

Transport Operations Legislation Amendment Bill 2007

Explanatory Notes for Amendments to be moved during consideration in detail by The Honourable Paul Lucas MP

Title of the Bill

The short title of the Bill is the Transport Operations Legislation Amendment Bill 2007.

Objectives of the Amendments

To amend the *Transport Operations (Passenger Transport) Act 1994* (TOPTA) to allow the chief executive to ask an education authority for certain information about a student or a student's parent to enable the chief executive to verify that the student is eligible for assistance under the School Transport Assistance Scheme (STAS).

Achievement of the Objectives

The amended legislation will ensure school principals can provide the following student information to Queensland Transport (QT):

- parent/guardian name and principal place of residence (address);
- student's name;
- attendance at the school and year level;
- the student ID number (a unique number issued for each state school student that will be used for electronic data matching); and
- if applicable, the date the student left school or changed address.

The provision of this information will ensure the continued viability of STAS which provides transport assistance for students to access school-based education services.

Under the administrative arrangements for STAS, schools are requested to verify relevant student information through four verification reports during the school year. This process has been in operation since 1991.

STAS provides about \$150 million per year of government funding for school transport services. The amendment will ensure the possibility of overpayments and fraud is minimised.

The amendment will negate the impacts on the administrative arrangements between the Department of Education Training and the Arts (DETA) and QT which occurred as a result of the introduction of section 426 of the new *Education (General Provisions) Act 2006* (EGPA). This section placed a number of limitations on schools about the release of information about students.

Section 426(3)(d) of the EGPA allows for another act to override the confidentiality provision of EGPA and it is under that power that this amendment is made.

Estimated Cost for Government Implementation

There are no costs related to the amendments.

Consistency with Fundamental Legislative Principles

The amendment has sufficient regard to the rights and liberties of individuals and there are no potential breaches of the fundamental legislative principles under the Legislative Standards Act 1992.

Consultation

The Department of Education Training and the Arts was consulted.

Notes On Provisions

Part 1 Commencement

Clause 1 (Commencement) provides for commencement on assent.

Part 2 Amendment of s 144 (Transport arrangements for pupils)

Clauses 2 to 4 provides for an administrative amendment to remove the term "pupils" and replace it with "students" to provide for consistency of terminology with this legislation and DETA legislation.

Clause 5 is divided into multiple parts.

It gives the chief executive the power to ask an education authority for information relevant to the administration of the eligibility arrangements for an application under the School Transport Assistance Scheme (STAS).

It further directs that if the chief executive makes such a request the education authority must comply with the request with respect to information in the education authority's possession or to which the authority has access.

Clause 5 also confirms that this provision applies despite any other Act of law of the State.

This section includes confidentiality provisions relating to the secure recording, use and disclosure of the information obtained under these provisions.

This provision also defines the following terms.

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

"**education authority**" means either the chief executive or the principal of a State school under the *Education (General Provisions) Act 2006*.

"parent", of a student, means either the parent a child or if the student is an adult, a person who was the student's parent as defined under the *Education (General Provisions) Act 2006*.

"relevant person" means either a person who is performing or has performed a function under this Act or is or was otherwise engaged in the administration of this Act.