

# **Grammar Schools Bill 2016**

## **Explanatory Notes for amendments to be moved during consideration in detail by the Honourable Kate Jones MP, Minister for Education and Minister for Tourism and Major Events**

### **Short title**

The short title of the Bill is the Grammar Schools Bill 2016.

### **Policy objectives and the reasons for them**

The Grammar Schools Bill 2016 (the Bill) imposes an obligation on members of the board of trustees of a grammar school to disclose to the Minister if they are convicted of an indictable offence during their term of appointment.

The Education, Tourism, Innovation and Small Business Committee (the Committee) in their report on the Bill has noted that the Bill does not include safeguards for information about convictions for indictable offences disclosed to the Minister during their term of appointment. The Bill does include safeguards to protect the criminal history report obtained by the Minister from the commissioner of the police service under clause 21 of the Bill to determine the person's suitability for appointment.

The Committee has recommended that the Bill be amended to specifically provide for the protection of information disclosed to the Minister about a conviction for an indictable offence during a board member's term of office. The amendments to be moved during consideration in detail give effect to the Committee's recommendation.

### **Achievement of policy objectives**

The Bill inserts a new clause 23A that provides the same protections to the information disclosed to the Minister by a member of the board under clause 23 about a conviction for an indictable offence as is afforded to information obtained by the Minister under clause 21.

The Bill also makes consequential amendments as a result of this change.

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

The policy objectives can only be achieved by legislative amendment.

## **Estimated cost for government implementation**

There are no funding implications for government as a consequence of the amendments.

## **Consistency with fundamental legislative principles**

The amendment will extend the application of the offence (currently in clause 22) to information about a person's conviction for an indictable offence during their term as a member of the board provided to the Minister under clause 23.

The extension of the offence aims to prevent the unauthorised disclosure of criminal history information relating to the conviction of a member for an indictable offence during their term as a member. On this basis, the inclusion of the offence in the Bill is considered appropriate and reasonable.

## **Consultation**

These amendments reflect the recommendation of the Committee and no consultation has been undertaken.

## **Consistency with legislation of other jurisdictions**

The amendments are specific to the State of Queensland.

## Notes on provisions

*Amendment 1* amends clause 21 of the Bill to omit subclause (5).

*Amendment 2* omits current clause 22 of the Bill.

*Amendment 3* inserts new clause 23A. This clause provides that the criminal history information is confidential. Disclosure of criminal history information except as permitted under clause 23A(4) is an offence with a maximum penalty of 100 penalty units. The Minister must ensure a document containing criminal history information is destroyed as soon as practicable after it is no longer needed for the purpose for which it was obtained.

For the purposes of this clause, criminal history information is defined to include the criminal history report and information obtained by the Minister under clause 21 and the information about a conviction for an indictable offence disclosed by a member under clause 23.

The effect of this amendment is that the same protections will apply to the information obtained under clause 21 and clause 23.