

# Education (General Provisions) Amendment Bill 2025

## Statement of Compatibility

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, John-Paul Langbroek MP, Minister for Education and the Arts, make this statement of compatibility with respect to the Education (General Provisions) Amendment Bill 2025 (the Bill). In my opinion, the Bill is compatible with the human rights protected by the *Human Rights Act 2019* (HR Act). I base my opinion on the reasons outlined in this statement.

## Overview of the Bill

The Bill amends the *Education (General Provisions) Act 2006* (EGPA) to ensure continued focus on delivering high-quality education in Queensland. It supports Queensland Government objectives of investing in skills and educating for the future by providing for a contemporary and robust legislative education framework, and backing frontline services in education by supporting principals, teachers and school communities.

The Bill:

- reduces the regulatory burden and red tape on schools, students and parents including by streamlining student access to approved online services for digital learning; extending the age eligibility of a student in home education to 18 years of age; simplifying enrolment transfers between state special schools; providing delegation of particular principal responsibilities; improving eligibility criteria for eKindy; supporting the operations of Parents and Citizens Associations (P&C Associations); and clarifying when the principal of a non-state school must provide information to the chief executive of the Department of Education (DoE);
- protects students and school communities by facilitating a proactive, proportionate and efficient framework for sharing student information when a student transfers between Queensland schools; and
- modernises education legislation generally by making a number of minor technical amendments.

The EGPA underpins the education system in Queensland, providing a legislative framework for the administration of state education, while also providing for other regulatory matters relating to both state and non-state schooling sectors and home education registration.

The EGPA provides for the establishment of state educational institutions which provide primary, secondary or special education; costs for state education; allocation of state education for each student in a Queensland state school; school councils and P&Cs; enrolment at state schools; compulsory schooling and compulsory participation obligations; the good order and management of state educational institutions and non-state schools, including student discipline in state schools and mandatory reporting of sexual abuse in state and non-state schools; and transfer notes to allow continuity in education for students transferring between Queensland state or non-state schools.

Since 2006, a number of targeted reforms have been made to address particular issues, which have led to amendments to the EGPA and the *Education (General Provisions) Regulation 2017* (EGPR), being made under the EGPA.

In 2022–23, DoE undertook a focused review of the EGPA in acknowledgement that no systemic failings had been raised with the foundational aspects of the EGPA. The proposed amendments resulted from that review and targeted stakeholder consultation in 2024.

### **Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

In my opinion, the following human rights are relevant to the Bill:

- Right to recognition and equality before the law (section 15, HR Act);
- Right to take part in public life (section 23, HR Act);
- Right to privacy and reputation (section 25, HR Act);
- Right to protection of families and children (section 26, HR Act);
- Right to cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28, HR Act); and
- Right to education (section 36(1), HR Act).

## **Human Rights Issues**

### **Information sharing with approved online services**

The Bill amends the EGPA to enable an employee of a state school to share student personal information with an approved online service used by the school.

In my opinion, the right to privacy and reputation (section 25, HR Act) is potentially limited by the amendments that provide for information sharing with online services, while the *right to education* (section 36(1), HR Act) is promoted.

#### **(a) the nature of the right**

##### *Right to privacy and reputation*

The *right to privacy and reputation* provides that every person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and not to have the person's reputation unlawfully attacked. Unlawful interference means it cannot take place except in cases envisaged by law. An arbitrary interference refers to conduct that is capricious, unpredictable or unjust, as well as interferences that are unreasonable and not proportionate to the legitimate purpose that is sought.

Privacy relates to the personal aspects (i.e. personal information, data collection and correspondence) and more broadly into the person's private life more generally (i.e. their physical and mental integrity, freedom of thought and conscience, legal personality, sexuality, family and home and individual identity-such as appearance, clothing and gender). While the right to privacy is broad, it must be balanced against other rights and competing interests.

The *right to privacy and reputation* is relevant as the proposal enables the disclosure of personal information about a student.

##### *Right to education*

The *right to education* under section 36(1) of the HR Act provides that every child has the right to have access to primary and secondary education appropriate to the child's needs.

The Explanatory Notes to the HR Act provide that this right is intended to be consistent with the provisions of the EGPA and provide rights in respect of the aspects of education service delivery for which the State is responsible.

Importantly, the *right to education* under the HR Act is a right to access education, as noted in the Legal Affairs and Community Safety Committee (LACS), Parliament of Queensland. Access incorporates underlying principles of non-discrimination, physical accessibility and economic accessibility.

Based on Article 13 of the International Covenant of Economic, Social and Cultural Rights (ICESCR), the *right to education* is key to empowering people with the ability to realise their human rights, to fully participate in society, achieve social mobility and enjoy human existence.

Under section 36(1) of the HR Act, the *right to education* is relevant as the proposal's purpose is to ensure the management and good order of schools in Queensland that will allow for the effective delivery of state education services.

The *right to education* is relevant because the proposal seeks to facilitate student access to approved online services to support digital learning and their engagement with a school.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

Increasingly, Queensland state schools are supported by a variety of third-party (non-departmental) technology solutions. For example, teachers may use online services with students to support curriculum delivery, complete learning activities and assessment, facilitate class collaboration and create and publish class work. Online services are also used to manage school operations and communicate with parents. At any one time, it is estimated state schools may be using hundreds of online services. To support student access to some online services, certain information is provided. This includes, for example, the student's name, date of birth, achievement data, email addresses, and year level. This enables account registration and access to the service for a student.

Currently the EGPA requires that consent must be obtained for each individual service that requires disclosure of personal information about a student. Accordingly, state schools undertake and maintain a consent process for the use of online services, including when a new service is offered. To provide consent, either the student or parent have to review and agree to information required for the use of the online service. Due to the increase in use of these services, the consent process has become burdensome for schools, students and parents, and there is an increased risk of information security breaches due to variability of online services' privacy and security protections.

To address the consent management process, amendments to the EGPA in the Bill enable personal information about a student that is relevant to the set-up and use of an online service to be recorded, used and disclosed by a public service employee of the department to an online service that has been approved by the chief executive. Personal information will not include sensitive information, as defined in the *Information Privacy Act 2009* (IP Act).

This reform means there will no longer be a requirement to obtain prior parent/student consent for the recording, using or disclosing the student's personal information to an online service, if the online service is one that is approved by the chief executive.

Proposed reforms will establish a robust framework whereby the chief executive may approve an online service that requires the disclosure, recording or use of personal information about a

state school student if the chief executive is reasonably satisfied:

- the online service is required for either or both of the following purposes—
  - for providing services for the education or educational support of students of state schools;
  - for the effective management of state schools.
- a contract or other arrangement entered into with the entity that provides the online service is a service arrangement (IP Act, section 34) and the entity is a bound contracted service provider (IP Act, schedule 5) in relation to the contract or arrangement; and
- an appropriately qualified public service employee employed in the department has assessed the online service according to a framework for assessing the matters mentioned in the following two dot points; and
- the online service is suitable to protect the privacy and online security of relevant information about the student that may be disclosed to, or recorded or used by, the entity providing the service; and
- the entity that provides the online service does not require sensitive information about the student.

To ensure transparency to parents and students, the chief executive will be required to ensure a list of all approved online services is made available for public inspection, without charge. Parents and students will still have the ability to opt out of using an approved online service. The responsibilities and processes for obtaining and managing consent are currently provided for in DoE's *Obtaining and managing student and individual consent procedure* and is administratively managed by schools. For online services that require sensitive information about a student or that are not approved online services, parent or student consent will continue to be required.

#### *Right to privacy and reputation*

The proposed amendments potentially limits the *right to privacy* because they provide for the disclosure of personal information about a state school student by an employee of a state school to an approved service provider without the need for prior consent of the student or student's parent.

However, the potential limitation is consistent with a free and democratic society based on dignity, equality and freedom as parents and students will still have the ability to opt out of the disclosing, recording or using of the student's personal information for the purpose of using an approved online service.

#### *Right to education*

Notably, while the amendments to enable use and disclosure of personal information about a state school student to an approved online service may limit the *right to privacy* under the HR Act, the very intent of the use of approved online education services also positively engages the *right to education* under the HR Act by ensuring the student has access to the latest innovations in teaching and learning practices provided through online educational resources and tools. The proposed amendments therefore positively impact on the *right to education*, and does not limit this right.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The amendments are intended to provide a more efficient and safeguarded process for facilitating student access to approved online services to support digital learning and their engagement with a school. In an increasingly digital environment, it is essential to balance the provision of online services with measures to protect students and reduce the risk to the department of information mismanagement.

The amendments will also reduce administrative burden associated with managing consent, including for parents and students, while ensuring privacy protections for student information in the ways outlined above.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.

There is no less restrictive and reasonably available way of achieving the purpose of the amendments.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

An appropriate balance has been reached between human rights and the importance of the purpose.

A broad information sharing power was considered, but found to be unacceptable from a human rights perspective, as it would likely lead to broad and/or unnecessary disclosures of information.

Instead, under the amendments, only relevant personal information can be disclosed and only to approved online services, which have been subject to a robust authorising framework which includes compliance with key elements of the IP Act.

Given the underlying policy intent of the amendments and the safeguards that will apply, it is considered the benefits of the proposed amendments outweigh any potential limitation on human rights. On this basis, the potential limitation on the *right to protection of privacy and reputation* is reasonable, justified and compatible with the HR Act.

(f) any other relevant factors

Nil.

### **Home education**

The Bill amends the EGPA to enhance the regulation of home education by extending the age eligibility of a student for home education registration by one year, to 31 December in the year the student turns 18.

In my opinion, the reform positively engages the *right to education* (section 36(1), HR Act) because it ensures a young person can continue to be registered for home education in their final year of senior schooling. The reform removes a potential barrier to home education registration for students who wish to continue to be registered for home education up to the year in which they turn 18. This amendment aligns the age eligibility for home education registration, with students attending a state or non-state school.

In doing so, the reform removes a potential barrier to home education registration. This is significant for all home educated young people, and particularly so for those with complex learning needs.

The reform eliminates a regulatory impediment to education access and supports as parents and students will maintain eligibility for student-related financial supports, student discounts and educational resources.

**Delegation of principal's power to tell student about suspension**

The Bill amends the EGPA to allow a state school principal to delegate certain actions in relation to telling a student of a suspension (though not the decision) to a head of school, deputy principal or another staff member with a leadership role at the school.

The proposed amendments engage the right to education under section 36(1) of the HR Act and the right to protection of families and children (section 26 of the HR Act) because they relate to suspensions which impact a child's ongoing attendance at a school, which may be disrupted or interfered with through the making of disciplinary decisions.

(a) the nature of the right

The *right to the protection of families and children* provides that: families are the fundamental group unit of society and are entitled to be protected by society and the State (section 26(1)); and every child has the right, without discrimination, to the protection that is in their best interests as a child (section 26(2)).

'Family' is interpreted broadly, extending to different cultural understandings of family.

The HR Act recognises that children are entitled to special protection. It recognises that children are more vulnerable because of their age. 'Child' is not specifically defined in the HR Act, but is broadly understood to be someone under 18 years of age.

In addressing this right, it is appropriate for the government to adopt special measures to protect children, and the best interests of the child should be taken into account in all actions affecting a child. What will be in each child's 'best interests' will depend on their personal circumstances.

The right to education under section 36(1) of the HR Act provides that every child has the right to have access to primary and secondary education appropriate to the child's needs.

The Explanatory Notes to the HR Act provide that this right is intended to be consistent with the provisions of the EGPA and provide rights in respect of the aspects of education service delivery for which the State is responsible.

Importantly, the right to education under the HR Act is a right to access education, as noted in the LACS, Parliament of Queensland. Access incorporates underlying principles of non-discrimination, physical accessibility and economic accessibility.

Based on Article 13 of the ICESCR, the right to education is key to empowering people with the ability to realise their human rights, to fully participate in society, achieve social mobility and enjoy human existence.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

While the proposed amendment engages the right to education and protection of children and families, it does not limit the right. The amendment does not allow a principal to delegate a decision to suspend a student, only the power to tell a student. The principal will still make a decision, and the grounds and processes for suspension will remain unchanged. The amendment will enable senior members of staff, such as deputy principals, to tell a student and their family of a principal's decision to suspend.

This will enable principals to focus on other roles and responsibilities in managing the state school. The amendment therefore is expected to have a positive impact on the right to education.

### **Special education**

The Bill amends the EGPA to enable a state special school principal to directly enrol a student transferring from another Queensland state special school without the need to refer the enrolment application to the chief executive or their delegate to consider if the child is a child with disability.

The proposed amendments engage the following human rights: *right to recognition and equality before the law* (section 15, HR Act); and *right to education* (section 36(1), HR Act). However, it does not limit these rights.

The proposal promotes the *right to recognition and equality before the law* by ensuring the provision of special education continues to be effective through streamlined enrolment processes, giving students with disabilities equal opportunities to all other Queensland students and not requiring duplicative and unnecessary enrolment processes. The proposals also ensure the student is provided with the appropriate special education that continues to meet their educational development needs sooner, and therefore promotes the *right to education*.

### **Parent and citizens' Associations**

The Bill amends the EGPA to modernise the P&C Associations regulatory framework under the EGPA to improve operational efficiency and provide clarity about the role and purpose of P&C Associations to continue to be responsive to the communities they serve.

The following amendments are proposed:

- *Forming separate P&C Associations for schools with multiple campuses* – amendments will enable the principal to form a separate P&C Association for each campus of a school where the communities of each campus are distinct and geographically dispersed.
- *Enabling donations between P&C Associations* – amendments will enable a P&C Association to donate funds or goods to another school or P&C Association, in Queensland or interstate, that may be affected by an adverse event (for example, natural disaster), with the decision to be made by the full P&C Association meeting (not the executive).
- *Precluding person convicted of an indictable offence from being a P&C Association executive committee or subcommittee member* – amendments will provide that a person convicted of an indictable offence is precluded from being a member of a P&C Association executive committee or subcommittee.

The human right impacted by these changes is the *right to taking part in public life* (section 23, HR Act).

#### **(a) the nature of the right**

The nature of the right to taking part in public life affirms the right of all persons, without

discrimination, to participate in the conduct of public affairs, including the right to vote and be elected at periodic state and local government elections. It ensures all persons have the opportunity to contribute to the political process and public governance, directly or through freely chosen representatives. This also extends to being part of community consultations with government, attending local council meetings, participating in public debate, and taking part in referendums or other electoral processes which are all important aspects of taking part in public life.

The right has been interpreted by the UN Committee as providing a right of access, on general terms of equality, to positions in the public service and in public office.

The right provides that the criteria and processes for appointment, promotion, suspension and dismissal within the public service must be objective and reasonable, and non-discriminatory. In relation to this right, it is of particular importance to ensure that persons do not face discrimination in the exercise of their rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or status.

This right is limited to ‘eligible persons’, therefore, this internal limitation provides for the prescribing of matters such as eligibility for membership to a body.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The right to participate in public affairs is most commonly engaged in relation to participation in government processes. Any identification of a limit to this right in relation to this amendment is based on a broad interpretation of the scope of ‘public affairs’ to encompass state school governance.

A person convicted of an indictable offence, other than a spent offence, will be prevented from being a member of a P&C Association executive committee or subcommittee, and as a consequence they will have a reduced ability to participate in the administration and management of the P&C for the school to which their children may attend.

Ensuring the integrity of public organisations, particularly P&C Associations which often deal with significant assets, is important and essential to a free and democratic society, which require public confidence in public organisations. It should also be noted that the amendments are consistent with the current restrictions for persons convicted of an indictable offence holding an elected or appointed position on a school council under the EGPA (section 93 of the EGPA).

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The purpose of the amendments is to ensure P&C Associations, and the funds they control, are managed with integrity and in a manner appropriate to expectations of the community. The limitations help to achieve this purpose encourages community confidence in the appropriate management of funds and protects the interests of schools and the students for which these funds are raised.

It is appropriate to impose additional requirements for suitability and eligibility for appointment of persons to executive roles in recognition of the additional responsibilities and expectations required, beyond that of an ordinary member. There is greater potential for members of a P&C Association executive committee and subcommittee to be involved in the financial operations of the associations. A conviction for an indictable offence will not prohibit



general membership of a P&C Association, so all parents and carers will continue to have opportunities to participate in the school community.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.

The restrictions on the *right to take part in public life* will impose minimal limitations on the rights of individuals. Only persons convicted of indictable offences will be affected and they will still be able to participate in P&C Associations. The amendment ensures suitable people hold key roles in P&C Associations.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The amendment is consistent with expectations of a free and democratic society and is the least restrictive way to achieve the purpose. The purpose of the potential limitation clearly outweighs the impact of the limitations on individuals. It also should be noted that the preclusion from holding office will not apply to a person who has a spent conviction under *Criminal Law (Rehabilitation of Offenders) Act 1986*.

(f) any other relevant factors

Nil

### **eKindy**

The Bill amends the EGPA to make modifications to the distance and medical eligibility criteria for eKindy.

While these amendments will increase the ability for children to access eKindy, the amendments do not engage the *right to education* (section 36(1), HR Act) as the scope of this right relates only to primary and secondary education and does not extend to early childhood education and care.

No other human rights are engaged by these amendments.

### **Transfer notes**

The Bill amends the EGPA to facilitate more proactive and proportionate sharing of information when a student transfers between Queensland schools, via a transfer note.

In my opinion, the right to privacy and reputation (section 25, HR Act) is potentially limited by the amendments relating to transfer notes.

In my opinion, the human rights promoted by the amendments to transfer note requirements are the *right to protection of families and children* (section 26, HR Act) and *right to cultural rights – Aboriginal peoples and Torres Strait Islander peoples* (section 28 of the HR Act).

#### *Right to protection of families and children*

Notably, while the new obligation for a principal of a student's previous school to share information with the student's new school, including information that is reasonably believed to be necessary to protect the safety and wellbeing of the student or school community, limits the right to privacy under the HR Act, the very intent of this information sharing provision also positively engages the right to protection of families and children under the HR Act by facilitating the successful transition of the student to the new school.

The Royal Commission into Institutionalised Responses to Child Sexual Abuse (Royal Commission) noted this information sharing was one of the most significant factors in successful transition to a new school. In addition, the right for protection of families and children will be enhanced as the amendments will allow for the new school to ensure appropriate measures are put in place to protect other students at the new school to which the student has transferred to.

Therefore, the proposed amendments positively impact on the right to protection of children and families.

*Right to cultural rights – Aboriginal peoples and Torres Strait Islander peoples*

The right to cultural rights – Aboriginal peoples and Torres Strait Islander peoples will be positively engaged by the proposal for departmental policy guidelines to be developed to provide further guidance on the level and type of information-sharing that is proportionate in assisting a receiving school to meet a student's safety and wellbeing needs, and those of other students at the school.

To promote this human right, the guidelines will include specific consideration of appropriate contextual information such as recognition of cultural contexts in relation to Aboriginal and Torres Strait Islander students.

(a) the nature of the right

*Right to privacy and reputation*

The *right to privacy and reputation* provides that every person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and not to have the person's reputation unlawfully attacked. Unlawful interference means it cannot take place except in cases envisaged by law. An arbitrary interference refers to conduct that is capricious, unpredictable or unjust, as well as interferences that are unreasonable and not proportionate to the legitimate purpose that is sought.

Privacy relates to the personal aspects (i.e. personal information, data collection and correspondence) and more broadly into the person's private life more generally (i.e. their physical and mental integrity, freedom of thought and conscience, legal personality, sexuality, family and home and individual identity-such as appearance, clothing and gender). While the right to privacy is broad, it must be balanced against other rights and competing interests.

The *right to privacy and reputation* is relevant as the use of transfer notes provides for the sharing of relevant student personal information between schools.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

Chapter 14 of the EGPA currently provides a discretionary power to a parent, student or principal to request a transfer note from a student's previous school. This facilitates the sharing of student information when a student moves from one Queensland state or non-state school to another.

A transfer note is an approved form containing information about a student, prescribed in the EGPR, such as school attendance, educational performance, educational supports, behavioural issues (incidences of suspension or exclusion), medical details and custody or guardianship orders.

Specifically, the amendments will require that the principal of a student's new school must request a transfer note from the previous school at which the student was enrolled – except where the principal of the new school already has the information required to be included in a transfer note.

The principal will be required to request the transfer note within 90 days of the student being enrolled at the new school, and cannot request the transfer note before the student is enrolled.

The principal will also be authorised to request a transfer note from any other former Queensland school the student was enrolled within the previous 12 months.

The amendments also provide that where a transfer note is requested by a principal of a student's new school, the principal of the previous school or other former schools must provide the transfer note within 10 school days and must include information in the transfer note about the student that they reasonably believe is necessary to help the principal of the new school protect the safety and wellbeing of the student or members of the school community.

The proposed new obligation for principals to proactively share information (including personal information) about a student transferring from one school to another, via a transfer note, potentially limits a student's right to privacy. Neither the student nor parent of the student are required to give prior consent for this information sharing, and cannot prevent the information being shared between schools.

However, the potential limitation is consistent with a free and democratic society based on dignity, equality and freedom as it will support the timely and effective sharing of relevant student information between schools, providing principals with enhanced ability to protect students and school communities where necessary, and better support the continuity of a student's education.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The Final Report of the Royal Commission (Volume 8) recommended state and territory governments enable proportionate and proactive information sharing when a student transfers between schools, to ensure their safety and wellbeing and that of students, staff or others at their new school. The Royal Commission found that the transfer of a student's relevant information is one of the most significant factors in successful transition to a new school, and may be particularly necessary where the student has:

- engaged in harmful sexual behaviours and, as a consequence, may pose risks to other students – the Royal Commission noted that children with harmful sexual behaviours make up a significant proportion (around 20 per cent) of reported incidents of child sexual abuse, with educational settings representing the second most common institutional setting for such incidents (after out-of-home care); or
- experienced sexual abuse and as a consequence had particular educational and support needs – the Royal Commission emphasised the importance of ensuring schools are able to address the educational and support needs of students who have been victims of sexual abuse, noting associated negative effects on academic achievement, learning ability, cognitive function, concentration, educational engagement and school completion rates.

The existing transfer note provisions under the EGPA provide that the use of transfer notes is optional (being instigated only upon a parent/student or principal's choice to request it) not proactive. The proposed amendments, which obligate a principal to request a transfer note, address the Royal Commission recommendations for proactive information sharing to ensure

the safety and wellbeing of a student and that of students and other members of the school community at the student's new school.

As a safeguard, persons who obtain personal information through a transfer note are subject to the general confidentiality restrictions outlined in section 426 of the EGPA.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.

There is no less restrictive and reasonably available way of achieving the purpose of the amendments. The existing 'optional' approach in the EGPA does not provide for the level of use of transfer notes intended.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Given the underlying policy intent of the information sharing (balanced by the confidentiality safeguards within the EGPA), and identified need through the Royal Commission to facilitate the proactive sharing of relevant and proportionate information, it is considered that the benefits of the proposed amendments outweigh any potential limitation on human rights. On this basis, the potential limitation on the right to protection of privacy and reputation is reasonable and justified and compatible with the HR Act.

(f) any other relevant factors

Nil.

### **Technical amendments**

The Bill makes technical amendments to the EGPA to:

- clarify the policy intent that for information that the chief executive may request from a non-state school, the information must be provided to the chief executive;
- reflect that the requested information may be held by the governing body for a non-state school, not the principal of the school, enabling the chief executive to request the information from the governing body; and
- update legislative cross references in the *Child Protection Act 1999* and the EGPA.

These technical amendments do not engage human rights under the HR Act.

## **Conclusion**

In my opinion, the Bill is compatible with human rights under the *Human Rights Act 2019* because it limits a human right only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

**JOHN-PAUL LANGBROEK MP**  
**MINISTER FOR EDUCATION AND THE ARTS**

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