



Queensland

# Education and Other Legislation Amendment Act 2026

**Act No. 14 of 2026**

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**An Act to amend the Education (Accreditation of Non-State Schools) Act 2017, the Education (Capital Assistance) Act 1993, the Education (General Provisions) Act 2006, the Education (General Provisions) Regulation 2017, the Education (Queensland College of Teachers) Act 2005, the Education (Queensland College of Teachers) Regulation 2016, the Education (Queensland Curriculum and Assessment Authority) Act 2014, the Education (Queensland Curriculum and Assessment Authority) Regulation 2025, the Libraries Act 1988, the Public Sector Regulation 2023, the Queensland Art Gallery Act 1987, the Queensland Museum Act 1970, the Queensland Performing Arts Trust Act 1977, the Queensland Theatre Company Act 1970, the Working with Children Check Act 2000 and the legislation mentioned in schedule 1 for particular purposes**

**[Assented to 29 June 2026]**





Queensland

# Education and Other Legislation Amendment Act 2017

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Education and Other Legislation Amendment Act 2026*.

### **2 Commencement**

- (1) The following provisions commence on 1 July 2027—
  - (a) section 64;
  - (b) section 65;
  - (c) section 68 to the extent it inserts sections 373 and 374;
  - (d) section 69(1) to the extent it omits the definition *financial year*.
- (2) Parts 2, 3, 8 and 9 commence on a day to be fixed by proclamation.

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

### **3 Act amended**

This part amends the *Education (Accreditation of Non-State Schools) Act 2017*.

### **4 Amendment of s 6 (Meaning of *non-State school*)**

- (1) Section 6—

[s 5]

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*insert—*

- (2A) Also, to remove any doubt, it is declared that a ***non-State school*** does not include a recognised school under the *Education (Queensland Curriculum and Assessment Authority) Act 2014*, even if the recognised school has entered into a recognised school partnership agreement with a non-State school under that Act.

- (2) Section 6(2A) and (3)—

*renumber* as section 6(3) and (4).

## 5 **Amendment of s 10 (Meaning of *meets the government funding eligibility criteria*)**

Section 10—

*insert—*

- (2) A governing body of a school is not ineligible for government funding only because it enters into a recognised school partnership agreement under the *Education (Queensland Curriculum and Assessment Authority) Act 2014*.

## 6 **Amendment of s 19 (Procedural requirements for application)**

- (1) Section 19(4)(e), note—

*omit.*

- (2) Section 19(4)—

*insert—*

*Note—*

Under part 4, a school may temporarily provide accredited education at other sites.

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**7 Amendment of s 25 (Steps to be taken after application decided)**

Section 25(1)(a)—

*omit, insert—*

- (a) give the following persons notice of the decision—
  - (i) the applicant;
  - (ii) the Minister;
  - (iii) the chief executive; and

**8 Amendment of s 32 (Assessment when school starts to operate at new site)**

(1) Section 32—

*insert—*

(1A) However, this section does not apply to a school if the governing body of the school has given the board a notice under section 50(1)(a) of its intention to start providing accredited education at a site at which the school has not previously operated.

(2) Section 32(1A) to (3)—

*renumber* as section 32(2) to (4).

**9 Amendment of s 40 (Deciding application)**

Section 40(4), from ‘satisfied’—

*omit, insert—*

satisfied that, when the change has effect, the school will comply with—

- (a) the accreditation criteria to which the change relates; and

[s 10]

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- (b) any other accreditation criteria the board considers appropriate for the school to comply with.

**10 Replacement of ch 2, pt 4, hdg (Special assistance schools—use of temporary sites)**

Chapter 2, part 4, heading—

*omit, insert—*

**Part 4 Use of temporary sites**

**11 Replacement of s 47 (Purpose of part)**

Section 47—

*omit, insert—*

**47 Purpose of part**

- (1) The purpose of this part is to allow a school to provide accredited education at a temporary site on a temporary basis if an emergency event has affected the school.
- (2) Also, the purpose of this part is to allow a special assistance school to provide special assistance at a temporary site on a temporary basis, whether or not an emergency event has affected the school.

*Note—*

The use of sites for schools is also regulated under the *Planning Act 2016*.

**12 Amendment of s 48 (Definitions for part)**

- (1) Section 48, definitions *accredited special assistance site* and *temporary site*—  
*omit.*
- (2) Section 48—

---

*insert—*

***accredited education***, in relation to a school, means the type of education, including special assistance, that the school is accredited to provide.

***accredited site***—

- (a) for a special assistance school—means a site, stated in the application for accreditation of the school for the attributes mentioned in section 19(4)(e), at which the school is accredited to provide special assistance; or
- (b) for any other school—means a site, stated in the application for accreditation of the school for the attributes mentioned in section 19(4)(b), at which the school provides accredited education.

***emergency event*** means an event, whether natural or caused by human acts or omissions, that causes a school, or part of a school, to be unsuitable or unsafe to use for educational purposes.

***temporary site***, in relation to a school, means a site other than an accredited site for the school.

### 13 Insertion of new s 48A

After section 48—

*insert—*

#### **48A Schools providing accredited education at temporary sites**

- (1) The governing body of a school may start providing accredited education at a temporary site if—
  - (a) for a school other than a special assistance school providing special assistance—an

[s 14]

---

emergency event has affected an accredited site for the school; or

- (b) for a special assistance school providing special assistance—the school needs to provide special assistance at the site for any reason.
- (2) The type of education provided by a school at a temporary site must be consistent with the type of education that the school is accredited to provide.

#### **14 Amendment of s 49 (Compliance with temporary site criteria)**

- (1) Section 49(1), ‘special assistance school that provides special assistance’—

*omit, insert—*

school providing accredited education

- (2) Section 49(2)—

*omit, insert—*

- (2) Without limiting subsection (1), a regulation may prescribe the following matters—
  - (a) limitations on the period for which a school may provide accredited education at a temporary site;
  - (b) circumstances in which the period mentioned in paragraph (a) may be extended and limitations on the period of the extension.

#### **15 Amendment of s 50 (Notification of intention to use, or stop using, temporary site)**

- (1) Section 50(1), ‘special assistance school starts providing special assistance’—

*omit, insert—*

---

school starts providing accredited education

- (2) Section 50(1)(a), ‘special assistance’—

*omit, insert—*

accredited education

- (3) Section 50(1)(c)—

*omit, insert—*

(c) a declaration by the governing body that—

- (i) the school will comply with the temporary site criteria while accredited education is provided at the site; and
- (ii) if the school is a special assistance school—the school needs to provide special assistance at the site for a stated reason; and
- (iii) if the school is not a special assistance school—the school needs to provide accredited education at the site because of an emergency event that has affected an accredited site for the school.

- (4) Section 50(2), ‘special assistance’—

*omit, insert—*

accredited education

## **16 Amendment of s 51 (Use of temporary site is not a change in attribute etc.)**

- (1) Section 51(1)—

*omit, insert—*

(1) This section applies if a school—

- (a) provides accredited education at a temporary site; and

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---

(b) complies with this part, including any temporary site criteria, in relation to providing accredited education at the site.

(2) Section 51(2), ‘the special assistance’—

*omit, insert*—

accredited education

**17 Amendment of s 52 (Assessment of special assistance school using temporary site)**

(1) Section 52, heading, ‘special assistance’—

*omit.*

(2) Section 52(1)—

*omit, insert*—

(1) This section applies to a school that is providing accredited education at a temporary site.

(3) Section 52(2), ‘special assistance’—

*omit.*

**18 Amendment of s 53 (Report by authorised person)**

Section 53(1), ‘special assistance’—

*omit.*

**19 Amendment of s 66 (Grounds for cancellation)**

(1) Section 66(1)(i), ‘a special assistance school’—

*omit, insert*—

using a temporary site under part 4

(2) Section 66(1)(i)(ii), before ‘50(1)(c)’—

*insert*—

section

---

**20 Amendment of s 67 (Show cause notice)**

Section 67—

*insert—*

- (4) The board must give the chief executive a copy of a show cause notice given under subsection (2).

**21 Amendment of s 69 (Ending show cause process without further action)**

Section 69—

*insert—*

- (2) The board must give the chief executive a copy of a notice given under subsection (1)(b).

**22 Amendment of s 70 (Amendment)**

Section 70—

*insert—*

- (6) The board must give the chief executive a copy of the information notice given under subsection (4).

**23 Amendment of s 71 (Cancellation)**

Section 71—

*insert—*

- (6) The board must give the chief executive a copy of the information notice given under subsection (4).

**24 Amendment of s 73 (Surrender)**

Section 73—

*insert—*

- (5) The board must give the chief executive notice of—

[s 25]

---

- (a) the surrender of the accreditation of the school; and
- (b) the day the surrender takes effect.

**25 Amendment of s 84 (Steps to be taken after decision)**

Section 84(1), from ‘give’—

*omit, insert—*

give the following persons notice of the decision—

- (a) the applicant;
- (b) the Minister;
- (c) the chief executive.

**26 Amendment of s 89 (Grounds for withdrawal of eligibility for government funding)**

Section 89(2), ‘section 10(c)’—

*omit, insert—*

section 10(1)(c)

**27 Amendment of s 90 (Show cause notice)**

Section 90(4), after ‘Minister’—

*insert—*

and the chief executive

**28 Amendment of s 92 (Ending show cause process without further action)**

Section 92(b), from ‘the Minister’—

*omit, insert—*

the following persons that no further action is to be taken about the show cause notice—

- (i) the Minister;
- (ii) the chief executive;
- (iii) the governing body.

**29 Amendment of s 93 (Decision by board)**

Section 93(3)(b), after ‘Minister’—

*insert—*

and the chief executive

**30 Insertion of new s 123A**

After section 123—

*insert—*

**123A Minister may give statement of expectations**

- (1) The Minister may give the board a written statement (a *statement of expectations*) about the Minister’s expectations for the performance by the board of its functions.
- (2) Without limiting subsection (1), a statement of expectations may—
  - (a) apply for a particular period stated in the statement; and
  - (b) provide for any of the following matters—
    - (i) the board’s strategic or operational activities;
    - (ii) the key priorities for the board;
    - (iii) the way the board must report to the Minister about its strategic or operational activities;
    - (iv) the way the board must perform its functions.

[s 31]

---

- (3) The board must have regard to a statement of expectations in performing its functions.
- (4) In this section—  
*function* includes power.

**31 Amendment of s 125 (Notice to Minister about action taken in relation to a grammar school)**

- (1) Section 125, heading, after ‘Minister’—  
*insert—*

**and chief executive**

- (2) Section 125(1)(c), ‘section 69(b)’—  
*omit, insert—*

**section 69(1)(b)**

- (3) Section 125(2), after ‘Minister’—  
*insert—*

**and the chief executive**

**32 Insertion of new s 176A**

After section 176—

*insert—*

**176A Delegations**

- (1) The board may delegate the board’s functions under this Act, other than the functions mentioned in subsection (2), to a board member or the chief executive.
- (2) The board must not delegate—
  - (a) a function under section 21 or 80; or
  - (b) a function under section 100(j) that involves advising about, the examining of or

- 
- reporting on a matter referred to the board by the Minister; or
- (c) a function prescribed by regulation as a function that must not be delegated by the board; or
  - (d) a function to the chief executive if the function is prescribed by regulation as a function that must not be delegated to the chief executive; or
  - (e) a function to a board member if the function is prescribed by regulation as a function that must not be delegated to a board member.
- (3) If the board delegates a function to the chief executive under subsection (1), the chief executive may subdelegate the function to an appropriately qualified employee of the department.
- (4) In this section—  
*function* includes power.

### **33 Insertion of new ch 6, pt 2, div 3**

Chapter 6, part 2—

*insert—*

#### **Division 3                      Transitional provision for Education and Other Legislation Amendment Act 2026**

#### **202 Criteria for existing applications to change attributes of accreditation**

- (1) This section applies if—

[s 34]

---

- (a) before the commencement, an accredited school's governing body made an application under former section 39 to change an attribute of accreditation of the school; and
  - (b) immediately before the commencement, the application had not been decided.
- (2) New section 40(4) applies in relation to deciding the application.
  - (3) Anything done in relation to the application under the former Act is taken to have been done in relation to the application under the new Act.
  - (4) In this section—
    - former*, in relation to a provision of this Act, means the provision as in force from time to time before the commencement.
    - new*, in relation to a provision of this Act, means the provision as in force from the commencement.

### 34 Amendment of sch 1 (Dictionary)

(1) Schedule 1, definition *accredited special assistance site*—  
*omit.*

(2) Schedule 1—  
*insert—*

*accredited education*, for chapter 2, part 4, see section 48.

*accredited site*, for chapter 2, part 4, see section 48.

*emergency event*, for chapter 2, part 4, see section 48.



[s 40]

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- (c) centres for the education and training of detainees in a detention centre.

**40 Insertion of new s 15A**

After section 15—

*insert—*

**15A Interaction with Youth Justice Act 1992**

The establishment of an education and training centre does not limit the operation of the *Youth Justice Act 1992*.

**41 Amendment of ch 2, pt 4, hdg (Bases for education provided, and testing, at State instructional institutions)**

Chapter 2, part 4, heading, ‘State instructional institutions’—

*omit, insert—*

**certain State educational institutions**

**42 Amendment of s 21 (Curriculum framework for State instructional institutions)**

- (1) Section 21, heading, after ‘institutions’—

*insert—*

**and education and training centres**

- (2) Section 21(1), after ‘institution’—

*insert—*

or an education and training centre

- (3) Section 21(2), definition *curriculum framework*, from ‘institution’s’—

*omit, insert—*

principal of a State instructional institution or an education and training centre may decide the

---

range of learning experiences to be offered to students attending the institution or centre.

**43 Amendment of s 45 (Inspection of State educational institution's premises)**

Section 45—

*insert—*

- (2) However, if the State educational institution is an education and training centre, the inspection of the premises is subject to the *Youth Justice Act 1992*, section 272.

**44 Amendment of s 155B (Additional requirements for application for enrolment as mature age student)**

- (1) Section 155B(1)(b)—

*omit, insert—*

- (b) be accompanied by the actual fee payable, on behalf of the applicant, to the police commissioner for obtaining information about the criminal history of the applicant.

- (2) Section 155B—

*insert—*

- (5) The chief executive must publish the fee mentioned in subsection (1)(b) on the department's website.

**45 Insertion of new s 156A**

After section 156—

*insert—*

**156A Enrolment of overseas students**

- (1) This section applies if—

[s 46]

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- (a) a registered provider for a course for a location gives an overseas student a confirmation of enrolment in relation to the student's acceptance for enrolment in the course; and
  - (b) the course is located at a State school.
- (2) Despite sections 155 to 156, the overseas student is enrolled at the State school for the period stated in the confirmation of enrolment given to the student.
  - (3) Section 168(2) and (3) and chapter 8A do not apply in relation to the enrolment of the overseas student.
  - (4) In this section—

*course* see the *Education Services for Overseas Students Act 2000* (Cwlth), section 5AA.

*overseas student* see the *Education Services for Overseas Students Act 2000* (Cwlth), section 5.

*registered provider*, for a course for a location, see the *Education Services for Overseas Students Act 2000* (Cwlth), section 5.

#### **46 Insertion of new s 204A**

After section 204—

*insert—*

#### **204A Child participating in education re-entry and transition service program**

Section 176(1) does not apply to a child who is participating in an education re-entry and transition service program.

#### **47 Amendment of s 240 (Exceptions to obligation)**

Section 240—

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*insert—*

- (6) Section 239(1) does not apply if the young person is participating in an education re-entry and transition service program.

**48 Omission of s 251C (Transitional)**

Section 251C—

*omit.*

**49 Amendment of ch 12, pt 4, hdg (Wilful disturbance and trespass at State educational institutions)**

Chapter 12, part 4, heading, before ‘State’—

*insert—*

**certain**

**50 Amendment of s 333 (Wilful disturbance)**

- (1) Section 333, ‘State educational institution’—

*omit, insert—*

relevant State educational institution

- (2) Section 333(4)—

*insert—*

*relevant State educational institution* means a State educational institution, other than an education and training centre.

**51 Amendment of s 334 (Trespass)**

- (1) Section 334, ‘State educational institution’—

*omit, insert—*

relevant State educational institution

[s 52]

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(2) Section 334—

*insert—*

(2) In this section—

*relevant State educational institution* means a State educational institution, other than an education and training centre.

## 52 Insertion of new ch 19, pt 2A

Chapter 19—

*insert—*

### **Part 2A                      Education re-entry and transition service programs**

#### **420B Definitions for part**

In this part—

*education re-entry and transition service program* means a program that is—

- (a) designed to support a child to re-engage in an educational program provided by a State school or non-State school; or
- (b) designed to support a young person to re-engage full-time in an eligible option.

*employee*, of an entity, includes—

- (a) a person appointed to a position with the entity; and
- (b) a person engaged by the entity under a contract for services; and
- (c) a volunteer who performs a task for the entity.

*prescribed education re-entry and transition service program* means a type of education re-entry and transition service program that is prescribed by regulation.

*prescribed provider*, of a prescribed education re-entry and transition service program, means an entity prescribed by regulation as eligible to provide the program.

#### **420C References to child or young person**

In this part—

- (a) a reference to a child means a child who is of compulsory school age; and
- (b) a reference to a young person means a young person in the compulsory participation phase.

#### **420D Participation in education re-entry and transition service programs**

- (1) The chief executive may decide that a child or young person is suitable to participate in an education re-entry and transition service program if—
  - (a) in relation to a child—the child is not enrolled in, or attending, a State school or a non-State school; or
  - (b) in relation to a young person—the young person is not participating full-time in an eligible option.
- (2) If the chief executive decides a child or young person is suitable to participate in an education re-entry and transition service program, the chief executive must decide the details of the program to be provided to the child or young person, including, for example, whether the program is to

[s 52]

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be provided by the chief executive or a particular prescribed provider of the program.

#### **420E Disclosure to support arrangement of education re-entry and transition service program**

- (1) To help in arranging for a child or young person to participate in an education re-entry and transition service program, the chief executive may disclose the following information about the child or young person to an entity the chief executive considers appropriate—
  - (a) name and any previous names;
  - (b) address;
  - (c) date of birth;
  - (d) information relevant to the education and re-engagement of the child or young person with an educational program provided by a State school, non-State school or eligible option;
  - (e) if applicable, the State school or non-State school that the child last attended or the relevant education that the child was last provided, so far as the chief executive is aware;
  - (f) if applicable, the eligible option or relevant education in which the young person last participated, so far as the chief executive is aware;
  - (g) other information prescribed by regulation.

*Examples of entities that may be appropriate—*

- a prescribed provider of a prescribed education re-entry and transition service program
- a youth support entity
- a human services entity

(2) In this section—

*relevant education* means—

- (a) for a child—home education under chapter 9, part 5; or
- (b) education and training at an education and training centre.

**420F Disclosure relating to participation in prescribed education re-entry and transition service program**

- (1) This section applies if the chief executive arranges for a child or young person to participate in a prescribed education re-entry and transition service program provided by a prescribed provider.
- (2) The chief executive may, by notice given to the prescribed provider, ask the provider for any of the following information about the child or young person—
  - (a) name and any previous names;
  - (b) date of birth;
  - (c) information about the participation of the child or young person in the prescribed education re-entry and transition service program;
  - (d) information to support continuity of education—
    - (i) for the child enrolling in, or attending, a State school or non-State school; or
    - (ii) for the young person participating in an eligible option;
  - (e) information that the chief executive reasonably believes is necessary to help a

[s 52]

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principal of a State school or non-State school protect the safety or wellbeing of—

- (i) the child or young person; or
  - (ii) other members of the school community.
- (3) The prescribed provider must, if given notice under subsection (2), give the chief executive the information requested in the way stated in the notice.
- (4) The chief executive may give information provided to the chief executive under subsection (3) to—
- (a) for a child enrolling in, or attending, a State school or non-State school—the principal of the State school or non-State school; or
  - (b) for a young person enrolling in, or participating in, an eligible option that is a State school or non-State school—the principal of the State school or non-State school; or
  - (c) for information mentioned in subsection (2)(a) to (d) about a young person participating in another eligible option—the provider for the eligible option.

#### **420G Protection from liability**

- (1) This section applies to a prescribed provider of a prescribed education re-entry and transition service program, or an employee of the provider, complying with a request of the chief executive under section 420F.
- (2) The prescribed provider or employee is not civilly liable for an act done, or omission made, honestly and without negligence for complying with the request.

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## 420H Confidentiality

- (1) This section applies to a person (the *relevant person*) who—
  - (a) is or has been—
    - (i) the chief executive or a public service employee in the department; or
    - (ii) a prescribed provider or an employee of a prescribed provider; or
    - (iii) an entity, or an employee of an entity, to whom the chief executive has given information under section 420E; or
    - (iv) an employee of a State school, non-State school or provider for an eligible option to whom the chief executive has given information under section 420F(4); and
  - (b) in that capacity, has gained or has access to personal information about a child or young person under this part.
- (2) The relevant person must not make a record of the personal information or disclose the information to anyone else, other than—
  - (a) for a purpose of this part; or
  - (b) with the consent of a parent of the child or young person to whom the information relates; or
  - (c) in compliance with a lawful process requiring the production of documents or giving of evidence before a court or tribunal; or
  - (d) as permitted or required under this Act or another law.

Maximum penalty—50 penalty units.

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- (3) Subsection (2) continues to apply to personal information—
- (a) about a child of compulsory school age after the child is no longer of compulsory school age; and
- (b) about a young person in the compulsory participation phase after the phase ends.
- (4) In this section—

*disclose*, information, includes give access to the information.

*personal information* means information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

### 53 Amendment of s 434 (Regulation-making power)

Section 434(2)(a), ‘, including the refunding of fees,’—  
*omit.*

### 54 Amendment of sch 4 (Dictionary)

- (1) Schedule 4—

*insert—*

*detainee* see the *Youth Justice Act 1992*, schedule 4.

*detention centre* means a detention centre established under the *Youth Justice Act 1992*, section 262.

*education and training centre* means an educational institution established under section 15 as a centre for the education and training of detainees in a detention centre.

*education re-entry and transition service*

*program* see section 420B.

*prescribed education re-entry and transition service program*, for chapter 19, part 2A, see section 420B.

*prescribed provider*, of a prescribed education re-entry and transition service program, for chapter 19, part 2A, see section 420B.

(2) Schedule 4, definition *employee*—

*insert*—

(d) of an entity, for chapter 19, part 2A—see section 420B.

## **Part 5**

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

### **55 Regulation amended**

This part amends the *Education (General Provisions) Regulation 2017*.

### **56 Omission of s 63 (Overseas students—enrolment at State school)**

Section 63—

*omit*.

### **57 Insertion of new s 75**

After section 74—

*insert*—

[s 57]

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## 75 Prescribed education re-entry and transition service programs and providers

- (1) This section prescribes—
  - (a) a type of education re-entry and transition service program for section 420B of the Act, definition *prescribed education re-entry and transition service program*; and
  - (b) the entities eligible to provide a program mentioned in paragraph (a) for section 420B of the Act, definition *prescribed provider*.
- (2) The prescribed type of education re-entry and transition service program is a program that—
  - (a) delivers specialised alternative learning tailored to individual student needs; and
  - (b) is approved by the chief executive under a program agreement that is in effect.
- (3) The prescribed entities are any of the following entities that have entered into a program agreement with the chief executive—
  - (a) Community Gro Inc. ABN 51 227 701 438;
  - (b) Deadly Inspiring Youth Doing Good (DIYDG) Aboriginal & Torres Strait Islander Corporation ABN 31 213 096 805;
  - (c) ICYS Ipswich Community Youth Service Inc. ABN 48 301 028 154;
  - (d) Queensland Youth Services Inc. ABN 33 186 707 759;
  - (e) Save the Children Australia ABN 99 008 610 035 trading as 54 Reasons.

- (4) In this section—

***program agreement*** means an agreement between the chief executive and an entity to provide an education re-entry and transition

service program.

**58 Omission of s 76 (Fee for criminal history check for application for enrolment as mature age student—Act, s 155B)**

Section 76—

*omit.*

**59 Omission of sch 5 (Fee for criminal history check)**

Schedule 5—

*omit.*

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

**60 Act amended**

This part amends the *Education (Queensland College of Teachers) Act 2005*.

*Note—*

See also the amendments in schedule 1.

**61 Amendment of s 12E (Application for eligibility declaration)**

(1) Section 12E(2), ‘the applicant’—

*omit, insert—*

a person

(2) Section 12E(3)(c)(ii)—

*omit, insert—*

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---

- (ii) the actual fee payable, on behalf of the applicant, to the police commissioner for obtaining information about the criminal history of the applicant;
- (3) Section 12E—  
*insert*—
  - (5A) The chief executive officer of the office must publish the fee mentioned in subsection (3)(c)(ii) on the college's website.
- (4) Section 12E(5A) and (6)—  
*renumber* as section 12E(6) and (7).

## 62 **Amendment of s 14 (Application for registration or permission to teach)**

- (1) Section 14(2)(c)(i)(B)—  
*omit, insert*—
  - (B) if there is police information about the applicant—the actual fee payable, on behalf of the applicant, to the police commissioner for obtaining information about the criminal history of the applicant (the ***criminal history check fee***); and
- (2) Section 14—  
*insert*—
  - (9A) The chief executive officer of the office must publish the criminal history check fee on the college's website.
- (3) Section 14(9A) and (10)—  
*renumber* as section 14(10) and (11).

**63 Amendment of s 239 (Membership of board)**

- (1) Section 239(1)(d), ‘the Association of Independent Schools of Queensland Inc.’—

*omit, insert—*

Independent Schools Queensland Ltd

- (2) Section 239(1)(h)(i), ‘the Queensland Council of Parents and Citizens’ Associations Incorporated’—

*omit, insert—*

QCPCA

- (3) Section 239(1)(h)(ii), from ‘the Federation’ to ‘and the’—

*omit, insert—*

Catholic School Parents Queensland and

- (4) Section 239(1)(i)(ii), ‘the Association of Independent Schools Queensland’—

*omit, insert—*

Independent Schools Queensland Ltd

- (5) Section 239(3)—

*insert—*

***Catholic School Parents Queensland*** means Catholic School Parents Queensland ABN 93 983 545 832.

***Independent Schools Queensland Ltd*** means Independent Schools Queensland Ltd ACN 614 893 140.

***QCPCA*** means QCPCA ACN 159 751 587.

**64 Omission of s 267 (College’s financial year)**

Section 267—

*omit.*

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**65 Amendment of s 275 (College must give annual report to the Minister)**

- (1) Section 275, ‘30 April’—  
*omit, insert—*  
30 October
- (2) Section 275, ‘previous year’—  
*omit, insert—*  
previous financial year

**66 Amendment of s 276 (Establishment of office)**

- Section 276(2), ‘director’—  
*omit, insert—*  
chief executive officer

**67 Amendment of s 278 (Appointment, function and powers of director)**

- (1) Section 278, heading, ‘director’—  
*omit, insert—*  
**chief executive officer**
- (2) Section 278(1) and (3), ‘director’—  
*omit, insert—*  
chief executive officer
- (3) Section 278(2)—  
*omit, insert—*  
(2) The chief executive officer is to be appointed under the *Public Sector Act 2022*, chapter 5, part 3.
- (4) Section 278(4), ‘director’—  
*omit, insert—*

---

chief executive officer of the office

**68 Insertion of new ch 12, pt 18**

Chapter 12—

*insert—*

**Part 18 Transitional provisions  
for Education and  
Other Legislation  
Amendment Act 2026**

**372 Change of name of head of office**

- (1) To remove any doubt, it is declared that the amendment of sections 276 and 278 by the *Education and Other Legislation Amendment Act 2026* has effect only to change the name of the head of the office and does not establish a new head of the office.
- (2) The person who, immediately before the commencement, held appointment as the director of the office, continues to hold appointment as the chief executive officer of the office, on the same terms of appointment that applied to the person immediately before the commencement.
- (3) A reference in a document to the director of the office may, if the context permits, be taken to be a reference to the chief executive officer of the office.

**373 Approved budget for financial year starting on  
1 January 2027**

- (1) This section applies in relation to a budget of the college, for the financial year starting on 1 January 2027 under former section 267, that was

[s 68]

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approved under section 269 before the commencement.

- (2) From the commencement, the budget continues in effect as if it were an approved budget for the financial year—
  - (a) starting on 1 July 2027; and
  - (b) ending on 30 June 2028.
- (3) Subsection (2) does not prevent the budget being amended under section 269.
- (4) In this section—

*former section 267* means section 267 as in force before its repeal by the *Education and Other Legislation Amendment Act 2026*.

### **374 First annual report after 1 July 2027**

- (1) This section applies in relation to the first annual report under new section 275 given after 1 July 2027.
- (2) A reference in new section 275 to the previous financial year for the annual report is taken to be a reference to the period—
  - (a) starting on 1 January 2027; and
  - (b) ending on 30 June 2028.

*Note—*

See section 373 in relation to the continuation of the budget for the financial year starting on 1 January 2027.

- (3) In this section—

*new section 275* means section 275 as in force from the commencement.



## **Part 8**

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

### **72 Act amended**

This part amends the *Education (Queensland Curriculum and Assessment Authority) Act 2014*.

### **73 Insertion of new s 18A**

After section 18—

*insert—*

#### **18A Recognised schools**

(1) The authority has the following functions—

(a) undertaking due diligence on—

(i) an overseas entity that has entered into, or proposes to enter into, a recognised school partnership agreement with a partnering entity; or

(ii) a partnering non-State school;

(b) reviewing and investigating—

(i) the quality of implementation by recognised schools of the authority's syllabuses for senior subjects; and

(ii) the support provided to recognised schools by partnering non-State schools;

(c) reviewing and overseeing recognised school partnership agreements;

(d) any other investigations required from time to time to ensure the appropriate

implementation by recognised schools of the authority's syllabuses for senior subjects.

*Note—*

See also sections 12 to 17 in relation to other functions the authority has for recognised schools.

(2) In this section—

*partnering entity* see section 20A(4).

*partnering non-State school* means a non-State school that has entered into, or proposes to enter into, a recognised school partnership agreement with an overseas entity.

## 74 Insertion of new s 20A

After section 20—

*insert—*

### **20A Authority may enter into agreements for delivering senior syllabuses overseas**

- (1) The authority may enter into an agreement (an *authorising agreement*) with a partnering entity for the implementation by an overseas entity of the authority's syllabuses for senior subjects for students.
- (2) The authority may enter into an authorising agreement only if the authority is satisfied—
  - (a) the overseas entity to which the agreement relates—
    - (i) provides educational instruction to students; and
    - (ii) is suitable to implement the authority's syllabuses for senior subjects for students; and

- (iii) operates at a physical campus that is not located in Australia; and
    - (iv) is capable of entering into, and proposes to enter into, a recognised school partnership agreement with a partnering entity; and
  - (b) if the partnering entity to which the agreement relates is a non-State school—the governing body of the non-State school is suitable to enter into a recognised school partnership agreement to support the overseas entity to implement the authority’s syllabuses for senior subjects for students.
- (3) Without limiting subsection (1), an authorising agreement may—
  - (a) state the circumstances in which the authorising agreement may be terminated; and
  - (b) provide for any charges payable in relation to the performance of the authority’s functions under part 2, division 2 for recognised schools.
- (4) In this section—

***partnering entity*** means—

- (a) the State; or
- (b) a non-State school.

***recognised school partnership agreement*** means an agreement between an overseas entity and the State or a non-State school for the implementation of the authority’s syllabuses for senior subjects for students by the overseas entity.

## 75 Amendment of s 91 (Guidelines)

Section 91(2), ‘may be made’—

*omit, insert—*

must be made

## **76 Amendment of s 92 (Regulation-making power)**

(1) Section 92(2)—

*insert—*

(ja) the oversight of recognised schools;

(2) Section 92(2)(k), ‘the refunding of fees’—

*omit, insert—*

fees for the performance of functions by the  
authority

(3) Section 92(2)(ja) and (k)—

*renumber* as section 92(2)(k) and (l).

(4) Section 92(3), ‘or (k)’—

*omit, insert—*

or (l)

## **77 Insertion of new pt 7, div 5**

Part 7—

*insert—*

### **Division 5**

### **Transitional provision for Education and Other Legislation Amendment Act 2026**

#### **117 Existing recognised schools**

(1) This section applies to an entity if, immediately  
before the commencement—

- (a) the entity was a recognised school under the former Act; and
  - (b) an agreement was in effect under the former Act between the governing body of the entity and the State.
- (2) The entity is taken to be a recognised school under this Act until the agreement mentioned in subsection (1)(b) ends.
- (3) In this section—
- former Act* means this Act as in force immediately before the commencement.

## 78 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definition *recognised school*—  
*omit.*
- (2) Schedule 1—  
*insert—*

*recognised school* means an overseas entity—

- (a) to which an authorising agreement under section 20A(1) relates; and
- (b) that has entered into a recognised school partnership agreement.

*recognised school partnership agreement* see section 20A(4).

---

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

### 79      **Regulation amended**

This part amends the *Education (Queensland Curriculum and Assessment Authority) Regulation 2025*.

### 80      **Insertion of new s 174A**

After section 174—

*insert—*

#### **174A Guidelines about recognised schools**

- (1) The authority must prepare guidelines about the following matters—
  - (a) the matters the authority must consider in deciding the suitability of—
    - (i) an overseas entity under section 20A(2)(a)(ii) of the Act; or
    - (ii) a partnering non-State school under section 20A(2)(b) of the Act;
  - (b) the information and matters required to be dealt with or included in a recognised school partnership agreement;
  - (c) the ways the authority may investigate and determine whether recognised schools are appropriately implementing the authority's syllabuses for senior subjects.
- (2) In this section—

*partnering non-State school* see section 18A(2) of the Act.

[s 81]

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## Part 10                      Amendment of Libraries Act 1988

### 81      Act amended

This part amends the *Libraries Act 1988*.

*Note—*

See also the amendments in schedule 1.

### 82      Amendment of s 2 (Interpretation)

- (1) Section 2, heading—

*omit, insert—*

#### 2      Definitions

- (2) Section 2(1), ‘In this Act—’—

*omit, insert—*

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

- (3) Section 2(1), definitions *appropriately qualified, board, chairperson, commencement, current appointment, current conditions, deputy chairperson, pre-amended Act, present librarian* and *State librarian*—

*omit.*

- (4) Section 2(1)—

*insert—*

***board*** means the Library Board of Queensland continued in existence under section 4.

***chairperson*** means the chairperson of the board holding office under section 10.

***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 5C, see section 40AH.

*deputy chairperson* means the deputy chairperson of the board holding office under section 10.

*foundation committee* see section 40AA(1).

*foundation committee member* means a person appointed as a member of the foundation committee under section 40AA.

*notice* means written notice.

*possession*, of a thing, includes custody or control of the thing, whether or not another person has the actual possession of the thing.

*State librarian* means the State librarian holding office under section 13.

*statement of expectations* see section 50(1).

(5) Section 2(5) and (6)—

*omit.*

(6) Section 2(1), all definitions, as amended by this Act—

*relocate* to schedule 1 as inserted by this Act.

### **83 Omission of s 9 (Eligibility for appointment)**

Section 9—

*omit.*

### **84 Amendment of s 10 (Chairperson and deputy chairperson of board)**

Section 10—

*insert—*

(7) The deputy chairperson must act as chairperson—

[s 85]

---

- (a) during a vacancy in the office of chairperson; and
- (b) during all periods when the chairperson is absent from duty or is otherwise unable to perform the functions of the office.

## **85 Amendment of s 11 (Duration of appointment)**

(1) Section 11(2)(b)—

*omit, insert—*

- (b) the member is disqualified from continuing as a member under section 12A; or

(2) Section 11—

*insert—*

- (4) The Minister may extend a person's term of appointment as a member, including any term of appointment as chairperson, until the earlier of the following—
  - (a) the end of the day that is 3 months after the day the term would have expired under the person's instrument of appointment;
  - (b) the start of the term of appointment of the person's successor.
- (5) Subsection (4) does not limit the Governor in Council's power under subsection (3) or the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (c).

## **86 Insertion of new ss 12A and 12B**

After section 12—

*insert—*

### **12A 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

*Note—*

For the requirement to give notice of a change in a person's criminal history, see section 40AJ.

- (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 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.
- (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 immediately give the Minister notice of the person's insolvency or disqualification, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

### **12B 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.

## **87 Replacement of ss 13 and 13A**

Sections 13 and 13A—

*omit, insert—*

### **13 State librarian**

- (1) There is to be a State librarian.
- (2) The State librarian is appointed by the Governor

[s 88]

---

in Council on the recommendation of the Minister.

- (3) The Minister must not recommend a person for appointment as the State librarian unless the recommendation has been approved by the board.

### **13A Duration of appointment**

- (1) The State librarian holds office for the term, of not more than 5 years, stated in the State librarian's instrument of appointment.
- (2) A person may be reappointed as the State librarian.
- (3) The Minister may extend a person's term of appointment as the State librarian until the earlier of the following—
  - (a) the end of the day that is 3 months after the day the term would have expired under the person's instrument of appointment;
  - (b) the start of the term of appointment of the person's successor.
- (4) Subsection (3) does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (c).

### **13AA Conditions of appointment**

The State librarian holds office on the conditions, not provided for by this Act, decided by the Governor in Council.

## **88 Amendment of s 17 (Delegation by State librarian)**

- (1) Section 17(1), 'powers'—

*omit, insert—*

functions

(2) Section 17(1), ‘power’—

*omit, insert—*

function

(3) Section 17—

*insert—*

(3) In this section—

*function* includes power.

## **89 Insertion of new ss 18 and 19**

After section 17—

*insert—*

### **18 Leave of absence for State librarian**

The chairperson may approve a leave of absence for the State librarian for a period of not more than 3 months.

### **19 Acting State Librarian**

(1) This section applies if—

- (a) the office of the State librarian is vacant; or
- (b) the State librarian is absent from duty or is otherwise unable to perform the functions of the office.

(2) The board may appoint a person to act in the office for a period of not more than 3 months.

(3) Subsection (2) does not limit the Governor in Council’s power under the *Acts Interpretation Act 1954*, section 25(1)(b)(iv) or (v).

## **90 Amendment of s 20 (Functions of board)**

(1) Section 20(1), after ‘board are’—

[s 90]

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*insert—*

the following

(2) Section 20(1)—

*insert—*

(ia) to engage in partnerships or philanthropic activities to support the performance of the other functions of the board;

(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;

(3) Section 20(1)(k), ‘to (j)’—

*omit, insert—*

to (k)

(4) Section 20(1)(l), ‘paragraph (k)’—

*omit, insert—*

paragraph (l)

(5) Section 20(1)(i) to (l)—

*renumber* as section 20(1)(h) to (m).

(6) Section 20(2), ‘subsection (1)(l)’—

*omit, insert—*

subsection (1)(m)

(7) Section 20—

*insert—*

(4) In this section—

***cultural centre precinct*** means the precinct of arts and cultural venues in South Brisbane located on the following land—

(a) lot 100 on SP259360;

- (b) lot 500 on SP259412;
- (c) lot 600 on SP259442;
- (d) lot 700 on SP273957.

***State arts entity*** means any of the following entities—

- (a) the Board of the Queensland Museum continued under the *Queensland Museum Act 1970*;
- (b) the Queensland Art Gallery Board of Trustees continued under the *Queensland Art Gallery Act 1987*;
- (c) the Queensland Performing Arts Trust continued under the *Queensland Performing Arts Trust Act 1977*;
- (d) the Queensland Theatre Company continued under the *Queensland Theatre Company Act 1970*.

## 91 Replacement of s 27 (Grants or subsidies to local government)

Section 27—

*omit, insert—*

### **27 Grants or subsidies using government funds**

- (1) This section applies if the board proposes to make or give a grant or subsidy to a local government using government funds.
- (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.
- (3) If the Minister approves the draft methodology, the draft methodology has effect as the methodology for subsection (4).

[s 92]

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(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 approved by the Minister under subsection (3).

(5) In this section—

*government funds* means an amount appropriated by Parliament for a department that is granted by that department to the board.

## 92 Omission of ss 28–30

Sections 28 to 30—

*omit.*

## 93 Amendment of s 40 (Delegation by board)

(1) Section 40, ‘powers’—

*omit, insert—*

functions

(2) Section 40—

*insert—*

(ca) the foundation committee; or

(cb) a committee established under section 40AG; or

(3) Section 40(ca) to (e)—

*renumber* as section 40(d) to (g).

(4) Section 40—

*insert—*

(2) In this section—

*function* includes power.

---

**94 Insertion of new pt 2, divs 5A–5C**

Part 2—

*insert—*

**Division 5A Foundation committee**

**40AA Foundation committee**

- (1) The board may establish a committee of the board (the *foundation committee*) to perform the function under section 40AB(1).
- (2) The foundation committee consists of the members appointed by the board.
- (3) A person may be appointed as a member of the foundation committee whether or not the person is a member of the board.
- (4) However, at least 2 members of the foundation committee must be members of the board.
- (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—
  - (a) the performance of the foundation committee's function under section 40AB(1); and
  - (b) the exercise of the foundation committee's powers under section 40AC(1); and
  - (c) the performance of the functions and the exercise of the powers delegated to the foundation committee under section 40.
- (6) The board must—
  - (a) decide the name of the foundation committee; and
  - (b) decide the conditions of membership of the foundation committee; and

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---

- (c) prepare the constitution for the foundation committee.
- (7) The board may decide matters about the foundation committee that are not provided for under this Act.
- (8) The board may, by notice given to each foundation committee member, dissolve the foundation committee at any time.

#### **40AB Functions**

- (1) 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.
- (2) Also, the foundation committee may perform the functions delegated to it by the board under section 40.
- (3) In performing the functions mentioned in subsection (2), the foundation committee is subject to the written directions of the board.

#### **40AC Powers**

- (1) In performing the function under section 40AB(1), 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.
- (2) The foundation committee may exercise the powers delegated to it by the board under section 40.
- (3) In exercising the powers mentioned in subsection (2), the foundation committee is subject to the written directions of the board.

#### **40AD Proceedings and business**

- (1) The board may decide how the foundation committee is to conduct its business and proceedings at meetings (the *meeting procedure*).
- (2) To the extent the board does not decide the meeting procedure, the foundation committee may decide the meeting procedure.
- (3) The meeting procedure decided by the board under subsection (1) or by the foundation committee under subsection (2) must—
  - (a) require the foundation committee to keep minutes of its meetings; and
  - (b) provide for the quorum for meetings.
- (4) To the extent the board and the foundation committee do not decide the meeting procedure, sections 32 to 37 apply as if—
  - (a) a reference in the sections to the board were a reference to the foundation committee; and
  - (b) a reference in the sections to a member were a reference to a foundation committee member; and
  - (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.
- (5) If section 33 is applied under subsection (4), the foundation committee members must—
  - (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

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- (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 the deputy chairperson of the foundation committee.

#### **40AE Disclosure of interests by foundation committee members**

- (1) This section applies if a foundation committee member has a direct or indirect interest in a matter being considered, or about to be considered, by the foundation committee.
- (2) The foundation committee member must disclose the nature of the interest to a meeting of the foundation committee as soon as practicable after the relevant facts come to the foundation committee member's knowledge.

Maximum penalty—100 penalty units.

- (3) The disclosure must be recorded in the foundation committee's minutes.
- (4) A foundation committee member does not have a direct or indirect interest in a matter being considered, or about to be considered, by the foundation committee merely because the foundation committee member has made a gift, donation, bequest or legacy of property to the board.

#### **40AF Voting by interested foundation committee members**

- (1) A foundation committee member who has a material personal interest in a matter being considered by the foundation committee must not—

- (a) vote on the matter; or
- (b) vote on a proposed resolution under subsection (2) (a *related resolution*) in relation to the matter (whether in relation to 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**

### **40AG Other committees**

- (1) The board may establish other committees of the board.
- (2) A committee may perform the functions or exercise the powers delegated to it by the board under section 40.
- (3) In performing the functions or exercising the powers mentioned in subsection (2), a committee is subject to the directions of the board.
- (4) A person may be appointed to a committee whether or not the person is a member of the board.
- (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.

## **Division 5C Criminal history**

### **40AH 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.

### **40AI 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 commissioner has access.

#### **40AJ Requirement to disclose changes in criminal history**

- (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.
- (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.

- (3) The notice must state—
  - (a) the existence of the charge or conviction; and
  - (b) for a charge—
    - (i) details adequate to identify the alleged offence; and
    - (ii) when the offence was alleged to have been committed; and

[s 94]

---

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

#### **40AK Confidentiality of criminal history information**

- (1) This section applies to a person who—
  - (a) is, or has been—
    - (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 the person’s functions 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 40AI or a notice given under section 40AJ 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 2023*.

(6) In this section—

*criminal history information* means information contained in—

(a) a report given under section 40AI; or

(b) a notice given under section 40AJ.

*disclose* includes give access to.

**95 Amendment of s 40A (Board may enter into work performance arrangements)**

Section 40A(3)(b), after ‘person to’—  
*insert—*

perform functions or

**96 Amendment of s 43 (Draft strategic and operational plans)**

Section 43(4)(c)—  
*omit.*

**97 Amendment of s 45 (Strategic and operational plans on agreement)**

Section 45(2)—  
*omit.*

**98 Omission of ss 48–50**

Sections 48 to 50—

[s 99]

---

*omit.*

## **99 Insertion of new s 50**

Before section 51—

*insert—*

### **50 Minister may give statement of expectations**

- (1) The Minister may give the board a written statement (a *statement of expectations*) about the Minister's expectations in relation to the performance by the board of its functions.
- (2) A statement of expectations may—
  - (a) apply for a particular period stated in the statement; and
  - (b) provide for any of the following matters—
    - (i) the board's strategic or operational activities;
    - (ii) the nature and scope of the board's activities proposed to be carried out for a particular period;
    - (iii) information required to be given to the Minister by the board;
    - (iv) the way the board must report to the Minister about its activities;
    - (v) the sharing of information with a government entity.
- (3) The board must have regard to a statement of expectations in performing its functions.

## **100 Amendment of s 53 (Annual report)**

Section 53—

*insert—*

- (e) details of each statement of expectations given by the Minister during the relevant financial year and any actions taken by the board.

## 101 Amendment of s 74 (Delegation by Minister)

- (1) Section 74(1), ‘powers’—  
*omit, insert—*  
functions
- (2) Section 74(1), ‘officer of’—  
*omit, insert—*  
public service officer employed in
- (3) Section 74(2)(a), ‘section 20(1)(l)’—  
*omit, insert—*  
section 20(1)(m)
- (4) Section 74(2)—  
*insert—*  
(ca) the power to give the board a statement of expectations;
- (5) Section 74(2)(ca) and (d)—  
*renumber* as section 74(2)(d) and (e).
- (6) Section 74—  
*insert—*  
(3) In this section—  
*function* includes power.

## 102 Replacement of s 75 (Protection from liability of members)

Section 75—

*omit, insert—*

## **75 Confidentiality**

- (1) This section applies to a person who—
  - (a) is, or has been—
    - (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 Act; and
  - (b) in that capacity, has acquired or has access to confidential information about another person.

- (2) The person must not disclose the confidential 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 confidential information—
  - (a) to the extent the disclosure or use—
    - (i) is necessary to perform the person’s functions 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; or
  - (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.
- (4) In this section—

***confidential information—***

- (a) means the following information—

- 
- (i) personal information;
  - (ii) information given in a notice under section 12A(3);
  - (iii) information that would be likely to damage the commercial activities of a person to whom the information relates; but
- (b) does not include criminal history information under section 40AK or information that is lawfully available to the public.

*disclose* includes give access to.

*information* includes a document.

*personal information* see the *Information Privacy Act 2009*, section 12.

### 103 Amendment of s 76 (Illegal borrowing)

Section 76—

*insert—*

- (8) The *Public Sector Act 2022*, sections 269 and 270 do not prevent civil liability imposed on a member under this section from attaching to the member.

### 104 Insertion of new pt 10, div 4

Part 10—

*insert—*

<b>Division 4</b>	<b>Transitional provisions for Education and Other Legislation Amendment Act 2026</b>
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[s 105]

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### **99 Application of new s 12A and new pt 2, div 5C**

- (1) New section 12A and new part 2, division 5C apply in relation to a member holding office after the commencement, whether the member was appointed before or after the commencement.
- (2) In this section—  
*new*, in relation to a provision of this Act, means the provision as in force from the commencement.

### **100 Gift etc. to foundation taken to be gifts etc. to board**

- (1) A gift, donation, bequest or legacy to, or for the benefit of, the foundation—
  - (a) is taken to be a gift, donation, bequest or legacy to, or for the benefit of, the board; and
  - (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.
- (2) Subsection (1) applies whether the gift, donation, bequest or legacy is made or has effect before or after the commencement of this section.
- (3) In this section—  
*foundation* means Queensland Library Foundation ACN 087 675 054.

### **105 Insertion of new sch 1**

After part 10—

*insert*—

## **Schedule 1 Dictionary**

section 2

---

## Part 11                      Amendment of Public Sector Regulation 2023

### 106      Regulation amended

This part amends the *Public Sector Regulation 2023*.

### 107      Amendment of sch 1 (Prescribed persons)

(1) Schedule 1—

*insert—*

13A a member of the foundation committee established under the *Libraries Act 1988*, section 40AA

13B a person appointed to a committee of the Library Board of Queensland under the *Libraries Act 1988*, section 40AG

18A a person appointed to a committee of the Queensland Art Gallery Board of Trustees under the *Queensland Art Gallery Act 1987*, section 40I

23A a person appointed to a committee of the Queensland Performing Arts Trust under the *Queensland Performing Arts Trust Act 1977*, section 38A

(2) Schedule 1, item 22, ‘section 24’—

*omit, insert—*

section 41

[s 108]

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## Part 12                      Amendment of Queensland Art Gallery Act 1987

### 108    Act amended

This part amends the *Queensland Art Gallery Act 1987*.

*Note—*

See also the amendments in schedule 1.

### 109    Amendment of s 2 (Definitions)

- (1) Section 2, ‘In this Act—’—

*omit, insert—*

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

- (2) Section 2, definitions *appropriately qualified, board, chairperson, commencement, current appointment, current conditions, deputy chairperson, director, pre-amended Act* and *present director—*

*omit.*

- (3) Section 2—

*insert—*

***board*** means the Queensland Art Gallery Board of Trustees continued in existence under section 3.

***chairperson*** means the chairperson of the board holding office under section 9.

***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 9, see section 40J.

***deputy chairperson*** means the deputy

chairperson of the board holding office under section 9.

*director* means the director of the art gallery holding office under section 12.

*notice* means written notice.

*statement of expectations* see section 50(1).

- (4) Section 2, all definitions, as amended by this Act—  
*relocate* to schedule 1 as inserted by this Act.

**110 Omission of s 8 (Eligibility for appointment)**

Section 8—

*omit.*

**111 Amendment of s 9 (Chairperson and deputy chairperson of board)**

Section 9—

*insert—*

- (7) The deputy chairperson must act as chairperson—
- (a) during a vacancy in the office of chairperson; and
  - (b) during all periods when the chairperson is absent from duty or is otherwise unable to perform the functions of the office.

**112 Amendment of s 10 (Duration of appointment)**

- (1) Section 10(2)(b)—

*omit, insert—*

- (b) the member is disqualified from continuing as a member under section 11A; or

- (2) Section 10—

[s 113]

---

*insert—*

- (4) The Minister may extend a person's term of appointment as a member, including any term of appointment as chairperson, until the earlier of the following—
  - (a) the end of the day that is 3 months after the day the term would have expired under the person's instrument of appointment;
  - (b) the start of the term of appointment of the person's successor.
- (5) Subsection (4) does not limit the Governor in Council's power under subsection (3) or the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (c).

### **113 Insertion of new ss 11A and 11B**

After section 11—

*insert—*

#### **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

*Note—*

For the requirement to give notice of a change in a person's criminal history, see section 40L.

  - (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 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.

- (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 immediately give the Minister notice of the person's insolvency or disqualification, unless the person has a reasonable excuse.

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.

## **114 Replacement of ss 12 and 12A**

Sections 12 and 12A—

*omit, insert—*

### **12 Director**

- (1) There is to be a director of the art gallery.
- (2) The director is appointed by the Governor in Council on the recommendation of the Minister.
- (3) The Minister must not recommend a person for appointment as the director unless the recommendation has been approved by the board.

### **12A Duration of appointment**

- (1) The director holds office for the term, of not more than 5 years, stated in the director's instrument of appointment.
- (2) A person may be reappointed as the director.
- (3) The Minister may extend a person's term of appointment as the director until the earlier of the

[s 115]

---

following—

- (a) the end of the day that is 3 months after the day the term would have expired under the person's instrument of appointment;
  - (b) the start of the term of appointment of the person's successor.
- (4) Subsection (3) does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (c).

### **12AA Conditions of appointment**

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

### **115 Amendment of s 17 (Delegation by director)**

- (1) Section 17(1), 'powers'—

*omit, insert—*

functions

- (2) Section 17(1), 'power'—

*omit, insert—*

function

- (3) Section 17—

*insert—*

- (3) In this section—

*function* includes power.

### **116 Insertion of new ss 18 and 18A**

After section 17—

*insert—*

## 18 Leave of absence for director

The chairperson may approve a leave of absence for the director for a period of not more than 3 months.

## 18A Acting director

- (1) This section applies if—
  - (a) the office of the director is vacant; or
  - (b) the director is absent from duty or is otherwise unable to perform the functions of the office.
- (2) The board may appoint a person to act in the office for a period of not more than 3 months.
- (3) Subsection (2) does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 25(1)(b)(iv) or (v).

## 117 Amendment of s 19 (Functions)

- (1) Section 19(1)—

*insert—*

  - (ga) to engage in partnerships or philanthropic activities to support the performance of the other functions of the board; and
  - (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
- (2) Section 19(1)(i), 'to (h)'—

*omit, insert—*

to (j)
- (3) Section 19(1)(j), 'paragraph (i)'—

[s 117]

---

*omit, insert—*

paragraph (k)

(4) Section 19(1)(ga) to (j)—

*renumber* as section 19(1)(h) to (l).

(5) Section 19(2), ‘subsection (1)(j)’—

*omit, insert—*

subsection (1)(l)

(6) Section 19—

*insert—*

(4) In this section—

***cultural centre precinct*** means the precinct of arts and cultural venues in South Brisbane located on the following land—

- (a) lot 100 on SP259360;
- (b) lot 500 on SP259412;
- (c) lot 600 on SP259442;
- (d) lot 700 on SP273957.

***State arts entity*** means any of the following entities—

- (a) the Board of the Queensland Museum continued under the *Queensland Museum Act 1970*;
- (b) the Library Board of Queensland continued under the *Libraries Act 1988*;
- (c) the Queensland Performing Arts Trust continued under the *Queensland Performing Arts Trust Act 1977*;
- (d) the Queensland Theatre Company continued under the *Queensland Theatre Company Act 1970*.

**118 Amendment of s 27 (Use of proceeds from sale of other works of art)**

Section 27, ‘for its functions’—

*omit, insert—*

for building and caring for the art gallery’s  
collection of works of art

**119 Omission of s 28 (Disposal of certain abandoned property)**

Section 28—

*omit.*

**120 Amendment of s 29 (Board must give notice of public auction)**

(1) Section 29, heading, after ‘auction’—

*insert—*

**of works of art accepted by board**

(2) Section 29(1), from ‘any property’ to ‘or 28’—

*omit, insert—*

a work of art under section 26,

(3) Section 29(2)(a), ‘property’—

*omit, insert—*

work of art

(4) Section 29(2)(b) and (c), ‘property’—

*omit, insert—*

work

**121 Amendment of s 30 (Effect of sale or other disposal of certain works of art or other property)**

(1) Section 30, heading, from ‘certain works’—

[s 122]

---

*omit, insert—*

**works of art accepted by board**

(2) Section 30(1)—

*omit, insert—*

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

(3) Section 30(3), ‘property or’—

*omit, insert—*

work of art or

(4) Section 30(3)(b), ‘or 28(2A)(a)’—

*omit.*

(5) Section 30(3)(c), ‘property’—

*omit, insert—*

work

**122 Amendment of s 40 (Delegation by board)**

(1) Section 40, ‘powers’—

*omit, insert—*

functions

(2) Section 40—

*insert—*

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

(3) Section 40(da) to (f)—

*renumber* as section 40(e) to (g).

(4) Section 40—

*insert—*

(2) In this section—

---

*function* includes power.

**123 Amendment of s 40A (Board may enter into work performance arrangements)**

Section 40A(3)(b), after ‘person to’—

*insert—*

perform functions or

**124 Amendment of s 40C (Foundation committee)**

(1) Section 40C(4), ‘the exercise of’—

*omit.*

(2) Section 40C(4)(a)—

*omit, insert—*

(a) the exercise of the foundation committee’s powers under section 40E(1); and

(3) Section 40C(4)(b), before ‘the powers’—

*insert—*

the performance of the functions and the exercise of

**125 Amendment of s 40D (Function)**

(1) Section 40D, heading—

*omit, insert—*

**40D Functions**

(2) Section 40D—

*insert—*

(2) Also, the foundation committee may perform the functions delegated to it by the board under section 40.

[s 126]

---

- (3) In performing the functions mentioned in subsection (2), the foundation committee is subject to the written directions of the board.

## **126 Amendment of s 40E (Powers)**

Section 40E(1) to (3)—

*omit, insert—*

- (1) In performing the function under section 40D(1), 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.
- (2) The foundation committee may exercise the powers delegated to it by the board under section 40.
- (3) In exercising the powers mentioned in subsection (2), the foundation committee is subject to the written directions of the board.

## **127 Insertion of new pt 2, divs 8 and 9**

Part 2—

*insert—*

### **Division 8 Other committees**

#### **40I Other committees**

- (1) The board may establish other committees of the board.
- (2) A committee may perform the functions or exercise the powers delegated to it by the board under section 40.
- (3) In performing the functions or exercising the powers mentioned in subsection (2), a committee

is subject to the directions of the board.

- (4) A person may be appointed to a committee whether or not the person is a member of the board.
- (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.

## **Division 9      Criminal history**

### **40J 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.

### **40K 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.

[s 127]

---

- (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 commissioner has access.

#### **40L Requirement to disclose changes in criminal history**

- (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.
- (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.

- (3) The notice must state—
  - (a) the existence of the charge or conviction; and
  - (b) for a charge—
    - (i) details adequate to identify the alleged offence; and
    - (ii) when the offence was alleged to have been committed; and
  - (c) for a conviction—
    - (i) details adequate to identify the offence; and
    - (ii) when the offence was committed; and
    - (iii) the sentence imposed on the person.

---

## 40M Confidentiality of criminal history information

- (1) This section applies to a person who—
  - (a) is, or has been—
    - (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 the person’s functions 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 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.
- (5) Subsection (4) applies despite the *Public Records Act 2023*.
- (6) In this section—

[s 128]

---

*criminal history information* means information contained in—

- (a) a report given under section 40K; or
- (b) a notice given under section 40L.

*disclose* includes give access to.

**128 Amendment of s 43 (Draft strategic and operational plans)**

Section 43(4)(c)—

*omit.*

**129 Amendment of s 45 (Strategic and operational plans on agreement)**

Section 45(2)—

*omit.*

**130 Omission of ss 48–50**

Sections 48 to 50—

*omit.*

**131 Insertion of new s 50**

Before section 51—

*insert—*

**50 Minister may give statement of expectations**

- (1) The Minister may give the board a written statement (a *statement of expectations*) about the Minister's expectations in relation to the performance by the board of its functions.
- (2) A statement of expectations may—

- 
- (a) apply for a particular period stated in the statement; and
  - (b) provide for any of the following matters—
    - (i) the board’s strategic or operational activities;
    - (ii) the nature and scope of the board’s activities proposed to be carried out for a particular period;
    - (iii) information required to be given to the Minister by the board;
    - (iv) the way the board must report to the Minister about its activities;
    - (v) the sharing of information with a government entity.
  - (3) The board must have regard to a statement of expectations in performing its functions.

### **132 Amendment of s 53 (Annual report)**

Section 53—

*insert—*

- (e) details of each statement of expectations given by the Minister during the relevant financial year and any actions taken by the board.

### **133 Amendment of s 54 (Delegation by Minister)**

- (1) Section 54(1), ‘powers’—

*omit, insert—*

functions

- (2) Section 54(1), ‘officer of’—

*omit, insert—*

[s 134]

---

public service officer employed in

- (3) Section 54(2)(a), ‘section 19(1)(i)’—

*omit, insert—*

section 19(1)(k)

- (4) Section 54(2)—

*insert—*

(ca) the power to give the board a statement of expectations;

- (5) Section 54(2)(ca) and (d)—

*renumber* as section 54(2)(d) and (e).

- (6) Section 54—

*insert—*

- (3) In this section—

*function* includes power.

## **134 Replacement of s 55 (Protection from liability of members)**

Section 55—

*omit, insert—*

### **55 Confidentiality**

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

- (a) is, or has been—

(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 Act; and

- (b) in that capacity, has acquired or has access to confidential information about another person.

- 
- (2) The person must not disclose the confidential 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 confidential information—

(a) to the extent the disclosure or use—

(i) is necessary to perform the person's functions 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; or

(c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.

- (4) In this section—

***confidential information***—

(a) means the following information—

(i) personal information;

(ii) information given in a notice under section 11A(3);

(iii) information that would be likely to damage the commercial activities of a person to whom the information relates; but

(b) does not include criminal history information under section 40M or information that is lawfully available to the public.

***disclose*** includes give access to.

[s 135]

---

*information* includes a document.

*personal information* see the *Information Privacy Act 2009*, section 12.

### **135 Amendment of s 56 (Illegal borrowing)**

(1) Section 56—

*insert—*

(7A) The *Public Sector Act 2022*, sections 269 and 270 do not prevent civil liability imposed on a member under this section from attaching to the member.

(2) Section 56(7A) and (8)—

*renumber* as section 56(8) and (9).

### **136 Insertion of new pt 7, div 5**

Part 7—

*insert—*

#### **Division 5 Transitional provision for Education and Other Legislation Amendment Act 2026**

### **83 Application of new s 11A and new pt 2, div 9**

(1) New section 11A and new part 2, division 9 apply in relation to a member holding office after the commencement, whether the member was appointed before or after the commencement.

(2) In this section—

*new*, in relation to a provision of this Act, means the provision as in force from the commencement.

**137 Insertion of new sch 1**

After part 7—

*insert—*

**Schedule 1 Dictionary**

section 2

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

**138 Act amended**

This part amends the *Queensland Museum Act 1970*.

*Note—*

See also the amendments in schedule 1.

**139 Amendment of s 2 (Definitions)**

- (1) Section 2, ‘In this Act—’—

*omit, insert—*

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

- (2) Section 2, definitions *appropriately qualified, board, chairperson, commencement, current appointment, current conditions, deputy chairperson, director, pre-amended Act* and *present director—*

*omit.*

- (3) Section 2—

*insert—*

***board*** means the Board of the Queensland Museum continued in existence under section 3.

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---

***chairperson*** means the chairperson of the board holding office under section 9.

***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 5B, see section 41A.

***deputy chairperson*** means the deputy chairperson of the board holding office under section 9.

***director*** means the director of the museum holding office under section 35.

***notice*** means written notice.

***statement of expectations*** see section 52(1).

- (4) Section 2, all definitions, as amended by this Act—  
*relocate* to schedule 1 as inserted by this Act.

#### **140 Omission of s 8 (Eligibility for appointment)**

Section 8—  
*omit.*

#### **141 Amendment of s 9 (Chairperson and deputy chairperson of board)**

Section 9—  
*insert—*

- (7) The deputy chairperson must act as chairperson—
- (a) during a vacancy in the office of chairperson; and
  - (b) during all periods when the chairperson is absent from duty or is otherwise unable to perform the functions of the office.

---

## 142 Amendment of s 10 (Duration of appointment)

(1) Section 10(2)(b)—

*omit, insert—*

(b) the member is disqualified from continuing as a member under section 11A; or

(2) Section 10—

*insert—*

(4) The Minister may extend a person's term of appointment as a member, including any term of appointment as chairperson, until the earlier of the following—

(a) the end of the day that is 3 months after the day the term would have expired under the person's instrument of appointment;

(b) the start of the term of appointment of the person's successor.

(5) Subsection (4) does not limit the Governor in Council's power under subsection (3) or the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (c).

## 143 Insertion of new ss 11A and 11B

After section 11—

*insert—*

### 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

*Note—*

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

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---

- (c) is disqualified from managing corporations because of the Corporations Act, part 2D.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 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 immediately give the Minister notice of the person's insolvency or disqualification, unless the person has a reasonable excuse.

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.

## **144 Amendment of s 12 (Functions of board)**

- (1) Section 12(1)—

*insert—*

- (ca) to engage in partnerships or philanthropic activities 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)’—

*omit, insert—*

paragraph (g)

- (4) Section 12(1)(ca) to (f)—

*renumber* as section 12(1)(d) to (h).

- (5) Section 12(3), ‘subsection (1)(f)’—

*omit, insert—*

subsection (1)(h)

- (6) Section 12—

*insert—*

- (5) In this section—

***cultural centre precinct*** means the precinct of arts and cultural venues in South Brisbane located on the following land—

- (a) lot 100 on SP259360;
- (b) lot 500 on SP259412;
- (c) lot 600 on SP259442;
- (d) lot 700 on SP273957.

***State arts entity*** means any of the following entities—

- (a) the Library Board of Queensland continued under the *Libraries Act 1988*;
- (b) the Queensland Art Gallery Board of Trustees continued under the *Queensland Art Gallery Act 1987*;
- (c) the Queensland Performing Arts Trust continued under the *Queensland Performing Arts Trust Act 1977*;

[s 145]

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- (d) the Queensland Theatre Company continued under the *Queensland Theatre Company Act 1970*.

**145 Omission of s 21 (Disposal of certain abandoned property)**

Section 21—

*omit.*

**146 Amendment of s 22 (Board must give notice of public auction)**

- (1) Section 22, heading, after ‘auction’—

*insert—*

**of specimens accepted by board**

- (2) Section 22(1), from ‘any property’ to ‘or 21’—

*omit, insert—*

a specimen under section 19

- (3) Section 22(2)(a), (b) and (c), ‘property’—

*omit, insert—*

specimen

**147 Amendment of s 23 (Effect of sale or other disposal of specimens or other property)**

- (1) Section 23, heading, ‘or other property’—

*omit, insert—*

**accepted by board**

- (2) Section 23(1)—

*omit, insert—*

- (1) This section applies to the sale or other disposal of a specimen under section 19.

(3) Section 23(3), ‘property or’—

*omit, insert*—

specimen or

(4) Section 23(3)(b), ‘or 21(2A)(a)’—

*omit.*

(5) Section 23(3)(c), ‘property’—

*omit, insert*—

specimen

#### **148 Omission of s 24 (Committees)**

Section 24—

*omit.*

#### **149 Amendment of s 34 (Delegation by board)**

(1) Section 34, ‘powers’—

*omit, insert*—

functions

(2) Section 34(d), ‘section 24’—

*omit, insert*—

section 41

(3) Section 34—

*insert*—

(2) In this section—

*function* includes power.

#### **150 Replacement of ss 35 and 35A**

Sections 35 and 35A—

*omit, insert*—

### **35 Director**

- (1) There is to be a director of the museum.
- (2) The director is appointed by the Governor in Council on the recommendation of the Minister.
- (3) The Minister must not recommend a person for appointment as the director unless the recommendation has been approved by the board.

### **35A Duration of appointment**

- (1) The director holds office for the term, of not more than 5 years, stated in the director's instrument of appointment.
- (2) A person may be reappointed as the director.
- (3) The Minister may extend a person's term of appointment as the director until the earlier of the following—
  - (a) the end of the day that is 3 months after the day the term would have expired under the person's instrument of appointment;
  - (b) the start of the term of appointment of the person's successor.
- (4) Subsection (3) does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (c).

### **35AA Conditions of appointment**

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

### **151 Amendment of s 39 (Delegation by director)**

- (1) Section 39(1), 'powers'—

*omit, insert—*

functions

- (2) Section 39(1), ‘power’—

*omit, insert—*

function

- (3) Section 39—

*insert—*

- (3) In this section—

*function* includes power.

## 152 Insertion of new ss 40 and 40A

After section 39—

*insert—*

### 40 Leave of absence for director

The chairperson may approve a leave of absence for the director for a period of not more than 3 months.

### 40A Acting director

- (1) This section applies if—
- (a) the office of the director is vacant; or
  - (b) the director is absent from duty or is otherwise unable to perform the functions of the office.
- (2) The board may appoint a person to act in the office for a period of not more than 3 months.
- (3) Subsection (2) does not limit the Governor in Council’s power under the *Acts Interpretation Act 1954*, section 25(1)(b)(iv) or (v).

[s 153]

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## **153 Insertion of new pt 2, divs 5A and 5B**

Part 2—

*insert—*

### **Division 5A Committees**

#### **41 Committees**

- (1) The board may establish committees of the board.
- (2) A committee may perform the functions or exercise the powers delegated to it by the board under section 34.
- (3) In performing the functions or exercising the powers mentioned in subsection (2), a committee is subject to the directions of the board.
- (4) A person may be appointed to a committee whether or not the person is a member of the board.
- (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.

### **Division 5B Criminal history**

#### **41A 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.

#### **41B 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 commissioner has access.

#### **41C Requirement to disclose changes in criminal history**

- (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.
- (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.
- (3) The notice must state—

[s 153]

---

- (a) the existence of the charge or conviction; and
- (b) for a charge—
  - (i) details adequate to identify the alleged offence; and
  - (ii) when the offence was alleged to have been committed; and
- (c) for a conviction—
  - (i) details adequate to identify the offence; and
  - (ii) when the offence was committed; and
  - (iii) the sentence imposed on the person.

## **42 Confidentiality of criminal history information**

- (1) This section applies to a person who—
  - (a) is, or has been—
    - (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 the person's functions 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 41B or a notice given under section 41C 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 2023*.
- (6) In this section—
- criminal history information*** means information contained in—
- (a) a report given under section 41B; or
  - (b) a notice given under section 41C.
- disclose*** includes give access to.

**154 Amendment of s 42A (Board may enter into work performance arrangements)**

Section 42A(3)(b), after 'person to'—

*insert*—

perform functions or

**155 Amendment of s 45 (Draft strategic and operational plans)**

Section 45(4)(c)—

*omit*.

[s 156]

---

**156 Amendment of s 47 (Strategic and operational plans on agreement)**

Section 47(2)—

*omit.*

**157 Omission of ss 50–52**

Sections 50 to 52—

*omit.*

**158 Insertion of new s 52**

Before section 53—

*insert—*

**52 Minister may give statement of expectations**

- (1) The Minister may give the board a written statement (a *statement of expectations*) about the Minister's expectations in relation to the performance by the board of its functions.
- (2) A statement of expectations may—
  - (a) apply for a particular period stated in the statement; and
  - (b) provide for any of the following matters—
    - (i) the board's strategic or operational activities;
    - (ii) the nature and scope of the board's activities proposed to be carried out for a particular period;
    - (iii) information required to be given to the Minister by the board;
    - (iv) the way the board must report to the Minister about its activities;

- 
- (v) the sharing of information with a government entity.
- (3) The board must have regard to a statement of expectations in performing its functions.

**159 Amendment of s 55 (Annual report)**

Section 55—

*insert—*

- (e) details of each statement of expectations given by the Minister during the relevant financial year and any actions taken by the board.

**160 Amendment of s 56 (Delegation by Minister)**

- (1) Section 56(1), ‘powers’—

*omit, insert—*

functions

- (2) Section 56(1), ‘officer of’—

*omit, insert—*

public service officer employed in

- (3) Section 56(2)(a), ‘section 12(1)(f)’—

*omit, insert—*

section 12(1)(h)

- (4) Section 56(2)—

*insert—*

- (ca) the power to give the board a statement of expectations;

- (5) Section 56(2)(ca) and (d)—

*renumber* as section 56(2)(d) and (e).

[s 161]

---

(6) Section 56—

*insert—*

(3) In this section—

*function* includes power.

**161 Replacement of s 57 (Protection from liability of persons acting under the Act)**

Section 57—

*omit, insert—*

**57 Confidentiality**

(1) This section applies to a person who—

(a) is, or has been—

(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 Act; and

(b) in that capacity, has acquired or has access to confidential information about another person.

(2) The person must not disclose the confidential 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 confidential information—

(a) to the extent the disclosure or use—

(i) is necessary to perform the person's functions 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; or
  - (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.
- (4) In this section—
- confidential information***—
- (a) means the following information—
    - (i) personal information;
    - (ii) information given in a notice under section 11A(3);
    - (iii) information that would be likely to damage the commercial activities of a person to whom the information relates; but
  - (b) does not include criminal history information under section 42 or information that is lawfully available to the public.

***disclose*** includes give access to.

***information*** includes a document.

***personal information*** see the *Information Privacy Act 2009*, section 12.

## 162 Amendment of s 58 (Illegal borrowing)

Section 58—

*insert*—

- (8) The *Public Sector Act 2022*, sections 269 and 270 do not prevent civil liability imposed on a member under this section from attaching to the member.

[s 163]

---

**163 Insertion of new pt 7, div 4**

Part 7—

*insert—*

**Division 4 Transitional provision for  
Education and Other  
Legislation Amendment  
Act 2026**

**81 Application of new s 11A and new pt 2, div 5B**

(1) New section 11A and new part 2, division 5B apply in relation to a member holding office after the commencement, whether the member was appointed before or after the commencement.

(2) In this section—

*new*, in relation to a provision of this Act, means the provision as in force from the commencement.

**164 Insertion of new sch 1**

After part 7—

*insert—*

**Schedule 1 Dictionary**

section 2

---

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

### 165      Act amended

This part amends the *Queensland Performing Arts Trust Act 1977*.

*Note—*

See also the amendments in schedule 1.

### 166      Amendment of s 2 (Definitions)

- (1) Section 2, ‘In this Act—’—

*omit, insert—*

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

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

*omit.*

- (3) Section 2—

*insert—*

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

***chairperson*** means the chairperson of the trust holding office under section 9.

***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 38B.

***deputy chairperson*** means the deputy

[s 167]

---

chairperson of the trust holding office under section 9.

**director** means the director of the trust holding office under section 32.

**non-profit organisation**, for part 6A, see section 54A.

**notice** means written notice.

**organiser**, of a QPAC presentation, for part 6A, see section 54A.

**original ticket price**, of a ticket to a QPAC presentation, for part 6A, see section 54A.

**public sale forum**, for part 6A, see section 54A.

**QPAC presentation**, for part 6A, see section 54A.

**resell**, a ticket to a QPAC presentation, for part 6A, see section 54A.

**sell**, for part 6A, see section 54A.

**statement of expectations** see section 51(1).

**ticket**, to a QPAC presentation, for part 6A, see section 54A.

**trust** means the Queensland Performing Arts Trust continued in existence under section 3.

- (4) Section 2, definition *centre*, ‘at Brisbane’—

*omit, insert—*

on the corner of Melbourne and Grey Streets and Russell and Grey Streets, South Brisbane

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

*relocate* to schedule 1 as inserted by this Act.

## 167 Omission of s 8 (Eligibility for appointment)

Section 8—

*omit.*

**168 Amendment of s 9 (Chairperson and deputy chairperson of trust)**

Section 9—

*insert—*

- (7) The deputy chairperson must act as chairperson—
- (a) during a vacancy in the office of chairperson; and
  - (b) during all periods when the chairperson is absent from duty or is otherwise unable to perform the functions of the office.

**169 Amendment of s 10 (Duration of appointment)**

(1) Section 10(2)(b)—

*omit, insert—*

- (b) the member is disqualified from continuing as a member under section 11A; or

(2) Section 10—

*insert—*

- (4) The Minister may extend a person's term of appointment as a member, including any term of appointment as chairperson, until the earlier of the following—
- (a) the end of the day that is 3 months after the day the term would have expired under the person's instrument of appointment;
  - (b) the start of the term of appointment of the person's successor.
- (5) Subsection (4) does not limit the Governor in Council's power under subsection (3) or the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (c).

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---

## **170 Insertion of new ss 11A and 11B**

After section 11—

*insert—*

### **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

*Note—*

For the requirement to give notice of a change in a person's criminal history, see section 38D.

- (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 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.
- (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 immediately give the Minister notice of the person's insolvency or disqualification, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

### **11B Leave of absence for members**

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

---

**171 Amendment of s 12 (Functions of trust)**

(1) Section 12(1), after ‘trust are’—

*insert—*

the following

(2) Section 12(1)—

*insert—*

(ha) to engage in partnerships or philanthropic activities to support the performance of the other functions of the trust;

(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;

(3) Section 12(1)(j), ‘to (i)’—

*omit, insert—*

to (k)

(4) Section 12(1)(k), ‘paragraph (j)’—

*omit, insert—*

paragraph (l)

(5) Section 12(1)(ha) to (k)—

*renumber* as section 12(1)(i) to (m).

(6) Section 12(2), ‘subsection (1)(k)’—

*omit, insert—*

subsection (1)(m)

(7) Section 12—

*insert—*

(4) In this section—

***cultural centre precinct*** means the precinct of arts and cultural venues in South Brisbane located on

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---

the following land—

- (a) lot 100 on SP259360;
- (b) lot 500 on SP259412;
- (c) lot 600 on SP259442;
- (d) lot 700 on SP273957.

*State arts entity* means any of the following entities—

- (a) the Board of the Queensland Museum continued under the *Queensland Museum Act 1970*;
- (b) the Library Board of Queensland continued under the *Libraries Act 1988*;
- (c) the Queensland Art Gallery Board of Trustees continued under the *Queensland Art Gallery Act 1987*;
- (d) the Queensland Theatre Company continued under the *Queensland Theatre Company Act 1970*.

**172 Omission of s 19 (Disposal of certain abandoned property)**

Section 19—

*omit.*

**173 Amendment of s 20 (Trust must give notice of public auction)**

- (1) Section 20, heading, after ‘auction’—

*insert—*

**of property accepted by trust**

- (2) Section 20(1), ‘section 18 or 19’—

*omit, insert—*

section 18,

**174 Amendment of s 21 (Effect of sale or other disposal of property)**

(1) Section 21, heading, after ‘property’—

*insert—*

**accepted by trust**

(2) Section 21(1), ‘or 19’—

*omit.*

(3) Section 21(3)(b), ‘or 19(2A)(a)’—

*omit.*

**175 Amendment of s 31 (Delegation by trust)**

(1) Section 31, ‘powers’—

*omit, insert—*

**functions**

(2) Section 31—

*insert—*

(ca) a committee established under section 38A;  
or

(3) Section 31(ca) and (d)—

*renumber* as section 31(d) and (e).

(4) Section 31—

*insert—*

(2) In this section—

***function*** includes power.

[s 176]

---

## **176 Replacement of ss 32 and 32A**

Sections 32 and 32A—

*omit, insert—*

### **32 Director**

- (1) There is to be a director of the trust.
- (2) The director is appointed by the Governor in Council on the recommendation of the Minister.
- (3) The Minister must not recommend a person for appointment as the director unless the recommendation has been approved by the trust.

### **32A Duration of appointment**

- (1) The director holds office for the term, of not more than 5 years, stated in the director's instrument of appointment.
- (2) A person may be reappointed as the director.
- (3) The Minister may extend a person's term of appointment as the director until the earlier of the following—
  - (a) the end of the day that is 3 months after the day the term would have expired under the person's instrument of appointment;
  - (b) the start of the term of appointment of the person's successor.
- (4) Subsection (3) does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (c).

### **32AA Conditions of appointment**

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

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**177 Amendment of s 36 (Delegation by director)**

- (1) Section 36(1), ‘powers’—  
*omit, insert—*  
functions
- (2) Section 36(1), ‘power’—  
*omit, insert—*  
function
- (3) Section 36—  
*insert—*  
(3) In this section—  
*function* includes power.

**178 Insertion of new ss 36A and 36B**

After section 36—

*insert—*

**36A Leave of absence for director**

The chairperson may approve a leave of absence for the director for a period of not more than 3 months.

**36B Acting director**

- (1) This section applies if—
- (a) the office of the director is vacant; or
  - (b) the director is absent from duty or is otherwise unable to perform the functions of the office.
- (2) The trust may appoint a person to act in the office for a period of not more than 3 months.
- (3) Subsection (2) does not limit the Governor in Council’s power under the *Acts Interpretation Act*

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1954, section 25(1)(b)(iv) or (v).

## 179 Insertion of new pt 2, divs 6 and 7

Part 2—

*insert—*

### **Division 6            Committees**

#### **38A Committees**

- (1) The trust may establish committees of the trust.
- (2) A committee may perform the functions or exercise the powers delegated to it by the trust under section 31.
- (3) In performing the functions or exercising the powers mentioned in subsection (2), a committee is subject to the directions of the trust.
- (4) A person may be appointed to a committee whether or not the person is a member of the trust.
- (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 commissioner has access.

### **38D Requirement to disclose changes in criminal history**

- (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.
- (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.
- (3) The notice must state—

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---

- (a) the existence of the charge or conviction; and
- (b) for a charge—
  - (i) details adequate to identify the alleged offence; and
  - (ii) when the offence was alleged to have been committed; and
- (c) for a conviction—
  - (i) details adequate to identify the offence; and
  - (ii) when the offence was committed; and
  - (iii) the sentence imposed on the person.

### **38E Confidentiality of criminal history information**

- (1) This section applies to a person who—
  - (a) is, or has been—
    - (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 the person's functions 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 2023*.
- (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.
- disclose*** includes give access to.

**180 Amendment of s 44 (Draft strategic and operational plans)**

Section 44(4)(c)—  
*omit.*

**181 Amendment of s 46 (Strategic and operational plans on agreement)**

Section 46(2)—  
*omit.*

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---

**182 Omission of ss 49–51**

Sections 49 to 51—

*omit.*

**183 Insertion of new s 51**

Before section 52—

*insert—*

**51 Minister may give statement of expectations**

- (1) The Minister may give the trust a written statement (a *statement of expectations*) about the Minister's expectations in relation to the performance by the trust of its functions.
- (2) A statement of expectations may—
  - (a) apply for a particular period stated in the statement; and
  - (b) provide for any of the following matters—
    - (i) the trust's strategic or operational activities;
    - (ii) the nature and scope of the trust's activities proposed to be carried out for a particular period;
    - (iii) information required to be given to the Minister by the trust;
    - (iv) the way the trust must report to the Minister about its activities;
    - (v) the sharing of information with a government entity.
- (3) The trust must have regard to a statement of expectations in performing its functions.

## 184 Amendment of s 54 (Annual report)

Section 54—

*insert—*

- (e) details of each statement of expectations given by the Minister during the relevant financial year and any actions taken by the trust.

## 185 Insertion of new pt 6A

After part 6—

*insert—*

### Part 6A Resale of tickets

#### 54A Definitions for part

In this part—

***authorised ticket agent***, for a QPAC presentation, means an entity authorised by the organiser of the presentation to sell tickets to the presentation to the public.

***non-profit organisation*** means an organisation that is not carried on for the profit or gain of its individual members.

*Examples of entities that may be non-profit organisations—*

a charity, church, club or environmental protection society

***organiser***, of a QPAC presentation, means the entity that—

- (a) is responsible for organising the presentation; and
- (b) will receive revenue from the sale of tickets to the presentation.

***original ticket price***, of a ticket to a QPAC

[s 185]

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presentation, means—

- (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 to the presentation; or
- (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 to 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—

- (a) for an individual—135 penalty units; or
  - (b) for a corporation—680 penalty units.
- (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.
  - (3) This section does not authorise the resale of a ticket to a QPAC presentation.
  - (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).

### **186 Amendment of s 55 (Delegation by Minister)**

- (1) Section 55(1), ‘powers’—  
*omit, insert—*  
functions
- (2) Section 55(1), ‘officer of’—  
*omit, insert—*  
public service officer employed in
- (3) Section 55(2)(a), ‘section 12(1)(j)’—  
*omit, insert—*  
section 12(1)(l)
- (4) Section 55(2)—  
*insert—*

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---

(ca) the power to give the trust a statement of expectations;

(5) Section 55(2)(ca) and (d)—

*renumber* as section 55(2)(d) and (e).

(6) Section 55—

*insert*—

(3) In this section—

*function* includes power.

## 187 Replacement of s 56 (Protection from liability of members)

Section 56—

*omit, insert*—

### 56 Confidentiality

(1) This section applies to a person who—

(a) is, or has been—

(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 Act; and

(b) in that capacity, has acquired or has access to confidential information about another person.

(2) The person must not disclose the confidential 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 confidential information—

(a) to the extent the disclosure or use—

- 
- (i) is necessary to perform the person's functions 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; or
  - (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.

(4) In this section—

*confidential information*—

(a) means the following information—

- (i) personal information;
- (ii) information given in a notice under section 11A(3);
- (iii) information that would be likely to damage the commercial activities of a person to whom the information relates; but

(b) does not include criminal history information under section 38E or information that is lawfully available to the public.

*disclose* includes give access to.

*information* includes a document.

*personal information* see the *Information Privacy Act 2009*, section 12.

## 188 Amendment of s 57 (Illegal borrowing)

Section 57—

*insert*—

[s 189]

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- (8) The *Public Sector Act 2022*, sections 269 and 270 do not prevent civil liability imposed on a member under this section from attaching to the member.

## 189 Insertion of new pt 8, div 3

Part 8—

*insert—*

### **Division 3                      Transitional provision for Education and Other Legislation Amendment Act 2026**

#### **73 Application of new s 11A and new pt 2, div 7**

- (1) New section 11A and new part 2, division 7 apply in relation to a member holding office after the commencement, whether the member was appointed before or after the commencement.
- (2) In this section—
- new*, in relation to a provision of this Act, means the provision as in force from the commencement.

## 190 Insertion of new sch 1

After part 8—

*insert—*

### **Schedule 1                      Dictionary**

section 2

---

## Part 15                      Amendment of Queensland Theatre Company Act 1970

### 191    Act amended

This part amends the *Queensland Theatre Company Act 1970*.

*Note—*

See also the amendments in schedule 1.

### 192    Amendment of s 2 (Definitions)

- (1) Section 2, ‘In this Act—’—

*omit, insert—*

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

- (2) Section 2, definitions *appropriately qualified, chairperson, commencement, current appointment, current conditions, deputy chairperson, director, former name, pre-amended Act, present director* and *theatre company—*

*omit.*

- (3) Section 2—

*insert—*

***chairperson*** means the chairperson of the theatre company holding office under section 9.

***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.

***deputy chairperson*** means the deputy chairperson of the theatre company holding office under section 9.

***director*** means the director of the theatre

[s 193]

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company holding office under section 31.

*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.

**193 Omission of s 8 (Eligibility for appointment)**

Section 8—

*omit.*

**194 Amendment of s 9 (Chairperson and deputy chairperson of theatre company)**

Section 9—

*insert—*

- (7) The deputy chairperson must act as chairperson—
- (a) during a vacancy in the office of chairperson; and
  - (b) during all periods when the chairperson is absent from duty or is otherwise unable to perform the functions of the office.

**195 Amendment of s 10 (Duration of appointment)**

- (1) Section 10(2)(b)—

*omit, insert—*

- (b) the member is disqualified from continuing as a member under section 11A; or

- (2) Section 10—

*insert—*

- 
- (4) The Minister may extend a person's term of appointment as a member, including any term of appointment as chairperson, until the earlier of the following—
- (a) the end of the day that is 3 months after the day the term would have expired under the person's instrument of appointment;
  - (b) the start of the term of appointment of the person's successor.
- (5) Subsection (4) does not limit the Governor in Council's power under subsection (3) or the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (c).

## 196 Insertion of new ss 11A and 11B

After section 11—

*insert—*

### 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
- Note—*
- For the requirement to give notice of a change in a person's criminal history, see section 38C.
- (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 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.
- (3) If an event mentioned in subsection (1)(b) or (c)

[s 197]

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happens during the term of a person's appointment as a member, the person must immediately give the Minister notice of the person's insolvency or disqualification, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

### **11B Leave of absence for members**

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

## **197 Amendment of s 12 (Functions of the theatre company)**

- (1) Section 12, heading, 'the'—  
*omit.*
- (2) Section 12(1), after 'company are'—  
*insert—*  
the following
- (3) Section 12(1)—  
*insert—*  
(ha) to engage in partnerships or philanthropic activities to support the performance of the other functions of the theatre company;
- (4) Section 12(1)(j), 'to (i)'—  
*omit, insert—*  
to (j)
- (5) Section 12(1)(k), 'paragraph (j)'—  
*omit, insert—*

---

paragraph (k)

- (6) Section 12(1)(ha) to (k)—  
*renumber* as section 12(1)(i) to (l).
- (7) Section 12(2), ‘subsection (1)(k)’—  
*omit, insert*—  
subsection (1)(l)

**198 Omission of ss 18–20**

Sections 18 to 20—  
*omit.*

**199 Amendment of s 30 (Delegation by theatre company)**

- (1) Section 30, ‘powers’—  
*omit, insert*—  
functions
- (2) Section 30—  
*insert*—  
(ca) a committee established under section 38; or
- (3) Section 30(e), including editor’s note—  
*omit.*
- (4) Section 30(ca) and (d)—  
*renumber* as section 30(d) and (e).
- (5) Section 30—  
*insert*—  
(2) In this section—  
*function* includes power.

## **200 Replacement of ss 31 and 31A**

Sections 31 and 31A—

*omit, insert—*

### **31 Director**

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

### **31A Duration of appointment**

- (1) The director holds office for the term, of not more than 5 years, stated in the director's instrument of appointment.
- (2) A person may be reappointed as the director.
- (3) The Minister may extend a person's term of appointment as the director until the earlier of the following—
  - (a) the end of the day that is 3 months after the day the term would have expired under the person's instrument of appointment;
  - (b) the start of the term of appointment of the person's successor.
- (4) Subsection (3) does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (c).

### **31AA Conditions of appointment**

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

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**201 Amendment of s 35 (Delegation by director)**

- (1) Section 35(1), ‘powers’—  
*omit, insert—*  
functions
- (2) Section 35(1), ‘power’—  
*omit, insert—*  
function
- (3) Section 35—  
*insert—*  
(3) In this section—  
*function* includes power.

**202 Insertion of new ss 35A and 35B**

After section 35—  
*insert—*

**35A Leave of absence for director**

The chairperson may approve a leave of absence for the director for a period of not more than 3 months.

**35B Acting director**

- (1) This section applies if—
- (a) the office of the director is vacant; or
  - (b) the director is absent from duty or is otherwise unable to perform the functions of the office.
- (2) The theatre company may appoint a person to act in the office for a period of not more than 3 months.
- (3) Subsection (2) does not limit the Governor in

[s 203]

---

Council's power under the *Acts Interpretation Act 1954*, section 25(1)(b)(iv) and (v).

## **203 Amendment of s 38 (Committees)**

(1) Section 38(2) and (3)—

*omit, insert—*

(2) A committee may perform the functions or exercise the powers delegated to it by the theatre company under section 30.

(3) In performing the functions or exercising the powers mentioned in subsection (2), a committee is subject to the directions of the theatre company.

(2) Section 38(5), after 'part in'—

*insert—*

the performance of the functions and

## **204 Insertion of new pt 2, div 7**

Part 2—

*insert—*

### **Division 7 Criminal history**

#### **38A 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.

#### **38B Criminal history reports**

(1) This section applies if the Minister is deciding

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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 commissioner has access.

### **38C Requirement to disclose changes in criminal history**

- (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.
- (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.

- (3) The notice must state—
  - (a) the existence of the charge or conviction; and
  - (b) for a charge—

[s 204]

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- (i) details adequate to identify the alleged offence; and
- (ii) when the offence was alleged to have been committed; and
- (c) for a conviction—
  - (i) details adequate to identify the offence; and
  - (ii) when the offence was committed; and
  - (iii) the sentence imposed on the person.

### **38D Confidentiality of criminal history information**

- (1) This section applies to a person who—
  - (a) is, or has been—
    - (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 the person’s functions 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 38B or a notice given under section 38C 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 2023*.
- (6) In this section—
- criminal history information*** means information contained in—
- (a) a report given under section 38B; or
- (b) a notice given under section 38C.
- disclose*** includes give access to.

**205 Amendment of s 44 (Draft strategic and operational plans)**

Section 44(4)(c)—  
*omit.*

**206 Amendment of s 46 (Strategic and operational plans on agreement)**

Section 46(2)—  
*omit.*

**207 Omission of ss 49–51**

Sections 49 to 51—  
*omit.*

[s 208]

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## **208 Insertion of new s 51**

Before section 52—

*insert—*

### **51 Minister may give statement of expectations**

- (1) The Minister may give the theatre company a written statement (a *statement of expectations*) about the Minister's expectations in relation to the performance by the company of its functions.
- (2) A statement of expectations may—
  - (a) apply for a particular period stated in the statement; and
  - (b) provide for any of the following matters—
    - (i) the theatre company's strategic or operational activities;
    - (ii) the nature and scope of the theatre company's activities proposed to be carried out for a particular period;
    - (iii) information required to be given to the Minister by the theatre company;
    - (iv) the way the theatre company must report to the Minister about its activities;
    - (v) the sharing of information with a government entity.
- (3) The theatre company must have regard to a statement of expectations in performing its functions.

## **209 Amendment of s 54 (Annual report)**

Section 54—

*insert—*

- 
- (e) details of each statement of expectations given by the Minister during the relevant financial year and any actions taken by the company.

## **210 Amendment of s 55 (Delegation by Minister)**

- (1) Section 55(1), ‘powers’—  
*omit, insert—*  
functions
- (2) Section 55(1), ‘officer of’—  
*omit, insert—*  
public service officer employed in
- (3) Section 55(2)(a), ‘section 12(1)(j)’—  
*omit, insert—*  
section 12(1)(k)
- (4) Section 55(2)—  
*insert—*  
(ca) the power to give the theatre company a statement of expectations;
- (5) Section 55(2)(ca) and (d)—  
*renumber* as section 55(2)(d) and (e).
- (6) Section 55—  
*insert—*  
(3) In this section—  
*function* includes power.

## **211 Replacement of s 56 (Protection from liability of members)**

Section 56—

[s 211]

---

*omit, insert—*

## **56 Confidentiality**

- (1) This section applies to a person who—
  - (a) is, or has been—
    - (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 Act; and
  - (b) in that capacity, has acquired or has access to confidential information about another person.

- (2) The person must not disclose the confidential 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 confidential information—
  - (a) to the extent the disclosure or use—
    - (i) is necessary to perform the person’s functions 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; or
  - (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.
- (4) In this section—

***confidential information—***

- (a) means the following information—

- (i) personal information;
  - (ii) information given in a notice under section 11A(3);
  - (iii) information that would be likely to damage the commercial activities of a person to whom the information relates; but
- (b) does not include criminal history information under section 38D or information that is lawfully available to the public.

*disclose* includes give access to.

*information* includes a document.

*personal information* see the *Information Privacy Act 2009*, section 12.

## 212 Amendment of s 57 (Illegal borrowing)

Section 57—

*insert—*

- (8) The *Public Sector Act 2022*, sections 269 and 270 do not prevent civil liability imposed on a member under this section from attaching to the member.

## 213 Insertion of new pt 8, div 3

Part 8—

*insert—*

### Division 3

### Transitional provision for Education and Other Legislation Amendment Act 2026

[s 214]

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### **75 Application of new s 11A and new pt 2, div 7**

- (1) New section 11A and new part 2, division 7 apply in relation to a member holding office after the commencement, whether the member was appointed before or after the commencement.
- (2) In this section—  
*new*, in relation to a provision of this Act, means the provision as in force from the commencement.

### **214 Insertion of new sch 1**

After part 8—

*insert—*

## **Schedule 1 Dictionary**

section 2

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

### **215 Act amended**

This part amends the *Working with Children Check Act 2000*.

### **216 Amendment of sch 1 (Regulated employment and businesses for employment screening)**

Schedule 1, section 4B—

*insert—*

- (2) However, employment mentioned in subsection (1)(a) is not regulated employment if—
  - (a) the employee is an approved teacher; and

- (b) any of the usual functions of the employment are carried out, or likely to be carried out, at an education and training centre.

## **217 Amendment of sch 7 (Dictionary)**

- (1) Schedule 7—

*insert—*

*education and training centre* see the *Education (General Provisions) Act 2006*, schedule 4.

- (2) Schedule 7, definition *school*, paragraph (a), after ‘institution’—

*insert—*

, other than an education and training centre

## **Part 17 Other amendments**

### **218 Legislation amended**

Schedule 1 amends the legislation it mentions.

## **Schedule 1      Other amendments**

section 218

### **Duties Act 2001**

#### **1      Section 393—**

*omit.*

### **Education (Queensland College of Teachers) Act 2005**

#### **1      Amendments to replace ‘director’ with ‘chief executive officer of the office’—**

Each of the following provisions is amended by omitting ‘director’ and inserting ‘chief executive officer of the office’—

- section 221(a)(iv) and (b)(v)
- section 222(d)
- section 223
- section 239(2)
- section 240(3)(a)
- section 252(2)(a)
- section 261(1)
- section 264(1)(c)
- section 279, first mention
- section 280(1), first mention.

---

**2 Amendments to replace ‘director’ with ‘chief executive officer’—**

Each of the following provisions is amended by omitting ‘director’ and inserting ‘chief executive officer’—

- section 240(3)(b) and (4)
- section 261, heading
- section 261(2)
- section 279, heading
- section 280, heading
- section 280(1)(b).

**3 Section 92(1)(b) to (j)—**

*renumber* as section 92(1)(a) to (h).

**4 Section 92(2) and (4), ‘subsection (1)(h)’—**

*omit, insert—*

subsection (1)(f)

**5 Section 92(3), ‘change’—**

*omit, insert—*

charge

**6 Section 95(1), from ‘mentioned in any’ to ‘section 92(1)’—**

*omit.*

**7 Section 96, from ‘mentioned in’ to ‘section 92(1)’—**

*omit.*

Schedule 1

---

- 8 Section 211(3)(a), ‘PP&C committee’—**  
*omit, insert—*  
PC&TC committee
- 9 Section 221(a)(vi) and (b)(vii), ‘PP&C committee’—**  
*omit, insert—*  
PC&TC committee
- 10 Section 279, ‘director’s’—**  
*omit, insert—*  
chief executive officer’s
- 11 Schedule 1, entry for section 123(4)(a), column 2, ‘PP&C committee’s’—**  
*omit, insert—*  
PC&TC committee’s

## **Integrity Act 2009**

- 1 Schedule 1, entry for *Education (Queensland College of Teachers) Act 2005*, ‘director’—**  
*omit, insert—*  
chief executive officer

## **Libraries Act 1988**

- 1 Section 12(2)(a), ‘way or’—**  
*omit, insert—*  
way of
  
- 2 Section 13B, heading, ‘the’—**  
*omit.*
  
- 3 Section 44(3), ‘by written’—**  
*omit, insert—*  
, by
  
- 4 Section 47(2), ‘written’—**  
*omit.*

## **Public Sector Act 2022**

- 1 Schedule 1, entry for Office of the Queensland College of Teachers, column 2, ‘director’—**  
*omit, insert—*  
chief executive officer

## **Queensland Art Gallery Act 1987**

- 1 Sections 12B and 26, heading, ‘the’—**  
*omit.*
- 2 Sections 26(3), 44(3) and 47(2), ‘written’—**  
*omit.*
- 3 Section 40H(2)(b), ‘members voting on’—**  
*omit, insert—*  
members voting for

## **Queensland Museum Act 1970**

- 1 Sections 19 and 35B, heading, ‘the’—**  
*omit.*
- 2 Sections 19(3), 46(3) and 49(2), ‘written’—**  
*omit.*
- 3 Section 20, heading, before ‘specimens’—**  
*insert—*  
**other**

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## Queensland Performing Arts Trust Act 1977

- 1      **Sections 18 and 32B, heading, ‘the’—**  
*omit.*
- 2      **Sections 18(3), 45(3) and 48(2), ‘written’—**  
*omit.*

## Queensland Theatre Company Act 1970

- 1      **Section 31B, heading, ‘the’—**  
*omit.*
- 2      **Sections 45(3) and 48(2), ‘written’—**  
*omit.*
- 3      **Section 47(3), ‘the company’s’—**  
*omit, insert—*  
   the theatre company’s
- 4      **Section 48(2), ‘the company’—**  
*omit, insert—*  
   the theatre company
- 5      **Section 52(2), ‘which the company’—**  
*omit, insert—*  
   which the theatre company

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