

## Education (General Provisions) Amendment Bill 2025

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# Education (General Provisions) Amendment Bill 2025

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The Queensland Catholic Education Commission (QCEC) welcomes the opportunity to provide a submission on the Education (General Provisions) Amendment Bill 2025.

QCEC is the peak strategic body with state-wide responsibilities for Catholic schooling in Queensland. This submission is provided on behalf of the five Diocesan Catholic school authorities and 17 Religious Institutes and other incorporated bodies which, between them, operate a total of 313 Catholic schools that educate more than 160,000 students in Queensland.

QCEC was an active participant in the review conducted of the *Education (General Provisions) Act 2006* (the Act). While the Act is mainly focused on the operation of state schools, it also contains important provisions that impact on non-state schools, as well as helping to define how the two schooling sectors interact with one another. An important aspect of this interaction, which QCEC has strongly advocated for, is the streamlining and adjustment of information sharing provisions in the Act for the purpose of promoting student safety and wellbeing.

## Transfer notes

Chapter 14 of the Act allows for transfer notes to be provided when a student moves from a State or non-State school to another school. The type of information to be provided is prescribed by regulation and includes education performance, attendance, behaviour issues and medical details. As specified in the Act, the purpose of providing transfer notes is to assist principals in ensuring the continuity of a student's educational program and to meet duty of care obligations.

The proposed Bill will amend the Act to make the provision of transfer notes mandatory. The principal of the student's new school will be required within 90 days to request a transfer note from the student's previous school. The transfer note must be provided to the requesting principal within 10 school days. QCEC supports these changes, as appropriate and effective sharing of information across schools can play a central role in supporting students and promoting their safety and wellbeing. This change would be in line with recommendations for improved information sharing made by the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Bill also stipulates that transfer notes will have to include information about the student that the principal of the former school reasonably believes is necessary to help the principal of the new school protect the safety and wellbeing of the student or members of the school community. This is a welcomed addition. It is the overall experience of the Catholic school sector that transfer notes have not to date been utilised as effectively as they could be in the interests of student safety and wellbeing.

To effectively promote student safety and wellbeing, further consideration may need to be given to the type of information to be provided in a transfer note as prescribed in section 25 of the *Education (General Provisions) Regulation 2017*. Relevant matters impacting student safety and wellbeing include:

- a) information regarding child safeguarding and reporting processes
- b) health care and support services being provided to the student
- c) attendance concerns, particularly lengthy absences (unexplained or not adequately explained)
- d) learning or behaviour interventions being provided to the student.

It is noted that a principal is not required to request a transfer note if the principal already has the information about the student prescribed by regulation for a transfer note. An example is provided in the Bill's *Explanatory Notes* of Department of Education schools which have access to the shared student and school data management system OneSchool.

In relation to non-state schools, students may transfer from a school operated by a particular Catholic School Authority (CSA) entity to another school operated by the same CSA. This will particularly be the case when students move from a primary school operated by the CSA to a secondary school operated by the same CSA. Further clarification is required as to whether these situations would mandate that a transfer note would be required to be completed for each and every student moving between the schools.

#### **Clarifying provision of information by non-State school principals**

The Act authorises the chief executive of the Department of Education to seek information from a non-state school principal about students under sections 180 and 251AB. The issue has been raised of a potential conflict between these provisions and the obligation of non-state schools under the *Privacy Act 1988* (Cwlth) not to disclose information unless an individual has consented, or the disclosure is authorised under an Australian law.

Currently, while the Act provides that the chief executive may ask the principal of a non-state school for the information, it does not expressly require or authorise the principal to provide this information. To remove any doubt that the information can be provided in accordance with the *Privacy Act 1988* (Cwlth), the amendments will expressly require the requested information to be provided to the chief executive.

These changes are supported to reduce any confusion between the requirements of the Act and the *Privacy Act 1988* (Cwlth). Additionally, the proposed amendments will enhance the safety and wellbeing of students by removing any discretion for the information to be provided and enable the Department of Education to have oversight to ensure children remain enrolled during their period of compulsory schooling.

#### **Streamline student access to online services for digital learning**

QCEC is supportive of a known, robust framework to assess online services through the Safer Technology for Schools program. The Bill aims to streamline student access to such online services to support digital learning and student administration in state schools only. This could be seen as a missed opportunity to incorporate acknowledgement and support for non-state schools similarly delivering online services.

Non-state schools utilise and provide rich, rigorous online services for students that have yet to be adequately acknowledged under the legislative and accreditation framework. The detailed approach outlined in the Bill to streamline use, disclosure and consent of personal information of approved online services is supported, yet this approach could also be applied to non-state schools, through a similar system of delegated authority.

A further opportunity exists with online services that are not delivered by a third party, but by schools themselves. This is currently acknowledged and supported as a suitable modality of delivering education to Queensland students within state schools but has yet to be acknowledged and supported for non-state schools who offer the same, high-quality online services. QCEC would be supportive of the Queensland Government working with non-state school authorities to discuss, experience and support the world-leading online services that are currently being delivered through non-state schools.

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