

A Review  
Commissioned by  
The Library Board of Queensland

Hon. Martin Daubney AM KC

28 October 2025

## Executive Summary

### Purpose and Context

This Review was commissioned by the Library Board of Queensland (“the Board”) with the objective of striking a balance between the Minister’s priorities and expectations and the proper statutory role of the State Library of Queensland (SLQ), particularly as a publicly funded entity.

Whilst the Review was commissioned following events which occurred in connection with the proposed award by the Board of a 2025 black&write! Writing Fellowship, it was not a vehicle to critique the decisions and interactions which led to the Minister’s intervention. Rather, it has been a broader exercise to identify lessons from the circumstances surrounding that intervention and to provide both context and guidance to the Board and SLQ management in the proper exercise of their functions and duties.

### Methodology

The Review involved:

- Consultations with the Minister, Board members, SLQ management, Arts Queensland (AQ), and stakeholders from literary awards.
- Examination of a wide range of documents, including SLQ policies, strategic plans, governance frameworks, and relevant legislation.

### Key Findings

#### 1. Governance Structure and Statutory Framework

- Whilst the Board is an autonomous legal entity it is not independent of the State; it represents the State and is accountable to the Minister, who has powers of direction, appointment, and policy oversight.
- The Board is a statutory body corporate under the *Libraries Act 1988 (Qld)*, with functions including the promotion, management, and coordination of public libraries, and stewardship of SLQ’s resources.
- The Board’s Charter and Governance Framework articulate its oversight responsibilities but should be updated to take account of the matters discussed in the Review.

#### 2. Ministerial Role and Relationship

- The Minister is responsible for the *Libraries Act* and, through AQ, sets strategic policy direction for arts and culture.

- The Minister can influence Board decisions through formal directions, policy articulation, appointments, and, if necessary, legislative amendment.

### 3. The 2025 black&write! Writing Fellowship

- The Minister intervened after concerns about a particular recipient’s public statements which the Minister considered were “incompatible with the values of respect, unity and inclusion that the [SLQ] must uphold”. The Minister issued a formal direction under s.23 of the *Libraries Act*, citing these values as a matter of policy.
- The SLQ’s standard process for awarding the fellowships in 2025 included risk assessments and some background checks.
- The case highlighted matters which should be addressed in the areas of policy clarity, communication protocols, and reputational risk management. These are the subject of recommendations in the Review.

### 4. Policies and Processes for Awards and Venue Use

- There is ambiguity about whether competitive literary awards are a core statutory function of the Board, and whether current practices align with the *Libraries Act* and SLQ’s strategic plans.
- Current guidelines for the competitive literary awards lack clear statements of objectives, risk management protocols, and should be aligned with the values articulated by the Minister as matters of State policy.
- The Board’s policies on venue use and intellectual freedom are due for review and need to address the balance between inclusivity, freedom of expression, reputational risk, and due consideration of matters of State policy and legislative obligations.

### 5. Risk Management and Communication

- The Board’s Risk Management Policy identifies reputational risk but does not fully address the complexities of decisions with political or social controversy.
- There is an opportunity to strengthen communication protocols between the Board, Minister, and AQ, especially for sensitive or high-profile decisions and the Minister’s expectations.
- The balancing of a Minister’s expectations and priorities and the proper exercise by the Board of its functions and duties requires the Board to have a “spatial awareness” of the broader context in which a decision is being made and an understanding of the Minister’s expectations.

## Recommendations

The Review makes a range of recommendations, including:

1. **Clarify Statutory Functions:** That the Minister, with the advice of AQ, and the Board clarify as a matter of policy whether the conduct of competitive literary awards is a proper function of the Board and if so whether any legislative amendment or other intervention, such as a direction under s 20(1)(l) of the *Libraries Act*, is required in order to implement such policy.
2. **Develop Comprehensive Policies:**
  - a. That the Board formulate and adopt a policy (or suite of policies) for awards and fellowship programs. In formulating those policies, at least the following matters should be considered:
    - The necessity to include a clear statement of the objectives for each award program. The Review notes that the Queensland Literary Awards presently has only a very broad statement of purpose in its Terms and Conditions, while the black&write! Writing Fellowship guidelines has none.
    - Each statement of objectives should be cast within and expressly incorporate the Board's paradigm as representing the State. The objectives should be stated as being intended to be applied having regard to the State's policies concerning the values of inclusivity and respect.
    - Confirmation that in conducting each award program, the Board is bound to observe all necessary governance and management controls as are necessary to:
      - comply with relevant financial management and governance standards,
      - preserve confidence of the public and those who provide funding in support of the award program,
      - properly pursue the objectives of the particular awards program.
    - Confirmation under the rubric of risk management that the Board has a duty to mitigate any risk of reputational damage.
    - Confirmation that processes for mitigation of such risk will include:
      - The Board having the right to undertake background checks on any entrant, including criminal history checks and social media checks.
      - The Board obtaining an express acknowledgment from each entrant of the Board's right to undertake such checks.
      - The Board requiring that each entrant provide an acknowledgment that, if in receipt of an award, they will not engage (and must not have engaged) in behaviour (including the publication of statements in any media or through social media) which is inconsistent with the award program's objectives or which would be seen to bring the SLQ and/or the award into disrepute.

- Confirmation as a matter of policy of the Board's discretion to:
    - decline acceptance of an entry, and
    - not to make an award.
- b. In conjunction with the formulation of such an awards program policy or policies, the Board should review the existing Financial and Administrative Delegations Policy and Schedule.
- c. The guidelines (however described) and entrant information documents for each program be redrafted to accommodate and articulate the policies adopted by the Board.
3. **Review Risk Management:**
- a. In conjunction with the formulation of an awards program policy or policies, the Board should review the existing Risk Management Policy.
- b. The Board should review its Risk Management Policy and Risk Register to reflect and provide a risk appetite statement for the risks associated with or arising from the use and hiring to third parties of SLQ premises.
- c. The Board should review its Risk Management Policy, Risk Appetite Statements, and Risk Register to reflect its status as an autonomous entity which represents the State and to accommodate the desirability of considering broader contexts when making risk management and mitigation decisions.
4. **Venue Use Policy:** That the Board formulate and adopt a policy (or suite of policies) for the use of SLQ premises and the hiring of SLQ venues to external third parties. In formulating those policies, at least the following matters should be considered:
- Any overlap between such proposed policies and matters presently covered by the Intellectual Freedom Policy. Important positive elements of the purpose for the Intellectual Freedom Policy might usefully be incorporated into the premises policies.
  - The necessity to include a clear statement of the objectives sought to be achieved in the use of SLQ premises. Again, valuable elements presently articulated in the Intellectual Freedom Policy, such as the desirability of libraries supporting the free flow of information and ideas, could be included in those objectives.
  - Similarly, there should be a clear statement of the objectives for making SLQ premises available to external third parties. These would include the prudent and responsible use of State-owned, publicly-funded venues for the benefit of the wider community.
  - Each statement of objectives should be cast within and expressly incorporate the Board's paradigm as representing the State. The

objectives should be stated as being intended to be applied having regard to the State's policies concerning the values of inclusivity and respect.

- Confirmation that in using and allowing the use of SLQ premises, the Board is bound to observe all necessary governance and management controls as are necessary to:
  - comply with relevant financial management and governance standards,
  - preserve confidence of the public and all SLQ stakeholders,
  - properly pursue the stated objectives for the use of SLQ premises.
- Confirmation under the rubric of risk management that the Board has a duty to mitigate any risk of reputational damage.
- Confirmation that processes for mitigation of such risk will include:
  - The Board having the right to undertake background checks on any proposed user / hirer of SLQ premises, including criminal history checks and social media checks.
  - The Board obtaining an express acknowledgment from each user / hirer of the Board's right to undertake such checks.
  - The Board requiring that each user / hirer provide an acknowledgment that they will not engage (and must not have engaged) in behaviour (including the publication of statements in any media or through social media) which is inconsistent with the policies and objectives for use of SLQ premises or which would be seen to bring the SLQ into disrepute.
- Confirmation as a matter of policy of the Board's discretion to decline to permit the use or hiring of any SLQ premises.

5. **Update Governance Documents:** The Board should review its Charter and Governance Framework to take account of the matters discussed in the Review.

## Conclusion

The Review underscores the importance of clear governance, robust policies, and effective communication in balancing the Board's autonomy with its accountability to Government and the public. Implementing these recommendations will help the Board and SLQ navigate complex issues of public expectation, artistic freedom, and reputational risk, ensuring the State Library continues to serve Queensland's diverse communities with integrity and transparency.

## Terms of Reference

### Review objective

The Review objective is to strike a balance between the priorities and expectations of the Minister, as the responsible Minister, and the proper role of State Library of Queensland, pursuant to its statutory objects and guiding principles, and having regard to the fact that it is a publicly funded entity.

### Considerations

As part of this objective, the following will be considered:

- clarifying the role of the Minister as the responsible Minister and the role of the Library Board of Queensland in ensuring the Minister's priorities and expectations are met
- assessing plans and policies determined by the Library Board to inform alignment with the *Libraries Act 1988* (Qld) and the priorities and expectations of the Minister, as the responsible Minister, including the use of State Library as a publicly funded venue
- assessing existing parameters and processes around the governance and decision making of State Library and the Library Board by which funding arrangements are made for awards and fellowships and the use of State Library as a venue.

To inform the Review, the following legislation, policies and guidelines are to be considered:

- [\*Libraries Act 1988\* \(Qld\)](#)
- [\*Human Rights Act 2019\* \(Qld\)](#)
- [\*Public Sector Ethics Act 1994\* \(Qld\)](#)
- [\*Code of Conduct for the Queensland Public Service -1 January 2011\*](#)
- [\*State Library of Queensland Strategic Plan 2024-28\*](#)
- [\*State Library of Queensland Intellectual Freedom Policy\*](#)
- [\*Anti-Discrimination Act 1991\*\(Qld\)](#)
- [\*Criminal Code Amendment \(Hate Crimes\) Bill 2025\* \(Cth\)](#)
- *State Library of Queensland Award guidelines*

## INTRODUCTION

This Review has been commissioned by the Library Board of Queensland (“the Board”), the legal entity responsible for the operation of the State Library of Queensland (“SLQ”)

The Terms of Reference (“TOR”) of this Review state that its objective is “to strike a balance between the priorities and expectations of the Minister, as the responsible Minister, and the proper role of State Library of Queensland, pursuant to its statutory objects and guiding principles, and having regard to the fact that it is a publicly funded entity”.

The TOR further require that, as part of this objective, certain matters be considered:

- Clarifying the role of the Minister as the responsible Minister and the role of the Library Board of Queensland in ensuring the Minister’s priorities and expectations are met;
- Assessing plans and policies determined by the Board to inform alignment with the *Libraries Act 1988* (Qld) and the priorities and expectations the Minister, as the responsible Minister, including the use of State Library as a publicly funded venue;
- Assessing existing parameters and processes around the governance and decision making of State Library and the Library Board by which funding arrangements are made for awards and fellowships and the use of State Library as a venue.

This Review was commissioned following events which occurred in connection with the proposed award by the Board of a 2025 black&write! Writing Fellowship. As is recorded in the Board’s 2024-25 Annual Report<sup>1</sup>:

*On 19 May, the Minister for Education and the Arts issued a Direction to the Library Board of Queensland pursuant to s.23 of the Libraries Act 1988 (Qld). The Direction advised an intended recipient of a black&write! Writing Fellowship should not be presented with the award in a publicly funded, state-run venue as previous public comments made by the author were incompatible with the values of respect, unity and inclusion.*

---

<sup>1</sup> At p 48

The present exercise is not the vehicle for a critical review of the decisions and interactions which led to this intervention by the Minister. Rather, the purpose of this Review is to identify lessons to be learned from the circumstances surrounding that intervention and to provide both context and guidance to the Board and SLQ management in the proper exercise of their functions and duties.

The process of this Review included consultations with:

- The Minister and the Minister’s senior advisers;
- The Chairperson and members of the Board;
- The State Librarian and other members of SLQ senior management;
- Senior officers within Arts Queensland;
- Several stakeholders associated with the various literary awards conducted by the State Library.

A wide range of documents have been consulted and reviewed including:

- Documents relating to the 2025 black&write! Writing Fellowship;
- SLQ guidelines relating to various literary awards and grants;
- SLQ Intellectual Freedom Policy;
- SLQ Strategic Plans 2024-28 and 2025-29;
- Code of Conduct for the Queensland Public Service;
- Library Board of Queensland Governance Framework;
- Charter of the Library Board of Queensland;
- Arts Statutory Bodies Governance Manual;
- Arts Statutory Bodies Handbook;
- Statement of the Queensland Government’s Objective’s for the Community;
- Ministerial Charter Letter;
- Minister’s Letter of Expectations to the Board (21 August 2025);
- “Queensland’s Time to Shine: a 10-year strategy for arts and culture 2025-2035”;
- SLQ policies and procedures, including in relation to risk management;
- Publications by the International Federation of Library Associations and Institutions (“IFLA”), including:
  - IFLA Statement on Libraries and Intellectual Freedom (1999 – 2003),

- IFLA Code of Ethics for Librarians and other Information Workers (2012),
- IFLA Statement on Defending Inclusive Knowledge Societies (9 July 2025).

Central to the governance issues raised under this Review is a proper understanding of the status, role and function of the Board. That informs not just the questions which arise in relation to balancing the respective roles of the Minister and the Board but also assist in providing clarity to the Board's understanding of the SLQ as a publicly funded venue.

Recommendations for consideration by the Board are highlighted in the commentary below.

## LIBRARY BOARD OF QUEENSLAND

The Board is constituted under the *Libraries Act 1988* (Qld) ("*Libraries Act*").

The express object of the *Libraries Act* is to contribute to the cultural, social and intellectual development of all Queenslanders.<sup>2</sup> The guiding principles for achieving that object are as follows<sup>3</sup>:

- (a) leadership and excellence should be demonstrated in providing library and informational services;
- (b) there should be responsiveness to the needs of communities in regional and outer metropolitan areas;
- (c) respect for Aboriginal and Torres Strait Islander cultures should be affirmed;
- (d) children and young people should be supported in their understanding and use of library and informational services;
- (e) diverse audiences should be developed;
- (f) capabilities for life-long learning about library and informational services should be developed;
- (g) opportunities should be developed for international collaboration and for cultural exports, especially to the Asia-Pacific region;
- (h) content relevant to Queensland should be collected, preserved, promoted and made accessible.

The Board's legal status is that of a body corporate with perpetual succession.<sup>4</sup>

It is not necessary for present purposes to undertake a full historical review of the Board's corporate existence. Suffice it to note that:

1. The Board, as a statutory body corporate, was established by the *Libraries Act 1943* (Qld);

---

<sup>2</sup> Section 1A

<sup>3</sup> Section 1B

<sup>4</sup> *Libraries Act*, s 6

2. The Board's corporate existence was preserved and continued by the passing of the *Libraries and Archives Act 1988* (Qld) (now the *Libraries Act*);
3. The *Libraries and Archives Act 1988* also expressly provided<sup>5</sup> that "[t]he organization formerly known as the Public Library of Queensland and known at the commencement of this Act as the State Library of Queensland shall upon the commencement of this Act continue in existence under the name and style of the 'State Library of Queensland'."
4. The term "State Library" is now defined in the *Libraries Act*<sup>6</sup> to mean "the public library formerly known as the Public Library of Queensland".

Members of the Board are appointed by the Governor in Council<sup>7</sup>. One of the members must be appointed as chairperson by the Governor in Council.<sup>8</sup> A member is appointed for the term (not more than 3 years) stated in the instrument of appointment, and there are specific provisions relating to vacancy of a member's office.<sup>9</sup> Section 11(3) specifically provides that the "Governor in Council may, at any time, end the appointment of all or any members for any reason or none".

Section 8 of the *Libraries Act* provides that the role of the members includes the following:

- (a) Being responsible for the Board's management;
- (b) Ensuring, as far as possible, the Board achieves, and acts in accordance with, its strategic and operational plans;
- (c) Accounting to the Minister for the Board's performance;
- (d) Ensuring the Board otherwise performs its functions in a proper, effective and efficient way.

The Board's functions are enumerated in s 20(1) of the *Libraries Act*:

- (a) to promote the advancement and effective operation and coordination of public libraries of all descriptions throughout the State;

---

<sup>5</sup> *Libraries and Archives Act 1988* (Qld), s 7

<sup>6</sup> Section 2(1)

<sup>7</sup> Section 7(1)

<sup>8</sup> Section 10(1)

<sup>9</sup> Section 11

- (b) to encourage and facilitate the use of public libraries of all descriptions throughout the State;
- (c) to promote mutual cooperation among persons and bodies in Queensland responsible for libraries of all descriptions and between such persons and bodies in Queensland and outside Queensland in order to enhance library and archival collections generally and to encourage their proper use;
- (d) to control, maintain and manage the State library, to enhance, arrange and preserve the library, archival and other resources held by it and to exercise administrative control over access to the resources;
- (e) to control, manage and maintain all lands, premises and other property vested in or placed under the control of the board;
- (f) to supervise in their duties all persons—
  - (i) performing work for the board under a work performance arrangement; or
  - (ii) appointed or employed under this Act;
- (g) to collect, arrange, preserve and provide access to a comprehensive collection of library, archival and other resources relating to Queensland or produced by Queensland authors;
- (i) to provide advice, advisory services and other assistance concerning matters connected with libraries to local governments or other public authorities;
- (j) to perform the functions given to the board under another Act;
- (k) to perform functions that are incidental, complementary or helpful to, or likely to enhance the effective and efficient performance of, the functions mentioned in paragraphs (a) to (j);
- (l) to perform functions of the type to which paragraph (k) applies and which are given to the board in writing by the Minister.

Further provisions of the *Libraries Act* deal with matters such as the ways in which the Board can exercise its powers and requirements in relation to meetings and the conduct of business.

The *Libraries Act* requires there to be a State Librarian, who is appointed by the Governor in Council. The legislation specifically provides that the Minister must not recommend an appointment as State Librarian to the Governor in Council unless that recommendation has been approved by the Board.<sup>10</sup> The State Librarian's duty "is, under the members, to manage" the Board.<sup>11</sup>

The Board, therefore, can properly be seen as the corporate vehicle and governance body for the operational organization known as the State Library of Queensland. Responsibility for management of that organisation rests with the State Librarian.

The Board has adopted a Charter<sup>12</sup>, the stated purpose of which is to provide "guidance on the objects, powers, functions, membership and proceedings of the Library Board of Queensland and the roles and responsibilities of its members". The Charter does not override the *Libraries Act* or other relevant legislation, regulations and directives.

The Charter describes the role of the Board as follows:

*The Board comprising the collective of the members of Library Board is a governing board and has the ultimate oversight responsibility and authority of the Library Board in the control and management of the State Library of Queensland.*

*The members of the Board are required, collectively as a governing body, to oversee the State Library's budget, performance, risk management and to direct the strategic objectives, planning and reporting functions of the State Library.*

*Obligations of the Board under the Act include the obligation to:*

- *prepare and submit strategic and operational plans to the Minister (Part 3 Division 2), and*
- *account to the Minister in accordance with Part 4 and Part 5 of the Act.*

---

<sup>10</sup> Sections 13 and 13A

<sup>11</sup> Section 14

<sup>12</sup> Resolution of 13 February 2024

Under the heading “Member responsibilities”, the Charter states that Board members are expected, amongst other things, to “abide by the Code of Conduct for public service agencies under the *Public Sector Ethics Act 1994 (Qld)*”.

The Charter also describes the responsibilities of the Board’s Chairperson:

*The Chairperson is responsible for leadership of the Board and for the efficient organisation and conduct of the Board’s function and for briefing all members in relation to issues arising at Board meetings. The Chairperson presides over Board meetings of the Library Board.*

*Among the Chairperson’s other responsibilities are:*

- *ensuring Board minutes properly reflect Board decisions*
- *holding the Board’s notes on in camera discussions for reference purposes and ensuring any resolutions from these discussions are recorded in the minutes*
- *to be the Board’s representative in dealing with the State Librarian and CEO and other management of the State Library ensuring that the Board’s views are communicated clearly and accurately*
- *to act as the primary counsellor to the State Librarian and CEO as an employee of the Library Board*
- *to represent the views of the Board to the Minister and other key stakeholders on appropriate occasions*
- *leading the Board in an annual review of its performance and effectiveness*
- *to transfer the Library Board in camera discussion notes to the incoming Chairperson or Deputy Chairperson on retirement or resignation as Chairperson.*

During consultations with the Board, it was noted that the Charter does not include reference to the role of the Minister. It was explained that the Charter is specifically focussed on the Board and its members and that references in the Charter to the Minister and the State Librarian are for context. It was also explained that the Charter needs to be read in conjunction with the Board’s Governance Framework, which will be detailed shortly. The Governance Framework and attached matrix of responsibilities was approved by the then responsible Minister in October 2016. The Board then in December 2016 approved its Charter and updated its Governance Manual to include the Governance Framework.

The Board is a “public sector entity” and each member of the Board is a “public official” under the *Public Sector Ethics Act 1994*. That legislation declares the ethics principles which are fundamental to good public administration<sup>13</sup>, namely:

- Integrity and impartiality
- Promoting the public good
- Commitment to the system of government, and
- Accountability and transparency.

It also provides for there to be codes of conduct which provide standards of conduct which are consistent with the ethics standards and values referred to in the legislation.

The Code of Conduct which applies to the Board and its members, and which the Board’s Charter invokes, elaborates on the standards of conduct expected in relation to each of the four ethics principles. Under the standards of conduct relevant to the principle of commitment to the system of government, the Code of Conduct notes the following<sup>14</sup>:

*We will:*

- a. ***accept that the elected government has the right to determine policy and priorities***
- b. ***be responsive to the government of the day and implement decisions and policies professionally and impartially***
- c. *comply with the laws of State, Australian and local governments*
- d. *comply with all relevant awards, certified agreements, subsidiary agreements, directives, whole-of-government policies and standards, and*
- e. *adhere to the policies, organisational values and organisational documents of our employing agency.*

(Emphasis added)

The Board’s legal status as a statutory corporation with its own governance and management structure does not mean that it is independent of the State.

To the contrary, section 6 of the *Libraries Act* provides, in terms, that the Board “represents the State”.

Members of the Board must account to the Minister for their performance.

---

<sup>13</sup> Section 4

<sup>14</sup> Para 3.1

Whilst the legislation confers on the Board all the powers necessary for it to perform its roles and functions, section 23 of the *Libraries Act* specifically states that the Board “is subject to written directions of the Minister in exercising its powers”.

The *Libraries Act* also contains a number of prescriptions binding the Board, including (in summary):

- It may not make a grant or give a subsidy to a local government without the approval of the Minister<sup>15</sup>;
- Every year it must prepare and submit draft strategic and operational plans for the Minister’s agreement not later than 2 months before the start of the financial year. The Minister may return the drafts and ask the Board to consider certain matters in the drafts or revise the draft plans. The Board must consider the Minister’s request but is not compelled to amend the draft plans. But if draft plans have not been agreed to by the Minister by one month before the start of the financial year, the Minister may give the Board a written notice directing it to take specified steps or make specified modifications to the draft plans, and the Board must comply with such a direction.<sup>16</sup>
- It must keep the Minister reasonably informed of the Board’s operations, including its financial and operational performance. If matters arise that in the Board’s opinion may prevent, or significantly affect, achievement of its goals under its strategic plan or significantly affect its performance in delivering the outputs under its operational plan, it must immediately inform the Minister of the matters and its opinion about them.<sup>17</sup>
- The Minister has the power to investigate and obtain a report on any matter relating to the Board.<sup>18</sup>

---

<sup>15</sup> Section 27

<sup>16</sup> Sections 43 and 44

<sup>17</sup> Section 51

<sup>18</sup> Section 52

The provisions relating to appointment and termination of Board members have been noted above. Clearly, it is the Minister, as the responsible Minister, who makes appointment and termination recommendations to the Governor in Council.

These legislative provisions take effect in the pragmatic context of appreciating that the Board is a publicly funded body. The Board's published accounts make clear that the majority of the Board's revenue is received in the form of an administered grant from the State. As the Board's latest financial statements note, the Board "is controlled by the State of Queensland which is the ultimate parent".<sup>19</sup>

In short, whilst the Board is an autonomous legal entity, it is not independent of the State. The Board has governance and stewardship responsibilities for SLQ but remains accountable to the Executive Government through the Minister.

Many of the matters referred to above are described and elaborated on in the Board's Governance Framework<sup>20</sup>. This comprehensive document contains a statement of policy:

*The Library Board through State Library of Queensland carries out its functions, responsibilities and obligations in accordance with the Libraries Act 1988 (Qld) and other relevant legislation and government policy.*

*The Governance Framework recognises the foundations of good public sector governance for State Library as a statutory body. Public sector governance:*

- *covers the responsibilities, practices, policies and procedures, exercised by an agency's executive, to provide strategic direction, ensure objectives are achieved, manage risks and use resources responsibly and with accountability*
- *incorporates the role of leadership in ensuring sound governance practices are instilled throughout the organisation and the wider responsibility of employees to apply governance practices and procedures in their day-to-day work.*

*Good governance is about both:*

- **Performance** – *how an organisation uses governance arrangements to contribute to its overall performance and the delivery of goods, services or programs*
- **Compliance** – *how an organisation uses governance arrangements to ensure it meets the requirements of the law, regulatory, published standards and community expectations of probity, accountability and openness.*

*State Library is committed to principles and practices of good governance.*

---

<sup>19</sup> Annual Report 2024-25, p 59

<sup>20</sup><https://content.slq.qld.gov.au/sites/default/files/Library%20Board%20of%20Queensland%20Governance%20Framework.pdf>

The stated purpose of the Framework is to set out “standards of accountability and transparency that stakeholders and the public expect”. It seeks to articulate principles of good governance and their relevance to SLQ and to clarify governance roles and responsibilities at all levels of the organisation. It says:

*The Governance Framework is an aggregation of:*

- *governance roles, processes and systems that State Library has in place to govern the day-to-day activities of the organisation*
- *the processes used to accumulate information and report it to the Library Board and external stakeholders.*

*The framework is not intended to be a static ‘on the shelf’ document, but a living tool that evolves as organisational circumstances change, expectations shift and views regarding organisational governance evolve.*

*Importantly, good governance must be supported by a strong organisational culture and leadership behaviours that encourage integrity, transparency and accountability.*

The Governance Framework then identifies and provides commentary on the 7 governance elements that “jointly support compliance and performance outcomes”, saying that these elements have been “derived from best practice governance frameworks and public sector governance guidelines, and tailored to State Library’s operating context, current state and the desired state”. The governance elements listed are:

- strategic intent
- culture
- accountability
- performance
- risk management
- assurance
- stakeholder engagement

Under the “Accountability” heading, the Framework gives a general description of the Board’s governing role:

*The Library Board is a governing board and has the ultimate oversight responsibility and authority in the control and management of State Library. The members of the Library Board are required, collectively as a governing body, to oversee State Library’s*

*budget, performance, risk management and to direct the strategic objectives, planning and reporting functions of State Library.*

*As a governing board, the Library Board sets the corporate direction and strategic objectives of State Library, oversees State Library management's capacity to achieve these objectives and regularly reviews and reports on progress. This role includes guiding and directing the organisation by setting strategic performance goals; ensuring corporate compliance and management accountability; ensuring adequate resourcing to achieve corporate objectives; monitoring performance; and approving operating budgets.*

Particular aspects of the Framework will be referred to later in this Report.

## THE MINISTER AND THE DEPARTMENT

The Minister for Education and the Arts is currently the Minister responsible for the *Libraries Act*.<sup>21</sup>

Arts Queensland (“AQ”), which is currently located within the Department of Education, is the government agency responsible for supporting the Minister in setting the State Government’s strategic policy direction for arts and culture in Queensland. It works with bodies such as the Board to support the Minister in fulfilling the Minister’s governance responsibilities. AQ provides advice and analysis to the Minister on a range of matters, considering the context of whole-of-government policies and priorities, and acts as an important conduit for the flow of information between the Minister’s office and the Board.

The Board’s Governance Framework properly recognises the role of AQ as the primary source of advice to the Minister in relation to matters within the Arts portfolio. It refers to AQ’s role in facilitating communication so that the Minister is kept informed of the operations and performance of the Board and SLQ and in facilitating liaison with the Minister on emerging media issues and opportunities. The Framework notes:

*Arts Queensland works with State Library on shaping and delivering the Government’s arts and cultural agenda, State Library’s occupancy of Government owned and managed facilities, and governance and compliance with statutory requirements.*

The role of the Minister vis-à-vis a body such as the Board is neatly summarised in the Arts Statutory Bodies Governance Manual<sup>22</sup>:

*Ministers are responsible for the legislation that establishes and regulates statutory bodies and office holders within the Minister’s portfolio.*

*Ministers must have some general power over statutory bodies to allow Ministers to fulfil their role in terms of the principle of responsible Government. In fulfilling this role, Ministers are entitled to briefings from their departments about issues concerning portfolio bodies generally.*

*The role of the Minister for a statutory body is established by the legislative framework i.e. the legislation establishing a statutory body determines the*

---

<sup>21</sup> Administrative Arrangements Order No 3 of 2024

<sup>22</sup> At p 7

*interaction between the body and the responsible Minister. It is the enabling legislation which primarily determines the level of independence of a body.*

Many of the specific powers of the Minister under the *Libraries Act* have already been summarized above, including the specific power to give written directions under section 23. Both the Arts Statutory Bodies Governance Manual<sup>23</sup> and the Arts Statutory Bodies Board Handbook<sup>24</sup> make the following observation:

*In addition to formal directions, the Minister has power to shape the decisions of the ASBs by persuasion, **by policy**, by appointment of members, and ultimately by legislative amendment.* (Emphasis added)

---

<sup>23</sup> At p 8

<sup>24</sup> At p 15

## THE 2025 black&write! WRITING FELLOWSHIPS

The black&write! Writing Fellowships are one of a suite of literary awards administered and conducted by the SLQ.

According to the relevant Guidelines, black&write! Writing Fellowships are awarded through a competition open to any Aboriginal and/or Torres Strait Islander writer currently living in Australia". Each of two Fellowship recipients receives an award of \$15,000, editorial development with the black&write! Team, and a publication opportunity with University of Queensland Press.

The Guidelines cover matters such as the requisite entry documents which must be submitted, matters of entrant eligibility, particulars of transcript eligibility and formatting, and the time limit for entries to be received.

Under the heading "Selection Process", the Guidelines state:

*What happens after you submit your entry?*

- *The Fellowships will be awarded by State Library of Queensland on the advice of a judging panel with extensive knowledge of First Nations writing. The panel will be Chaired by the Senior Editor, black&write!*
- *All entries will be judged against the following criteria:*
  - *Literary and creative merit*
  - *Potential value of a Fellowship to the entrant's writing career*
  - *Development required to bring the manuscript to a publishable standard*
  - *Contribution to Australian literature.*
- *Every eligible entrant will receive individual comments on their manuscript. Due to the number of manuscripts received, the judges cannot provide a detailed manuscript appraisal.*
- *Judges may invite entries for consideration.*
- *No correspondence will be entered into once the decision has been announced.*
- *State Library reserves the right to:*
  - *not accept any ineligible, incomplete or late entries*
  - *not award a Fellowship*
  - *determine if an entry is eligible or not.*

As is conventional for a body corporate of the nature of the Board, the *Libraries Act* gives the Board the power to resolve to delegate its powers to, amongst others, the State Librarian.<sup>25</sup>

The Board's financial and administrative delegations are appropriately recorded and published in a comprehensive document entitled "Financial and Administrative Delegations: Policy and Schedule". Included in the specific delegations from the Board to the State Librarian are the following matters relating to subsidies and grants to individuals and groups other than local government:

- Approval of methodologies that result in the provision of subsidies or the distribution of grants to individuals and groups other than local government;
- Approval of the release of funds for subsidies and grants to individuals and groups other than local government
- Lite Contracts and Letters of Agreements to a delegation level of \$500,000.

The award of the black&write! Writing Fellowships clearly falls within the ambit of those delegations to the State Librarian. The received process within SLQ was for the State Librarian to sign off on awards, including for the black&write! Writing Fellowships, in accordance with those delegations.

Following their deliberations in early 2025, the judging panel made a recommendation for the award of black&write! Writing Fellowships to two named individuals. After receipt of that recommendation, and in accordance with SLQ's standard practice for processing such recommendations, SLQ obtained a so-called GRAIL check in respect of each of the nominees. (A "Government Research and Information Library" check is a relatively basic information search on individuals for publicly available data on directorships, bankruptcy, adverse media, ASIC bans or disqualifications, and whether an individual is listed on the Queensland Register of Lobbyists).

The GRAIL check in respect of one of the nominees, Karen Wyld, revealed adverse media commentary about her arising from Ms Wyld's public stance and certain social media commentary by her concerning the Israel / Palestine conflict.

---

<sup>25</sup> Section 40

When passing the matter to the State Librarian for decision, SLQ staff identified that making an award to Ms Wyld carried reputational risk as a key potential impact through adverse media commentary, it being noted that “there is the potential for further commentary on this topic that negatively impacts the black&write project and State Library”. The potential impacts of the reputational risk were assessed at the level of the SLQ and also in relation to SLQ “partners”, described as “relationship with partners, public libraries, local government, and/or community stakeholders”. Assessments of the risk consequences and likelihood were made in accordance with the SLQ Risk Management Policy. For the option of proceeding with the judging panel recommendation, the reputational risk for SLQ was assessed as “minor” with “medium” likelihood. The same assessments were made for the reputational risks for SLQ partnerships. For the option of not proceeding with the judging panel recommendation the reputational risk for SLQ was also assessed as “minor” with “medium” likelihood, while the reputational risk for partnerships was assessed at a “Moderate” level of consequence with “Medium” likelihood.

After considering the judging panel’s recommendations and the other material collated by SLQ staff, including the GRAIL check and the risk assessments just described, and after consultation and discussion with the Chairperson, the State Librarian, acting under the delegated authority, decided to approve the judging panel’s recommendation for the grant of the fellowship to Ms Wyld. The State Librarian also accepted a recommendation from SLQ staff to the effect that the particular fellowship agreement include a clause to the effect that if the recipient makes public expression of their personal views and opinions it is to be clearly stated that such views and opinions do not reflect or represent the views or positions of SLQ.

AQ was briefed in respect of the decision. The matter was raised with the Minister’s office. The result was that on 16 May 2025, the Minister wrote to the State Librarian to express his “deep concern” regarding the decision to award the fellowship to the named individual. The Minister quoted various public statements which had been made by Ms Wyld, and continued:

*Such comments are incompatible with the values of respect, unity, and inclusion that the State Library of Queensland must uphold and providing this individual with a public platform will cause grave distress to our community.*

*The Premier and I have been unequivocal in stating that there is no place for hate, discrimination, or racism – including antisemitism – in Queensland. The Crisafulli Government supports the arts as a platform for creativity, expression, and cultural engagement.*

*While we respect the right of individuals to express their views, we also acknowledge the importance of ensuring that publicly funded arts venues and programs remain inclusive and focused on celebrating artistic excellence. It is the Government's view that Ms Wyld is not a fit and proper person to receive the award at the State Library of Queensland.*

*While I support the principles of free expression and creative diversity, publicly funded venues – including the State Library of Queensland – must be held to the highest standards. Any perception that taxpayer-funded awards are being granted to individuals who express views that justify terrorism undermines public confidence in our institutions and the broader cultural sector.*

*I will continue to work with arts organisations and stakeholders to ensure that the use of our venues aligns with community expectations and remains focused on celebrating artists for their achievements.*

On 19 May 2025, the Board's Chairperson replied on behalf of the Board and the State Librarian. This letter stated:

*The challenges faced by governments and cultural institutions in relation to issues of this nature are complex, increasing in frequency and require a nuanced and collaborative response. I thank you for your willingness to engage in a frank and open discussion as State Library has navigated the awarding of the 2025 black&write! Writing Fellowships.*

*Having given much consideration to the matter, the Library Board endorses the decision to award a 2025 black&write! Writing Fellowship to Karen Wyld.*

*The Library Board is confident that due process has been followed in assessing and awarding the 2025 black&write! Writing Fellowships. An independent judging panel has unanimously selected the manuscripts based on their literary merits. These applications comply with all conditions of entry.*

*The Library Board has some concerns around our compliance with the Human Rights Act 2019 (Qld) and in particular, the protected attribute of political belief and activity. The current application process does not outline any social media code of conduct or indicate that the personal views of an applicant would be considered as part of the judging process. State Library makes clear in contracts and at events personal views and opinions do not reflect or represent the views or positions of State Library.*

The Minister responded on the same day with a letter which expressly carried a direction under s 23 of the Libraries Act. After rehearsing the public statements which had been made by Ms Wyld, the Minister said:

*It is my firm view and direction under Section 23 of the Libraries Act 1988 and I am sure the view of most Queenslanders, that Ms Wyld should not receive the award in a Queensland Government or State Library of Queensland venue.*

*Further the Premier and I have been unequivocal in stating that there is no place for hate, discrimination, or racism – including antisemitism – in Queensland. The Crisafulli Government supports the arts as a platform for creativity, expression, and cultural engagement.*

*Accordingly, the award should not be presented to Ms Wyld or delivered to her within a publicly funded, state-run venue such as the State Library of Queensland.*

*It is incumbent upon the Board to ensure that all activities and associations of the State Library reflect community standards and uphold the integrity of the institution.*

*I expect that the Board will reconsider its decision in light of this direction.*

Read strictly, this letter was a direction not to utilize SLQ premises as the venue for presentation of the award to the individual.<sup>26</sup>

It was, however, construed and understood as a direction not to make the award at all to the named individual. Accordingly, on 20 May 2025, the Board's Chairperson wrote to the Minister advising relevantly:

*We are mindful to ensure we comply with the Direction issued to address your concerns.*

*To ensure compliance with the Direction, the Library Board of Queensland took urgent and immediate steps to ensure that Ms Wyld was not awarded the black&write! Writing Fellowship. A decision was also made, in consultation with Arts Queensland, that today's 2025 black&write! Writing Fellowship awards ceremony would not proceed.*

---

<sup>26</sup> This interpretation of the letter was affirmed by the Minister in Parliament on 20 May 2025 (Hansard, 20 May 2025, p 1225), and also in the course of a Parliamentary Estimates hearing on 7 August 2025 (Transcript of Estimates Hearing, 7 August 2025, p 31)

As noted in the Introduction, the present exercise is not a critical review of the interactions and decisions which gave rise to the Minister's direction. The circumstances do, however, need to be noted as the context which has given rise to this Review.

For completeness, it can be noted that the Minister's letter of 16 May 2025 was the first articulation to the Board via the State Librarian of the Minister's expectations of the way in which SLQ should uphold the values of respect, unity and inclusion. It must immediately be observed, however, that no previous occasion had arisen during the Minister's tenure which required an articulation of that policy position, nor had the question been escalated to the Minister's office for clarification prior to the decision being made.

Also for completeness, it is noted that since the events which gave rise to the Review, the State Government released its new arts strategy entitled *Queensland's Time to Shine: a 10-year strategy for arts and culture 2025-2035*. On 21 August 2025, the Minister wrote to the Board's Chairperson to outline the Minister's expectations in light of the release of that strategy and also the Government's March 2025 statement of the *Queensland Government's Objectives for the Community*. The Minister's letter of expectations included the following:

*Arts Statutory Bodies have a celebrated role in telling both the stories of our State and the stories of the wider community. However, I emphasise that these institutions must uphold the values of inclusivity and respect, where art is celebrated and every Queenslanders is welcomed.*

## GOVERNANCE, POLICIES AND PROCESSES FOR AWARDS AND FELLOWSHIPS

### A Preliminary Consideration

The functions of the Board, which are manifested through its operation of SLQ, are summarized above.

Each year, the SLQ engages in a number of programs resulting in the granting of various awards and fellowships. The funding for those awards and fellowships comes from a variety of sources, such as the allocation of funds by AQ, various grants, including from Creative Australia, and a range of philanthropic supporters.

Some of these awards programs fall squarely within the Board's stated functions. For example, the purposes and objectives of the Queensland Memory Awards are as follows<sup>27</sup>:

*The Queensland Memory Awards support the documentation, preservation and sharing of Queensland's memory—past and present—through fellowships and awards.*

*Fellowships support researchers and creatives to explore, interpret and add to the significant collections of the John Oxley Library. Through deep engagement with the collections, their work provides new insights and contributes valuable knowledge about Queensland's history.*

*The John Oxley Library Awards recognise individuals and organisations for outstanding contributions to documenting, preserving and enhancing understanding of Queensland's cultural heritage. Nominations are accepted year-round.*

At the very least, these purposes and objectives go to the Board's functions under the *Libraries Act* of promoting the advancement and effective operation of public libraries in Queensland<sup>28</sup> and to preserving and providing access to a comprehensive collection of

---

<sup>27</sup> <https://www.slq.qld.gov.au/get-involved/awards-and-fellowships/queensland-memory-awards>

<sup>28</sup> Section 20(1)(a)

library, archival and other resources relating to Queensland or produced by Queensland authors.<sup>29</sup>

On the other hand, there are several programs, including the black&write! Writing Fellowships and the Queensland Literary Awards, which are inherently in the nature of competitions for the award of prizes based on recommendations by a panel of qualified judges.

The Queensland Literary Awards are said to “showcase outstanding authors from across Australia, celebrating emerging and established authors across a range of genres”.<sup>30</sup> This awards program is expressly not limited to Queensland authors but is open to all persons who are Australian citizens or permanent residents of Australia.

The guidelines for the black&write! Writing Fellowships do not expressly state a purpose or objective, saying only that the fellowships are “awarded through a competition open to any Aboriginal and/or Torres Strait Islander writer currently living in Australia”.

Neither of these programs could therefore be said to be for the collection and preservation of resources produced by Queensland authors.

And it is not immediately clear how the running of such competitive programs fall under any of the Board’s prescribed functions or within the parameters of its Strategic Plan.

The current iteration of the SLQ Strategic Plan 2025-29 states:

***Our purpose***

*State Library collects and preserves Queensland’s cultural and documentary memory, providing free access to information, fostering knowledge and learning. We partner with local government to realise the potential of public libraries and Indigenous Knowledge Centres.*

---

<sup>29</sup> Section 20(1)(g)

<sup>30</sup> Queensland Literary Awards Terms and Conditions

The Strategic Plan enumerates the SLQ's objectives under the headings Collecting Memories, Enriching Experiences, People and Communities, and Responsive Innovation, and then summarizes the areas in which those objectives are to be performed and the strategies for performance. It then outlines Strategic Opportunities, Strategic Risks, the SLQ's Commitment to Government Objectives, its Sustainable Development Goals, and its commitment to Human Rights. But nowhere in the Strategic Plan is there reference to SLQ achieving its purpose or performing its strategies by conducting competitive awards programs which are either open generally or open only to particular entrants such as Aboriginal and/or Torres Strait Islander authors.

None of the present commentary is intended in any way to call into question the cultural and social value of each of these awards programs.

The point, rather, is to encourage clarity of thinking and understanding around the Board's functions and to ensure that activities it undertakes through the SLQ fall properly within its statutory mandate.

As discussed with the stakeholders during the course of consultations, these ultimately go to issues of policy as to what functions are and, in the contemporary literary environment, ought to be within the Board's remit. Those are matters for discernment and decision which are well beyond the scope of this Review, but which it is recommended ought be taken up for consideration by the Minister, with the advice of AQ, and the Board. At a practical level, these matters also require consideration of contractual and grant funding obligations which are currently in place for the operation of these programs.

**Recommendation:** That the Minister, with the advice of AQ, and the Board clarify as a matter of policy whether the conduct of competitive literary awards is a proper function of the Board and if so whether any legislative amendment or other intervention, such as a direction under s 20(1)(l) of the Libraries Act, is required in order to implement such policy.

## Policies and Processes

The governance and decision-making processes for the various awards and fellowships are set out in the separate guideline documents for each program. In the case of the Queensland Literary Awards, this document is described as “Terms and Conditions”.

It is sufficient and appropriate for present purposes to refer to the black&write! Writing Fellowship Guidelines. The document describes the purpose of the Guidelines as follows:

### ***Entry guidelines***

*These will help you determine if your entry is eligible for the Fellowship competition:*

- *Entries that do not meet the guidelines will not be eligible.*
- *Eligibility of an entry will be determined by State Library. Any determination of eligibility by State Library will be final.*
- *There is no limit to the number of entries an entrant may submit. However, each individual entry must be submitted as a separate entry.*
- ***Entry is free.***

The Guidelines then set out the list of required entry documents, details of entrant eligibility, details of manuscript eligibility, formatting, and the deadline for the submission of entries.

It then describes the selection process as follows:

### ***Selection process***

*What happens after you submit your entry?*

- *The Fellowships will be awarded by State Library of Queensland on the advice of a judging panel with extensive knowledge of First Nations writing. The panel will be Chaired by the Senior Editor, black&write!*
- *All entries will be judged against the following criteria:*
  - *Literary and creative merit*
  - *Potential value of a Fellowship to the entrant’s writing career*
  - *Development required to bring the manuscript to a publishable standard*
  - *Contribution to Australian literature.*
- *Every eligible entrant will receive individual comments on their manuscript. Due to the number of manuscripts received, the judges cannot provide a detailed manuscript appraisal.*
- *Judges may invite entries for consideration.*

- *No correspondence will be entered into once the decision has been announced.*
- *State Library reserves the right to:*
  - *Not accept any ineligible, incomplete or late entries*
  - *Not award a Fellowship*
  - *Determine if an entry is eligible or not.*

As noted above, the received practice was that after the judges' recommendations were received, the State Librarian, acting under delegated authority, would make the decisions for the respective awards.

The Guidelines reserve to the SLQ the right to determine an entrant's eligibility and the right not to make an award in particular instances. There is, however, a lack of clarity both in the Guidelines and in the practices which the SLQ follows in administering the programs about the circumstances in which these reserved rights might be exercised and how those circumstances are ascertained.

There are a number of salient and competing considerations.

The first is the fundamental point that the Board is not independent of but rather represents the State. Decisions it makes (either directly or by the State Librarian under delegated authority) should be made having regard to relevant State policies. This proposition also flows from observance by the Board of the Code of Conduct.

The second is that decisions such as this inevitably give rise to considerations of reputational risk for SLQ in its institutional capacity and by virtue of its status representing the State. The management of reputational risk in the contemporary social and corporate environment is a fundamental and constant board-level governance issue.

Further to that particular matter of reputational risk, the Board is in any event required to observe and maintain good governance in relation to the conduct of the awards programs.

That includes ensuring compliance with all relevant financial accountability regulations and standards.<sup>31</sup>

Third, it is apparent that exclusion of a person from entry into an awards program or from receipt of an award on the basis of, for example, controversial political statements the person has made publicly, including via social media, may raise vexed questions about the potential application of the *Human Rights Act 2019* (Qld) and the *Anti-Discrimination Act 1991* (Qld). Legal advice on those questions is beyond the scope of this Review.

Then there is the desirability of conducting background checks, including criminal record and social media checks, to ensure both the probity and the appropriateness of an entrant for consideration for a particular award. To take an extreme example, a person's past criminal history, or indeed having served time in jail, ought not automatically exclude them from entry in a literary competition. Indeed, that personal history may be an essential element of the fabric of the piece they have submitted for consideration. But an absence of criminal record checks could conceivably result in a convicted pedophile being considered for an award in the category of children's literature.

For comparison, some of these considerations are at least alluded to in the current published Guidelines for the New South Wales Literary Awards<sup>32</sup> which include the following as part of an entrant's acknowledgment:

*Award recipients must not engage (and must not have engaged) in behaviour that would be seen to bring the Award into disrepute. The State Library of NSW, in its absolute discretion, reserves the right to conduct criminal record checks in respect of nominee(s) whose works are submitted for consideration in respect of the Awards.*

---

<sup>31</sup> The Board is a "statutory body" for the purposes of the *Financial Accountability Act 2009* (Qld), the *Finance and Performance Management Standard 2019* (Qld) and the *Statutory Bodies Financial Arrangements Act 1982* (Qld)

<sup>32</sup> <https://www.sl.nsw.gov.au/awards/nsw-literary-awards>

The considerations just referred to should be adequately reflected in the documents which govern and regulate the conduct of the various award programs. That then raises the question as to what documents should govern these awards programs.

It is uncontroversial to observe that the adoption by a governing body and the implementation by management of policies is a conventional and necessary tool for the pursuit of good governance. In that regard, the Board's Governance Framework properly notes<sup>33</sup>:

*State Library develops policies on pertinent issues to manage operational issues and risks. A policy is a formal statement of position or rules which enables compliance with legislation, directives or governance requirements.*

*Policies are applied either by the authority of the Library Board, or by the State Librarian and CEO. Library Board policies address high-level corporate governance functions and areas of high risk including financial accountability, fraud and corruption control, information security, and work health, safety and wellbeing. The majority of policies relate to operational issues and are applied by the authority of the State Librarian and CEO.*

The Board has not adopted a policy governing the conduct and management of awards and fellowships programs such as those now under consideration. Rather, in the conduct of each of the awards and fellowships programs, the Board and management seem to have relied on the various Guidelines and Terms and Conditions documents. Each of these is a bespoke document, drafted for a particular program. That presents an obvious difficulty in discerning the overarching policies which the Board would seek to adopt and have applied in the conduct of these programs. It is also difficult to discern by what authority these Guidelines and Terms and Conditions documents have been published, and whether they represent policy adopted by the Board or are management documents for the administration of the various programs.

---

<sup>33</sup> Para 7.3

The Board has adopted an Intellectual Freedom Policy, which will be discussed in more detail below. That policy is not, however, expressed in terms encompassing the conduct of awards and fellowship programs.

These programs have significant public, cultural, and social prominence and impact. It is also common experience that competitive awards programs within the arts sector generally are notorious magnets for public comment, criticism, and sometimes controversy.

The need for the Board to maintain good governance in respect of the programs under its purview highlights the desirability of a clear formulation and articulation of policies and procedures which guide the Board and its delegated decision makers and provide for consistency in the conduct and management of such programs.

**Recommendation:** It is recommended that the Board formulate and adopt a policy (or suite of policies) for these awards and fellowship programs. In formulating those policies, at least the following matters should be considered:

- The necessity to include a clear statement of the objectives for each award program. As noted above, the Queensland Literary Awards presently has only a very broad statement of purpose in its Terms and Conditions, while the black&write! Writing Fellowship guidelines has none.
- Each statement of objectives should be cast within and expressly incorporate the Board's paradigm as representing the State. The objectives should be stated as being intended to be applied having regard to the State's policies concerning the values of inclusivity and respect.
- Confirmation that in conducting each award program, the Board is bound to observe all necessary governance and management controls as are necessary to:
  - o comply with relevant financial management and governance standards,
  - o preserve confidence of the public and those who provide funding in support of the award program,
  - o properly pursue the objectives of the particular awards program.

- Confirmation under the rubric of risk management that the Board has a duty to mitigate any risk of reputational damage.
- Confirmation that processes for mitigation of such risk will include:
  - The Board having the right to undertake background checks on any entrant, including criminal history checks and social media checks,
  - The Board obtaining an express acknowledgment from each entrant of the Board's right to undertake such checks.
  - The Board requiring that each entrant provide an acknowledgment that, if in receipt of an award, they will not engage (and must not have engaged) in behaviour (including the publication of statements in any media or through social media) which is inconsistent with the award program's objectives or which would be seen to bring the SLQ and/or the award into disrepute.
- Confirmation as a matter of policy of the Board's discretion to:
  - decline acceptance of an entry, and
  - not to make an award.

When considering the formulation of such a policy or policies, the Board should also consider the ambit and extent of its delegation policies. In that regard, the Board's Charter provides:<sup>34</sup>

***Delegation of authority***

*Matters specifically reserved for the Board include:*

- *decisions about the Library Board's strategic and operational plans (subject to approval by the Minister) and policies*
- *matters involving amounts over specified limits (which varies depending on the nature of the transaction) matters that may have the potential to have a material impact on the reputation and operation of the Library Board.*

*All matters not specifically reserved for the Board and necessary for the day-to-day management of the State Library are delegated to the State Librarian and CEO. The State Librarian and CEO and Executive Team are required to report regularly to the Board concerning the exercise of delegated power and to refer to the Board any matters within the scope of powers reserved for the Board.*

---

<sup>34</sup> Para 7

There should obviously be a delegation of all the powers necessary to enable management to efficiently run and manage the awards programs. But in light of the experiences resulting from the matters now under review, the Board might consider whether it is appropriate for there to be some sort of reservation or circumscription of any delegation of the discretion to decline acceptance of an entry or to decline to make an award.

The Board might, for example, consider that decisions on declining an entrant or declining an award should be reserved to the Board. Or it might consider a model under which it is a condition of the exercise of the discretion that the delegate first consult with the Chairperson of the Board, as occurred in the case of the 2025 black&write! Writing Fellowship decision process. In that regard, the Board's Charter provides that the Chairperson's responsibilities include "to be the Board's representative in dealing with the State Librarian and CEO and other management of the State Library ensuring that the Board's views are communicated clearly and accurately" and "to act as the primary counsellor to the State Librarian and CEO as an employee of the Library Board".<sup>35</sup>

These are matters which will require discernment by the Board, not prescription under the terms of this Review. It is nevertheless recommended that the Board give consideration to these issues.

**Recommendation:** In conjunction with the formulation of such an awards program policy or policies, the Board should review the existing Financial and Administrative Delegations Policy and Schedule.

As a consequence of formulating and adopting such policies, the award program information distributed to entrants will need to be redrafted to accommodate and articulate these policies.

**Recommendation:** The guidelines (however described) and entrant information documents for each program be redrafted to accommodate and articulate the policies adopted by the Board.

---

<sup>35</sup> Para 10

One of the important considerations is the identification and management of risk, particularly reputational risk. The Board has a comprehensive contemporary Risk Management Policy, which is next due for review in August 2027. In the risk category “Reputation”, the policy notes that the SLQ is “averse to risk that will damage State Library’s reputation with Government, partners or the public”. The policy further sets out comprehensive risk assessment matrices. In light of the matters referred to above, however, the Board should consider whether the conduct of these awards programs are of such significance and carry sufficient operational and reputational risk as to warrant the assessment and inclusion in the policy of specific risk appetite statements relating to the conduct of the awards programs.

**Recommendation:** In conjunction with the formulation of an awards program policy or policies, the Board should review the existing Risk Management Policy.

## GOVERNANCE, POLICIES AND PROCESSES RELATING TO USE OF THE STATE LIBRARY AS A PUBLICLY FUNDED VENUE

For the purposes of this Review, these topics arise for consideration in the context of the communications received from the Minister concerning the black&write! Writing Fellowship matter. In the letter of 16 May 2025, the Minister invoked the “publicly funded” character of SLQ premises. The terms of the direction under s 23 of the *Libraries Act* were that the award should not be presented or delivered “within a publicly funded, state-run venue such as the State Library of Queensland”.

The Board’s functions include control, maintenance and management of the State Library, and specifically “to control, manage and maintain all lands, premises and other property vested in or placed under the control of” the Board.<sup>36</sup> The right to control and manage premises includes the right to limit or exclude access. Section 80(3) of the *Libraries Act* expressly recognizes the Board’s right to impose conditions of entry.

In exercising its management and control of SLQ premises, it is clear that the Board is required to do so in accordance with the requisite legislative and governance requirements, many of which have been described above, including:

- (a) an awareness that, when making decisions concerning the use of premises, the Board is doing so as a body which represents the State,
- (b) a need to observe relevant Government policies concerning the use of premises,
- (c) an application of conventional good governance principles, including those relating to the avoidance and mitigation of reputational risk,
- (d) the need to observe and comply with all legislative and regulatory requirements and conditions,
- (e) the need to comply with the Code of Conduct, including to “use any public resource in accordance with official policies”.<sup>37</sup>

---

<sup>36</sup> *Libraries Act*, s 20(e)

<sup>37</sup> Code of Conduct, para 4.3

The Board has not adopted policies specifically relating to the use of SLQ premises or the hiring of SLQ venues to third parties.

It does, however, have an Intellectual Freedom Policy. That document contains the following policy statement<sup>38</sup>:

*Libraries contribute to the development and maintenance of intellectual freedom and help to safeguard democratic values and universal civil rights. Libraries also support the free flow of information and ideas, have a responsibility to oppose the infringement of intellectual freedom. This responsibility includes safeguarding against infringement by omission (neglecting the needs of individuals and communities) and by commission (exclusion, the violation of privacy and censorship).*

This policy was sourced, in part at least, from the *Statement on Libraries and Intellectual Freedom* issued by the International Federation of Library Associations and Institutions.<sup>39</sup>

The purpose for the Intellectual Freedom Policy is stated as follows:

*Intellectual freedom is the freedom to seek, receive and impart information and ideas. It is a fundamental human right, enshrined in enduring international statements and instruments, and is vital to a thriving democratic society and culture. This policy outlines how the State Library addresses its responsibilities to intellectual freedom.*

The policy then sets out a number of principles, including under the headings “equitable access and freedom of expression”, “privacy”, and “censorship”. Under the heading “Speakers and use of facilities”, the policy provides:

*State Library has the right and responsibility to determine the terms and conditions for speakers at events and the use of facilities and may:*

- *require an event organiser to comply with State Library’s booking procedures and provide information relevant to the conduct of the event, including information about any public safety and security issues*
- *require an event organiser to distinguish between speakers who have been invited by State Library and those invited by the event organiser*

---

<sup>38</sup> Para 3

<sup>39</sup> <https://repository.ifla.org/items/72090712-b389-450b-94df-e05fd6c582d4>

- *refuse permission to any speakers or facilities hire requests at State Library where the content of the speech or event is or is likely to:*
  - *be unlawful*
  - *prejudice the fulfilment by State Library of its duty to foster the wellbeing of staff and clients*
  - *involve the advancement of theories or propositions which may be detrimental to the State Library’s character as a cultural institution*
  
- *in the case of a speaker or event where State Library’s facilities have been hired, require the organiser to pay all or part of the cost of providing security and other measures to ensure public safety and order at the event.*

In accordance with the prudent practice adopted by the Board of having a regular cycle of policy reviews, the Intellectual Freedom Policy is due for review at the end of 2025.

There is also a standard form of Venue Hire Agreement. Clause 2 of the Venue Hire Terms prescribes the permitted use of the “event Room” to be hired under the agreement, and provides in clause 2(d):

The Hirer must advise State Library immediately if the Event will, or is likely to, contain adult content/themes or information/material that may offend the public or a part of the public. State Library may be able to terminate the Agreement and cancel the Event under clause 12.

Clause 12 specifies circumstances in which SLQ may cancel an event and terminate a venue hire agreement. In particular, clause 12(b) provides that it may do so if “State Library reasonably believes that an Event, or persons in attendance at the Event, will affect, or may affect, the normal operations of the Venue’s business, State Library’s security or reputation, the safety of people or the condition of property”. Clause 12(c) also contains a general reservation to SLQ of a right “to cancel, postpone or relocate the Event if deemed necessary by management”.

It is clear that SLQ premises are publicly-funded venues.

It is equally clear that the Board is responsible for management of those premises. In practical terms, it does so by virtue of the statutory role of the State Librarian and the delegations made to management.

In exercising these functions of managing SLQ premises, however, the Board and management will necessarily be cognizant of matters outlined above, including:

- the Board represents the State and is bound to make its decisions having regard to relevant State policies,
- the obligations of the Board and management to comply with the Code of Conduct. In that regard, it should be noted that, in addition to the standards of conduct referred to above concerning responsiveness to Government policies, the Code of Conduct states that one of the standards of conduct for the principle of “Accountability and transparency” is to “ensure appropriate use of official resources, public property and facilities”, and prescribes that “we will ... use any public resource in accordance with official policies”<sup>40</sup>,
- the necessity to consider critically issues of reputational risk, and mitigation of such risk, when making decisions in connection with the use of SLQ premises, including the hiring of venues to external third parties.

At no time during any of the consultations for this Review was there even a hint of a notion that SLQ premises, which are “publicly-funded venues”, should not be made available for use by members of the broader community.

The need for the Board to maintain good governance in respect of use and management of SLQ premises highlights the desirability of a clear formulation and articulation of policies and procedures which guide the Board and its delegated decision makers, including in making decisions relating to the hire of SLQ premises to external third parties.

---

<sup>40</sup> Code of Conduct, para 4.3

**Recommendation:** It is recommended that the Board formulate and adopt a policy (or suite of policies) for the use of SLQ premises and the hiring of SLQ venues to external third parties. In formulating those policies, at least the following matters should be considered:

- Any overlap between such proposed policies and matters presently covered by the Intellectual Freedom Policy. Important positive elements of the purpose for the Intellectual Freedom Policy might usefully be incorporated into the premises policies.
- The necessity to include a clear statement of the objectives sought to be achieved in the use of SLQ premises. Again, valuable elements presently articulated in the Intellectual Freedom Policy, such as the desirability of libraries supporting the free flow of information and ideas, could be included in those objectives.
- Similarly, there should be a clear statement of the objectives for making SLQ premises available to external third parties. These would include the prudent and responsible use of State-owned, publicly-funded venues for the benefit of the wider community.
- Each statement of objectives should be cast within and expressly incorporate the Board's paradigm as representing the State. The objectives should be stated as being intended to be applied having regard to the State's policies concerning the values of inclusivity and respect.
- Confirmation that in using and allowing the use of SLQ premises, the Board is bound to observe all necessary governance and management controls as are necessary to:
  - o comply with relevant financial management and governance standards,
  - o preserve confidence of the public and all SLQ stakeholders,
  - o properly pursue the stated objectives for the use of SLQ premises.
- Confirmation under the rubric of risk management that the Board has a duty to mitigate any risk of reputational damage.
- Confirmation that processes for mitigation of such risk will include:
  - o The Board having the right to undertake background checks on any proposed user / hirer of SLQ premises, including criminal history checks and social media checks,
  - o The Board obtaining an express acknowledgment from each user / hirer of the Board's right to undertake such checks.

- The Board requiring that each user / hirer provide an acknowledgment that they will not engage (and must not have engaged) in behaviour (including the publication of statements in any media or through social media) which is inconsistent with the policies and objectives for use of SLQ premises or which would be seen to bring the SLQ into disrepute.
- Confirmation as a matter of policy of the Board's discretion to decline to permit the use or hiring of any SLQ premises.

As noted above, the Intellectual Freedom Policy is due for review in the near future. Accordingly, there is no need for that to be the subject of a specific recommendation from this Review.

The use and hiring of SLQ premises clearly carry both strategic and operational risks, including reputational risk. These risks are not presently separately identified in the SLQ Risk Management Policy and no risk appetite has been discerned and allocated for these risks. Nor do the risks arising from the use or hiring of SLQ premises feature in the Board's Risk Register. It is noted, however, that the SLQ's Risk Review Committee is currently working to endorse a recommendation that the Board update the Risk Register to include the following<sup>41</sup>:

*Risk that State Library's reputation may be significantly damaged due to negative media coverage surrounding decisions made by State Library. This could lead to a loss of trust and confidence among stakeholders, including current and potential fellows, donors, and the general public.*

**Recommendation:** That the Board review its Risk Management Policy and Risk Register to reflect and provide a risk appetite statement for the risks associated with or arising from the use and hiring to third parties of SLQ premises.

---

<sup>41</sup> Board Agenda Item 8.4, meeting of 26 August 2025

## **BALANCING THE PRIORITIES AND EXPECTATIONS OF THE MINISTER AND THE PROPER ROLE OF THE BOARD**

Under our system of government and the legislation which governs the establishment and operations of the Board, the Minister is responsible for and accountable to Parliament in respect of the functions and operations of the Board. That role clearly extends to setting policy expectations for observance by the Board.

For its part, the Board, which represents the State in the exercise and performance of its functions, carries the responsibility as an autonomous entity of observing and fulfilling the objects and functions conferred by the *Libraries Act*. It does so through the adoption and pursuit of good governance principles and practice, the calibration of strategic direction for implementation by management, the oversight of risk, and management of the performance of the Board as an autonomous entity within the guidelines and guardrails of the legal and policy framework set by Parliament and the Minister. Day to day management of the Board's functions and responsibilities falls to the State Librarian, with the Board providing oversight and ultimately being accountable to the Minister. All of these matters are recognized in the Board's Charter and Governance Framework.

From a governance perspective, it is legitimate for the Minister to have a range of expectations of the Board. These expectations would include the following:

- That the Board maintains high standards of governance, financial management and risk oversight in line with the relevant legislation and relevant government policies.
- That the Board provides strategic leadership and effective oversight of management, including performance, risk, and culture.
- That the Board provides timely and accurate reporting to the Minister.
- That the Board liaises appropriately with AQ.
- That the Board maintains open channels of communication with the Minister and AQ on strategic issues, risks, and opportunities.
- That the Board proactively manages reputational risk identification and management, including through crisis preparedness.

- That the Board implements policies which protect and maintain its functions and promote public trust and confidence in the organization.

In *Governance Principles for Boards of Public Sector Entities in Australia* (2<sup>nd</sup> ed, 2023), the Governance Institute of Australia has provided a guide to governance principles specifically directed to entities such as the Board. It suggests eight guiding governance principles:

- Lay solid foundations for good public sector governance
- Structure the board to be effective and add value
- Instil and model a culture that promotes the highest standards of public integrity
- Oversee effective stewardship of resources
- Demonstrate openness, transparency and accountability
- Respect all stakeholders
- Recognize and manage risk
- Remunerate fairly and responsibly.

The guide then provides a series of recommendations for consideration under each principle. For the principle of laying the foundations for good governance, the recommendations are:

1. Establish a clearly defined governance framework with all key participants.
2. Set a longer-term strategy that aligns with government policy priorities.
3. Balance the public interest.
4. Establish a delegation framework.
5. Distinguish between the roles and functions of the board and management.
6. Evaluate the performance and competence of senior management regularly.

It is not necessary for the purposes of this Review to provide further commentary on most of these items, save to observe that the documents provided for review and the consultations with Board members and senior management disclosed a keen appreciation of, and commitment to observing, all of these principles and factors.

What is instructive for present purposes, however, is the commentary provided by the Governance Institute in relation to balancing the public interest as an integer of laying the foundations for good governance<sup>42</sup>:

*Acting in the public interest is central to building and maintaining public trust and confidence in a representative democracy. There is no one accepted definition of the public interest. It is widely accepted however that governments and their departments, agencies and entities are expected to act in the public interest. Depending on the jurisdiction, this requirement may be found in case law or legislation. Boards are accountable to the public through the parliament and the government of the day, are subject to the lawful directions of the minister, and are generally expected to deliver the government's policy agenda. To promote the public interest, boards should also have autonomy and independence in conducting their duties and should not be subject to undue ministerial influence.*

*There may be times when a board needs to balance the public interest as expressed by the government of the day with other potentially conflicting expressions of the public interest. In these instances, board members should seek to find an appropriate balance that maintains a relationship of trust with government without acting against the public interest. Achieving this balance should be based on collaboration, clear and open communication, consultation, and mutual trust between all key participants in the governance framework.*

*Where the board is ultimately at variance with the decision of a minister, there should be a clear record of board deliberations on the subject matter, including reasons for the decision and any resource allocation issues and risks associated with implementation. Consideration should be given to the matter being disclosed in the annual report as an executive decision of the minister. Where a minister gives a direction to the board, this should also be disclosed in the annual report.*

A number of points can be noted from this commentary in the context of the matters now under review.

The first concerns the balancing of the respective roles of the Minister and the Board. In the first instance, it is for the Minister to convey the Government's position on matters of policy. It is for the Board, as the governing body of an autonomous organization, to have regard to those matters of policy in its decision-making processes. But for many decisions which the

---

<sup>42</sup> Recommendation 1.3

Board must make, Government policy will not be the only factor for consideration by the Board. Other relevant factors for consideration may, for particular decisions, include ensuring alignment of a decision with the Board's Strategic Plan, consideration of the decision in the context of the objects and purposes of the institution, the expectations of other stakeholders, the risks, including reputational risks, associated with the decision and the effectiveness of risk mitigation, and the financial consequences of the decision on the institution.

This means, as noted by the Governance Institute, that situations may arise where the Minister and the Board are genuinely at variance in respect of a particular decision. It will then be a matter for the Minister to consider whether or not to invoke the reserve power to give the Board a direction in a particular case.

The second concerns the importance of clear and open communication between the parties. Effective communication either directly between the Minister and the Board (conventionally represented by the Chairperson) or indirectly via the State Librarian and AQ is essential to achieving a balance between the Minister's expectations and the Board's role. This is not just a matter of legislative requirement, particularly by the *Libraries Act* provisions which require the Board to account and report to the Minister. It is, rather, a matter of ensuring that the respective roles can be properly fulfilled.

Beyond advocating for effective communication generally, however, it is impossible to be prescriptive. Much will turn on matters such as the style of the individuals involved and the degree of engagement by essential participants such as AQ. At its highest level, effective communication will often depend on something as pragmatic as the nature of the relationship between the particular Minister and the particular chairperson.

That being said, circumstances of urgency or importance do arise in which the proper lines and processes of communications should be well understood. There should be clear escalation and communication protocols in place between the Minister, the Board (via the Chairperson), the State Librarian and AQ for policy issues, matters of political sensitivity, and crises.

AQ clearly has a central role to play in this communication and liaison space, and so much is reflected in the Arts Statutory Bodies Board Governance Manual<sup>43</sup>, which states in relation to Arts Statutory Bodies (“ASBs”), of which the Board is one:

*The Department’s role in advising the Minister on matters regarding the ASBs is performed by the Department through AQ. AQ is the government agency responsible for supporting the Minister for the Arts in setting the State Government’s strategic policy direction for arts and culture in Queensland. AQ works with the ASBs to support the Minister in fulfilling the Minister’s governance responsibilities. In its advisory role, AQ provides advice and analysis on key issues and documents including:*

- strategic and operational plans*
- annual reports*
- appointments of members and CEOs to the ASBs*
- budget bids*
- ministerial briefings*
- international travel*
- media opportunities.*

*AQ provides the Minister with objective advice considering the context of whole-of-government policies and priorities. Any correspondence from the Chair to the Minister will be referred by the Minister’s office to AQ for briefing and response.*

*The Department ensures that the Minister is kept informed of the operations and performance of each ASB in a variety of ways, including briefs on specific issues, regular meetings with the Minister and the Ministerial adviser, attendance at board meetings as an observer and analysis of formal documents. However, each ASB must keep the Minister reasonably informed of the ASB’s operations directly through meetings or correspondence as per the ASBs’ statutory obligations.*

In relation to communications protocols, the Manual sets out a range of scenarios in Appendix D. This includes situations in which advice or direction is sought from a Minister on a particular issue or where an alert needs to be given to a Minister on an issue that may attract media attention.

---

<sup>43</sup> At page 21

Whilst it is beyond the scope of this Review to make recommendations about such matters, it is noted simply that both the Arts Statutory Bodies Board Governance Manual and the Arts Statutory Bodies Handbook are now more than 6 years old.

The role of AQ in facilitating these communications is also noted in the Board's Governance Framework (as described above). In relation to "Managing Ministerial Liaison", the Framework says:

*Any necessary direct contact with the Minister which is required by the Chair, or the Library Board, is managed by the Chair or the State Librarian and CEO (or a nominated officer). The Manager, Strategy and Governance maintains records of all correspondence passing between the Minister and the Chair and the Minister and the State Librarian and CEO. This ensures that responses are centrally coordinated, consistently recorded and communicated, and ongoing issues can be monitored appropriately.*

*Contact with the Minister's office, via the Department of Education (the Department), is managed by Strategy and Governance except for media issues, media opportunities and date claimers which are managed by Audience Engagement.*

*Routine correspondence and reporting to the Minister are facilitated through the Department via Arts Queensland.*

The Framework also sets out a matrix of responsibilities for the various governance elements and specifies that responsibility for Ministerial liaison in respect of each of the elements lies with the Chairperson. Under the heading "Stakeholder engagement", this is said to be a primary responsibility "for maintaining relationship with Minister to ensure ongoing compliance and to promote positive working relationship with Minister and Minister's office".

In the context of the 2025 black&write! Writing Fellowship decision, a number of related considerations emerge.

At the time the decision to award the fellowship was made, there had been no occasion for the Minister to convey to the Board the Government's policy position concerning the values

of inclusivity and respect. Upon being informed of the decision, the Minister wrote to the Board giving clear indication of both policy and the preferred outcome. The events which unfolded are summarized above, resulting in the Minister giving a direction to the Board.

With the benefit of hindsight, it can be seen that consultation with the Minister's office, either directly or via AQ, prior to making the decision would have been beneficial. It would seem, however, that a need to seek policy clarification was not identified at the point when the decision was made. From the information provided during consultations for this review, it would appear that there was no history of a perceived need for the Board to obtain policy clarification from the Minister when making such decisions about awards. Moreover, it is clear that the decision was made on the basis of a risk assessment conducted in accordance with the risk settings articulated in the Board's Risk Management Policy and Risk Register.

There is no easy answer to the issues raised under this Review, particularly when it comes to questions of how the Board properly discharges its function as the governing body of an autonomous body which represents the State and balances those with the Government's policy expectations and, indeed, the wider public interest. The difficulty in addressing these issues was recently highlighted for Creative Australia in somewhat similar circumstances.

In early 2025, public debate was sparked with the announcement by Creative Australia of its selection for the Australian Representation at the 2026 Venice Biennale. Issues raised in that debate overlap with the matters which were the subject of the proposed award by the Board of the 2025 black&write! Writing Fellowship. The governance advisory firm Blackhall and Pearl was engaged by the Australia Council Board of Creative Australia to review, amongst other things, the processes and procedures by which the artistic team to represent Australia at the 2026 Venice Biennale was selected. That external review was publicly released by Creative Australia on 2 July 2025.<sup>44</sup> The introduction to the report contains a number of observations which resonate for present purposes:

*In no small way, geopolitics and social cohesion issues have intersected in recent years with national cultural, religious, environmental and identity beliefs. These have*

---

<sup>44</sup> <https://creative.gov.au/venice-biennale-2026-review>

*ignited strong expressions of opinion and contention, leading to a greater division of views in Australia, as elsewhere.*

*The arts community has not escaped this and because artists will often seek to challenge existing paradigms, in many ways they and their works have become a focal point for controversy.*

*The express wish of Federal Parliament to encourage and uphold freedom of artistic expression and to support arts practice that reflects the diversity of Australia, a wish supported by many artists themselves, has collided with other obligations, expectations and stakeholder interests. As with conflicts everywhere in society, many are hurt, including emotionally, financially and reputationally.*

*For those in arts administration whose role it is to weave a path between different expectations and interests, the experience can feel like threading a needle in a high wind. Decision-makers may face hostility and ridicule, whatever decision they make.*

...

*In this fraught environment, which affects a spectrum of bodies governing arts, sports, not-for-profit enterprises and for-profit corporations, there is no governance structure or decision-making process that delivers a risk free, magic bullet solution to navigating the controversial issues that emerge on a regular basis, often suddenly. Nor is there a perfect process that results in decisions that satisfy all stakeholders. But what is possible is to set a framework that assists decision-makers to grapple with such issues. In simple terms, this requires an organisation to step back and try to determine the likely issues and risks that it may face, and consider these through the lens of its stakeholders. This in turn requires a nuanced and thoughtful examination of the factors, perspectives and reactions that are likely to emerge, and careful consideration of how the organisation can best respond. In certain circumstances, it may require seeking expert advice.*

The report noted that the decision of the Creative Australia CEO to appoint a particular Artistic Team and the subsequent decision of its board to rescind that decision were exercises of judgment but also noted that as exercises of judgment they need to be considered in light of the context within which they were made. In respect of the first decision, the report was critical of the conduct of the CEO “[g]iven that there were heightened sensitivities around anything connected with the conflict in the Middle East, including aspects of that conflict in Lebanon, Israel and Gaza, and given that a number of cultural organisations had already faced considerable controversies”<sup>45</sup>.

---

<sup>45</sup> Page 21

It can therefore be said for present purposes that the balancing of a Minister's expectations and priorities and the proper exercise by the Board of its functions and duties requires an element of "spatial awareness" on the part of the Board of the broader context in which a decision is being made. That is particularly important when the Board, either directly or by its delegate the State Librarian, is proposing to make a decision which has the potential to generate political or social controversy. Such a "spatial awareness" of the broader context and potential impact of such a decision should also guide the Board and its delegate as to the circumstances in which it needs to seek policy clarification from the Minister in respect of the particular subject matter.

An important aspect of exercising that "spatial awareness" lies in the calibration of the Risk Management Policy, particularly in relation to reputational risk. From a governance perspective, the treatment and management of reputational risk is unarguably a board-level governance issue. As noted above, one of the Minister's proper expectations is that the Board should proactively manage reputational risk identification and management, including through crisis preparedness.

The Risk Management Policy appropriately identifies "Reputation" as one of the relevant risk categories. The Risk Appetite Statement for that risk is stated as:

- *State Library is **averse** to risk that will damage State Library's reputation with Government, partners or the public*
- *State Library is **willing to engage** with risk that increases State Library exposure and profile in the community*

This states an appetite for risk to the SLQ's reputation as an autonomous institution. That is the lens through which the risk assessment concerning the 2025 black&write! Writing Fellowship matter was conducted.

But, to return to one of the regular themes of this Review, the Board is not merely an autonomous entity. It represents the State. And, for the reasons just described, it is clear that decision-making, particularly on issues which carry the potential for political or social

controversy, cannot be made through a narrow lens but require consideration of the broader context within which the decision is being made. These considerations are not currently reflected in the Risk Management Policy, the Risk Appetite Statements, or the Risk Register.

As noted in the previous section of this report, revisions of the Risk Register to specifically address adverse media commentary are currently under consideration.

The Blackhall and Pearl Report for Creative Australia contains<sup>46</sup> a draft Risk Assessment Framework for artistic projects. This framework is expressly offered as guidance and is not to be considered prescriptive. For present purposes, however, the Board may well find assistance in considering the matters suggested under Blackhall and Pearl’s draft framework.

In the “Risk Management” section of the Governance Framework, the Board notes that “we undertake regular assessments and respond to risk and opportunities”. The commentary states:

*Risk is identified at the strategic and operational levels. State Library continues to evolve its approach to risk management to ensure it is fit for purpose, meets the demands of the operating environment, and aligns with the expectations of our clients, partners, team members, and broader community.*

**Recommendation:** That the Board review its Risk Management Policy, Risk Appetite Statements, and Risk Register to reflect its status as an autonomous entity which represents the State and to accommodate the desirability of considering broader contexts when making risk management and mitigation decisions.

---

<sup>46</sup> In Appendix 3

The Board's Charter and Governance Framework are seminal documents which guide and assist the Board in performing its functions. Having regard to the matters which have been addressed in the course of this Report, it would be appropriate for the Board to review and, as necessary, update both the Charter and the Governance Framework

The Charter identifies the Board's "Status and functions" in the following terms:

*The Library Board of Queensland is a body corporate (s5) and is a statutory body under the Financial Accountability Act 2009 (Qld) and the Statutory Bodies Financial Arrangements Act 1982 (Qld) (s77 of the Act). The Library Board draws its powers from the Act, the object of which is to contribute to the cultural, social and intellectual development of all Queenslanders. The guiding principles for achieving this objective are set out in s1B of the Act. The functions of Library Board are set out in s20 of the Act.*

*As a reporting entity for the purposes of annual reporting under the Financial Accountability Act 2009 (Qld), the Library Board must provide an annual report to the Minister (s53).*

This is a completely accurate and appropriate description of the Board as an autonomous legal entity. It does not, however, recognise or refer to the essential proposition that, in performing its functions and roles, the Board represents the State.

Similarly, whilst the Charter accurately states that the role of the Board is that it has "the ultimate oversight responsibility and authority of the Library Board in the control and management of the State Library of Queensland", this statement does not reflect the fact that in the performance and exercise of its functions the Board is accountable to and ultimately subject to the direction of the Minister.

The same considerations apply in relation to the wording of parts of the Governance Framework. Whilst the Framework properly and appropriately acknowledges<sup>47</sup> that the Board is subject to the written directions of the Minister in exercising its powers, under the heading "Accountability" it is simply said that the Board "has ultimate oversight responsibility and authority in the control and management of the State Library".

---

<sup>47</sup> Under the heading "Ministerial oversight" in part 7.7

Further under the heading of “Accountability”, the Framework notes that the Board is, amongst other things, required to “be client-focused – be aware of community and Government opinion and needs; balance the demands of different stakeholders”.

After taking account of the matters discussed in this Report, the Board might discern, including to the extent necessary by engaging with the Minister, the Minister’s office and AQ, whether this wording appropriately describes the Board’s relationship with the Government generally and the Minister in particular, and whether it sufficiently takes account of and articulates the proper need for the Board to have regard to relevant Government policies in the exercise of its functions.

**Recommendation:** That the Board review its Charter and Governance Framework to take account of the matters discussed in this Report.