

Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023

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QUEENSLAND

TEACHERS' UNION

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**Submission to
Queensland Parliament's
Education, Employment and Training Committee
*Education (General Provisions) (Extension of Primary
Schools in Remote Areas) Amendment Bill 2023***

Authorised by QTU Executive
November 2023

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Introduction

Established in 1889, the Queensland Teachers' Union of Employees (QTU) has chalked up more than 130 years of achievements in providing professional, industrial, and legal leadership to Queensland's state education and training sectors. In 2023, the QTU is the professional voice of more than 48,000 members, including teachers and school leaders delivering excellence and equity in special schools, state schools, state high schools, secondary colleges, P-10/12 combined schools, TAFE, and other discrete education facilities throughout Queensland.

The QTU is a significant stakeholder in Queensland education and is committed to actively engaging in processes in which the voice of teachers ought to be heard. The QTU's submissions and participation in stakeholder consultation are informed through the Union's active membership, which includes more than 2,500 QTU Workplace Representatives and decision-making forums such as our QTU Executive, which consists of democratically elected members from across the state. This QTU submission represents positions that are supported by QTU Policy and are endorsed by QTU Conference, which consists of more than 250 democratically elected members from branches throughout Queensland.

Organisation of this QTU submission

This QTU submission is arranged in three sections. The first section includes a discussion of the legislative provisions relevant to definitions and consultation to inform a Minister's decision regarding state education and state schools. The first section also considers remoteness as a factor of educational disadvantage and subsequent Commonwealth funding arrangements. Section two considers arrangements for the allocation of state school resources. The final section lists recommendations for the consideration of the Education, Employment and Training Committee (EETC).

Contact details

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1.0 Relevant legislation

1.1 *Education (General Provisions) Act 2006*

The *Education, Employment and Training Committee Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023* (hereafter, the Bill) proposes:

- i) to insert new definitions for
 - a. remote area of the State, and
 - b. remote primary school
- ii) inserting new powers for the Minister to extend education provided at a remote primary school to include years 7 to 10
- iii) inserting new provisions that introduce new powers for local government, and new reporting procedures for the Minister, and
- iv) inserting new provisions that require the chief executive to establish a remote secondary learning facility.¹

i) *New definitions*

The QTU does not support 20A² and the Bill's proposal to insert new definitions for "remote area of the state" or "remote primary school," for reasons that are set out in section 1.2 of this submission. Namely, the *Australian Education Act 2013 (C'th)* establishes definitions for remoteness, and the definitions inform funding arrangements. In addition, the QTU notes that section 49 of the *Education (General Provisions) Act 2006 (Qld)* (EGPA) defines a remote area and that the Bill does not propose to repeal that definition.

ii) *New powers for the Minister*

The QTU does not support 20B³ and the Bill's proposal to insert new powers for the Minister to extend education provided at a remote primary school to include years 7 to 10, for reasons that are set out in section 2 of this submission.

In addition, the QTU notes that sections 13-16 of the EGPA include provisions for the Minister to establish and name state educational institutions, and sections 17-19 of the EGPA include provisions for the amalgamation or closure of state schools.⁴ There are no current provisions for the Minister to repurpose a state school from a primary school to a P-10 combined school.

If the EETC determines to support the proposal contained in 20B, the QTU insists that consultation provisions, like those contained in sections 19-20 of the EGPA, are included. That is, there needs to be adequate consultation with the school

¹ Queensland Parliament. *Education, Employment and Training Committee Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023*.
<https://documents.parliament.qld.gov.au/tp/2023/5723T1744-12CD.pdf>

² Ibid.

³ Ibid.

⁴ Queensland Parliament. *Education, Employment and Training Committee Education (General Provisions) Act 2006 (Qld)*
<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2006-039>

community and wider region before a decision is made to repurpose a state school to a P-10 combined school, and this must not happen earlier than six months.

iii) New powers for local government

The QTU does not support 20C⁵ and the Bill's proposal to introduce new powers for local government and new reporting procedures for the Minister. The QTU does not support state legislation, namely the EGPA, giving local councils the power to give notice to the Minister that leads to a guaranteed result.

iv) New requirements for chief executive

The QTU does not support 20D⁶ and the Bill's proposal to introduce new requirements for the chief executive to establish a remote secondary learning facility for years 7 to 10. The QTU does not support sections 20A-20C of the Bill, ergo 20D is void. Nevertheless, the QTU notes 20D introduces a new term for which there is no current or proposed definition, that is "remote secondary learning facility." Section 20D(2) of the Bill proposes a "remote secondary learning facility" would be for "years 7 to 10 in the town in which the remote primary school is located." The effect of this is that the school is repurposed as a P-10 combined school, which is addressed in section two of his submission. Section 20D(3) of the Bill proposes that a "remote secondary learning facility" would be staffed by teacher aides, without a Queensland College of Teachers registered teacher. The QTU does not support this proposed arrangement.

1.2 **Australian Education Act 2013 (C'th)**

The [explanatory notes](#) for the *Education, Employment and Training Committee Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023* state that the objective of the Bill is to "address the need for increased access to designated secondary services in remote Queensland communities."⁷

The QTU recognises school location, namely remoteness, as a factor contributing to educational disadvantage. The Australian Government's *Review of Funding for Schooling Final Report December 2011*, also known as the Gonski Review, identified six factors that contribute to educational disadvantage, and section 3.2.5 of the Gonski Review deals with school location. The Gonski Review notes:

The location of schools in Australia can be classified within one of four groups: metropolitan, provincial, remote and very remote, as determined by MCEECDYA⁸

⁵ Queensland Parliament. *Education, Employment and Training Committee Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023*.
<https://documents.parliament.qld.gov.au/tp/2023/5723T1744-12CD.pdf>

⁶ Ibid.

⁷ Queensland Parliament. (2023). *Explanatory Notes: Education, Employment and Training Committee Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023*.
<https://documents.parliament.qld.gov.au/tp/2023/5723T1745-2661.pdf>

⁸ Australian Government. (2011). *Review of Funding for Schooling - Final Report*
<https://www.education.gov.au/download/1307/review-funding-schooling-final-report-december-2011/1280/document/pdf>

The Gonski Review informed the *Australian Education Act 2013 (C'th)*, which provides definitions for school locations. Section 13(1) of the *Australian Education Act 2013* establishes definitions of kinds of school based on location, and it is reproduced below in this submission as table 1.

Table 1: *Definitions of kinds of schools based on location*

Item	Column 1 A school is this kind of school ...	Column 2 if the school has an ARIA index value of ...
1	a <i>major city school</i>	less than 1.
2	an <i>inner regional school</i>	at least 1, and less than 2.4.
3	an <i>outer regional school</i>	at least 2.4, and less than 6.
4	a <i>remote school</i>	at least 6, and less than 10.
5	a <i>very remote school</i>	at least 10, and less than or equal to 15.

The *Australian Education Act 2013 (C'th)* sets out Commonwealth Government funding arrangements to address factors of educational disadvantage. Section 31 of the *Australian Education Act* establishes the Schooling Resource Standard (SRS), which consists of a base amount for each school, with additional loadings to address disadvantage like remoteness.⁹ Sections 40-41 of the *Australian Education Act* provide the funding formula to address location loadings.¹⁰

The QTU has consistently called on state and Commonwealth governments to increase funding to state schools, and **the QTU recommends that the Queensland Government ensures that all state schools in Queensland receive a minimum of 100 per cent of the SRS.** Moreover, the QTU has campaigned with other AEU affiliated branches to remove the arbitrary 20 per cent cap on Commonwealth funding for state schools' SRS. **The QTU recommends that the Queensland Government join calls for the Commonwealth Government to remove the 20 per cent funding cap on SRS payments to public schools.**

Until such time as all state schools in Queensland receive a minimum of 100 per cent of the SRS, politicians will effectively be condemning Queensland's youth to factors of educational disadvantage that manifest as social and economic inequity. The QTU contends there is an urgent need for state and Commonwealth governments to increase funding to Queensland state schools. Without additional funds, the Department of Education will be unable to allocate additional and requisite resources to achieve the aims of the Bill. On that basis, **the QTU recommends the EETC does not support the Bill.**

⁹ Australian Government. (2013). *Australian Education Act 2013*. <https://www.legislation.gov.au/Details/C2013A00067>

¹⁰ Ibid.

2.0 State school allocations

The Bill does not consider the impact of repurposing a primary school to create a P-10 combined school. Primary schools deliver educational services to year 6 students, who in Queensland are typically 11-12 years of age. Repurposing a school to deliver education services to year 10 students would require it to consider the needs of 15-year-old students. To accommodate the physical growth, a repurposed school will require an additional allocation of funds to build new fit-for-purpose facilities, including desks, chairs, and other learning facilities, as well as appropriate bathroom facilities.

The QTU also notes that the Queensland Department of Education makes human resourcing decisions in accordance with the *School Staffing Allocation Guidelines* (the Guidelines).¹¹ The guidelines support decision making that is consistent with industrial agreements and related department policy and procedures. Relevant to the Bill, the Guidelines allocate staff on the basis of school type, including primary school, secondary school, P-10/12 combined schools, and schools of distance education.

3.0 Recommendations

The QTU recommends that the EETC does not support 20A and the Bill's proposal to insert new definitions for "remote area of the State" or "remote primary school".

The QTU recommends that the EETC does not support 20B and the Bill's proposal to insert new powers for the Minister to extend education provided at a remote primary school to include years 7 to 10.

The QTU recommends that the EETC does not support 20C and the Bill's proposal to introduce new powers for local government and new reporting procedures for the Minister.

The QTU recommends that the EETC does not support 20D and the Bill's proposal to introduce new requirements for the chief executive to establish a remote secondary learning facility for years 7 to 10.

The QTU recommends that the Queensland Government ensures that all state schools in Queensland receive a minimum of 100 per cent of the SRS.

The QTU recommends that the Queensland Government join calls for the Commonwealth Government to remove the 20 per cent funding cap on SRS payments to public schools.

The QTU recommends that the EETC does not support the Bill.

¹¹ Department of Education. (2023). *School Staffing Allocation Guidelines*.