



EDUCATION, EMPLOYMENT, TRAINING AND SKILLS COMMITTEE

Members present:

Hon. MC Bailey MP—Chair
Mr JP Lister MP
Mr N Dametto 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, 18 March 2024

Brisbane

MONDAY, 18 MARCH 2024

The committee met at 9.22 am.

CHAIR: Good morning and thank you for joining us. The committee's proceedings are proceedings of the Queensland parliament and are subject to the parliament's standing rules and orders. Only the committee, visiting members and invited witnesses may participate. Witnesses will not be required to give evidence under oath but witnesses are reminded that intentionally misleading the committee is a serious offence. Under the standing orders, members of the public may be admitted to or excluded from the hearing at the discretion of the committee.

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

EDWARDS, Ms Karen, Executive Director, Information Technologies, Department of Education

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

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

CHAIR: I now welcome representatives from the Department of Education. Would you like to make an opening statement on behalf of the department?

Ms Forrester: Thank you, Chair and committee members, for the opportunity to brief you on the Education (General Provisions) and Other Legislation Amendment Bill 2024. Thank you also for introducing the Department of Education team here today. I will not repeat those introductions.

To assist the committee in its consideration of the bill, I will provide a brief overview about the Education (General Provisions) Act 2006, which I will refer to as the EGPA, and then speak to some key amendments in the bill. Since its commencement in 2006, the act has been working well and provides a solid foundation for the delivery of education in Queensland. However, since 2006 there have been significant developments at national and state levels that impact the administration of education, making it timely to consider specific changes to enhance its operation.

To inform this bill, the department undertook a focused review of the EGPA, guided by three themes: protecting students, contributing to the good order and management of schools, and modernising and improving education services and related operations. An extensive consultation process was conducted in two major stages. Details of the consultations are outlined in the explanatory notes and in the department's written submission.

I turn now to some of the key amendments. The bill protects students and schools by requiring the proportionate sharing of student information when a student transfers between Queensland schools, both state and non-state. The bill provides that transfer notes will be mandatory to support an increased focus on child safety and continuity of education. These amendments speak to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. Proportionate and proactive information sharing when students transfer between schools is an important measure that will support student safety and wellbeing.

The bill also makes a series of amendments to student disciplinary absences or SDAs. These amendments propose to refine and support the SDA framework, improving arrangements for principals and students. As a system, we are committed to maintaining high standards of behaviour with the goal of maximising learning days for every student and boosting student engagement. To be clear, there is no proposed change to the disciplinary authority of principals. The discretion to make
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the final decision to issue an SDA remains with the principal or the chief executive, as provided for under the current EGPA. Amendments to SDAs deliver administrative improvements, for example, clarifying time frames and the matters to be considered before suspension or exclusion decisions through regulation.

The bill also introduces a new legislated requirement for a student support plan framework for Aboriginal and Torres Strait Islander students, students with disability and prep year students who are suspended or excluded. We know that more Aboriginal and Torres Strait Islander students and students with disability receive suspension and exclusion than their classmates, while our younger students in prep also need developmentally appropriate responses to meet their needs and place them on a successful pathway through schooling.

Home education amendments are an important part of this bill. Across most jurisdictions, including Queensland, home education registrations are increasing. Some of the amendments to home education arrangements include: that the home education program must be suitable for the child, having regard to the child's age, ability, aptitude and development, and be consistent with an approved education and training program. The bill defines this to mean the Australian Curriculum, senior subject syllabus, vocational education and training course or a combination of those. The new home education program requirements bring Queensland in line with the approach in most other states and territories. The bill also inserts a new guiding principle setting out that home education must be provided in a way that is in the best interests of the child or young person, taking into account their safety and wellbeing, and ensures that the child or young person receives a high-quality education. This guiding principle is introduced to reflect the recommendations of the *Child Death Review Board—annual report 2022-23*, tabled in parliament on 14 March.

The bill streamlines the regulation for SDKs under a single act in a consistent school-based system. This will enable principals and teachers to leverage existing school-based oversight structures and quality assurance processes. The streamlined regulatory framework will not soften the regulatory approach. Robust standards will continue to apply and be aligned to the national quality standard for early childhood education and care. A focus on critical safety matters will be maintained including guidelines, policies and procedures to protect the health, safety and wellbeing of kindergarten children.

The majority of amendments will commence on proclamation to allow time for stakeholder discussions to occur and to provide time for the development of guidelines, policies and procedures by the department. I will close there and welcome any questions that the committee might have.

CHAIR: Thank you, and I will open it up to the committee.

Mr LISTER: Thank you for coming in to brief us today. Can I ask you about the consultation that occurred with stakeholders regarding home education. I note also that the Teachers' Professional Association of Queensland were not among those consulted. Can you tell me about that please?

Ms Forrester: I will get my colleagues to dig out the detail of that. The process for consultation of the bill involved two stages of consultation. Stage 1 was a very extensive public consultation process. In relation to the home education stakeholders, each registered family was contacted by the department to alert them to the fact that the consultation was underway, where to get information and how to participate in the process. As part of that process, I understand that we received approximately 300 submissions from home education stakeholders. That was round 1.

The second part of the consultation involved targeted consultation. This was using cabinet-in-confidence information to check and test policy positions that were in the bill and to understand further implications. For stage 2 we engaged with the home education representatives by identifying associations rather than individuals. There were six associations that were part of the original group that was emailed the information. Through conversations I guess between stakeholders, we were contacted by two individuals who were advocates for a large number of stakeholder home education parents. They put a case to us that they should be included in the consultation and, while we did not provide them with cabinet-in-confidence information, we did have conversations with them to understand their views and perspectives.

Mr LISTER: Are you happy to get back to me in terms of the TPAQ?

Ms Forrester: I will get back to you on the TPAQ.

Mr KELLY: Thanks for your presentation. Can you explain what is meant by the guiding principle that homeschooling should be in the best interests of the child and where that amendment came from? Are there practices or things that are occurring now that the department is concerned about?

Ms Forrester: The new guiding principle seeks to address in part a recommendation from the Child Death Review Board—annual report 2022-23. As I said, that was tabled in parliament quite recently. The board set out in its report concerns that it has about the regulatory oversight of home education in Queensland. The annual report feels that there needs to be more support for children registered for home education in Queensland, and that was following a young person's death. The recommendation in the report was that the department—

Pursues legislative changes to strengthen oversight of children registered for home education in Queensland, with a focus on upholding the child's rights, best interests, safety and wellbeing at all stages of a child's home education.

The new guiding principle is just the first step. We do need to consider the other recommendations and information in that report and consider what other options there may be to further enhance the regulatory oversight of and support for children registered for home education, so those matters will continue to be examined. The board's report does mention the importance of gathering more evidence and talks about some data work to be done across departments and agencies, and initial conversations are underway about that work.

Mr DAMETTO: Thank you for coming to brief the committee this morning. My first question is how aligning homeschooling with the state curriculum will improve educational outcomes for homeschooled children? What specific data and evidence was used to align homeschooling guidelines with the state school curriculum?

Ms Forrester: It is the Australian Curriculum and it is a curriculum that we do use here in Queensland. Can I give you a few important bits of context that are relevant?

Mr DAMETTO: That would be fantastic.

Ms Forrester: You would have read about the growth in the sector. We have had a 195 per cent growth in homeschool registration since 2019. We see that growth across the nation but certainly the growth in Queensland is particularly high. We think it is important to understand what is happening to drive that growth and to change that growth and to make sure that, as the sector changes with many new people coming in to home education, our regulatory response is appropriate.

The other interesting and important bits of context are that 20 per cent of students currently registered for homeschooling tell us that they are using the Australian Curriculum so we know that is a choice that is being made and used by one in five students currently. That gives us confidence that it is appropriate and able to be used and actually the choice of about 20 per cent of parents currently. I think that also goes to the point that is being made by stakeholders about concerns with flexibility. We know that some of our stakeholders are raising concerns, but we believe that parents still have the ability to tailor the learning experiences to topics and interests of the child, while ensuring that the learning is consistent with the Australian Curriculum.

We also know that thousands of children each year move in and out of home education, so it is important that there is a consistent basis and framework for that to support the continuity of the child's education. It is a choice that parents are making to try home education for a period of time, but then we see that many parents also choose to return to the schooling system. We think having that consistent basis of the Australian Curriculum is quite important for smooth transitions.

We do think that those context pieces and that data and information is quite important. We have required the educational program to be consistent with an approved curriculum, and that is because we think that is the best way to ensure that the child or young person has access to a high-quality program. These changes will also bring Queensland in line with the majority of other jurisdictions which also require a home education program to meet the Australian Curriculum or the learning areas associated with the Australian Curriculum. I think that is really a pretty reasonable rundown of the matters that we have been considering.

Mr DAMETTO: Thank you. Was that 72 per cent of people not using the Australian Curriculum at homeschooling?

Ms Forrester: It is 20 per cent are using the Australian Curriculum.

Mr DAMETTO: So it is 80 per cent who are not using it?

Ms Forrester: Some 20 per cent are using the Australian Curriculum.

Mr DAMETTO: So it is 80 per cent who are not using it?

Ms Forrester: Other choices are available at the moment so, as I say, we are confident that it is a strong choice by many parents—

Mr DAMETTO: You are confident that 20 per cent is a strong choice?

Ms Forrester: Yes, I am because I would suggest that it is possibly the single curriculum that we can get—I do not know that another curriculum would have a higher proportion of students using it at the moment.

Mr DAMETTO: Okay. Thank you.

Mr O'ROURKE: What if your child needs extra support or extra time to work through the curriculum when homeschooling?

Ms Forrester: That would absolutely be available. Some of the changes that I mentioned in the opening statement were that the act does require the program to take account of the child's age and their ability. For example, if you took a child with a disability, when the parent was developing a program and developing their report to demonstrate the progress that the child had made each year and submitting that to the Home Education Unit, I would expect there would be information conveyed by the parent to the Home Education Unit about the child's disability or any other factors that were going on for that child—if they were experiencing mental illness at that particular point in time or if there was something broader happening in that family's context and life. There is significant recognition and consideration of the individual circumstances of each child. It provides the flexibility that is reasonable. I would also say that, within the state schooling system, we use the Australian Curriculum and we have a high proportion of students with disability in our system so the Australian Curriculum can be adapted and tailored to support a wide range of needs for individual children.

Mr MICKELBERG: My question is in relation to provisions precluding a person convicted of an indictable offence being on a P&C executive or subcommittee. Are there any instances of problems arising from individuals who have been identified as having previous criminal convictions in that context?

Ms Forrester: I am not aware of any specific examples, but I would like to take that on notice just to check that for you. We feel that certainly is an important amendment. P&C executive committee members do have potential to access significant funds and to work closely with schools, so it is appropriate to provide for safeguards to ensure the integrity of P&Cs and the reasonable safety and protection of members and the school community. The bill does provide that, if a person is convicted of an indictable offence other than a spent conviction, they will be precluded from being a P&C executive committee member or subcommittee member. For example, offences such as stealing or assault are indictable offences.

There are some additional safeguards as well—for example, preventing a person who has been convicted of fraud from being able to access P&C finances and bringing P&C eligibility into line with a school council's preclusion of individuals with an indictable offence from being members of the school council. Importantly, a conviction for an indictable offence will not prohibit general membership of the P&C, as all parents and carers have opportunities to participate in the school community.

Mr MICKELBERG: I take from your answer that the rationale is largely around the handling of money and fraud type offences as opposed to child safety? Is that a fair comment?

Ms Forrester: There would be a whole range of issues related to child safety that would be considered separately. There are a whole range of safeguard mechanisms to protect children at school. I am not sure if that answered your question.

Mr MICKELBERG: I guess the reason I ask the question is I am aware of instances, for example, where parents who have been convicted of sex offences are able to access the school because they are the parent of a child who is at that school. That strikes me as something that probably goes against public expectation, hence the question around the rationale, which by your answer is more around fraud and handling of funds.

Ms Forrester: Yes, that has been the driver of these particular amendments that we have made.

CHAIR: Obviously, the huge increase in homeschooling correlates a bit with the global pandemic and its impact. With the pandemic's response, the use of technology was accelerated in a lot of ways with people using Zoom, Teams and all those sorts of things. Does the department have any sense of whether the people's awareness of technology and accessing resources is part of the growth? I know there would be a whole range of drivers, not just one, but I just wonder if the department has any understanding of to what degree that access to resources via the web that was accelerated due to the pandemic might be a part of the increase in homeschooling.

Ms Forrester: In the last few years, the department did undertake research to explore and understand better what was driving the growth in home education registrations in Queensland. While we did receive a relatively low response rate from home educators—it was sitting at a bit under 10 per cent, from memory—it did alert us to the fact that social media was one of the factors that was

precipitating people exploring home education and understanding it more. There were a range of factors for why people moved to home educate, but one of them that we took from the research was that people had experience of children being at home and they shared that experience on social media so there were good connections and networks being formed between parents and in communities. We do hypothesise that that experience of some home education through COVID, combined with social media and the use of social media between parent networks, encouraged people to try home education. As well, there are a range of resources—around the Australian Curriculum, for example—available online for parents now as well as businesses which can provide access and support to programs for parents. It reduces those initial set-up and engagement costs of trying home education.

Mr KELLY: Can you explain the provisional registration process that is being amended with this bill?

Ms Forrester: Currently, the act provides for two types of registration. There is a provisional registration under section 207 and there is registration under section 208. The bill proposes to remove the ability to seek provisional registration under section 207. Under that section, the parent is required to provide a pretty simple statement of their intent to seek registration. There is no need to provide an educational program, which is what the child will be learning, for 60 days. Provisional registration lasts for 60 days. That is potentially up to eight weeks of schooling where the child may not have an educational program because the parent is in the process of developing that.

This proposal is driven by a desire to promote continuity of learning for students. We are proposing to move to a single type of registration that would involve the parent, at the time of making their application, include their educational program with all the other information that is required. That way, we are confident that when a parent and a child begin their home education journey they are set up for starting and they are set up for learning from day one.

Mr KELLY: On that process of registration, is there any assessment undertaken into the capacity of the parent or other carer to be able to provide the educational program?

Ms Forrester: I do not think that there is an assessment of the parent, but certainly the act sets out that there will be a number of matters that need to be put forward and considered in the application. I guess the application itself and the program itself demonstrates the parent's ability to prepare a program and to complete those requirements, but there is no separate assessment of the parent.

Mr MICKELBERG: My question relates to the transfer notes and the 90-day time frame. I am keen to understand the logic of the 90-day time frame, given that I imagine that much of the risk actually arises in the period when a student first comes to the school.

Ms Forrester: That is three months. Within that stage, the child will have arrived at the school and been enrolled at the school. Certainly, we are keen to ensure that the child's enrolment is not influenced or the decision to enrol a child or not is not influenced by information that may come with a transfer note. We are keen to ensure that the principal requests the transfer note and so that is a requirement. There is a mandatory obligation on the principal now to be requesting the transfer note within 90 days of the student being enrolled. Certainly, they cannot do it before the student is enrolled at the new school. We thought that a three-month period was enough time for the principal to welcome the student into their school and make that request.

Ms Albury: It is roughly a term, really.

Mr MICKELBERG: I do not want to verbal you, but the logic is that the principal's and the school's interaction is not coloured by the content that might be contained in those notes, but if there is important information they subsequently get it; is that fair?

Ms Albury: Sorry, can you say that again?

Mr MICKELBERG: The principal's or the school's assessment of the child is not coloured by the content that might be in those notes but they have that information to be able to manage the child subsequently.

Ms Albury: Yes, that is right. The transfer note has a range of information in it. These 90 days means that the child will be enrolled and settled and the school will be able to make its own assessment.

Mr DAMETTO: I have one last question. How will the proposed changes in the bill address the shortcomings of the current traditional education system that have led many parents to opt to homeschool—for example, the inability to control some behaviour of some children at school and also catering for the learning needs of individual students?

Ms Forrester: Legislation is one aspect of the responses that the department can bring into play with the support of the government and the parliament, of course. The department has many initiatives underway that support the good order and management of the school, which we are speaking about. We have Equity and Excellence as our strategy, which is to realise the potential of every student. We have a range of initiatives sitting within that strategy that supports having a positive experience for education for all students and supports improving performance and outcomes for students. I do not know if my colleague, Robyn, would like to talk more about that.

Ms Albury: Already now in our state schools, students and schools have access to a whole range of different supports. We have occupational therapists, physiotherapists, access to specialist advisory teachers, guidance officers, youth support coordinators as well as the new wellbeing workforce that has been rolling out over the past couple of years, which has had a really clear focus on those issues around student mental health and wellbeing. For me, it is really clear that the Queensland community is wanting to access a range of different ways of learning and models of schooling, and home education is absolutely a valid choice for some children and families.

Mr DAMETTO: Thank you very much for your answer.

CHAIR: We will run over by eight minutes. We started about eight minutes late so I want to make sure that everyone gets their allocated time.

Mr O'ROURKE: In practical terms, what is meant by following an approved curriculum? What does that entail?

Ms Forrester: We would expect that the parent will be developing their program. When they make an application for home education registration, as I mentioned, they will now be required to put forward their program. That will need to look to the learning areas that are in the Australian Curriculum. There is a lot of variability that the parents can work through in terms of tailoring that program, but it does need to be consistent with the Australian Curriculum or it needs to be consistent with another curriculum that ACARA may well have approved. For example, ACARA has approved the Steiner curriculum and the Montessori arrangements as well. A parent needs to be using one of those as they develop the approach that they will use over the coming year with their child to promote and develop their learning.

Mr MICKELBERG: In relation to homeschooling, are you able to give any guidance or information to the committee on what other states are doing from a regulatory perspective in relation to homeschooling?

Ms Forrester: At the highest level, I can tell you that New South Wales, Victoria, South Australia, Western Australia and the Northern Territory use the Australian Curriculum. The ACT and Tasmania do not use the Australian Curriculum at the moment. Tasmania requires the program to include literacy and numeracy and a broad range of learning areas. Certainly some of the other jurisdictions go to trying to have the regulator sight the child. There were home visits occurring in some jurisdictions before COVID. COVID has interrupted that pattern a little, we understand, so there is more use of virtual technologies, Zoom and Teams and things, we understand, to fulfil that. That is one of the directions that the Child Death Review Board was really going towards as well in the report that they handed down last week. Certainly, it is wanting to investigate and integrate whether the regulator should have more sight and visibility of the child.

CHAIR: We will conclude proceedings there. We have our extra eight or nine minutes in so that concludes this briefing. Thanks to everybody who has appeared before us today. Thank you to our Hansard reporters. A transcript of the proceedings will be available on the committee's webpage in due course.

Two questions were taken on notice and responses will be due by midday on Monday, 25 March. The first one was from the member for Southern Downs in relation to consultation with the Teachers' Professional Association of Queensland. The second was a question on notice from the member for Buderim around specific examples of persons convicted of indictable offences from being a P&C association executive member or subcommittee member. We will get those responses next week.

Mr MICKELBERG: In any instances.

Ms Forrester: We might want to put a time frame on that—five years?

Mr MICKELBERG: That will do. Five years is fine.

CHAIR: I declare this public briefing closed.

The committee adjourned at 9.55 am.