

Right to Information Bill 2009

Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Anna Bligh MP

Short title

The short title of the Bill is the Right to Information Bill 2009.

Objectives of the Amendments

The objective of the amendments is to correct minor technical errors to ensure that the Bill can operate as intended.

Consistency with Fundamental Legislative Principles

The amendments do not conflict with Fundamental Legislative Principles.

Consultation

There has been consultation with the Department of Education and Training which supports the amendments.

Notes on Provisions

Amendment 1 amends an incorrect section reference in clause 7 to replace the reference to section 8 of the *Public Records Act 2002* with section 13.

Amendment 2 amends clause 14 to provide that for the purposes of the Bill a school council is taken to be comprised within the department administering the *Education (General Provisions) Act 2006*. A definition of school council is also inserted. The effect of this amendment is that any access application under the Bill, or access or amendment application

under the Information Privacy Bill, in relation to documents of a school council would be dealt with by the Department of Education and Training.

This amendment re-enacts the effect of section 106 of the *Education (General Provisions) Act 2006*, which is repealed by schedule 5 of the Bill. Section 106 provides that, for the application of the *Freedom of Information Act 1992*, a school council is taken to form part of the department, and that Part 2 of the *Freedom of Information Act 1992* (publication of certain documents or information) does not apply to school councils. The intention was that section 106 be re-enacted in the Right to Information Bill. The amendment inserts the effect of section 106, which was inadvertently omitted from the Bill.

School councils are bodies made up of parents, staff and students. They are unincorporated bodies that cannot deal with property, enter into contracts or sue or be sued. They do not control any funds. It would be unduly onerous for school councils to be expected to individually comply with the Bill.

Amendment 3 amends the title to division 4A of part 9 of chapter 3 to renumber it as division 5. Subsequent divisions 5 and 6 are renumbered 6 and 7 by amendments 4 and 6 respectively.

Amendment 4 amends the title to division 5 of part 9 of chapter 3 to renumber it division 6. This is consequential on amendment 3.

Amendment 5 amends clause 110 to make a correction by inserting the word ‘any’ so that the clause refers to the removal of any doubt.

Amendment 6 amends the title to division 6 of part 9 of chapter 3 to renumber it as division 7. This is consequential on amendment 3.

Amendment 7 amends clause 16 of part 2 of schedule 2 to refer to “QR” freight operations rather than “its” freight operations. This amendment is made for clarification purposes to better describe the nature of QR Limited’s businesses. A definition of “QR freight operations” is inserted in schedule 6 by amendment 12.

Amendment 8 amends clause 17 of part 2 of schedule 2 to refer to “QR” freight operations rather than “its” freight operations. This amendment is made for clarification purposes to better describe the nature of QR Limited’s businesses. A definition of “QR freight operations” is inserted in schedule 6 by amendment 12.

Amendment 9 amends schedule 5 to correctly describe a note that is repealed, as an editor’s note.

Amendment 10 amends schedule 5 to insert a missing word.

Amendment 11 amends schedule 5 to correct the numbers for a clause and part to be inserted into the *Electricity Act 1994* to ensure consistency with the clause numbering contained in the Mines and Energy Legislation Amendment Bill 2009.

Amendment 12 amends schedule 6 to insert a definition of “QR freight operations”. This amendment is made for clarification purposes to better describe the nature of QR Limited’s businesses. It relies upon the definition of “freight operations” which is already contained in schedule 6.

Amendment 13 amends the definition of “reviewable decision” in schedule 6. The definition in paragraph (d) refers to “part 4”. This is corrected to refer to “chapter 3, part 4”.