or a Torres Strait Islander person. 25
26
- (2) Section 6— 27
insert— 28
- (2A) The Minister must not recommend a person for appointment as a member unless the Minister has 29
30

	consulted the board about the appointment of the person.	1 2
(3)	Section 6(1A) to (3)— <i>renumber</i> as section 6(2) to (5).	3 4
Clause 63	Omission of s 8 (Eligibility for appointment) Section 8— <i>omit.</i>	5 6 7
Clause 64	Amendment of s 10 (Duration of appointment) Section 10(2)(b)— <i>omit, insert—</i> (b) the member is disqualified from continuing as a member under section 11A; or	8 9 10 11 12
Clause 65	Insertion of new ss 11A and 11B After section 11— <i>insert—</i> 11A Disqualification from membership (1) A person is disqualified from becoming or continuing as a member if the person— (a) has a conviction, other than a spent conviction, for an indictable offence; or <i>Note—</i> For the requirement to give notice of a change in a person’s criminal history, see section 41C. (b) is an insolvent under administration; or (c) is disqualified from managing corporations because of the Corporations Act, part 2D.6. (2) Also, a person is disqualified from becoming or	13 14 15 16 17 18 19 20 21 22 23 24 25 26 27

[s 66]

continuing as a member if the Minister asks for
the person's consent to make a request under
section 41B in relation to the person and the
person does not consent.

- (3) If an event mentioned in subsection (1)(b) or (c)
happens during the term of a person's
appointment as a member, the person must, unless
the person has a reasonable excuse, immediately
give the Minister notice of the person's
insolvency or disqualification.

Maximum penalty—100 penalty units.

11B Leave of absence for members

- (1) The board may approve a leave of absence for a
member for a period of not more than 3 months.
- (2) The board must give the Minister notice of the
leave of absence.

Clause 66 Amendment of s 12 (Functions of board)

(1) Section 12(1)—

insert—

(ca) to engage in partnerships, including
philanthropic partnerships, to support the
performance of the other functions of the
board; and

(cb) to carry out activities that support the
cultural purposes of the cultural centre
precinct, including, for example, providing
services in or on the cultural centre precinct
to the department or a State arts entity; and

(2) Section 12(1)(e), 'to (d)'—

omit, insert—

to (f)

(3) Section 12(1)(f), ‘paragraph (e)’—	1
<i>omit, insert</i> —	2
paragraph (g)	3
(4) Section 12(1)(ca) to (f)—	4
<i>renumber</i> as section 12(1)(d) to (h).	5
(5) Section 12(3), ‘subsection (1)(f)’—	6
<i>omit, insert</i> —	7
subsection (1)(h)	8
(6) Section 12—	9
<i>insert</i> —	10
(5) In this section—	11
<i>cultural centre precinct</i> means the precinct of arts	12
and cultural venues in South Brisbane located on	13
the following lots—	14
(a) lot 700 on SP273957;	15
(b) lot 500 on SP259412;	16
(c) lots 1, 2 and 3 on RP129041;	17
(d) lot 3 on RP42859.	18
<i>State arts entity</i> means any of the following	19
entities—	20
(a) the Library Board of Queensland continued	21
under the <i>Libraries Act 1988</i> ;	22
(b) the Queensland Art Gallery Board of	23
Trustees continued under the <i>Queensland</i>	24
<i>Art Gallery Act 1987</i> ;	25
(c) the Queensland Performing Arts Trust	26
continued under the <i>Queensland Performing</i>	27
<i>Arts Trust Act 1977</i> ;	28
(d) the Queensland Theatre Company continued	29
under the <i>Queensland Theatre Company Act</i>	30
<i>1970</i> .	31

[s 67]

Clause 67	Omission of s 21 (Disposal of certain abandoned property)	1 2
	Section 21—	3
	<i>omit.</i>	4
Clause 68	Amendment of s 22 (Board must give notice of public auction)	5 6
(1)	Section 22, heading, after ‘auction’—	7
	<i>insert—</i>	8
	of specimens accepted by board	9
(2)	Section 22(1), from ‘any property’ to ‘or 21’—	10
	<i>omit, insert—</i>	11
	a specimen under section 19	12
(3)	Section 22(2)(a), (b) and (c), ‘property’—	13
	<i>omit, insert—</i>	14
	specimen	15
Clause 69	Amendment of s 23 (Effect of sale or other disposal of specimens or other property)	16 17
(1)	Section 23, heading, ‘or other property’—	18
	<i>omit, insert—</i>	19
	accepted by board	20
(2)	Section 23(1)—	21
	<i>omit, insert—</i>	22
	(1) This section applies to the sale or other disposal of a specimen under section 19.	23 24
(3)	Section 23(3), ‘property or’—	25
	<i>omit, insert—</i>	26
	specimen or	27

-
- (4) Section 23(3)(b), ‘or 21(2A)(a)’— 1
omit. 2
- (5) Section 23(3)(c), ‘property’— 3
omit, insert— 4
specimen 5

- Clause 70 Omission of s 24 (Committees)** 6
Section 24— 7
omit. 8

- Clause 71 Amendment of s 34 (Delegation by board)** 9
- (1) Section 34, ‘powers’— 10
omit, insert— 11
functions 12
- (2) Section 34— 13
insert— 14
(ba) the First Nations committee; or 15
- (3) Section 34(d), ‘section 24’— 16
omit, insert— 17
section 41 18
- (4) Section 34(ba) to (f)— 19
renumber as section 34(c) to (g). 20
- (5) Section 34— 21
insert— 22
(2) In this section— 23
function includes power. 24

[s 72]

Clause 72	Insertion of new pt 2, div 4A	1	
	Part 2—	2	
	<i>insert—</i>	3	
	Division 4A	First Nations committee	4
	34A Establishment	5	
	The First Nations Committee is established.	6	
	34B Functions	7	
	The functions of the First Nations committee are—	8 9	
	(a) to advise the board on the integration of cultural learning and knowledge into the board’s decision-making frameworks, policies and processes; and	10 11 12 13	
	(b) to support the development of actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples; and	14 15 16 17	
	(c) to provide cultural leadership, and cultural governance expertise, to the board on matters relating to Aboriginal peoples and Torres Strait Islander peoples.	18 19 20 21	
	34C Membership	22	
	(1) The First Nations committee consists of the members appointed by the board on the recommendation of the committee.	23 24 25	
	(2) The First Nations committee may recommend a person for appointment as a member of the committee only if—	26 27 28	

-
- (a) the person is an Aboriginal person or a Torres Strait Islander person; and 1
2
 - (b) the selection and appointment of the person is consistent with the committee’s charter under section 34H; and 3
4
5
 - (c) the committee is satisfied the person is appropriately qualified. 6
7
- (3) At least 1 member of the board who is an Aboriginal person or a Torres Strait Islander person must be appointed as a member of the First Nations committee. 8
9
10
11

34D Chairperson 12

- (1) The board must appoint a member of the First Nations committee who is also a member of the board to be the chairperson of the committee. 13
14
15
- (2) A person may be appointed as the chairperson at the same time as the person is appointed as a member of the First Nations committee. 16
17
18
- (3) The chairperson of the First Nations committee holds office for the term stated in the person’s instrument of appointment as chairperson. 19
20
21
- (4) A vacancy in the office of chairperson of the First Nations committee arises if the person holding the office— 22
23
24
 - (a) resigns office by signed notice given to the board; or 25
26
 - (b) ceases to be a member of the committee; or 27
 - (c) ceases to be a member of the board. 28

34E Duration of appointment 29

- (1) A member of the First Nations committee is appointed for the term decided by the board and 30
31

[s 72]

stated in the member's instrument of appointment.	1 2
(2) The term decided by the board under subsection (1) must not be longer than—	3 4
(a) for any member of the First Nations committee—the maximum term of appointment of members of the First Nations committee stated in the committee's charter under section 34H; or	5 6 7 8 9
(b) for a member of the First Nations committee who is also a member of the board—the person's term of appointment as a member of the board.	10 11 12 13
(3) A person may be reappointed as a member of the First Nations committee.	14 15
34F Conditions of appointment	16
(1) A member of the First Nations committee is to be paid the remuneration and allowances decided by the board.	17 18 19
(2) A member of the First Nations committee holds office on the terms and conditions, not provided for by this Act, decided by the board.	20 21 22
34G Requirement to operate under charter	23
The First Nations committee must operate under the charter that has effect for the committee under section 34H.	24 25 26
34H Preparation, approval and amendment of charter	27 28
(1) The First Nations committee must prepare a draft charter that provides for the following matters in relation to the committee—	29 30 31

-
- | | |
|--|----------------------------------|
| (a) the objectives, roles and responsibilities of the committee; | 1
2 |
| (b) matters about the selection and appointment of persons as members of the committee, including— | 3
4
5 |
| (i) the number of persons to be appointed to the committee; and | 6
7 |
| (ii) any appropriate qualifications for membership of the committee; and | 8
9 |
| (iii) the maximum term of appointment of members of the committee; | 10
11 |
| (c) the way, or frequency with which, the committee is to conduct its meetings or report to the board, including, for example, whether the committee may invite members of the board, or other persons, to attend meetings of the committee; | 12
13
14
15
16
17 |
| (d) any other matter the committee considers appropriate. | 18
19 |
| (2) The First Nations committee must give a copy of the draft charter to the board for approval. | 20
21 |
| (3) If the board approves the draft charter, the draft charter has effect as the charter for the First Nations committee. | 22
23
24 |
| (4) The First Nations committee may amend its charter, including its charter as amended under this section, by— | 25
26
27 |
| (a) preparing an amendment of the charter; and | 28 |
| (b) giving a copy of the amendment, and the charter as amended, to the board for approval. | 29
30
31 |
| (5) The amendment of the charter does not have effect until the amendment is approved by the board. | 32
33
34 |

[s 73]

34I Re-establishment of First Nations committee	1
(1) This section applies if, at any time after the first members of the First Nations committee are appointed, there are no members of the committee.	2 3 4 5
<i>Note—</i>	6
See section 82 in relation to the appointment of the first members of the First Nations committee.	7 8
(2) Each member of the board who is an Aboriginal person or a Torres Strait Islander person is taken to be a member of the First Nations committee for the purpose only of making a recommendation to the board under section 34C(1).	9 10 11 12 13
(3) On the appointment by the board of 1 or more persons as members of the First Nations committee, the members of the board mentioned in subsection (2) cease to be taken to be members of the committee under that subsection.	14 15 16 17 18
(4) However, subsection (3) does not prevent a member of the board mentioned in subsection (2) being a member of the First Nations committee under section 34C.	19 20 21 22

Clause 73 Replacement of ss 35 and 35A	23
Sections 35 and 35A—	24
<i>omit, insert—</i>	25
35 Director	26
(1) There is to be a director of the museum.	27
(2) The director is appointed by the Governor in Council.	28 29
(3) The Minister must not recommend a person for appointment as the director unless the recommendation has been approved by the board.	30 31 32

35A Duration of appointment	1
(1) The director holds office for the term, of not more than 5 years, stated in the director’s instrument of appointment.	2 3 4
(2) A person may be reappointed as the director.	5
(3) The Minister may extend a person’s term of appointment as the director until the earlier of the following—	6 7 8
(a) 3 months after the term would have expired under the person’s instrument of appointment;	9 10 11
(b) the appointment of the person’s successor takes effect.	12 13
(4) Subsection (3) does not limit the Governor in Council’s power under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(i) or (c).	14 15 16

35AA Conditions of appointment	17
The director holds office on the conditions, not provided for by this Act, decided by the Governor in Council.	18 19 20

Clause 74	Amendment of s 39 (Delegation by director)	21
(1)	Section 39(1), ‘powers’— <i>omit, insert</i> — functions	22 23 24
(2)	Section 39(1), ‘power’— <i>omit, insert</i> — function	25 26 27
(3)	Section 39— <i>insert</i> —	28 29

[s 75]

	(3) In this section—	1
	<i>function</i> includes power.	2
Clause 75	Insertion of new s 40	3
	After section 39—	4
	<i>insert</i> —	5
	40 Leave of absence	6
	(1) The board may approve a leave of absence for the director for a period of not more than 3 months.	7 8
	(2) The board may appoint another person to act in the office of the director during the leave of absence.	9 10 11
	(3) Subsection (2) does not limit the Governor in Council’s power under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(v).	12 13 14
Clause 76	Insertion of new pt 2, divs 5A and 5B	15
	Part 2—	16
	<i>insert</i> —	17
	Division 5A Other committees	18
	41 Other committees	19
	(1) The board may establish other committees of the board.	20 21
	(2) A committee may perform the functions or exercise the powers delegated to it by the board under section 34.	22 23 24
	(3) In performing the functions or exercising the powers mentioned in subsection (2), a committee is subject to the directions of the board.	25 26 27
	(4) A person may be appointed to a committee	28

whether or not the person is a member of the board. 1
2

- (5) In appointing a person to a committee, the board must have regard to the person's ability to take part in the performance of the functions and the exercise of the powers delegated to the committee. 3
4
5
6
7

Division 5B Criminal history 8

41A Definition for division 9

In this division— 10

criminal history, of a person, means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than a spent conviction. 11
12
13
14

41B Criminal history reports 15

- (1) This section applies if the Minister is deciding whether a person is disqualified from becoming or continuing as a member. 16
17
18
- (2) The Minister may ask the police commissioner for— 19
20
- (a) a written report about the criminal history of the person; and 21
22
- (b) a brief description of the circumstances of a conviction mentioned in the criminal history. 23
24
25
- (3) However, the Minister may make the request only if the person has given the Minister written consent for the request. 26
27
28
- (4) The police commissioner must comply with the request. 29
30

[s 76]

- (5) However, the duty to comply under subsection (4) 1
applies only to information in the possession of 2
the police commissioner or to which the police 3
commissioner has access. 4

**41C Requirement to disclose changes in criminal 5
history 6**

- (1) This section applies if a person who is a member 7
is charged with or convicted of an indictable 8
offence during the term of the person's 9
appointment. 10
- (2) The person must, immediately after the person is 11
charged or convicted, give the Minister notice 12
under subsection (3) of the charge or conviction, 13
unless the person has a reasonable excuse. 14
Maximum penalty—100 penalty units. 15
- (3) The notice must include— 16
- (a) the existence of the charge or conviction; 17
and 18
- (b) for a charge— 19
- (i) details adequate to identify the alleged 20
offence; and 21
- (ii) when the offence was alleged to have 22
been committed; and 23
- (c) for a conviction— 24
- (i) details adequate to identify the offence; 25
and 26
- (ii) when the offence was committed; and 27
- (iii) the sentence imposed on the person. 28

42 Confidentiality of criminal history information 29

- (1) This section applies to a person who— 30

-
- (a) is or has been— 1
- (i) the Minister or a member of the 2
Minister’s staff; or 3
- (ii) a public service employee performing 4
functions under, or relating to the 5
administration of, this division; and 6
- (b) in that capacity, has acquired or has access 7
to criminal history information. 8
- (2) The person must not disclose the criminal history 9
information to anyone else, or use the 10
information, other than under this section. 11
- Maximum penalty—100 penalty units. 12
- (3) The person may disclose or use the criminal 13
history information— 14
- (a) to the extent the disclosure or use— 15
- (i) is necessary to perform a function 16
under, or relating to the administration 17
of, this Act; or 18
- (ii) is otherwise required or permitted 19
under this Act or another law; or 20
- (b) with the consent of the person to whom the 21
information relates. 22
- (4) A person who possesses a report given under 23
section 41B or a notice given under section 41C 24
must ensure the report or notice is destroyed as 25
soon as practicable after it is no longer needed for 26
the purpose for which it was given. 27
- (5) Subsection (4) applies despite the *Public Records* 28
Act 2002. 29
- (6) In this section— 30
- criminal history information*** means information 31
contained in— 32
- (a) a report given under section 41B; or 33

[s 77]

	(b) a notice given under section 41C.	1
	<i>disclose</i> includes give access to.	2
Clause 77	Amendment of s 42A (Board may enter into work performance arrangements)	3
	Section 42A(3)(b), after ‘person to’—	4
	<i>insert</i> —	5
	perform functions or	6
Clause 78	Amendment of s 47 (Strategic and operational plans on agreement)	7
	Section 47(2)—	8
	<i>omit</i> .	9
Clause 79	Replacement of ss 50–52	10
	Sections 50 to 52—	11
	<i>omit, insert</i> —	12
	50 Strategic plans	13
	The board’s strategic plan must include an outline of the key actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples the board proposes to undertake.	14
Clause 80	Insertion of new s 52	15
	Before section 53—	16
	<i>insert</i> —	17
	52 Minister may give statement of expectations	18
	(1) The Minister may give the board a written statement (a <i>statement of expectations</i>) about the Minister’s expectations in relation to the performance by the board of its functions.	19
		20
		21
		22
		23
		24
		25
		26
		27

	(2) A statement of expectations may—	1
	(a) apply for a particular period stated in the statement; and	2 3
	(b) provide for any of the following matters—	4
	(i) the board’s strategic or operational activities;	5 6
	(ii) the nature and scope of the board’s activities proposed to be carried out for a particular period;	7 8 9
	(iii) information required to be given to the Minister by the board;	10 11
	(iv) the way the board must report to the Minister about its activities;	12 13
	(v) the sharing of information with a government entity.	14 15
	(3) The board must have regard to a statement of expectations in performing its functions.	16 17
Clause 81	Amendment of s 55 (Annual report)	18
	Section 55—	19
	<i>insert—</i>	20
	(e) details of each statement of expectations given by the Minister during the relevant financial year and any actions taken by the board.	21 22 23 24
Clause 82	Amendment of s 56 (Delegation by Minister)	25
	(1) Section 56(1), ‘powers’—	26
	<i>omit, insert—</i>	27
	functions	28
	(2) Section 56(1), ‘officer of’—	29

[s 83]

<i>omit, insert—</i>	1
public service officer employed in	2
(3) Section 56(2)(a), ‘section 12(1)(f)’—	3
<i>omit, insert—</i>	4
section 12(1)(h)	5
(4) Section 56(2)—	6
<i>insert—</i>	7
(ca) the power to give the board a statement of expectations;	8 9
(5) Section 56(2)(ca) and (d)—	10
<i>renumber</i> as section 56(2)(d) and (e).	11
(6) Section 56—	12
<i>insert—</i>	13
(3) In this section—	14
<i>function</i> includes power.	15

Clause 83	Replacement of s 57 (Protection from liability of persons acting under the Act)	16 17
	Section 57—	18
	<i>omit, insert—</i>	19
	57 Confidentiality	20
	(1) This section applies to a person who—	21
	(a) is, or has been—	22
	(i) the Minister or a member of the Minister’s staff; or	23 24
	(ii) a public service employee performing functions under, or relating to the administration of, this Act; and	25 26 27

-
- (b) in that capacity, has acquired or has access to confidential information about another person. 1
2
3
- (2) The person must not disclose the confidential information to anyone else, or use the information, other than under this section. 4
5
6
Maximum penalty—100 penalty units. 7
- (3) The person may disclose or use the confidential information— 8
9
- (a) to the extent the disclosure or use— 10
- (i) is necessary to perform a function under, or relating to the administration of, this Act; or 11
12
13
- (ii) is otherwise required or permitted under this Act or another law; or 14
15
- (b) with the consent of the person to whom the information relates; or 16
17
- (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal. 18
19
20
- (4) In this section— 21
- confidential information***— 22
- (a) means the following information— 23
- (i) personal information; 24
- (ii) information given in a notice under section 11A(3); 25
26
- (iii) information that would be likely to damage the commercial activities of a person to whom the information relates; but 27
28
29
30
- (b) does not include criminal history information under section 42 or information that is lawfully available to the public. 31
32
33

[s 84]

	<i>disclose</i> includes give access to.	1
	<i>information</i> includes a document.	2
	<i>personal information</i> see the <i>Information Privacy Act 2009</i> , section 12.	3 4
Clause 84	Amendment of s 58 (Illegal borrowing)	5
	Section 58—	6
	<i>insert</i> —	7
	(8) The <i>Public Sector Act 2022</i> , sections 269 and 270 do not prevent civil liability imposed on a member under this section from attaching to the member.	8 9 10 11
Clause 85	Insertion of new pt 7, div 4	12
	Part 7—	13
	<i>insert</i> —	14
	Division 4 Transitional provisions for Arts (Statutory Bodies) and Other Legislation Amendment Act 2024	15 16 17 18
	81 Membership of board on commencement	19
	(1) Despite section 6(2), if on the commencement the board does not include at least 2 members who are either an Aboriginal person or a Torres Strait Islander person, the board is taken to be validly constituted.	20 21 22 23 24
	(2) Subsection (1) continues to apply until the day a total of 2 members have been appointed to the board after the commencement.	25 26 27

82	First members of First Nations committee	1
(1)	The board must appoint at least 2 but not more than 4 persons to be the first members of the First Nations committee.	2 3 4
(2)	The board may appoint a person as a member of the First Nations committee under subsection (1) only if—	5 6 7
(a)	the person is an Aboriginal person or a Torres Strait Islander person; and	8 9
(b)	the board is satisfied the person is appropriately qualified.	10 11
(3)	At least 1 member of the board who is an Aboriginal person or a Torres Strait Islander person must be appointed as a member of the First Nations committee under subsection (1).	12 13 14 15
(4)	The board must appoint a member of the First Nations committee appointed under subsection (1) who is also a member of the board to be the chairperson of the committee.	16 17 18 19
(5)	Each member of the First Nations committee appointed under subsection (1)—	20 21
(a)	is to be paid the remuneration and allowances decided by the board; and	22 23
(b)	holds office—	24
(i)	for the term, of not more than 1 year, stated in the member’s instrument of appointment; and	25 26 27
(ii)	otherwise on the terms and conditions, not provided for by this Act, decided by the board.	28 29 30
(6)	This section applies despite sections 34C to 34H.	31

[s 86]

	83 Operation of First Nations committee before charter in effect	1 2
	Despite section 34G, the First Nations committee need not operate under a charter until the earlier of the following days—	3 4 5
	(a) the day that is 6 months after the commencement;	6 7
	(b) the day a charter first has effect under section 34H.	8 9
Clause 86	Insertion of new sch 1	10
	After part 7—	11
	<i>insert—</i>	12
	Schedule 1 Dictionary	13
	section 2	14
Part 5	Amendment of Queensland Performing Arts Trust Act 1977	15 16
Clause 87	Act amended	17
	This part amends the <i>Queensland Performing Arts Trust Act 1977</i> .	18 19
	<i>Note—</i>	20
	See also the amendments in schedule 1.	21
Clause 88	Amendment of s 1B (Guiding principles for achieving the object)	22 23
	(1) Section 1B, before unnumbered subsection—	24
	<i>insert—</i>	25

-
- (1) This Act recognises the principle that Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights that must be respected, reflected and represented in the way the performing arts contribute to the cultural, social and intellectual development of all Queenslanders. 1
2
3
4
5
6
7
- (2) Section 1B, unnumbered subsection— 8
number as section 1B(2). 9
- (3) Section 1B(2), as numbered, after ‘The’— 10
insert— 11
 general 12
- (4) Section 1B(2), as numbered, ‘the Act’— 13
omit, insert— 14
 this Act 15
- (5) Section 1B(2)(d), as numbered— 16
omit. 17
- (6) Section 1B(2)(e) to (i), as numbered— 18
renumber as section 1B(2)(d) to (h). 19
- (7) Section 1B— 20
insert— 21
- (3) Without limiting subsection (2), the following 22
principles are also intended to guide the 23
achievement of the object of this Act— 24
- (a) cultural and creative rights and practices of 25
Aboriginal peoples and Torres Strait 26
Islander peoples should be recognised and 27
respected through fair and transparent 28
arrangements for the creation, sale and use 29
of expressions or works of, or reflecting, 30
their cultures; 31

[s 89]

- (b) the importance to Aboriginal peoples and Torres Strait Islander peoples of the right to self-determination should be recognised; 1
2
3
- (c) the importance of the performing arts in truth-telling and presenting Queensland's history, including the histories and stories of Aboriginal peoples and Torres Strait Islander peoples, should be recognised; 4
5
6
7
8
- (d) the diversity of Queensland and Queensland's shared history with Aboriginal peoples and Torres Strait Islander peoples should be reflected and represented in the performing arts. 9
10
11
12
13

Clause 89 Amendment of s 2 (Definitions) 14

(1) Section 2, 'In this Act—'— 15

omit, insert— 16

The dictionary in schedule 1 defines particular words used in this Act. 17
18

(2) Section 2, definitions *appropriately qualified, commencement, current appointment, current conditions, director, pre-amended Act, present director* and *trust—* 19
20
21

omit. 22

(3) Section 2— 23

insert— 24

authorised ticket agent, for a QPAC presentation, 25
for part 6A, see section 54A. 26

conviction means a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded. 27
28
29

criminal history, of a person, for part 2, division 7, see section 38B. 30
31

director means the director of the trust appointed 32

under section 32.	1
<i>First Nations committee</i> means the First Nations Committee established under section 31A.	2 3
<i>non-profit organisation</i> , for part 6A, see section 54A.	4 5
<i>notice</i> means written notice.	6
<i>organiser</i> , of a QPAC presentation, for part 6A, see section 54A.	7 8
<i>original ticket price</i> , of a ticket to a QPAC presentation, for part 6A, see section 54A.	9 10
<i>public sale forum</i> , for part 6A, see section 54A.	11
<i>QPAC presentation</i> , for part 6A, see section 54A.	12
<i>resell</i> , a ticket to a QPAC presentation, for part 6A, see section 54A.	13 14
<i>sell</i> , for part 6A, see section 54A.	15
<i>statement of expectations</i> see section 51(1).	16
<i>ticket</i> , to a QPAC presentation, for part 6A, see section 54A.	17 18
<i>trust</i> means the Queensland Performing Arts Trust continued in existence under section 3.	19 20
(4) Section 2, definition <i>centre</i> , ‘at Brisbane’—	21
<i>omit, insert—</i>	22
on the corner of Melbourne and Grey Streets and Russell and Grey Streets, South Brisbane	23 24
(5) Section 2, all definitions, as amended by this Act—	25
<i>relocate</i> to schedule 1 as inserted by this Act.	26
Clause 90 Amendment of s 6 (Composition of trust)	27
(1) Section 6—	28
<i>insert—</i>	29

[s 91]

	(1A) At least 2 members must be either an Aboriginal person or a Torres Strait Islander person.	1 2
(2)	Section 6— <i>insert</i> —	3 4
	(2A) The Minister must not recommend a person for appointment as a member unless the Minister has consulted the trust about the appointment of the person.	5 6 7 8
(3)	Section 6(1A) to (3)— <i>renumber</i> as section 6(2) to (5).	9 10
Clause 91	Omission of s 8 (Eligibility for appointment)	11
	Section 8— <i>omit</i> .	12 13
Clause 92	Amendment of s 10 (Duration of appointment)	14
	Section 10(2)(b)— <i>omit, insert</i> —	15 16
	(b) the member is disqualified from continuing as a member under section 11A; or	17 18
Clause 93	Insertion of new ss 11A and 11B	19
	After section 11— <i>insert</i> —	20 21
	11A Disqualification from membership	22
	(1) A person is disqualified from becoming or continuing as a member if the person—	23 24
	(a) has a conviction, other than a spent conviction, for an indictable offence; or	25 26

<i>Note—</i>	1
For the requirement to give notice of a change in a person’s criminal history, see section 38D.	2 3
(b) is an insolvent under administration; or	4
(c) is disqualified from managing corporations because of the Corporations Act, part 2D.6.	5 6
(2) Also, a person is disqualified from becoming or continuing as a member if the Minister asks for the person’s consent to make a request under section 38C in relation to the person and the person does not consent.	7 8 9 10 11
(3) If an event mentioned in subsection (1)(b) or (c) happens during the term of a person’s appointment as a member, the person must, unless the person has a reasonable excuse, immediately give the Minister notice of the person’s insolvency or disqualification.	12 13 14 15 16 17
Maximum penalty—100 penalty units.	18
11B Leave of absence for members	19
(1) The trust may approve a leave of absence for a member for a period of not more than 3 months.	20 21
(2) The trust must give the Minister notice of the leave of absence.	22 23
Clause 94 Amendment of s 12 (Functions of trust)	24
(1) Section 12(1), after ‘trust are’—	25
<i>insert—</i>	26
the following	27
(2) Section 12(1)—	28
<i>insert—</i>	29

[s 94]

- (ha) to engage in partnerships, including philanthropic partnerships, to support the performance of the other functions of the trust; 1
2
3
4
- (hb) to carry out activities that support the cultural purposes of the cultural centre precinct, including, for example, providing services in or on the cultural centre precinct to the department or a State arts entity; 5
6
7
8
9
- (3) Section 12(1)(j), ‘to (i)’— 10
omit, insert— 11
to (k) 12
- (4) Section 12(1)(k), ‘paragraph (j)’— 13
omit, insert— 14
paragraph (l) 15
- (5) Section 12(1)(ha) to (k)— 16
renumber as section 12(1)(i) to (m). 17
- (6) Section 12(2), ‘subsection (1)(k)’— 18
omit, insert— 19
subsection (1)(m) 20
- (7) Section 12— 21
insert— 22
- (4) In this section— 23
cultural centre precinct means the precinct of arts and cultural venues in South Brisbane located on the following lots— 24
25
26
- (a) lot 700 on SP273957; 27
- (b) lot 500 on SP259412; 28
- (c) lots 1, 2 and 3 on RP129041; 29
- (d) lot 3 on RP42859. 30

	<i>State arts entity</i> means any of the following entities—	1 2
	(a) the Board of the Queensland Museum continued under the <i>Queensland Museum Act 1970</i> ;	3 4 5
	(b) the Library Board of Queensland continued under the <i>Libraries Act 1988</i> ;	6 7
	(c) the Queensland Art Gallery Board of Trustees continued under the <i>Queensland Art Gallery Act 1987</i> ;	8 9 10
	(d) the Queensland Theatre Company continued under the <i>Queensland Theatre Company Act 1970</i> .	11 12 13
Clause 95	Omission of s 19 (Disposal of certain abandoned property)	14 15
	Section 19—	16
	<i>omit.</i>	17
Clause 96	Amendment of s 20 (Trust must give notice of public auction)	18 19
	(1) Section 20, heading, after ‘auction’—	20
	<i>insert—</i>	21
	of property accepted by trust	22
	(2) Section 20(1), ‘section 18 or 19’—	23
	<i>omit, insert—</i>	24
	section 18,	25
Clause 97	Amendment of s 21 (Effect of sale or other disposal of property)	26 27
	(1) Section 21, heading, after ‘property’—	28

[s 98]

insert—

1

accepted by trust

2

(2) Section 21(1), ‘or 19’—

3

omit.

4

(3) Section 21(3)(b), ‘or 19(2A)(a)’—

5

omit.

6

Clause 98 Amendment of s 31 (Delegation by trust)

7

(1) Section 31, ‘powers’—

8

omit, insert—

9

functions

10

(2) Section 31—

11

insert—

12

(ba) the First Nations committee; or

13

(3) Section 31—

14

insert—

15

(ca) a committee established under section 38A;

16

or

17

(4) Section 31(ba) to (d)—

18

renumber as section 31(c) to (f).

19

(5) Section 31—

20

insert—

21

(2) In this section—

22

function includes power.

23

Clause 99 Insertion of new pt 2, div 4A

24

Part 2—

25

insert—

26

Division 4A	First Nations committee	1
31A Establishment		2
	The First Nations Committee is established.	3
31B Functions		4
	The functions of the First Nations committee are—	5 6
	(a) to advise the trust on the integration of cultural learning and knowledge into the trust’s decision-making frameworks, policies and processes; and	7 8 9 10
	(b) to support the development of actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples; and	11 12 13 14
	(c) to provide cultural leadership, and cultural governance expertise, to the trust on matters relating to Aboriginal peoples and Torres Strait Islander peoples.	15 16 17 18
31C Membership		19
	(1) The First Nations committee consists of the members appointed by the trust on the recommendation of the committee.	20 21 22
	(2) The First Nations committee may recommend a person for appointment as a member of the committee only if—	23 24 25
	(a) the person is an Aboriginal person or a Torres Strait Islander person; and	26 27
	(b) the selection and appointment of the person is consistent with the committee’s charter under section 31H; and	28 29 30

[s 99]

- (c) the committee is satisfied the person is appropriately qualified. 1
2
- (3) At least 1 member of the trust who is an Aboriginal person or a Torres Strait Islander person must be appointed as a member of the First Nations committee. 3
4
5
6
- 31D Chairperson** 7
- (1) The trust must appoint a member of the First Nations committee who is also a member of the trust to be the chairperson of the committee. 8
9
10
- (2) A person may be appointed as the chairperson at the same time as the person is appointed as a member of the First Nations committee. 11
12
13
- (3) The chairperson of the First Nations committee holds office for the term stated in the person's instrument of appointment as chairperson. 14
15
16
- (4) A vacancy in the office of chairperson of the First Nations committee arises if the person holding the office— 17
18
19
- (a) resigns office by signed notice given to the trust; or 20
21
- (b) ceases to be a member of the committee; or 22
- (c) ceases to be a member of the trust. 23
- 31E Duration of appointment** 24
- (1) A member of the First Nations committee is appointed for the term decided by the trust and stated in the member's instrument of appointment. 25
26
27
28
- (2) The term decided by the trust under subsection (1) must not be longer than— 29
30

(a) for any member of the First Nations committee—the maximum term of appointment of members of the First Nations committee stated in the committee’s charter under section 31H; or	1 2 3 4 5
(b) for a member of the First Nations committee who is also a member of the trust—the person’s term of appointment as a member of the trust.	6 7 8 9
(3) A person may be reappointed as a member of the First Nations committee.	10 11
31F Conditions of appointment	12
(1) A member of the First Nations committee is to be paid the remuneration and allowances decided by the trust.	13 14 15
(2) A member of the First Nations committee holds office on the terms and conditions, not provided for by this Act, decided by the trust.	16 17 18
31G Requirement to operate under charter	19
The First Nations committee must operate under the charter that has effect for the committee under section 31H.	20 21 22
31H Preparation, approval and amendment of charter	23 24
(1) The First Nations committee must prepare a draft charter that provides for the following matters in relation to the committee—	25 26 27
(a) the objectives, roles and responsibilities of the committee;	28 29

[s 99]

- (b) matters about the selection and appointment of persons as members of the committee, including—
 - (i) the number of persons to be appointed to the committee; and
 - (ii) any appropriate qualifications for membership of the committee; and
 - (iii) the maximum term of appointment of members of the committee;
 - (c) the way, or frequency with which, the committee is to conduct its meetings or report to the trust, including, for example, whether the committee may invite members of the trust, or other persons, to attend meetings of the committee;
 - (d) any other matter the committee considers appropriate.
- (2) The First Nations committee must give a copy of the draft charter to the trust for approval.
 - (3) If the trust approves the draft charter, the draft charter has effect as the charter for the First Nations committee.
 - (4) The First Nations committee may amend its charter, including its charter as amended under this section, by—
 - (a) preparing an amendment of the charter; and
 - (b) giving a copy of the amendment, and the charter as amended, to the trust for approval.
 - (5) The amendment of the charter does not have effect until the amendment is approved by the trust.

31I Re-establishment of First Nations committee

- (1) This section applies if, at any time after the first

-
- members of the First Nations committee are appointed, there are no members of the committee. 1
2
3
- Note—* 4
- See section 74 in relation to the appointment of the first members of the First Nations committee. 5
6
- (2) Each member of the trust who is an Aboriginal person or a Torres Strait Islander person is taken to be a member of the First Nations committee for the purpose only of making a recommendation to the trust under section 31C(1). 7
8
9
10
11
- (3) On the appointment by the trust of 1 or more persons as members of the First Nations committee, the members of the trust mentioned in subsection (2) cease to be taken to be members of the committee under that subsection. 12
13
14
15
16
- (4) However, subsection (3) does not prevent a member of the trust mentioned in subsection (2) being a member of the First Nations committee under section 31C. 17
18
19
20

- Clause 100 Replacement of ss 32 and 32A** 21
- Sections 32 and 32A— 22
- omit, insert—* 23
- 32 Director** 24
- (1) There is to be a director of the trust. 25
- (2) The director is appointed by the Governor in Council. 26
27
- (3) The Minister must not recommend a person for appointment as the director unless the recommendation has been approved by the trust. 28
29
30

[s 101]

32A Duration of appointment	1
(1) The director holds office for the term, of not more than 5 years, stated in the director’s instrument of appointment.	2 3 4
(2) A person may be reappointed as the director.	5
(3) The Minister may extend a person’s term of appointment as the director until the earlier of the following—	6 7 8
(a) 3 months after the term would have expired under the person’s instrument of appointment;	9 10 11
(b) the appointment of the person’s successor takes effect.	12 13
(4) Subsection (3) does not limit the Governor in Council’s power under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(i) or (c).	14 15 16

32AA Conditions of appointment	17
The director holds office on the conditions, not provided for by this Act, decided by the Governor in Council.	18 19 20

Clause 101 Amendment of s 36 (Delegation by director)	21
(1) Section 36(1), ‘powers’— <i>omit, insert</i> — functions	22 23 24
(2) Section 36(1), ‘power’— <i>omit, insert</i> — function	25 26 27
(3) Section 36— <i>insert</i> —	28 29

	(3) In this section—	1
	<i>function</i> includes power.	2
Clause 102	Insertion of new s 36A	3
	After section 36—	4
	<i>insert</i> —	5
	36A Leave of absence for director	6
	(1) The trust may approve a leave of absence for the director for a period of not more than 3 months.	7 8
	(2) The trust may appoint another person to act in the office of the director during the leave of absence.	9 10
	(3) Subsection (2) does not limit the Governor in Council’s power under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(v).	11 12 13
Clause 103	Insertion of new pt 2, divs 6 and 7	14
	Part 2—	15
	<i>insert</i> —	16
	Division 6 Other committees	17
	38A Other committees	18
	(1) The trust may establish other committees of the trust.	19 20
	(2) A committee may perform the functions or exercise the powers delegated to it by the trust under section 31.	21 22 23
	(3) In performing the functions or exercising the powers mentioned in subsection (2), a committee is subject to the directions of the trust.	24 25 26
	(4) A person may be appointed to a committee whether or not the person is a member of the trust.	27 28

[s 103]

- (5) In appointing a person to a committee, the trust must have regard to the person's ability to take part in the performance of the functions and the exercise of the powers delegated to the committee.

Division 7 Criminal history

38B Definition for division

In this division—
criminal history, of a person, means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than a spent conviction.

38C Criminal history reports

- (1) This section applies if the Minister is deciding whether a person is disqualified from becoming or continuing as a member.
- (2) The Minister may ask the police commissioner for—
- (a) a written report about the criminal history of the person; and
 - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (3) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (4) The police commissioner must comply with the request.
- (5) However, the duty to comply under subsection (4) applies only to information in the possession of

the police commissioner or to which the police 1
commissioner has access. 2

**38D Requirement to disclose changes in criminal 3
history 4**

(1) This section applies if a person who is a member 5
is charged with or convicted of an indictable 6
offence during the term of the person's 7
appointment. 8

(2) The person must, immediately after the person is 9
charged or convicted, give the Minister notice 10
under subsection (3) of the charge or conviction, 11
unless the person has a reasonable excuse. 12

Maximum penalty—100 penalty units. 13

(3) The notice must include— 14

(a) the existence of the charge or conviction; 15
and 16

(b) for a charge— 17

(i) details adequate to identify the alleged 18
offence; and 19

(ii) when the offence was alleged to have 20
been committed; and 21

(c) for a conviction— 22

(i) details adequate to identify the offence; 23
and 24

(ii) when the offence was committed; and 25

(iii) the sentence imposed on the person. 26

38E Confidentiality of criminal history information 27

(1) This section applies to a person who— 28

(a) is or has been— 29

[s 103]

- (i) the Minister or a member of the Minister's staff; or
 - (ii) a public service employee performing functions under, or relating to the administration of, this division; and
- (b) in that capacity, has acquired or has access to criminal history information.
- (2) The person must not disclose the criminal history information to anyone else, or use the information, other than under this section.
Maximum penalty—100 penalty units.
- (3) The person may disclose or use the criminal history information—
 - (a) to the extent the disclosure or use—
 - (i) is necessary to perform a function under, or relating to the administration of, this Act; or
 - (ii) is otherwise required or permitted under this Act or another law; or
 - (b) with the consent of the person to whom the information relates.
- (4) A person who possesses a report given under section 38C or a notice given under section 38D must ensure the report or notice is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.
- (5) Subsection (4) applies despite the *Public Records Act 2002*.
- (6) In this section—
criminal history information means information contained in—
 - (a) a report given under section 38C; or
 - (b) a notice given under section 38D.

	<i>disclose</i> includes give access to.	1
Clause 104	Amendment of pt 3, hdg (Financial provisions)	2
	Part 3, heading, after ‘Financial’—	3
	<i>insert</i> —	4
	and reframing entity	5
Clause 105	Insertion of new s 41A	6
	After section 41—	7
	<i>insert</i> —	8
	41A Trust is reframing entity	9
	The trust is prescribed as a reframing entity for the	10
	<i>Public Sector Act 2022</i> , section 20, definition	11
	<i>reframing entity</i> , paragraph (c).	12
Clause 106	Amendment of s 46 (Strategic and operational plans on agreement)	13
	Section 46(2)—	14
	<i>omit</i> .	15
Clause 107	Replacement of ss 49–51	17
	Sections 49 to 51—	18
	<i>omit, insert</i> —	19
	49 Strategic plans	20
	The trust’s strategic plan must include an outline	21
	of the key actions, initiatives and plans relating to	22
	Aboriginal peoples and Torres Strait Islander	23
	peoples the trust proposes to undertake.	24

[s 108]

Clause 108	Insertion of new s 51	1
	Before section 52—	2
	<i>insert—</i>	3
	51 Minister may give statement of expectations	4
	(1) The Minister may give the trust a written statement (a <i>statement of expectations</i>) about the Minister’s expectations in relation to the performance by the trust of its functions.	5 6 7 8
	(2) A statement of expectations may—	9
	(a) apply for a particular period stated in the statement; and	10 11
	(b) provide for any of the following matters—	12
	(i) the trust’s strategic or operational activities;	13 14
	(ii) the nature and scope of the trust’s activities proposed to be carried out for a particular period;	15 16 17
	(iii) information required to be given to the Minister by the trust;	18 19
	(iv) the way the trust must report to the Minister about its activities;	20 21
	(v) the sharing of information with a government entity.	22 23
	(3) The trust must have regard to a statement of expectations in performing its functions.	24 25
Clause 109	Amendment of s 54 (Annual report)	26
	Section 54—	27
	<i>insert—</i>	28
	(e) details of each statement of expectations given by the Minister during the relevant	29 30

	financial year and any actions taken by the trust.	1 2
Clause 110	Insertion of new pt 6A	3
	After part 6—	4
	<i>insert—</i>	5
	Part 6A Resale of tickets	6
	54A Definitions for part	7
	In this part—	8
	<i>authorised ticket agent</i> , for a QPAC presentation, means an entity authorised by the organiser of the presentation to sell tickets to the presentation to the public.	9 10 11 12
	<i>non-profit organisation</i> means an organisation that is not carried on for the profit or gain of its individual members.	13 14 15
	<i>Examples of entities that may be non-profit organisations—</i>	16
	a charity, church, club or environmental protection society	17 18
	<i>organiser</i> , of a QPAC presentation, means the entity that—	19 20
	(a) is responsible for organising the presentation; and	21 22
	(b) will receive revenue from the sale of tickets to the presentation.	23 24
	<i>original ticket price</i> , of a ticket to a QPAC presentation, means—	25 26
	(a) if the ticket was originally obtained from the organiser of the presentation—the price at which the organiser sells, to the public, tickets of the same type for the presentation; or	27 28 29 30 31

[s 110]

(b) if the ticket was originally obtained from an authorised ticket agent for the presentation—the price at which the agent sells, to the public, tickets of the same type for the presentation, including any fee, however described, charged by the agent for the sale and included in the purchase price.

public sale forum means a newspaper, auction house, website or other venue or medium that, in the ordinary course of business or commerce, is generally made available to members of the public to sell to, or purchase from, other members of the public, all, or broad categories of, property and services.

QPAC presentation means a presentation of the performing arts staged at the centre.

resell, a ticket to a QPAC presentation, means to sell the ticket—

(a) at any time after it has been obtained from the organiser of the presentation or an authorised ticket agent for the presentation; and

(b) before the presentation takes place.

sell includes offer for sale.

ticket, to a QPAC presentation, means a docket, token or another item that entitles the person holding the docket, token or item to attend the presentation on the day and at the time indicated on the docket, token or item.

54B Restriction on resale of tickets

(1) A person must not, within or outside Queensland, resell a ticket to a QPAC presentation at a price greater than 10% above the original ticket price of the ticket.

	Maximum penalty—20 penalty units.	1
(2)	Subsection (1) does not apply to the resale of a ticket to a QPAC presentation by a non-profit organisation, or a person acting for the organisation, for fundraising.	2 3 4 5
(3)	This section does not authorise the resale of a ticket to a QPAC presentation.	6 7
(4)	A person does not contravene subsection (1) merely because the person provides, or assists another person to provide, a public sale forum that is used in contravention of subsection (1).	8 9 10 11
Clause 111	Amendment of s 55 (Delegation by Minister)	12
(1)	Section 55(1), ‘powers’—	13
	<i>omit, insert</i> —	14
	functions	15
(2)	Section 55(1), ‘officer of’—	16
	<i>omit, insert</i> —	17
	public service officer employed in	18
(3)	Section 55(2)(a), ‘section 12(1)(j)’—	19
	<i>omit, insert</i> —	20
	section 12(1)(l)	21
(4)	Section 55(2)—	22
	<i>insert</i> —	23
	(ca) the power to give the trust a statement of expectations;	24 25
(5)	Section 55(2)(ca) and (d)—	26
	<i>renumber</i> as section 55(2)(d) and (e).	27
(6)	Section 55—	28
	<i>insert</i> —	29

[s 112]

	(3) In this section—	1
	<i>function</i> includes power.	2
Clause 112	Replacement of s 56 (Protection from liability of members)	3
	Section 56—	4
	<i>omit, insert—</i>	5
	56 Confidentiality	6
	(1) This section applies to a person who—	7
	(a) is, or has been—	8
	(i) the Minister or a member of the Minister’s staff; or	9
	(ii) a public service employee performing functions under, or relating to the administration of, this Act; and	10
	(b) in that capacity, has acquired or has access to confidential information about another person.	11
	(2) The person must not disclose the confidential information to anyone else, or use the information, other than under this section.	12
	Maximum penalty—100 penalty units.	13
	(3) The person may disclose or use the confidential information—	14
	(a) to the extent the disclosure or use—	15
	(i) is necessary to perform a function under, or relating to the administration of, this Act; or	16
	(ii) is otherwise required or permitted under this Act or another law; or	17
	(b) with the consent of the person to whom the information relates; or	18
		19
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		31

(c)	in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.	1 2 3
(4)	In this section—	4
	<i>confidential information</i> —	5
(a)	means the following information—	6
(i)	personal information;	7
(ii)	information given in a notice under section 11A(3);	8 9
(iii)	information that would be likely to damage the commercial activities of a person to whom the information relates; but	10 11 12 13
(b)	does not include criminal history information under section 38E or information that is lawfully available to the public.	14 15 16 17
	<i>disclose</i> includes give access to.	18
	<i>information</i> includes a document.	19
	<i>personal information</i> see the <i>Information Privacy Act 2009</i> , section 12.	20 21
Clause 113	Amendment of s 57 (Illegal borrowing)	22
	Section 57—	23
	<i>insert</i> —	24
(8)	The <i>Public Sector Act 2022</i> , sections 269 and 270 do not prevent civil liability imposed on a member under this section from attaching to the member.	25 26 27 28
Clause 114	Insertion of new pt 8, div 3	29
	Part 8—	30

[s 114]

insert—

Division 3	Transitional provisions for Arts (Statutory Bodies) and Other Legislation Amendment Act 2024	1 2 3 4 5
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73	Membership of trust on commencement	6
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- | | | |
|-----|--|-------------------------|
| (1) | Despite section 6(2), if on the commencement the trust does not include at least 2 members who are either an Aboriginal person or a Torres Strait Islander person, the trust is taken to be validly constituted. | 7
8
9
10
11 |
| (2) | Subsection (1) continues to apply until the day a total of 2 members have been appointed to the trust after the commencement. | 12
13
14 |

74	First members of First Nations committee	15
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- | | | |
|-----|--|----------------------|
| (1) | The trust must appoint at least 2 but not more than 4 persons to be the first members of the First Nations committee. | 16
17
18 |
| (2) | The trust may appoint a person as a member of the First Nations committee under subsection (1) only if— | 19
20
21 |
| (a) | the person is an Aboriginal person or a Torres Strait Islander person; and | 22
23 |
| (b) | the trust is satisfied the person is appropriately qualified. | 24
25 |
| (3) | At least 1 member of the trust who is an Aboriginal person or a Torres Strait Islander person must be appointed as a member of the First Nations committee under subsection (1). | 26
27
28
29 |
| (4) | The trust must appoint a member of the First Nations committee appointed under subsection | 30
31 |

(1) who is also a member of the trust to be the chairperson of the committee.	1 2
(5) Each member of the First Nations committee appointed under subsection (1)—	3 4
(a) is to be paid the remuneration and allowances decided by the trust; and	5 6
(b) holds office—	7
(i) for the term, of not more than 1 year, stated in the member’s instrument of appointment; and	8 9 10
(ii) otherwise on the terms and conditions, not provided for by this Act, decided by the trust.	11 12 13
(6) This section applies despite sections 31C to 31H.	14
75 Operation of First Nations committee before charter in effect	15 16
Despite section 31G, the First Nations committee need not operate under a charter until the earlier of the following days—	17 18 19
(a) the day that is 6 months after the commencement;	20 21
(b) the day a charter first has effect under section 31H.	22 23
Clause 115 Insertion of new sch 1	24
After part 8—	25
<i>insert—</i>	26
Schedule 1 Dictionary	27
section 2	28

[s 116]

Part 6 **Amendment of Queensland Theatre Company Act 1970** 1
2

Clause 116	Act amended	3
	This part amends the <i>Queensland Theatre Company Act 1970</i> .	4
	<i>Note—</i>	5
	See also the amendments in schedule 1.	6
Clause 117	Amendment of s 1B (Guiding principles for achieving the object)	7 8
	(1) Section 1B, before unnumbered subsection—	9
	<i>insert—</i>	10
	(1) This Act recognises the principle that Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights that must be respected, reflected and represented in the way the arts of the theatre contribute to the cultural, social and intellectual development of all Queenslanders.	11 12 13 14 15 16
	(2) Section 1B, unnumbered subsection—	17
	<i>number</i> as section 1B(2).	18
	(3) Section 1B(2), as numbered, after ‘The’—	19
	<i>insert—</i>	20
	general	21
	(4) Section 1B(2)(c), as numbered—	22
	<i>omit.</i>	23
	(5) Section 1B(2)(d) to (h), as numbered—	24
	<i>renumber</i> as section 1B(2)(c) to (g).	25
	(6) Section 1B—	26
	<i>insert—</i>	27
	(3) Without limiting subsection (2), the following	28

principles are also intended to guide the achievement of the object of this Act—	1 2
(a) cultural and creative rights and practices of Aboriginal peoples and Torres Strait Islander peoples should be recognised and respected through fair and transparent arrangements for the creation, sale and use of expressions or works of, or reflecting, their cultures;	3 4 5 6 7 8 9
(b) the importance to Aboriginal peoples and Torres Strait Islander peoples of the right to self-determination should be recognised;	10 11 12
(c) the importance of the arts of the theatre in truth-telling and presenting Queensland’s history, including the histories and stories of Aboriginal peoples and Torres Strait Islander peoples, should be recognised;	13 14 15 16 17
(d) the diversity of Queensland and Queensland’s shared history with Aboriginal peoples and Torres Strait Islander peoples should be reflected and represented in the arts of the theatre.	18 19 20 21 22

Clause 118 Amendment of s 2 (Definitions)	23
(1) Section 2, ‘In this Act—’—	24
<i>omit, insert—</i>	25
The dictionary in schedule 1 defines particular words used in this Act.	26 27
(2) Section 2, definitions <i>appropriately qualified, commencement, current appointment, current conditions, director, former name, pre-amended Act, present director</i> and <i>theatre company—</i>	28 29 30 31
<i>omit.</i>	32
(3) Section 2—	33

[s 119]

insert—

director means the director of the theatre company appointed under section 31.

conviction means a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded.

criminal history, of a person, for part 2, division 7, see section 38A.

First Nations committee means the First Nations Committee established under section 30A.

notice means written notice.

statement of expectations see section 51(1).

theatre company means the Queensland Theatre Company continued in existence under section 3.

(4) Section 2, all definitions, as amended by this Act—

relocate to schedule 1 as inserted by this Act.

Clause 119 Amendment of s 6 (Composition of theatre company)

(1) Section 6—

insert—

(1A) At least 2 members must be either an Aboriginal person or a Torres Strait Islander person.

(2) Section 6—

insert—

(2A) The Minister must not recommend a person for appointment as a member unless the Minister has consulted the theatre company about the appointment of the person.

(3) Section 6(1A) to (3)—

renumber as section 6(2) to (5).

Clause 120	Omission of s 8 (Eligibility for appointment)	1
	Section 8—	2
	<i>omit.</i>	3
Clause 121	Amendment of s 10 (Duration of appointment)	4
	Section 10(2)(b)—	5
	<i>omit, insert—</i>	6
	(b) the member is disqualified from continuing as a member under section 11A; or	7 8
Clause 122	Insertion of new ss 11A and 11B	9
	After section 11—	10
	<i>insert—</i>	11
	11A Disqualification from membership	12
	(1) A person is disqualified from becoming or continuing as a member if the person—	13 14
	(a) has a conviction, other than a spent conviction, for an indictable offence; or	15 16
	<i>Note—</i>	17
	For the requirement to give notice of a change in a person’s criminal history, see section 38C.	18 19
	(b) is an insolvent under administration; or	20
	(c) is disqualified from managing corporations because of the Corporations Act, part 2D.6.	21 22
	(2) Also, a person is disqualified from becoming or continuing as a member if the Minister asks for the person’s consent to make a request under section 38B in relation to the person and the person does not consent.	23 24 25 26 27
	(3) If an event mentioned in subsection (1)(b) or (c) happens during the term of a person’s appointment as a member, the person must, unless	28 29 30

[s 123]

the person has a reasonable excuse, immediately 1
give the Minister notice of the person's 2
insolvency or disqualification. 3
Maximum penalty—100 penalty units. 4

11B Leave of absence for members 5

- (1) The theatre company may approve a leave of 6
absence for a member for a period of not more 7
than 3 months. 8
- (2) The theatre company must give the Minister 9
notice of the leave of absence. 10

Clause 123 Amendment of s 12 (Functions of the theatre company) 11

- (1) Section 12(1), after 'company are'— 12
insert— 13
the following 14
- (2) Section 12(1)— 15
insert— 16
- (ha) to engage in partnerships, including 17
philanthropic partnerships, to support the 18
performance of the other functions of the 19
theatre company; 20
- (hb) to carry out activities that support the 21
cultural purposes of the cultural centre 22
precinct, including, for example, providing 23
services in or on the cultural centre precinct 24
to the department or a State arts entity; 25
- (3) Section 12(1)(j), 'to (i)'— 26
omit, insert— 27
to (k) 28
- (4) Section 12(1)(k), 'paragraph (j)'— 29

<i>omit, insert—</i>	1
paragraph (l)	2
(5) Section 12(1)(ha) to (k)—	3
<i>renumber</i> as section 12(1)(i) to (m).	4
(6) Section 12(2), ‘subsection (1)(k)’—	5
<i>omit, insert—</i>	6
subsection (1)(m)	7
(7) Section 12—	8
<i>insert—</i>	9
(4) In this section—	10
<i>cultural centre precinct</i> means the precinct of arts	11
and cultural venues in South Brisbane located on	12
the following lots—	13
(a) lot 700 on SP273957;	14
(b) lot 500 on SP259412;	15
(c) lots 1, 2 and 3 on RP129041;	16
(d) lot 3 on RP42859.	17
<i>State arts entity</i> means any of the following	18
entities—	19
(a) the Board of the Queensland Museum	20
continued under the <i>Queensland Museum</i>	21
<i>Act 1970</i> ;	22
(b) the Library Board of Queensland continued	23
under the <i>Libraries Act 1988</i> ;	24
(c) the Queensland Art Gallery Board of	25
Trustees continued under the <i>Queensland</i>	26
<i>Art Gallery Act 1987</i> ;	27
(d) the Queensland Performing Arts Trust	28
continued under the <i>Queensland Performing</i>	29
<i>Arts Trust Act 1977</i> .	30

[s 124]

Clause 124	Omission of ss 18–20	1
	Sections 18 to 20—	2
	<i>omit.</i>	3
Clause 125	Amendment of s 30 (Delegation by theatre company)	4
(1)	Section 30, ‘powers’—	5
	<i>omit, insert—</i>	6
	functions	7
(2)	Section 30—	8
	<i>insert—</i>	9
	(ba) the First Nations committee; or	10
(3)	Section 30—	11
	<i>insert—</i>	12
	(ca) a committee established under section 38; or	13
(4)	Section 30(e), including editor’s note—	14
	<i>omit.</i>	15
(5)	Section 30(ba) to (d)—	16
	<i>renumber</i> as section 30(c) to (f).	17
(6)	Section 30—	18
	<i>insert—</i>	19
	(2) In this section—	20
	<i>function</i> includes power.	21
Clause 126	Insertion of new pt 2, div 4A	22
	Part 2—	23
	<i>insert—</i>	24
	Division 4A First Nations committee	25

30A Establishment	1
The First Nations Committee is established.	2
30B Functions	3
The functions of the First Nations committee	4
are—	5
(a) to advise the theatre company on the	6
integration of cultural learning and	7
knowledge into the company's	8
decision-making frameworks, policies and	9
processes; and	10
(b) to support the development of actions,	11
initiatives and plans relating to Aboriginal	12
peoples and Torres Strait Islander peoples;	13
and	14
(c) to provide cultural leadership, and cultural	15
governance expertise, to the theatre	16
company on matters relating to Aboriginal	17
peoples and Torres Strait Islander peoples.	18
30C Membership	19
(1) The First Nations committee consists of the	20
members appointed by the theatre company on the	21
recommendation of the committee.	22
(2) The First Nations committee may recommend a	23
person for appointment as a member of the	24
committee only if—	25
(a) the person is an Aboriginal person or a	26
Torres Strait Islander person; and	27
(b) the selection and appointment of the person	28
is consistent with the committee's charter	29
under section 30H; and	30
(c) the committee is satisfied the person is	31
appropriately qualified.	32

[s 126]

- (3) At least 1 member of the theatre company who is an Aboriginal person or a Torres Strait Islander person must be appointed as a member of the First Nations committee.

30D Chairperson

- (1) The theatre company must appoint a member of the First Nations committee who is also a member of the theatre company to be the chairperson of the committee.
- (2) A person may be appointed as the chairperson at the same time as the person is appointed as a member of the First Nations committee.
- (3) The chairperson of the First Nations committee holds office for the term stated in the person's instrument of appointment as chairperson.
- (4) A vacancy in the office of chairperson of the First Nations committee arises if the person holding the office—
- (a) resigns office by signed notice given to the theatre company; or
 - (b) ceases to be a member of the committee; or
 - (c) ceases to be a member of the theatre company.

30E Duration of appointment

- (1) A member of the First Nations committee is appointed for the term decided by the theatre company and stated in the member's instrument of appointment.
- (2) The term decided by the theatre company under subsection (1) must not be longer than—
- (a) for any member of the First Nations committee—the maximum term of

appointment of members of the First Nations committee stated in the committee's charter under section 30H; or	1 2 3
(b) for a member of the First Nations committee who is also a member of the company—the person's term of appointment as a member of the company.	4 5 6 7
(3) A person may be reappointed as a member of the First Nations committee.	8 9
30F Conditions of appointment	10
(1) A member of the First Nations committee is to be paid the remuneration and allowances decided by the theatre company.	11 12 13
(2) A member of the First Nations committee holds office on the terms and conditions, not provided for by this Act, decided by the theatre company.	14 15 16
30G Requirement to operate under charter	17
The First Nations committee must operate under the charter that has effect for the committee under section 30H.	18 19 20
30H Preparation, approval and amendment of charter	21 22
(1) The First Nations committee must prepare a draft charter that provides for the following matters in relation to the committee—	23 24 25
(a) the objectives, roles and responsibilities of the committee;	26 27
(b) matters about the selection and appointment of persons as members of the committee, including—	28 29 30

[s 126]

- (i) the number of persons to be appointed to the committee; and 1
2
 - (ii) any appropriate qualifications for membership of the committee; and 3
4
 - (iii) the maximum term of appointment of members of the committee; 5
6
- (c) the way, or frequency with which, the committee is to conduct its meetings or report to the theatre company, including, for example, whether the committee may invite members of the company, or other persons, to attend meetings of the committee; 7
8
9
10
11
12
- (d) any other matter the committee considers appropriate. 13
14
- (2) The First Nations committee must give a copy of the draft charter to the theatre company for approval. 15
16
17
- (3) If the theatre company approves the draft charter, the draft charter has effect as the charter for the First Nations committee. 18
19
20
- (4) The First Nations committee may amend its charter, including its charter as amended under this section, by— 21
22
23
 - (a) preparing an amendment of the charter; and 24
 - (b) giving a copy of the amendment, and the charter as amended, to the theatre company for approval. 25
26
27
- (5) The amendment of the charter does not have effect until the amendment is approved by the theatre company. 28
29
30

30I Re-establishment of First Nations committee 31

- (1) This section applies if, at any time after the first members of the First Nations committee are 32
33

-
- appointed, there are no members of the committee. 1
2
- Note—* 3
- See section 76 in relation to the appointment of the first members of the First Nations committee. 4
5
- (2) Each member of the theatre company who is an Aboriginal person or a Torres Strait Islander person is taken to be a member of the First Nations committee for the purpose only of making a recommendation to the company under section 30C(1). 6
7
8
9
10
11
- (3) On the appointment by the theatre company of 1 or more persons as members of the First Nations committee, the members of the company mentioned in subsection (2) cease to be taken to be members of the committee under that subsection. 12
13
14
15
16
17
- (4) However, subsection (3) does not prevent a member of the theatre company mentioned in subsection (2) being a member of the First Nations committee under section 30C. 18
19
20
21

Clause 127 Replacement of ss 31 and 31A 22

Sections 31 and 31A— 23

omit, insert— 24

31 Director 25

- (1) There is to be a director of the theatre company. 26
- (2) The director is appointed by the Governor in Council. 27
28
- (3) The Minister must not recommend a person for appointment as the director unless the recommendation has been approved by the theatre company. 29
30
31
32

[s 128]

31A Duration of appointment	1
(1) The director holds office for the term, of not more than 5 years, stated in the director’s instrument of appointment.	2 3 4
(2) A person may be reappointed as the director.	5
(3) The Minister may extend a person’s term of appointment as the director until the earlier of the following—	6 7 8
(a) 3 months after the term would have expired under the person’s instrument of appointment;	9 10 11
(b) the appointment of the person’s successor takes effect.	12 13
(4) Subsection (3) does not limit the Governor in Council’s power under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(i) or (c).	14 15 16

31AA Conditions of appointment	17
The director holds office on the conditions, not provided for by this Act, decided by the Governor in Council.	18 19 20

Clause 128 Amendment of s 35 (Delegation by director)	21
(1) Section 35(1), ‘powers’— <i>omit, insert—</i> functions	22 23 24
(2) Section 35(1), ‘power’— <i>omit, insert—</i> function	25 26 27
(3) Section 35— <i>insert—</i>	28 29

	(3) In this section—	1
	<i>function</i> includes power.	2
Clause 129	Insertion of new s 35A	3
	After section 35—	4
	<i>insert</i> —	5
	35A Leave of absence for director	6
	(1) The theatre company may approve a leave of absence for the director for a period of not more than 3 months.	7 8 9
	(2) The theatre company may appoint another person to act in the office of the director during the leave of absence.	10 11 12
	(3) Subsection (2) does not limit the Governor in Council’s power under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(v).	13 14 15
Clause 130	Replacement of pt 2, div 6, hdg (Committees)	16
	Part 2, division 6, heading—	17
	<i>omit, insert</i> —	18
	Division 6 Other committees	19
Clause 131	Amendment of s 38 (Committees)	20
	(1) Section 38, heading—	21
	<i>omit, insert</i> —	22
	38 Other committees	23
	(2) Section 38(1), after ‘establish’—	24
	<i>insert</i> —	25
	other	26

[s 132]

- (3) Section 38(2) and (3)— 1
omit, insert— 2
- (2) A committee may perform the functions or 3
exercise the powers delegated to it by the theatre 4
company under section 30. 5
- (3) In performing the functions or exercising the 6
powers mentioned in subsection (2), a committee 7
is subject to the directions of the theatre company. 8
- (4) Section 38(5), after ‘part in’— 9
insert— 10
the performance of the functions and 11

Clause 132 Insertion of new pt 2, div 7 12

Part 2— 13
insert— 14

Division 7 Criminal history 15

38A Definition for division 16

In this division— 17
criminal history, of a person, means the person’s 18
criminal history within the meaning of the 19
Criminal Law (Rehabilitation of Offenders) Act 20
1986, other than a spent conviction. 21

38B Criminal history reports 22

- (1) This section applies if the Minister is deciding 23
whether a person is disqualified from becoming or 24
continuing as a member. 25
- (2) The Minister may ask the police commissioner 26
for— 27

-
- (a) a written report about the criminal history of the person; and 1
2
- (b) a brief description of the circumstances of a conviction mentioned in the criminal history. 3
4
5
- (3) However, the Minister may make the request only if the person has given the Minister written consent for the request. 6
7
8
- (4) The police commissioner must comply with the request. 9
10
- (5) However, the duty to comply under subsection (4) applies only to information in the possession of the police commissioner or to which the police commissioner has access. 11
12
13
14
- 38C Requirement to disclose changes in criminal history** 15
16
- (1) This section applies if a person who is a member is charged with or convicted of an indictable offence during the term of the person's appointment. 17
18
19
20
- (2) The person must, immediately after the person is charged or convicted, give the Minister notice under subsection (3) of the charge or conviction, unless the person has a reasonable excuse. 21
22
23
24
- Maximum penalty—100 penalty units. 25
- (3) The notice must include— 26
- (a) the existence of the charge or conviction; 27
and 28
- (b) for a charge— 29
- (i) details adequate to identify the alleged offence; and 30
31
- (ii) when the offence was alleged to have been committed; and 32
33

[s 132]

- (c) for a conviction— 1
 - (i) details adequate to identify the offence; 2
and 3
 - (ii) when the offence was committed; and 4
 - (iii) the sentence imposed on the person. 5

38D Confidentiality of criminal history information 6

- (1) This section applies to a person who— 7
 - (a) is or has been— 8
 - (i) the Minister or a member of the 9
Minister’s staff; or 10
 - (ii) a public service employee performing 11
functions under, or relating to the 12
administration of, this division; and 13
 - (b) in that capacity, has acquired or has access 14
to criminal history information. 15
- (2) The person must not disclose the criminal history 16
information to anyone else, or use the 17
information, other than under this section. 18
Maximum penalty—100 penalty units. 19
- (3) The person may disclose or use the criminal 20
history information— 21
 - (a) to the extent the disclosure or use— 22
 - (i) is necessary to perform a function 23
under, or relating to the administration 24
of, this Act; or 25
 - (ii) is otherwise required or permitted 26
under this Act or another law; or 27
 - (b) with the consent of the person to whom the 28
information relates. 29
- (4) A person who possesses a report given under 30
section 38B or a notice given under section 38C 31

	must ensure the report or notice is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.	1 2 3
	(5) Subsection (4) applies despite the <i>Public Records Act 2002</i> .	4 5
	(6) In this section—	6
	<i>criminal history information</i> means information contained in—	7 8
	(a) a report given under section 38B; or	9
	(b) a notice given under section 38C.	10
	<i>disclose</i> includes give access to.	11
Clause 133	Amendment of pt 3, hdg (Financial provisions)	12
	Part 3, heading, after ‘Financial’—	13
	<i>insert</i> —	14
	and reframing entity	15
Clause 134	Insertion of new s 41A	16
	After section 41—	17
	<i>insert</i> —	18
	41A Theatre company is reframing entity	19
	The theatre company is prescribed as a reframing entity for the <i>Public Sector Act 2022</i> , section 20, definition <i>reframing entity</i> , paragraph (c).	20 21 22
Clause 135	Amendment of s 46 (Strategic and operational plans on agreement)	23 24
	Section 46(2)—	25
	<i>omit</i> .	26

[s 136]

Clause 136	Replacement of ss 49–51	1
	Sections 49 to 51—	2
	<i>omit, insert—</i>	3
	49 Strategic plans	4
	The theatre company’s strategic plan must include an outline of the key actions, initiatives and plans relating to Aboriginal peoples and Torres Strait Islander peoples the company proposes to undertake.	5 6 7 8 9
Clause 137	Insertion of new s 51	10
	Before section 52—	11
	<i>insert—</i>	12
	51 Minister may give statement of expectations	13
	(1) The Minister may give the theatre company a written statement (a <i>statement of expectations</i>) about the Minister’s expectations in relation to the performance by the company of its functions.	14 15 16 17
	(2) A statement of expectations may—	18
	(a) apply for a particular period stated in the statement; and	19 20
	(b) provide for any of the following matters—	21
	(i) the theatre company’s strategic or operational activities;	22 23
	(ii) the nature and scope of the theatre company’s activities proposed to be carried out for a particular period;	24 25 26
	(iii) information required to be given to the Minister by the theatre company;	27 28
	(iv) the way the theatre company must report to the Minister about its activities;	29 30 31

	(v) the sharing of information with a government entity.	1 2
	(3) The theatre company must have regard to a statement of expectations in performing its functions.	3 4 5
Clause 138	Amendment of s 54 (Annual report)	6
	Section 54—	7
	<i>insert</i> —	8
	(e) details of each statement of expectations given by the Minister during the relevant financial year and any actions taken by the company.	9 10 11 12
Clause 139	Amendment of s 55 (Delegation by Minister)	13
	(1) Section 55(1), ‘powers’—	14
	<i>omit, insert</i> —	15
	functions	16
	(2) Section 55(1), ‘officer of’—	17
	<i>omit, insert</i> —	18
	public service officer employed in	19
	(3) Section 55(2)(a), ‘section 12(1)(j)’—	20
	<i>omit, insert</i> —	21
	section 12(1)(l)	22
	(4) Section 55(2)—	23
	<i>insert</i> —	24
	(ca) the power to give the theatre company a statement of expectations;	25 26
	(5) Section 55(2)(ca) and (d)—	27
	<i>renumber</i> as section 55(2)(d) and (e).	28

[s 140]

- (6) Section 55— 1
insert— 2
(3) In this section— 3
function includes power. 4

Clause 140	Replacement of s 56 (Protection from liability of members)	5
	Section 56—	6
	<i>omit, insert</i> —	7
	56 Confidentiality	8
	(1) This section applies to a person who—	9
	(a) is, or has been—	10
	(i) the Minister or a member of the Minister’s staff; or	11
	(ii) a public service employee performing functions under, or relating to the administration of, this Act; and	12
	(b) in that capacity, has acquired or has access to confidential information about another person.	13
	(2) The person must not disclose the confidential information to anyone else, or use the information, other than under this section.	14
	Maximum penalty—100 penalty units.	15
	(3) The person may disclose or use the confidential information—	16
	(a) to the extent the disclosure or use—	17
	(i) is necessary to perform a function under, or relating to the administration of, this Act; or	18
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(ii)	is otherwise required or permitted under this Act or another law; or	1 2
(b)	with the consent of the person to whom the information relates; or	3 4
(c)	in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.	5 6 7
(4)	In this section—	8
	<i>confidential information</i> —	9
(a)	means the following information—	10
(i)	personal information;	11
(ii)	information given in a notice under section 11A(3);	12 13
(iii)	information that would be likely to damage the commercial activities of a person to whom the information relates; but	14 15 16 17
(b)	does not include criminal history information under section 38D or information that is lawfully available to the public.	18 19 20 21
	<i>disclose</i> includes give access to.	22
	<i>information</i> includes a document.	23
	<i>personal information</i> see the <i>Information Privacy Act 2009</i> , section 12.	24 25
Clause 141	Amendment of s 57 (Illegal borrowing)	26
	Section 57—	27
	<i>insert</i> —	28
(8)	The <i>Public Sector Act 2022</i> , sections 269 and 270 do not prevent civil liability imposed on a member under this section from attaching to the	29 30 31

[s 142]

	member.	1
Clause 142	Insertion of new pt 8, div 3	2
	Part 8—	3
	<i>insert—</i>	4
	Division 3	Transitional provisions for
		Arts (Statutory Bodies)
		and Other Legislation
		Amendment Act 2024
		8
	75 Membership of theatre company on commencement	9 10
	(1) Despite section 6(2), if on the commencement the theatre company does not include at least 2 members who are either an Aboriginal person or a Torres Strait Islander person, the company is taken to be validly constituted.	11 12 13 14 15
	(2) Subsection (1) continues to apply until the day a total of 2 members have been appointed to the theatre company after the commencement.	16 17 18
	76 First members of First Nations committee	19
	(1) The theatre company must appoint at least 2 but not more than 4 persons to be the first members of the First Nations committee.	20 21 22
	(2) The theatre company may appoint a person as a member of the First Nations committee under subsection (1) only if—	23 24 25
	(a) the person is an Aboriginal person or a Torres Strait Islander person; and	26 27
	(b) the company is satisfied the person is appropriately qualified.	28 29

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- (3) At least 1 member of the theatre company who is an Aboriginal person or a Torres Strait Islander person must be appointed as a member of the First Nations committee under subsection (1).
- (4) The theatre company must appoint a member of the First Nations committee appointed under subsection (1) who is also a member of the company to be the chairperson of the committee.
- (5) Each member of the First Nations committee appointed under subsection (1)—
- (a) is to be paid the remuneration and allowances decided by the theatre company; and
 - (b) holds office—
 - (i) for the term, of not more than 1 year, stated in the member’s instrument of appointment; and
 - (ii) otherwise on the terms and conditions, not provided for by this Act, decided by the company.
- (6) This section applies despite sections 30C to 30H.
- 77 Operation of First Nations committee before charter in effect**
- Despite section 30G, the First Nations committee need not operate under a charter until the earlier of the following days—
- (a) the day that is 6 months after the commencement;
 - (b) the day a charter first has effect under section 30H.

[s 143]

Clause 143	Insertion of new sch 1	1
	After part 8—	2
	<i>insert—</i>	3
	Schedule 1 Dictionary	4
		section 2 5
	Part 7 Other amendments	6
Clause 144	Legislation amended	7
	Schedule 1 amends the legislation it mentions.	8

Schedule 1	Other amendments	1
	section 144	2
Duties Act 2001		3
1	Section 393—	4
	<i>omit.</i>	5
Libraries Act 1988		6
1	Section 12(2)(a), ‘way or’—	7
	<i>omit, insert—</i>	8
	way of	9
2	Sections 44(3) and 47(2), ‘written’—	10
	<i>omit.</i>	11
Queensland Art Gallery Act 1987		12
1	Section 26, heading, ‘the’—	13
	<i>omit.</i>	14

Schedule 1

2	Sections 26(3), 44(3) and 47(2), ‘written’— <i>omit.</i>	1 2
3	Section 40H(2)(b), ‘members voting on’— <i>omit, insert—</i> members voting for	3 4 5
Queensland Museum Act 1970		6
1	Section 19, heading, ‘the’— <i>omit.</i>	7 8
2	Sections 19(3), 46(3) and 49(2), ‘written’— <i>omit.</i>	9 10
3	Section 20, heading, before ‘specimens’— <i>insert—</i> other	11 12 13
Queensland Performing Arts Trust Act 1977		14
1	Section 18, heading, ‘the’— <i>omit.</i>	15 16
2	Sections 18(3), 45(3) and 48(2), ‘written’— <i>omit.</i>	17 18

	Queensland Theatre Company Act 1970	1
1	Sections 45(3) and 48(2), ‘written’—	2
	<i>omit.</i>	3
2	Section 47(3), ‘the company’s’—	4
	<i>omit, insert—</i>	5
	the theatre company’s	6
3	Section 48(2), ‘the company’—	7
	<i>omit, insert—</i>	8
	the theatre company	9
4	Section 52(2), ‘which the company’—	10
	<i>omit, insert—</i>	11
	which the theatre company	12

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