



# ***EDUCATION, EMPLOYMENT, TRAINING AND SKILLS COMMITTEE***

**Members present:**

Hon. MC Bailey MP—Chair

Mr JP Lister MP

Mr JP Kelly MP

Mr BA Mickelberg MP

Mr BL O'Rourke MP

**Staff present:**

Ms M Telford—Committee Secretary

Dr K Kowol—Assistant Committee Secretary

## **PUBLIC BRIEFING—INQUIRY INTO THE EDUCATION (GENERAL PROVISIONS) AND OTHER LEGISLATION AMENDMENT BILL 2024**

### **TRANSCRIPT OF PROCEEDINGS**

**Monday, 15 April 2024**

**Brisbane**

## MONDAY, 15 APRIL 2024

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### **The committee met at 10.00 am.**

**CHAIR:** Good morning. I declare this public briefing open. I am Mark Bailey, member for Miller and chair of the parliamentary committee. I want to respectfully acknowledge the traditional custodians of the land on which we meet today and offer our respects to elders past, present and emerging. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all now share.

Welcome to everybody and thank you for supporting the committee's work. With me here today is the member for Southern Downs and deputy chair, Mr James Lister. We have an apology, unfortunately, from Mr Nick Dametto, member for Hinchinbrook, who is not well today. Other committee members present are: Joe Kelly, member for Greenslopes; Brent Mickelberg, member for Buderim; and Barry O'Rourke, member for Rockhampton.

This briefing is a proceeding of the Queensland parliament and subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the briefing at the discretion of the committee. I remind committee members that departmental officers are here to provide factual or technical information. Questions seeking an opinion about policies should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and my direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages.

**ALBURY, Ms Robyn, Assistant Director-General, Disability, Inclusion and Student Services, Department of Education**

**FORRESTER, Ms Kathleen, Deputy Director-General, Policy, Performance, International and Intergovernmental, Department of Education**

**O'LEARY, Mr Michael, Assistant Director-General—Information and Technologies, Department of Education**

**PORTER, Ms Tania, Deputy Director-General, Early Childhood, Department of Education**

**CHAIR:** I now welcome representatives from the Department of Education. I invite you to make a short opening statement.

**Ms Forrester:** Good morning, Chair and committee members. Thank you for the further opportunity to brief you on the Education (General Provisions) and Other Legislation Amendment Bill. The Department of Education notes the large number of submissions from a wide range of stakeholders reflective of the broad nature of amendments in the bill and an engaged education sector. The review of the E(GP)A has been guided by three themes: protecting students; contributing to the good order and management of schools; and modernising and improving education services and related operations.

The majority of submissions raised issues that fall into two main categories—home education and school disciplinary absence, SDA. In relation to home education, the primary issues raised were proposals to make a home education program consistent with an approved education and training program. Other issues raised related to the removal of a separate provisional registration stage and the creation of a guiding principle that home education was to be in the best interests of children.

In terms of school disciplinary absence, the primary issues raised were proposals to establish an appeal right for cumulative short-term suspensions for 11 or more school days in a calendar year and the requirement for the chief executive to make a policy to provide for the making of student support plans for Aboriginal and Torres Strait Islander students, students with disability or preparatory aged students who have been suspended or are at risk of exclusion.

The department has prepared three progressive responses to 900 submissions for the committee's consideration which include detailed information in relation to the intent of the policy proposals. With that in mind, I would like to use this opportunity to highlight other significant proposals in the bill. In various ways, these proposals support the diversity of our school communities, whether it be because schools are regional or remote or in supporting a broad range of student, parent and community needs. I will start with two proposals that relate to early childhood education for Queensland's youngest learners.

Amendments related to state delivered kindergarten, SDK, reduce the regulatory burden for the delivery of SDK in prescribed state schools while maintaining the strong regulatory protections necessary for kindergarten aged children. Providing for critical safety matters relating to the protection of children from harm and hazard and ensuring the provision of adequate supervision currently provided for under the national law will remain a priority for the department in all SDKs. The second proposal for early childhood education relates to eKindy. The amendments improve accessibility and participation in eKindy by clarifying distance to service and medical eligibility criteria. Proposals in the bill will allow more families to have access to a free, quality kindergarten program regardless of where they live or their circumstances.

Moving to school education amendments, I will talk to transfer notes, streamlining consent for approved online services, special school enrolment and one of the three proposals for P&Cs. First with regard to transfer notes, the timely and effective sharing of relevant student information is a significant factor in the successful transition of a student between schools and particularly critical where a student has engaged in harmful behaviours and may pose risks to other students. Currently the use of transfer notes is optional. With regard to amendments intended to strengthen protections for students and school communities, this is an important proposal which would see Queensland schools working in line with a recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse.

A further amendment concerning information sharing relates to approved online services. An individual state school may be using up to 250 or more online services across their student cohort to deliver educational services. Given the volume of services involved in digital delivery of curricula, the existing consent management process has become burdensome for schools, teachers and parents. The bill will provide for a more efficient process for the engagement of approved online services while delivering appropriate information security and privacy safeguards.

Next I would like to turn to the proposal in the bill to streamline enrolment at special schools. Students transferring their enrolment from one Queensland special school to another are currently required to have their enrolment application referred to the chief executive to assess their eligibility. As a result, students transferring between special schools may be unnecessarily assessed multiple times. The bill provides that, where the student is transferring from one state special school to another, the principal of a special state school will not be required to refer the enrolment application to the chief executive. The amendment reduces delays and regulatory burden on principals and parents and streamlines the enrolment process.

Finally, I would like to turn to one particular amendment for P&Cs, which play an invaluable role in our school communities and are an important way in which parents can become involved in their children's education. The act currently provides for only one P&C to be formed for each school. However, some schools have multiple campuses which are geographically dispersed with entirely different local communities and interests. For these schools, a single P&C representing all campuses may not be appropriate or effective. The bill amends the act to enable a campus P&C association to be formed for separate campuses of a school where the community of each campus is distinct and geographically dispersed.

I am pleased to have had the opportunity to highlight some of the other proposals the bill is proposing to take forward for the benefit of Queensland's education sector. I will close there and welcome questions that the committee might have.

**CHAIR:** Thank you very much.

**Mr LISTER:** Thank you very much for coming in. I take you to the provisional registration and its removal under the bill. I recall from your response there were concerns that 60 days equals a large proportion of a student's learning experience. Are you aware of how many hours a day it is necessary to homeschool a child in the one-on-one context, as opposed to in the attendance context, and whether this means you are comparing apples with oranges about the amount of time that is lost in the education of a child in 60 days?

**Ms Forrester:** You are right: we did speak about this in the previous presentation to the committee and our concern really is that loss of continuity of education. We do see many children moving from the school system into home education and then moving back, as we spoke about last time as well, so what provisional registration does potentially allow is a period of up to 60 days where the child may not have an educational program in place while they are provisionally registered for home education, and that is our main concern. To your question about whether it is an apples with apples comparison or apples and oranges comparison, I think the comparator is really the year and so it is the learning that might be achieved and attained in the course of a school year. Equally, I do believe that it is really about the continuity of education, so the stopping and starting nature that could potentially arise in a provisional education scenario where there is 60 days, which is quite a long time, without an educational program being in place. That is my response to that question.

**Mr KELLY:** You mentioned the transfer process for special schools. Could you outline what the process is? You mentioned some sort of assessment. Is that like a complete, full reassessment of students, and will that change under the bill?

**Ms Albury:** In terms of the eligibility for enrolment in a special school, the policy is set by the minister and there are some particular requirements. There are four of them, and it is testing my memory remembering them all. In particular, the student must have a severe disability which includes an intellectual disability. It is really crucial before a student enters a special school that we are really clear that the special school is the most appropriate place for that child's education. There is an assessment around the child's intellectual capability and their adaptive functioning, which is conducted by guidance officers and senior guidance officers within the system, and then the evidence is collected around some other requirements for the child and those go through an assessment and verification process. That happens for every child who enters a special school and is enrolled in a special school.

What the provision means at the moment, because of how the legislation operates, is that if a child transfers from one special school to another they have to go through that whole assessment process again, so it can be a difficult process and it is an anxious time, I think, for parents. While it would be very rare for a child not to be assessed as still requiring a special school, it is still a layer of anxiety for families and children and I think an additional burden for schools as well. What this bill will mean is: once they have had that verification process once, they are able to move special schools.

**Mr MICKELBERG:** My question is in relation to consultation on the bill. The explanatory notes talk about a two-stage consultation process. My question is in relation to the second stage of that consultation process—the circulation of the exposure draft and those other processes around that and the QTU's involvement with that. Was the QTU consulted in the second stage of consultation by the department and, if so, what was their feedback?

**Ms Forrester:** You are right: there are two stages and the stakeholders in the second stage did receive confidential information setting out the proposals in the bill, particularly the proposals that they were most interested in. We tested that sometimes with them by asking them which things they were interested in. The QTU was involved and they did receive the materials. They were involved in a verbal briefing and then they provided some written feedback, and then there was some further conversation that took place with the QTU through stage 2 of the consultation process.

As the explanatory memorandum sets out, we feel we had broad support of stakeholders for the proposals put forward in the bill. We did not have unanimous support on all of the proposals in the bill. Some of the issues are quite contentious, so for those issues we were seeking to find a balance between the views of the stakeholders. Certainly, I can confirm that the QTU was involved in the stage 2 consultation. When we concluded the consultation process in November, it was my understanding that they did have workload concerns, and those had been raised consistently with us—and they had budget concerns, and those had been raised consistently with us. From my perspective, those matters are addressed in the explanatory notes. However, it was my understanding that there was broad support for what was going forward in the bill, not necessarily specific clause-by-clause support, and certainly we have proposed many of those amendments start on proclamation rather than assent, so there is no doubt that that 12 months is an important part of making sure the amendments that are proposed address workload issues. Also, that gives the

department an opportunity to hear more about the implementation issues that stakeholders might have and gives the department an opportunity to refine processes within the department to be able to minimise any workload issues or concerns and to streamline our processes, which is what we intended to do. Certainly, the fact that we had a 12-month process to work through implementation issues was an important part of our conversations with stakeholders.

**Mr MICKELBERG:** You stated that QTU were broadly supportive of the bill. That is obviously at odds with the submission they have made to the parliamentary inquiry, particularly as it relates to the disciplinary absences aspect in the appeal provisions. You spoke about the fact that they had concerns around funding and workload in the consultation process, and you said that the explanatory notes addressed that. Can you point me to where the explanatory notes address that? The explanatory notes specifically talk about the fact that this bill will not result in additional funding needs.

**Ms Forrester:** Sure. I am on page 13 of the explanatory notes, under the section 'Estimated cost for government implementation'. One of the issues of key concern to the QTU, given their submissions, is the proposal to extend appeal rights for students so that a student would have the right to appeal a suspension once there was a cumulative total of 11 days in a calendar year. You can see on page 13, under that heading 'Estimated cost for government implementation', it says—

In the short to medium term, amendments providing for a new appeal right for students may lead to an increase in inquiries that may require an increase in demand for support to assist principals.

Any potential costs will be met from existing budget allocations and are anticipated to be offset in the longer term as process efficiencies are realised.

Identification of possible future resourcing needs will be examined through annual budget processes if required.

**Mr O'ROURKE:** In the bill, one of the changes is to allow P&Cs to fundraise and provide those funds to another school. Can you please outline the circumstances where this might apply?

**Ms Albury:** Essentially, the main reason our P&Cs have indicated they would like this provision is really in recognition of the impact of disasters and significant events in other communities. There is recognition that for some communities in Queensland—it feels like every couple of months we have a severe weather event these days—it can be really difficult for school communities to recover, so this is seen by our P&Cs as a real opportunity to support fellow parents when their communities are experiencing real hardship.

**Mr MICKELBERG:** To follow from my previous line of questioning, the section you referenced in the explanatory notes specifically talks about the fact that there is no substantial additional funding and it will just be from reallocations within the department. Some members of the QTU have been very pointed in their submissions to the bill about the lack of resourcing and their ability to deliver on the educational needs of their school communities. We talked to the Oakey State School leadership, for example. Noting the feedback that the parliamentary committee has received that there is a significant shortfall as it sits now, be that in the form of teachers or resourcing for those teachers, how is a reallocation from within the existing budget going to address this issue?

**Ms Albury:** It is interesting. The impact of the appeal rights, workload wise, would primarily be in our regional offices that manage the appeals process. At the moment at a school level, schools enter information into OneSchool. As long as that information is entered accurately and well, schools are able to pull information out of there for the appeals process and provide that information, and regional staff absolutely have access to that information as well. Parents and students can now appeal long suspensions. While we do not keep the numbers of those centrally because it is a manual process that happens in the region, it is really that way because it is actually a very small percentage of overall students or parents who would appeal. While this opens up appeals potentially to a bigger group of students, it is not that 100 per cent of those students and their families would appeal. You are right: we have 12 months from now to implementation, and our approach really is to work very closely with our regional colleagues, industrial organisations and the professional associations to work through what would be an appropriate process and really have a look at the appeals process overall, and make sure that it is modern and fit for purpose. It is an opportunity for us to do that.

**Ms Forrester:** If I may add to that answer for you, some of the proposed amendments in the bill also go to reducing workload, and I think that has been acknowledged as well. One of those in this SDA area is enabling the principal to delegate the telling of the student about the suspension and that, I understand, has been welcomed. Another one is the proposal to change our approach to online approvals, so not requiring consent from parents on a case-by-case basis for the sometimes up to 250 online applications that are used in schools. I want to acknowledge that within the bill there are some amendments that will actually assist the workload reduction in schools. I would also like the opportunity to make the point that when we think about workloads in schools we do not think only

about legislation. Legislation here is just one of our options and drivers. Ms Albury has spoken to the opportunity to improve administrative processes, and that is certainly one of the things we would intend to do.

Also, we have other initiatives underway in the department. For example, this year we have commenced trialling a new workplace health and safety officer in 11 of our schools as a way of acknowledging that there is a workload there. We are testing and trialling with those 11 officers working across about 30 schools to see how that new and different role can impact positively on workload in schools. We are hopeful that will have some other trials of other similar new roles underway to also support schools in the way they go about doing their business.

I also acknowledge your point about funding and resourcing and observe that this year we are in direct negotiation with the Australian government around setting a new national schools reform agreement. The current agreement we have does run out at the end of this year, and there is no doubt that the amount of funding that comes into Queensland from the Commonwealth is one of the key issues under debate and consideration and will need to be managed and negotiated through that process.

**Mr KELLY:** One of the proposals in the bill you went through before—and it is in the explanatory notes—is the need to have transfer notes for students who go between state schools and non-government schools. Can you explain the background of the reasoning behind that particular proposal? I assume it is compulsory what it is referring to.

**Ms Forrester:** Certainly. The amendments to transfer notes provisions in the act reflect the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. Those amendments are intended to promote child safety and continuity of education by the mandatory use of transfer notes when students transfer between a state school and a non-state school, or between non-state schools and non-state schools. It certainly has been prompted by the royal commission. There is a transfer note process in place now but it is not compulsory, and it was the recommendation of the royal commission that we make that process mandatory. We are conscious of the fact that some time will be needed to get students settled into a school and that principals are to be given up to 90 days of a student transferring to a new school to request that transfer note. The transfer notes can be requested from any school that the child has attended in the previous 12 months; we do not want to miss information if a child has been enrolled at a number of schools through the year.

We did note that some of the stakeholders commented on the 90-day process, so I want to acknowledge that setting the time frame at 90 days, rather than 90 school days, ensures that if the time frame coincides with one or more holiday periods the time frame is not extended by those holiday periods. We think requiring this proactive information sharing via the transfer notes will be important, and it will potentially increase some administrative burden for school, but that is balanced by the critical outcome of strengthening protections for students and school communities, consistent with the royal commission.

It is another area where we would be developing a guideline for principals so that they are very clear on what information could be shared in relation to our own state school system. Principals already have the information through our OneSchool system, so the work we would be looking at—and it has been raised in submissions—is how we can have a system that is really effective and streamlined when students are transferring between non-state schools and state schools, or non-state schools and non-state schools. There is work going on at the national level, because transfer notes are also of a national interest. Of course, if we have a child coming from New South Wales to Queensland, again, ultimately, we would want to see that same sort of information being regularly transferred. There is work underway in the national arena both about the process and what information is transferred and about a technical solution. We think this proposal supports student safety, supports school safety and supports a student who is transferring to be well supported in their new school. We have a good technical solution in place in Queensland state schools already, and we have work underway nationally that we think is very prospective in terms of being able to support efficient and safe movement of information between the state school and non-state school systems, or between non-state schools and non-state schools.

**Mr KELLY:** Will that apply to other settings and environments—say, for example, for students who do their schooling at a TAFE? There are some TAFE systems out there where people do grade 11 and 12; I know at the Alexandra Hills campus they do that. Also, if a parent was choosing to homeschool, would it be required to have transfer notes given to the parents, and if a homeschooling parent was bringing a child back into the schooling system, would that be required there?

**Ms Forrester:** No. This provision applies only to schools. Those scenarios that you are speaking about would not be captured under this transfer note arrangement. If a student was enrolled at the school and attending TAFE and then was to move and enrol at another school then a transfer note would be required, but if the student was full-time enrolled at TAFE and then moved to a school I do not believe that this provision would cover that scenario. Equally, for students moving into or out of home education, the transfer note would not be relevant; however, if the student is in home education for less than 12 months and had been enrolled at a school earlier in the year—so they start at a school, go to home education for six months and then come back to a school—the principal is required to go back to the school at the start of the year and seek a transfer note.

**Mr KELLY:** And flexi schools?

**Ms Forrester:** If they are defined as a school, yes, the bill would apply.

**Mr LISTER:** Part 1 of the department's response to the committee states that 20 per cent of home-educating parents have reported they already use the Australian Curriculum. Does the department compile statistics with that number which indicate the relative success of those who are formally reporting that they use the Australian Curriculum now and all the rest?

**Ms Forrester:** Sorry, I did not hear the number you said but, from memory, it is 20 per cent.

**Mr LISTER:** Twenty percent, yes.

**Ms Forrester:** No, the department does not compare the outcomes of an educational program that has been delivered. The administrative data that we have does not compare the outcomes the students might be achieving. The task is to see that the parents have reported against the program that they have been delivering, not to go further and do an analysis of the outcomes and then go further and understand different groups within the home education community.

**Mr LISTER:** You have made a very detailed defence of the adoption of the Australian Curriculum in the bill. I am surprised that there is not a focus on outcomes. By what you have said, the focus is entirely on process rather than the relative outcomes of the already tested cohort who state that they are using the national curriculum in homeschooling against the 80 per cent who have not. Could you see that that might be seen as an omission in an outcomes focused world?

**Ms Forrester:** I would go again to the explanatory notes and observe that, in relation to the proposals in home education, we are looking to modernise and improve educational services but also to ensure the E(GP)A remains contemporary and reflects emerging and strategic directions. I would also observe that one of the proposals in the bill around home education is that parents are to report on the progress that the child has made over the course of the 12-month period between their reports, so that information might start to become more available. Certainly, with this proposal we are keen to understand more about the programs being delivered and the outcomes being achieved. I acknowledge that we have done some research in the area and that there are some researchers in this area, but it might be an area where more research work could be undertaken. I do not think that sort of analysis you are speaking to exists in other jurisdictions, either.

**CHAIR:** When it comes to eKindy, there are some proposed changes around eligibility. Could you explain that to the committee, please?

**Ms Porter:** We are committed, as you know, to the delivery of free kindy for all Queensland children in the year before school regardless of their life circumstance or location. There are, however, a small number of children with medical needs who are not able to attend face-to-face kindy because of their illness. Under the current E(GP)A, these children are not able to access eKindy until they miss 10 consecutive weeks of kindy. We know that often these children are in and out of hospital throughout the year. These proposed changes will address this. The bill amends the medical eligibility and distance requirements for eKindy and broadens the eligibility requirements to allow a child to access eKindy if they are absent from a centre-based kindy for more than 10 weeks within the relevant school year. This means that children with medical conditions will now be able to access a kindy program that meets their individual needs and the needs of their families.

The bill also clarifies that the 16-kilometre distance criteria from the child's principal place of residence is to the nearest centre-based service that provides an approved kindergarten program or state school kindergarten program. This means that more children in our remote locations will be able to access a kindy program wherever they live or whatever their life circumstances are.

**Mr MICKELBERG:** My question is in relation to the home education aspects of the bill. A number of submitters raised concerns about their ability to deliver a curriculum outside of the national curriculum, be that Montessori or Waldorf-Steiner. I note that the department's response states that

the bill does not preclude a home educator from delivering those curricula. Could you clear up an issue for submitters to the bill and for me as well? As I understand it, the Waldorf-Steiner curriculum was assessed by ACARA as meeting the standard in 2023 but Montessori was not; is that correct?

**Ms Forrester:** Yes. The bill provides that an approved educational program must be used, and that approved program is defined as the Australian Curriculum. The educational program must be consistent with that. The use of those words 'consistent with' gives us the reach to say, 'Well, ACARA has undertaken some assessments of other curricula and found them to be equivalent or suitable for use,' and that includes the Australian Steiner Curriculum Framework. On version 8.4 of the Australian Curriculum that also includes the Montessori National Curriculum framework.

We are just about to move to version 9 of the Australian Curriculum. As you rightly point out, for version 9 ACARA has currently assessed the Australian Steiner Curriculum Framework as being consistent with the Australian Curriculum. I understand that the Montessori National Curriculum framework is working through an assessment process with ACARA. That was in evidence given to the committee. I have no reason to think that process is not progressing. We hope to see the outcome of that process.

**Mr MICKELBERG:** Were this bill to be proclaimed today and parents required to deliver an educational program in line with the bill, parents would not be able to deliver a Montessori program as it sits now because, as I understand it, section 217 states that the curriculum will need to be published on the authority's website, which I understand is ACARA's website, and only the Steiner-Waldorf is published there. Montessori would not be able to be delivered at this point in time; is that correct?

**Ms Forrester:** That is an interesting question because we are not proposing to proclaim the bill today.

**Mr MICKELBERG:** My question is in some respects a hypothetical one, but it goes to the core of parents' concerns, which is that the department says, quite cutely, if I might, that it does not preclude them but by the same token does not allow them to do it, either.

**Ms Forrester:** Currently in Queensland we are using version 8.4 of the national curriculum. Both the Steiner curriculum and the Montessori National Curriculum framework today, under version 8.4, have been assessed by ACARA as being suitable. Today that would be fine. The bill is not Australian Curriculum version specific. As long as version 8.4 is still active, the Montessori National Curriculum framework could be used. I think the answer to your question is: if it were proclaimed today, that would be fine. Even as we go forward and in Queensland state schools we begin to use version 9 of the Australian Curriculum—while version 8.4 stays active with ACARA, we can still use Montessori but, as I said, my understanding from listening to the evidence given to the committee is that they are in the process of working through and being assessed against version 9 of the curriculum. We are not anticipating that as an outcome.

**Mr O'ROURKE:** Can you outline the parts of the bill that you believe will lead to workload reductions for teachers and principals?

**Ms Porter:** As my colleagues have been referring to, there are a number of elements of the bill that will reduce teacher workload. In this particular instance, I am referring to state delivered kindy. State schools that deliver a kindergarten must also comply with the regulatory framework for early childhood education and care services—either the education and care services national law or the Education and Care Services Act for Queensland, depending on the number of kindergarten aged children registered in the program. For example, as we know, in remote communities in multi-composite classroom settings, one year there may be three children. They would come under that state-based law. The following year there may be eight children. They would then come under the national law. As you can imagine, this does create confusion and workload for our small school principals and their teaching staff.

The current dual regulatory framework of either act does present significant challenges and has created unnecessary administrative burden on our small state schools delivering the state delivered kindergarten. The complexities of the current regulatory framework can shift the focus of staff in small remote schools from the provision of quality kindergarten delivery, teaching practices and continuity of learning required to ensure positive learning outcomes for children. This bill removes this complex dual regulatory model and replaces it with a streamlined, consistent, school-based framework under the E(GP)A. It will allow principals and teaching staff to focus on the educational learning and development of kindergarten aged children rather than the changing regulatory



requirements or the complexity and administrative burden of a change in requirements if enrolments change each year. This bill will support continuity of learning and successful transition of children from kindergarten into the early years of schooling.

**Ms Albury:** There are a couple of other amendments which will impact on workload. The special school enrolment arrangements will make a difference—and to parents and children as well. The online service consent arrangement will make a big difference. Certainly, that has been a bit of a point of concern from our schools for some time. The ability of principals to delegate the telling and contact with a parent about a principal's decision around a school disciplinary absence is really significant as well. As you would imagine, some of those conversations, when they are done well, can take some time. It is not an easy thing for anyone to ring and tell a parent of the exclusion or suspension of their child. We think that is a really significant workload arrangement. Given that our deputy principals in some of our larger schools are the school leader managing the response to student behaviour on a day-to-day basis, they can be a very appropriate person to have that conversation with the parent.

**Mr MICKELBERG:** Continuing my questions around the curriculum for homeschooling, a number of submitters to the bill expressed preference for the Singapore maths curriculum over the Australian Curriculum. Are you able to give some guidance as to whether or not the Singapore maths curriculum would be considered a satisfactory basis for teaching maths?

**Ms Forrester:** In the first instance, the three curriculums that you could use as the basis for developing your program would be the Australian Curriculum and the two that we were just referring to, so the answer if it was a straight-out Singapore curriculum would be no. However, I think it is important to understand that the process we use in Australia to develop the Australian Curriculum does involve looking internationally, so looking at what other jurisdictions are doing and how they are approaching their learning and how they are approaching the development of their curriculum. My observation would be that the Australian Curriculum is not designed and developed in a vacuum; it is designed taking into account and consideration the best of other arrangements around the world and then bringing those back and incorporating them into the Australian context. While you could not, per se, say, 'Here's the Singapore curriculum and therefore the program is compliant,' I think we would find a degree of consistency that would allow a fair bit of overlap or a degree of overlap, so I do not think using the Australian Curriculum is particularly problematic from that regard.

**Mr MICKELBERG:** The submissions to the bill made it very clear that many of those who choose to homeschool have chosen to do so because their view is that mainstream education is not meeting the needs of their child. Presumably when we are forming a national curriculum it is to meet the needs of the majority of kids, if not all, who are going to school in Australia, so by restricting us just to those three curriculums does it restrict parents' ability to frame teaching to meet their child's individual needs? Many of the parents talk about the fact that they have picked the best bits out that their child responds to and, because they are teaching one-on-one or two-on-one, they are able to maybe invest the time to be able to do that whereas in a classroom setting you may not be able to. I am keen to just tease that out from a departmental perspective, because many of the submitters talk about that flexibility being the value they see. It is not just about the environment; it is also about the fact that they can pitch the education to meet their child's individual means of learning and also their needs.

**Ms Albury:** There are many reasons parents may choose homeschooling as the most appropriate and best option for their child. I am not sure the curriculum is always the issue. Sometimes it is about maybe a child's disability, their preferred learning or social anxiety. There can be a whole range of reasons a more contained environment is a better response for a child or a young person. Our particular curriculum does not mean that a child or a student cannot pursue particular areas of interest, and I think that is a really important thing to keep in mind. Essentially, one of the things that is very important about a school education is that young students definitely get foundational skills in numeracy and literacy but also have access to the opportunity to try a really broad range of learning experiences and subject matters. I think it is really important to differentiate between the structure of the curriculum in that it does not preclude the pursuit of particular areas of interest and expertise. We know that for some students who might have a disability and also for students who are gifted they will certainly want to go and explore further and be ahead in their curriculum. I do not necessarily think that restricts that, and the home-learning environment is sometimes also about that student's preferred learning process.

**Ms Forrester:** I will just add to that in terms of the way the bill was constructed, because I do acknowledge the concerns raised through the submission process around equating the use of the Australian Curriculum with a loss of flexibility. The bill has been particularly constructed to try and support flexibility while providing the Australian Curriculum as the starting point and the basis and

almost the objective point of assessment and comparison and conversation. The bill has been constructed so that an educational program must—and this is the first requirement—be suitable for the child, so we are talking about the individual child having regard to that child's age, their ability, their aptitude and their development. Within that very first line you can see that the bill is saying that the first thing you are considering is your own child and those particular characteristics of your child as you are developing the program. Then it goes on to the approved education and training program, which we have spoken about, so you have a number of choices there in terms of the curriculum that you would use. It also goes on to say that you might want to extend past the curriculum because your child might have a particular interest in vocational education and training, so that is actually enabled as well to be incorporated in your program.

With the way the bill is written and the interpretation of the bill, we are also confident that university subjects could also be incorporated into an educational program. We have scenarios that have been put forward in the submissions about gifted children and the fact that they are starting to do these university courses at quite a young age, so university courses could also be incorporated into an educational program.

The final point is that the bill does say that there is an expectation that the program provides a comprehensive course of study in a diverse range of subjects and learning areas, including English and maths, so it specifies only English and maths. Importantly, it does not specify the number of learning areas or subjects that must be in any educational program. Unlike other jurisdictions where you are required to include the eight key learning areas that are reflected in the Australian Curriculum, that is not something that this bill has proposed. It has actually said to the parent, 'As you're developing your program, the first thing you consider are those characteristics of your child and their learning.' Then it provides for the options in terms of where you are going to base your program—and there is quite a variety of options there—and then you must include English and maths as critical foundations for education, but after that it really is, again, over to the parent in terms of what the diverse range of learning areas is. It does not have to be all of them. It might be a relatively small number depending on the particular circumstances of the child or it might be all eight, but the bill has been drafted particularly to provide that quite high degree of flexibility.

If it is okay, Chair, I would also just acknowledge that one of the other areas that came through particularly in submissions was about the appropriateness of the Australian Curriculum for children with disability. I would like to put on the record that the Australian Curriculum is quite flexible and has been designed in a way that can meet the needs of a wide range of children's learning needs, including children with a disability, and it is the curriculum that we use in Queensland in our state special schools just as way of evidence of the extent of that flexibility. I just wanted to make those points about flexibility, because it is quite an important point and we have taken care in the drafting of the bill to try to enable a high degree of flexibility.

**Mr KELLY:** One aspect that we have heard a lot about in the submissions and also in the hearings in relation to homeschooling is the new guiding principle of the best interests of the child. Can you explain how that amendment came about and can you take us through some of the practical processes that might flow as a result of that amendment?

**Ms Forrester:** Certainly. I am aware of the extensive commentary coming through submissions about the introduction of a new guiding principle. We spoke previously about the genesis of this principle, which does come from a recommendation in the Child Death Review Board annual report this year, but I would like to take us back to the objects of the act. The objects tell us the underlying purpose of the legislation. The objects of the E(GP)A are—

... to make available to each Queensland child or young person a high-quality education that will—

- (i) help maximise his or her educational potential; and
- (ii) enable him or her to become an effective and informed member of the community ...

That is the purpose of the act. The object is to be achieved by 'placing responsibilities on parents and the state in relation to the education of children and young people'. It is really setting out a notion of joint responsibility as we set out the objects of the act. We then go to the guiding principles, and the guiding principles are 'intended to guide the achievement of this act's objects' as follows—and, as you know, we are proposing to include two additional guiding principles.

I am concerned about the interpretation that some of the stakeholders have taken from the inclusion of the best interest principle. There seems to be an interpretation that the state or the HEU will introduce a specific hurdle or a specific test that each applicant has to pass in some form to be able to pursue home education, and that is simply not correct. In setting up a guiding principle, it

creates the lens through which all of the actions taken under the act need to be informed and considered. In undertaking the work in the department and fulfilling the objects of the act, we certainly would be in a position to ensure we are considering the best interests of the child.

I want to circle back, though, because the objects of the act create joint accountability and responsibility with both parents and the state—in this case the department. I think that is where we should have a shared view and a shared understanding—and that is certainly the argument that has been put to the committee, that of course the parents are acting in the best interests of their child. I think what we are seeking to do here is acknowledge that all parties have an obligation under the act to act in a way that is pursuing the objects of the act, and the best interests need to be considered by all parties. As I said, this best interest principle was prompted by that particular Child Death Review Board and by the particular example or scenario they considered last year. I think if we were in a position to have the best interest principle in the act and a similar circumstance arose, the principle would really be directing all parties to be considering what is in the best interests of that child.

**Mr KELLY:** That is a pretty broad statement—'the best interests of the child'. How do you practically assess that so that it is not just a subjective view of what is in the best interests of the child?

**Ms Forrester:** I think we are in a world where that is not the test that overlays every decision that is made, so it is not a separate, standalone assessment; it needs to be factored into and, as we say, the lens where you consider the decision before you or the information before you. So it permeates everything, but it is not crystallised into a specific yes or no test or answer. As I say, if we had a best interests principle or guiding principle in the act, I think for the sort of scenario that the Child Death Review Board set out it would be a very relevant and pertinent point in the conversation where you have a young person articulating that home education in their view was not in their best interests and was not something they wished to pursue. It actually opens up the opportunity to have the conversation about what is in that child's best interests in a way that would be more difficult to do under the current legislation.

**Mr MICKELBERG:** I have one last question about the curriculum.

**CHAIR:** We are very short on time, so it will have to be a quick question and a quick answer.

**Mr MICKELBERG:** Both teachers and home educators have made the point that the Australian Curriculum is a specialist document that is designed for teachers to be able to implement consistency across the nation, and teachers obviously have to do a four-year degree or equivalent in order to presumably be able to interpret that sort of detail. Specific concerns have been raised in relation to senior learning and the fact that the QCAA syllabus would need to be delivered for those senior students and that would not be possible in a homeschooling setting. Can you respond to those concerns which were raised in submissions?

**Ms Forrester:** My observation would be that, I think as the committee has heard, the Australian Curriculum is written in quite plain English. It is quite accessible to the population at large. I would also observe that the Home Education Unit will not be assessing a program as though it has been provided by a teacher, and that seemed to be some of the implication sitting under the concern that there would somehow be an expectation that a program had been professionally developed. This is home education and that is the context in which matters would be considered and assessed. I will go to the point again that currently 20 per cent of home-educating families in Queensland are choosing to use the Australian Curriculum and there are no concerns of that nature being raised about them not being teachers and using the Australian Curriculum. In practice, we have a considerable proportion of people already comfortable with and using the Australian Curriculum and this is not an issue that has emerged. Certainly in terms of the senior syllabus, I do find myself wondering sometimes if people are again just conflating the use of the senior syllabus with the awarding of a senior level qualification. Again, that is not the intention here. Certainly the senior syllabus is the starting point for the development of an educational program. As we say, we would have work to do with the QCAA to make any processes as streamlined as possible and as easy to access as possible for parents.

**CHAIR:** The time for this briefing has now expired. Thank you for the information that all of our departmental officials present here today have provided to the committee and thank you to all of our Hansard reporters and parliamentary broadcast staff for their ever trusty assistance and support. A transcript of these proceedings will be available in due course. I declare this public briefing closed. Thank you.

**The committee adjourned at 11.01 am.**