

Education (General Provisions) and Other Legislation Amendment Bill 2024

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QUEENSLAND
TEACHERS' UNION

Queensland Teachers' Union

Submission to the Education, Employment, Training and Skills Committee inquiry into the Educations (General Provisions) and Other Legislative Amendment Bill 2024

**Authorised by QTU Executive
25 March 2024**

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1.0 Introduction

1. The Queensland Teachers' Union (QTU) has engaged with the Department of Education (DoE) throughout the process of reviewing the *Education (General Provisions) Act 2006* (EGPA). The QTU engagement is referred to in the *Education (General Provisions) and Other Legislation Amendment Bill 2024* (the Bill) *Explanatory Notes*.¹
2. **The QTU's engagement in the DoE's process of review is not an endorsement of the amendments that are proposed in the Bill.**
3. The QTU raised concerns throughout the DoE's process, in steering committee meetings, stakeholder forums, and with an initial 45-page submission in response to the DoE consultation papers that contained 49 recommendations,² and a subsequent 13-page submission in response to additional DoE consultation papers that contained a further 10 recommendations.³
4. The QTU submissions made in response to the DoE's process of review were jointly prepared by the QTU and Independent Education Union Australia – Queensland and Northern Territory Branch (IEUA-QNT). The QTU and IEUA-QNT are the two registered trade unions that represent the professional and industrial interests of Queensland's teaching profession. The QTU supports the IEUA-QNT submission to this Committee's inquiry into the Bill, which is made in the interests of the non-government school sector. This QTU submission to the Bill is made in the interest of the government school sector.
5. The Bill was introduced to Queensland Parliament on 6 March 2024⁴ and referred to the Education, Employment, Training and Skills Committee (the Committee), which, on 7 March 2024, invited stakeholders to make a submission. The Committee's website states that submissions will be received until 12:00pm on 25 March.⁵ There were just 13 working days between the introduction of the Bill to Queensland Parliament and the close of submissions to the Committee. The Bill contains 172 pages and 132 clauses of amendments to the EGPA and other Queensland legislation and regulation, with an additional 52 pages contained in

¹ Queensland Parliament. (6 March 2024). *Education (General Provisions) and Other Legislation Amendment Bill 2024: Explanatory Notes*. (p. 2). <https://documents.parliament.qld.gov.au/tp/2024/5724T307-80D0.pdf>

² QTU and IEUA-QNT. (29 April 2022). *Joint Submission of the Queensland Teachers' Union of Employees and Independent Education Union of Australia – Queensland & Northern Territory Branch to the Queensland Department of Education's focused review of the Education (General Provisions) Act 2006*. <https://www.qtu.asn.au/submissions/april-2022-joint-submission-egpa-review>

³ QTU and IEUA-QNT. (24 June 2022). *Joint Submission of the Queensland Teachers' Union of Employees and Independent Education Union of Australia – Queensland and Northern Territory Branch to the Queensland Department of Education's focussed review of the Education (General Provisions) Act 2006: Data sharing and consent management*. <https://www.qtu.asn.au/submissions/june-2022-data-sharing-and-consent-management>

⁴ Queensland Parliament. (6 March 2024). *Education (General Provisions) and Other Legislation Amendment Bill 2024: Explanatory Speech*. https://documents.parliament.qld.gov.au/events/han/2024/2024_03_06_WEEKLY.pdf#page=58

⁵ Education, Employment, Training and Skills Committee. (2024). *About the Bill*. <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=251&id=4389>

the *Explanatory Notes*.

6. The QTU expresses considerable concern with the Queensland Government's advertised timelines. Yet, during the 13 working days for stakeholders to prepare a submission, the QTU held two school leader forums, a meeting of QTU Executive, and subsequent special meeting of Executive. This QTU submission has been informed by these meetings, as well as contributions from individual QTU members and member collaborations.

Recommendation 1:

That the QTU calls on the Education, Employment, Skills, and Training Committee to provide additional time for key stakeholders to consult and respond to the Bill.

About the QTU

7. Established in 1889, the QTU has chalked up 135 years of achievement as the professional, industrial, and legal voice of Queensland's public education and training sectors throughout regional, remote, and metropolitan Queensland. In 2024, the QTU represents more than 48,000 members of the teaching profession who are employed in special schools, primary schools, secondary schools, other specialist school settings, and TAFE.
8. The QTU's advocacy represents the collective voice of Queensland's state school teachers and TAFE educators, which is heard through our democratic structures. The supreme decision-making body of the QTU is our State Council, which consists of more than 120 democratically elected representatives from every branch throughout the state. Policy positions that have been adopted by QTU State Council underpin this submission.
9. The QTU has a proud history of advocating for policies that improve Queensland education and state schooling. This submission draws on QTU positions including, but not limited to, reducing workload of teachers and school leaders; school codes of conduct and student behaviour; school communities' right to safety; the right of every young Queenslander to be able to access excellence in education; and the role of governments to allocate resources so that schools can deliver equity and excellence .
10. This QTU submission to the Committee's inquiry into the Bill is made in the interests of our members, as well as the hundreds of thousands of students whom our members teach every year. This submission builds on the QTU's comprehensive understanding of 21st Century risks to the safety and wellbeing of students, teachers, and school leaders. While the QTU commends the DoE for its comprehensive engagement with stakeholders throughout the review of the EGPA, the QTU does not accept that the collective safety and wellbeing of school communities should be placed at risk to accommodate the concerns raised during the DoE's review process by parties who have limited experiential knowledge and understanding about the daily operations of Queensland state schools.

Organisation of this submission

11. In addition to this introduction, this QTU submission includes nine sections:

- i. Process to review the EGPA
- ii. Guiding principles for achieving Act's objects
- iii. School disciplinary absences (SDAs) and related matters
- iv. Student support plans
- v. Protecting school communities from online abuse
- vi. Transfer notes, transfer records and related matters
- vii. State delivered kindergarten (SDK)
- viii. Home education
- ix. Parents and citizens associations and school councils
- x. Nomenclature.

A summary of recommendations appears at the end of this submission.

Contact details

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2.0 Process to review the EGPA

12. From the commencement of the DoE's process of reviewing the EGPA in 2021, the QTU has engaged in good faith with the process, and notes the DoE's aims to:
 - protect students
 - contribute to the good order and management of Queensland state schools
 - modernise and improve education services
 - make minor and technical amendments.⁶
13. Throughout the DoE process of reviewing the EGPA, the QTU understands that other stakeholders, including other government departments, offered views on the Union's recommendations. Whereas the QTU recommendations were made in the interests of the safety and wellbeing of students, teachers, school leaders, and school communities, the QTU contends that opposition to the Union recommendations reflects positions of advocacy in the other stakeholders' own interests, such as resourcing. The QTU accepts the role of democratically elected governments to make decisions that balance the interests of communities. The Unions do not accept that the collective safety and wellbeing of school communities should be placed at risk to accommodate concerns raised by parties who have limited understandings about the daily operations of Queensland state schools.
14. For clarity, the QTU supports the right of every Queensland child to access high-quality education. However, the QTU also believes that *every* child has a right to be safe, and that the Union's recommendations to the DoE throughout the process of reviewing the EGPA were made in good faith and with the aim of both protecting students and providing for the good order and management of schools.
15. The QTU recommendations made during the review process were underpinned by deep connections with Queensland schools and the experiences of our members and their school communities on every school day, in every school, and in every class. Some matters, like the powers to temporarily remove property for good order and management, consume learning time on a daily basis. Thankfully, other matters, like providing education services to students who have an identified risk of committing sexual assault or murder, are far less frequent, but they are operational matters which require legislative change that supports the professional decision making of our state school leaders.

Workload impact statement

16. In April 2022, the QTU and IEUA-QNT's joint submission to the DoE recognised:

... that legislative reform cannot be viewed without consideration of how the proposed reforms will impact resourcing of schools and workload of teacher and principals. The QTU and IEUA-QNT express disappointment that the consultation papers have not been more transparent in explaining the impacts of proposals on resourcing and workload. The QTU and IEUA-QNT call on the DoE to ensure a specific budget impact statement and a separate workload

⁶ Queensland Parliament. (6 March 2024). *Explanatory Notes*. (p. 1).

<https://documents.parliament.qld.gov.au/tp/2024/5724T307-80D0.pdf>

*impact statement are provided in any future proposals arising from the review process, and that both statements are available to stakeholders.*⁷

17. The QTU engaged in the DoE's process of reviewing the EGPA, which commenced in 2021. Since that time, the QTU has consistently called for a workload impact statement and a separate budget impact statement on proposals arising from the review process, and for both statements to be made public.⁸
18. The QTU notes deliverable 20 of the *National Teacher Workforce Action Plan* (NTWAP), that commits:

*Each initiative in the next National School Reform Agreement will be subject to a Teacher Workload Impact Assessment*⁹

19. Relevant to action 12 of NTWAP, the Queensland Government has committed to "New support roles in schools to reduce teacher workload."¹⁰ The QTU contends that workload reduction from the Queensland Government's commitment to action 12 of NTWAP will be lost to increased work generated by the implementation of the Bill.
20. The QTU is gravely concerned that the DoE has not satisfactorily analysed and reported on the workload that will be created by the implementation of the amendments proposed in the Bill. Neither the *Explanatory Notes*¹¹ nor the *Explanatory Speech*¹² adequately address the QTU's concerns about workload, aside from vague and myopic statements contained in the Bill's *Explanatory Notes* like the following concession.

*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.*¹³

21. The QTU rejects any proposed amendments to the EGPA that may lead to short to medium term increases in the work of teachers, school leaders, and school communities that are contrary to the national work that state and federal education ministers are undertaking. The QTU contends additional and complex work will exceed the notion of "increase in

⁷ QTU and IEUA-QNT. (29 April 2022). (p. 6). <https://www.qtu.asn.au/submissions/april-2022-joint-submission-egpa-review>

⁸ QTU and IEUA-QNT. *Op. Cit.* (p. 6).

⁹ Australian Government. (2024). *National Teacher Workforce Action Plan: Priority area 3 - keeping the teachers we have*. <https://www.education.gov.au/national-teacher-workforce-action-plan/priority-area-3-keeping-teachers-we-have>

¹⁰ Australian Government and Queensland Government. (2023). *Workload Reduction Fund: Federation funding agreement*. <https://federalfinancialrelations.gov.au/sites/federalfinancialrelations.gov.au/files/2023-06/WRF%20-%20QLD%20Signed%20FFA%20Schedule.pdf>

¹¹ Queensland Parliament. (6 March 2024). *Education (General Provisions) and Other Legislation Amendment Bill 2024: Explanatory Notes*.

¹² Queensland Parliament. (6 March 2024). *Education (General Provisions) and Other Legislation Amendment Bill 2024: Explanatory Speech*.

¹³ Queensland Parliament. (6 March 2024). *Education (General Provisions) and Other Legislation Amendment Bill 2024: Explanatory Notes*. (p. 13).

- inquiries”, which casually infers some additional phone calls or email traffic.
22. The QTU is deeply concerned that the *Explanatory Notes* are vague and myopic, the notes diminish the significant concerns of Queensland teachers and school leaders, and the notes do so without offering any remedy to mitigate the impact of increased workload. That is, the *Explanatory Notes* offer no indication of the availability of additional resources, nor set out measures to reduce the duties and responsibilities of teachers and school leaders to offset increased workload. The *Explanatory Notes* offer no modelling on which regional schools, type of school, or size of schools might be impacted, nor modelling on the complexity of the work that might be required of teachers and school leaders.
23. Specifically, on school disciplinary absences (SDA), the QTU takes no comfort from the *Explanatory Speech*, in which the Minister stated:

*... the bill provides for a review of the SDA framework, 18 months after the commencement of the amendments, to ensure the changes are achieving the desired outcomes.*¹⁴

The QTU contends that the Queensland Government should not undertake legislative change without first assuring the state’s teaching profession that there will be no increases in workload. An 18-month trial is unsatisfactory. In one QTU school leader forum, a principal stated:

the department wishes to continue to expand the accountability of school leaders by introducing another method by which principals must justify their decisions, but they provide no additional resources in which to manage this ever increasing trend over time – it’s just expected that you do it.

(School leader – level 3, regional secondary school)

Another school leader was more direct, stating:

This is killing school leaders.

(School leader – identifiable details withheld)

24. The QTU contends that workload and work intensification contribute to teachers’ and school leaders’ experience of time poverty. Workload can be defined by hours of work over a period of time, while work intensification can be defined as the complexity or demands of the work being undertaken by teachers and school leaders. Increases in load or complexity can result in time poverty, which contributes to stress, burnout, and dissatisfaction.¹⁵ The DoE’s failure to undertake detailed analysis of the work and complexity of the amendments, or publicly report on the analysis, is demonstrable of incremental workload creep and will contribute to the time poverty that is already experienced by the state’s teaching profession.

¹⁴ Queensland Parliament. (6 March 2024). *Education (General Provisions) and Other Legislation Amendment Bill 2024: Explanatory Speech*.

¹⁵ Creagh, S., Thompson, G., Mockler, N., Stacey, M. Hogan, A. (2023). Workload, work intensification and time poverty for teacher and school leaders” a systematic research synthesis. *Educational Review*

25. The Bill has the potential to increase experiences of time poverty and increase risk to the health and safety of school leaders, teachers, students, and school communities. The risk to Queensland’s state school teaching profession is that it will accelerate the exodus of teachers at a time of chronic teacher shortage. This, in turn, will both impact upon the Queensland budget and reduce the state’s capacity to deliver equity and excellence in a socially just manner.

Recommendation 2:

That the QTU calls on the Education, Employment, Training and Skills Committee to recommend that the Queensland Government withdraws the Bill until the DoE provides a specific workload impact statement relevant to all of the proposed amendments.

Budget impact statement

26. The QTU also called on the DoE to provide a budget impact statement. The QTU recognises the vague and myopic reference contained in the *Explanatory Notes* under the heading “Estimated cost for government implementation”, which states,

Potentially, there may be costs for government implementation of the Bill, however these costs are not expected to be substantial. Possible costs may arise for staff training and the development of supporting materials to communicate the changes to principals, schools, students, parents and the community.¹⁶

27. The statement is vague and myopic because it fails to recognise that in the 2023-24 financial year, the DoE employs more than 75,000 full-time equivalent staff in school education.¹⁷ If all of these 75,000 employees were beginning teachers released for five hours of training, the cost to the Queensland Government would exceed \$25million. The Committee should consider that the cost to the Queensland Government will exceed \$25million, because the majority of employees are remunerated at a rate that is greater than Band 2, Step 3 of the salary schedule. Moreover, the cost does not include costs to the DoE of developing and producing support materials, rolling out professional development, and developing additional materials to support Queensland parents and their students.

28. The QTU is alarmed at the statement contained in Explanatory Notes:

Any potential costs will be met from existing budget allocations and are

¹⁶ Queensland Parliament. (6 March 2024). *Education (General Provisions) and Other Legislation Amendment Bill 2024: Explanatory Notes*. (p. 13).

¹⁷ Queensland Government. (2023). *2023–24 Queensland State Budget – Service Delivery Statements: Department of Education*. (p. 11). https://budget.qld.gov.au/files/Budget_2023-24_SDS_Department_of_Education.pdf

*anticipated to be offset in the longer term as process efficiencies are realised.*¹⁸

The QTU and its members who are teachers and school leaders know that the DoE's references to realising increased efficiencies is palatable to political masters, but the sentiment is always at the expense of additional and more complex work being undertaken in schools. The DoE must consider the impact the amendments could have on accelerating staffing shortages, sick leave, and workcover claims, and the impact these would have on the Queensland budget. During QTU school leader forums, members observed:

As principals, we are deeply concerned about the additional workload that will result from mandated re-entry support plans for suspended students. This sentiment is echoed across the Darling Downs South West Region ... The amendment that will enable appeals for students with 11 or more cumulative suspension days is viewed as disrespectful to the professionalism of our school staff. Managing these appeals will undoubtedly consume a significant amount of time, which could otherwise be spent on promoting equity and excellence within our school community.

(School leaders - Darling Downs South West)

This proposal is another example of the 'lip service' provided by the department regarding the genuine psychosocial wellbeing of its leaders. Enabling more options for appeal provides exposure to more abuse, harassment, vexatious allegations and violence by disgruntled members of the community.

(School Leader – Level 3, regional secondary school)

When are we going to say enough is enough? We continue to allow schools to do all of the heavy lifting on this and we can see in our classrooms, teachers buckling under this pressure. Students who have multiple SDAs are a huge risk for us to be able to manage and support.

(School Leader – Level 6, rural secondary school)

This will cause a massive impact on workload and wellbeing of school leaders. I am a young principal, and in the past 10 weeks I have wondered if this is really what I want to do.

(School leader – identifiable details withheld)

The ideology around this is unmistakable and there is significant gaslighting of principals around this. Sometimes a short suspension is enough to re-engage students, and less than a third require a specific support plan. We need to set boundaries and appropriate behaviour for our students, and we currently do this without a law. What magic our teachers and school communities do, in spite of our system.

¹⁸ Queensland Parliament. (6 March 2024). *Education (General Provisions) and Other Legislation Amendment Bill 2024: Explanatory Notes*. (p. 13).

(School leader – level 7 metropolitan secondary school)

We have no additional resourcing and no systemic approach to support these students, who have serious clinical intervention requirements and support that are beyond the scope of the school. This expectation is grossly misplaced. We will continue to get repeated suspensions until the resources are provided to genuinely support the flexible needs of students.

(School leader – level 7, metropolitan secondary school)

29. The QTU contends that the Bill fails to contribute to the good order and management of state schools because it undermines the professional decision-making powers of state school principals and will exacerbate excessive workload pressures on Queensland state school leaders. QTU members have been appalled at proposals related to student disciplinary absences. “The Queensland Government is tough on youth in the press, but they are soft in schools,” is a sentiment expressed by one school leader, but that represents the views of many.

30. The views expressed in the QTU school leader forums represent limited faith in the words expressed in the Bill’s *Explanatory Speech*,

*That is why the department will work collaboratively with key stakeholders to make sure we have the right balance of support for individual students, staff and the wider school community.*¹⁹

QTU members have been emphatic: the balance is not right. The Bill is an assault on principal autonomy, teacher professionalism, and the right of all Queensland students to learn in a safe, caring, and supportive environment. Rather than achieving “the right balance”, the QTU contends that many components of the Bill, particularly related to SDAs, are demonstrative of the culture of culpability that western education policy makers have increasingly adopted. In their recent contribution to *Australian Educational Researcher*, Brandenburg, Larsen, Simpson, Sallis, and Trần (2024)²⁰ provide a brief but recent literature review of Australian educational research about the teaching profession, writing:

Teachers are currently working in professional environments reflective of the broader global neoliberal appetite for high levels of accountability and performativity (Tett & Hamilton, 2019). As a case in point, in the last decade alone, Australia has undertaken multiple reviews into teacher education (see, e.g. The Teacher Education Ministerial Advisory Group Report, 2014; Next Steps: Report of the Quality Initial Teacher Education Review (Australian Government, 2022; Teacher Education Expert Panel, 2023) and implemented external processes of professional oversight, such as the Australian Professional Standards for Teachers (Australian Institute for Teaching & School Leadership, 2016) in a bid to advance teacher quality. However, many studies have demonstrated the debilitating impact of this culture of culpability on teachers’ ability and motivation to remain in the

¹⁹ Queensland Parliament. (6 March 2024). *Education (General Provisions) and Other Legislation Amendment Bill 2024: Explanatory Speech*.

²⁰ Brandenburg, R., Larsen, E., Simpson, A., Sallis, R. Dŭng, T. (2024). I left the teaching profession ... and this is what I am doing’ now’: a national study of teacher attrition. *The Australian Educational Researcher* <https://doi.org/10.1007/s13384-024-00697-1>

profession. Stacey et al. (2022), for example, have argued that accountabilities such as national testing have changed the nature of teachers' work, with "a rise of 'risk' and 'audit' practices" (p. 775). Similarly, Gore and Rickards (2021) found that over the past decade, such "reform solutions" (p. 336) have placed teachers under unprecedented stress, with Longmuir et al. (2022) and Sullivan et al. (2021) similarly arguing that this excessive surveillance has created a context that has left many teachers doubting their ability. In addition to these environmental stresses (Mason & Poyatos Matas, 2015), numerous studies have reported that teachers feel their workloads are unmanageable (Heffernan et al., 2022a; Longmuir et al., 2022), explained by Creagh et al. (2023) as "time poverty" (p. 3). Such an increase in expectations without support fails to recognise the inherent complexity of the learning, behaviour and social needs of the children and young people in contemporary classrooms (Longmuir et al., 2022). Teachers' professional identities are negatively impacted as they face an ongoing impost "of unceasing change, new initiatives, new programmes, new data reporting" (Stacey et al., 2022, p. 781). In addition to responding to the complex work of teaching (Mockler, 2018), educators are concurrently expected to complete administrative duties for which they simply do not have adequate time (Longmuir et al., 2022). Similarly, Lawrence et al.'s (2019) study of 215 Australian secondary teachers and former teachers found burnout is more often associated with non-teaching-related workload (such as paperwork and meetings) than teaching-related work (such as planning). In essence, teaching is perceived by teachers to be an "expanded and expanding" role (Stacey et al., 2022, p. 773).

31. The QTU also notes that provisions contained in the amendments proposed in the Bill will result in further claims that are outside the period of collective bargaining and offend clause 1.10.1 of the *Department of Education State School Teachers Certified Agreement 2022*.

Recommendation 3:

That the QTU calls on the Education, Employment, Training and Skills Committee to recommend that the Queensland Government withdraws the Bill until the DoE provides a specific budget impact statement relevant to all of the proposed amendments, including foreseeable human resourcing costs.

3.0 Guiding principles for achieving Act's objects

32. Section 7 of the EGPA sets down the guiding principles for the Act's objects. The QTU does not support the proposed amendments in the Bill. In 2022, the QTU and IEUA-QNT submission to the DoE set out the reasons why the Unions do not support this amendment, and the QTU holds to the view.
33. The QTU recognises the importance of wellbeing in schools, for students, their teachers, and school leaders. The QTU notes that there is no proposed EGPA amendment that would seek to define wellbeing, and on that basis the Union does not support the inclusion of the reference to wellbeing in the EGPA. The QTU further notes the rise of wellbeing programs in contemporary schools that are research informed and often tailored to suit the needs of school communities. Such programs are often delivered by teachers, school leaders, and school communities without additional resources from the DoE. The QTU will not support amendments to the EGPA that recognise wellbeing as a foundation for learning, unless the amendments clearly define the role of the Minister and chief executive.
34. The QTU also recognises the importance of diversity and inclusive education. That is why the QTU has been campaigning on the matter of school funding for more than a decade. The QTU remains appalled that the National School Reform Agreement (NSRA) was signed by the federal government and the Queensland Government, and that no Queensland state school receives 100 per cent of the schooling resource standard. Amending the EGPA will not correct the systemic funding inequity that the Queensland Government committed to when it signed the NSRA.

Recommendation 4:

That the QTU calls on the Committee not to support the amendment to section 7 of the EGPA, unless additional amendments clearly define the role of the Minister and chief executive.

Recommendation 5:

That the QTU reaffirms its call for the Queensland Government to ensure all Queensland state schools receive 100 per cent of the schooling resource standard.

4.0 School disciplinary absences (SDAs) and related matters

35. The QTU believes public schooling should provide a quality education in a safe, caring, and supportive environment. A supportive environment requires mutual respect for the welfare, rights and dignity of every student, their teachers, and other school staff and parents/carers, in an environment based on equitable opportunities for all. Behaviour which disrupts this environment should be viewed with concern by the community if it interferes with the rights of students to take full benefit from their years of schooling. No student should be denied the opportunity to learn and socially develop because of disruptive behaviour.
36. The QTU contends that, if the DoE is genuine in wanting to achieve equity and excellence, it must provide more fully-funded support for students who need it, including positive learning centres in more locations open to all year levels, more guidance officers, and more advisory visiting teachers. We want all students to achieve, and schools must be given the tools to enable this.
37. The DoE's process of reviewing the EGPA included a consultation paper on SDAs and enrolments that dealt with EGPA provisions regarding suspension, exclusion, cancellation of enrolment, and refusal to enrol in a state school. The QTU acknowledges some of the data snapshots that were published in that 2022 consultation paper on SDAs, which have influenced the DoE's drafting of the proposed amendments. However, the QTU also recognises that the DoE does not consider data on the professional work of teachers and school leaders and the positive reinforcement of students demonstrating appropriate behaviour in schools.
38. The QTU reaffirms the professional decision making of state school leaders and teachers, and recognises that its members undertake challenging work in complex environments with professionalism and in the interests of all students in their care. The QTU recognises the suite of behaviour management options that are enacted in every minute of every class, and in every Queensland state school, in accordance with the professional judgements of Queensland's teachers and school leaders. Palm-Beach Currumbin SHS, in South East Region, provides one illustrative case. At PBC, teachers and school leaders make professional judgements which are framed by the Essential Skills for Classroom Management and positive reinforcement of the school's optima code, which is *Be safe, Be responsible, Be a learner*. The school recognises positive behaviour choices with optima assemblies, and also uses restorative practices.

Positive learning centres

39. The QTU believes that every Queensland child has a right to learn in a school that is free from violence, a right to support where it's needed, and a right for disruptions to be minimised in order to maximise their own student learning. The experience of teachers and school leaders in managing complex student and family matters highlights the need for positive learning centres. That is why the QTU has called on the state government to build additional positive learning centres.²¹
40. The QTU believes positive learning centres should be agents of proactive change in young people. The centres should deliver long-term programs (10 weeks or longer), with the aim of providing students with sufficient skills to return to mainstream schooling. Where

²¹ Queensland Teachers Union. (2023). *State Budget Submission 2024-25* (p. 28).

https://www.qtu.asn.au/download_file/view/11630/7748

transition back to mainstream schooling is not feasible, the positive learning centre should build lifelong learning capacity and support the student to find a place in the workforce or access education via a school of distance education or alternative education settings. The focus of the positive learning centres should be to provide literacy and numeracy support, and to build interpersonal skills (tolerance, anger management, teamwork) and intrapersonal skills (self-reflection, goal setting, resilience). Additional funding should be provided by the DoE for those districts which identify a need for the provision of an 11 to 20-day facility to supervise students who are suspended from their school, although the QTU does not support the redirection of funds from positive learning centres towards centres that receive students on 11 to 20-day suspensions.

41. The provision of wrap-around services by whole-of-government and non-government organisations in the support of young people and their families in these centres is desperately needed. Specific DoE-run positive learning centres provide educational programs that are tailored to individual students' learning needs and support young people and their families in achieving educational and other goals, including those related to health, justice, developing maintaining relationships and vocational training.

Recommendation 6:

That the QTU calls on the Queensland Government to open additional positive learning centres to support student behaviour, cater to student need, and support safe workplaces.

Recommendation 7:

That the QTU calls on the Queensland Government to provide funding over the forward estimates for the establishment of additional positive learning centres across the state for students across all year levels, considering their geographical location to ensure rural and remote locations are included.

Principal powers to suspend, exclude, or cancel enrolment

42. The QTU has long held the view that, in addition to the positive behaviour programs that operate in Queensland state schools, principals should have the power to suspend, exclude, or cancel the enrolment of students if they demonstrate repeated or serious breaches of the school's code of conduct.
43. The QTU position is that a student who has been suspended, excluded, or whose enrolment has been cancelled should have no automatic right of further education at a state school while on suspension, and that the student should not be permitted to enter the school grounds or have contact with school personnel for the duration of the suspension. The QTU believes that students on suspension are under the complete care of their parents or carers, are away from the school site, and that the school has no duty of care during the period of suspension, other than to supply a brief work program for students suspended for 11 - 20 days only. For extreme offences or repeated breaches of a school's code of conduct, students may be excluded. The student may have re-entry to a state school by negotiation with another school and with discipline improvement conditions attached. The QTU believes

that a student who has been excluded from a state school must actively participate in mandatory counselling before re-enrolment.

44. Turning to clause 78 and proposed amendments to duration and notice of suspension in the Bill²², the QTU reaffirms the position of the unions' 2022 submission²³. The QTU notes that s283(2), 289(3), and 295(2) of the current EGPA use variations of the phrase "... when the principal tells the student..." to define when the school disciplinary absence begins. On this basis, the QTU does not support the amendments proposed in clause 78 of the Bill. The QTU contends that the start of the suspension, charge-related suspension, or exclusion should continue to be when the school leader tells the student about the decision. Further, the QTU does support clause 120 of the Bill that would amend the *Education (General Provisions) Regulations 2017* to establish a regulation that would mean a suspension would start either one day or five days after the principal tells the student about the decision to suspend.
45. The QTU recommends that the DoE considers a procedural change in which notification of the school disciplinary absence is provided verbally to a student and parent/caregiver, after which OneSchool automatically generates a notification to the student's email and parent/caregiver's email. The DoE has the IT capability to determine if an email has been received and opened. In the event that a notification of a decision to suspend is not received or it is not opened within 24 hours, an automated notification should be sent to the regional director, and a regional officer should contact the student and parent/caregiver.

Recommendation 8:

That the QTU calls on the Queensland Government to withdraw clauses 78 and 120 from the Bill.

Recommendation 9:

That the QTU calls on the Committee to recommend that the DoE generates automatic notifications to students and parents about a decision to suspend as a workload reduction measure.

Appeal rights for multiple suspensions

46. The QTU believes that if a student is accumulating multiple short suspensions, but regional office is not supporting the school, the student, or the parent/caregivers, an appeal is not warranted. Rather a parent or student complaint should be made about the DoE's regional and/or central failings to allocate appropriate resources to meet the needs of the young person. A complaints procedure addressing region or central office resourcing failures does not require an amendment to the EGPA.
47. Furthermore, the QTU contends that legislative change should not be required for regions to perform their role in supporting schools, students, and their families. Regions should

²² Queensland Parliament. (2024). *Education (General Provisions) and Other Legislation Amendment Bill 2024*. <https://documents.parliament.qld.gov.au/tp/2024/5724T306-A661.pdf>

²³ QTU & IEUA-QNT. *Op. Cit.*

already be able to track the progress of students who accumulate multiple short suspensions. In instances where consequences like suspension are not changing behaviours, regions need to assist the school with measures such as:

- allocating an additional FTE teacher to reduce class sizes
- allocating additional teacher-aide time
- ensuring access to advisory visiting teachers who specialise in behaviour support or have other expertise
- ensuring access to a guidance officer, with an increased allocation to the school as needed
- ensuring access to appropriately qualified personnel and undertaking a functional behaviour assessment
- supporting the student, their family, and the school community to implement a behaviour improvement condition
- facilitating student programs that are school-based or regional and that target specific behaviours
- establishing and/or enrolling the student/s in regional positive learning centres.

48. The QTU rejects amendments to the EGPA that provide appeal rights for a cumulative 11 days of SDAs. As one school leader observed:

Any appeal has the possibility of having a student onsite much longer, often while very precarious situations are being managed involving violence, while this already laborious process rolls on.

When it's a matter of safety and wellbeing, this places all in the school community at risk.

(School leader – level 3, regional secondary school)

49. Time and again, the professionalism of school leaders and their expertise was captured at the QTU school leader forums. The school leaders demonstrated the local and collegial processes that collect and interpret school data, on the basis of which they make informed decisions about the often inadequate allocation of resources to support the good order and management of their school.

As a school leader of a large secondary school, we've looked in to our SDA data, reflected on the cumulative suspensions and the reasons for those suspensions. The contexts of cumulative shorter SDAs are very different from the longer suspensions. Typically, shorter SDAs (in line with our student code of conduct) would be supporting the emergent student behaviour and disruptions that challenge the good order and discipline in learning environments for both students and staff. To consider a time when we may not have the opportunity to make these decisions is disturbing and will have other consequences.

(School leader – level 7 metropolitan secondary school)

The real equity and excellence issue is that the behaviours are the focus of the suspension of the student from school instead of the actual target adjustments for learning. We have no additional resourcing and no systemic approach to support these students who have serious clinical intervention requirements and support that are beyond the scope of the school. This expectation is grossly misplaced. We will continue to get repeated

suspensions until the resources are provided to genuinely support the flexible needs of students.

(School leader – level 7 metropolitan secondary school)

It is often due to unmet/undiagnosed social and emotional learning needs (due to a lack of resourcing) or parent refusal to engage with the student in the school to support learning plans. The workload is huge in a detailed learning plan, not just writing it but resourcing it, and currently primary schools are not resourced adequately to support this work.

More than anything else, I am concerned that we are eroding the boundaries of authority of the principal without support for the multiple levels of complaints that we deal with on a daily basis. We are getting all of the pressure to change the SDA number and none of the resourcing to fix the problem.

(School leader – level 6 regional primary school)

As a school leader who has worked across both primary and secondary sectors and in both high and lower ICSEA settings, I am extremely concerned about the impact of these changes. The workload imposed of an appeal process is intense. We have had a few overturned in the past, but the vast majority of us pride ourselves on quality decision making using data in the background to make the decision and strong communication. We have had to take consideration of violence which puts at risk other students and staff. The time involved in responding to an appeal is significant, multiple stakeholders and strict timeframes.

(School leader – level 6 regional primary school)

Recommendation 10:

That the QTU urges the Committee not to support amendments to the EGPA that would provide appeal rights for a cumulative 11 days of SDAs.

Delegations of authority

50. The QTU welcomes clause 83 of the Bill, which proposes to amend the EGPA and delegate the function of telling students about suspension decisions. Clause 83 arises from proposals that the QTU supported through the DoE's review process. Specifically, the QTU supports the amendment to the EGPA to allow principals to delegate their authority to both make decisions and to notify students about the decision to suspend, propose exclusion, or cancel enrolment to deputy principals, heads of school, or heads of campus.
51. In the 2022 submission, the QTU observed that the current provisions of the EGPA unfairly burden state school principals, and this is exacerbated in schools with large FTE student enrolment like Mansfield SHS (Metropolitan South), Marsden SHS (SER) and Meridan SC (North Coast). The QTU position remains that principal workload is adversely impacted by the rapid rate of growth in FTE student enrolments, and the resulting increases in rate of

suspensions. At the local level, schools can access flexible staffing provisions and reallocate resources to support school leaders. However, amendments to the EGPA are required to optimise the effectiveness of local level decision making. For clarity, the QTU does not support the delegation of authority to positions that are not deputy principals, heads of school, or heads of campus. Moreover, the QTU urges the DoE's employee relations team and the regional human resource business partners to ensure that the positions of deputy principal, head of school and head of campus are not the subject of workplace reforms and new positions that are known locally with terms like Associate Principal or Dean are not created. Applications for workplace reform that convert unused FTE to school leader positions to any term aside from deputy principal, head of school and head of campus are not covered by the EGPA amendments.

Recommendation 11:

That the QTU calls on the Committee to support proposed amendments in the Bill that provide principals with powers to delegate the function of telling a student and/or parent about an SDA decision.

5.0 Student support plans

52. The QTU rejects the amendments proposed in the Bill as they relate to the development of a support plan for every SDA and for students in particular cohorts. The QTU does not have the rights to circulate the DoE's 2022 *Consultation paper – School disciplinary absence and enrolment decisions*, however the QTU draws the Committee's attention to the fact that the proposal to include student support plans was not included in the DoE's review process.
53. In 2022, the QTU submission did not refer to student support plans because the proposal was not tabled during the review process. On that basis, the QTU draws the Committee's attention to section 31 of this submission, and specifically its concerns pertaining to additional claims outside of the protected bargaining period.
54. In 2022, the QTU submission referred to the use of behaviour improvement conditions, and the Union draws the Committee's attention to s276(c) of the EGPA that already provides power for

(c) the making, by principals, of discipline improvement plans for students;

55. For clarity, a behaviour improvement condition or a discipline improvement plan places the onus for change on the student. On the other hand, a student support plan erodes the agency of a student to change and places the onus on the school. Whereas the agency afforded to a student through a BIC or DIP empowers the young person to invest in change making, a support plan disempowers a young person because of the systems work that is creating the change.
56. Queensland state school leaders view student support plans as more of the culture of culpability, referred to in Brandenburg, Larsen, Simpson, Sallis, and Tràn (2024).²⁴

Recommendation 12:

That the QTU urges the Committee not to support amendments to the EGPA that would legislate student support plans for every SDA and for students in particular cohorts.

²⁴ Brandenburg, Larsen, Simpson, Sallis, and Tràn. *Op. Cit.*

6.0 Protecting communities from online abuse

57. The QTU notes the DoE's process of reviewing the EGPA included proposing amendments to the EGPA that would regulate electronic or online behaviours. In the 2022 submission, the strongly supported amendments to the EGPA's provisions pertaining to hostile behaviour on state school premises. Given the claims that the EGPA amendments aim to protect students, contribute to the good order and management of Queensland state schools, and modernise and improve education services, the QTU expresses significant disappointment that the proposed amendments are not included in the Bill.
58. In response to the DoE's relevant 2022 consultation paper, the QTU noted:
- There is a clear need for accredited and accepted Community Codes of Conduct that must be strictly adhered to by students, parents and other community members.
 - Directions should be able to be issued to any person.
 - Failure to follow a direction related to online abuse should result in penalty points.
 - A principal or the chief executive should have the ability to issue a direction as soon as they become aware of online abuse.
 - Online content which is the subject of a direction should be removed within 24 hours.
 - A direction for online abuse should also be able to prohibit a person from entering a school premises.
59. As one school leaders observed, "it is a shame human rights are not extended to public servants."

Recommendation 13:

That the QTU calls on the Queensland Government to adopt measures that will protect school communities from online abuse.

7.0 Transfer notes, transfer records and related matters

60. Since the DoE's 2022 process to review the EGPA, the QTU recognises some of the work of the Australian Government and Education Ministers regarding transfer notes²⁵ and the synergies of that work with the 2022 consultation papers and resulting amendments proposed in the Bill.
61. The QTU reaffirms the position taken in the Union's submission to the DoE review of the EGPA, which is that the principal of a prospective student should have powers to request transfer notes from past schools.²⁶
62. The QTU concurs with the Royal Commission into Institutional Responses to Child Sexual Abuse, which acknowledged the need to ensure appropriate safeguards are in place for transfer of sensitive information. The QTU acknowledges the prescribed list contained in s25 of the *Education (General Provisions) Regulations* and suggests that an amendment to this provision would include specific guidance for a principal preparing a transfer note and should address the student's safety and wellbeing needs. The government and non-government sector should continue to be consulted to determine a consistent approach to transfer notes that accords with the recommendations of the Royal Commission. The management of the administrative process of transfer notes should be determined by representatives from the three school sectors.

Recommendation 14:

That the QTU recommends that the Committee supports the proposed amendments on transfer notes.

²⁵ Australian Government. (2024). *Transferring Student Data Interstate*. <https://www.education.gov.au/transferring-student-data-interstate>

²⁶ QTU & IEUA-QNT. *Op. Cit.*

8.0 State delivered kindergarten (SDK)

63. The QTU recognises the DoE's longstanding interest in aligning state and federal legislation and regulation, and the QTU has been engaged in good faith consultation with the DoE on matters related to this.
64. However, while the QTU does not have the rights to circulate the DoE's 2022 *consultation papers*, it does note the QTU has not been provided a consultation paper relevant to early childhood education and care and amendments proposed in the Bill.
65. The QTU recognises that aligning state and federal legislation and regulation might achieve workload efficiencies for school leaders and teachers. However, a workload impact statement has not been provided at this time.

Recommendation 15:

That the QTU calls on the Queensland Government to withdraw provisions contained in the Bill that are relevant to early childhood education and care until the DoE provides a workload impact statement on the proposed amendments.

9.0 Home education

66. In 2022, the QTU and IEUA-QNT submission to the Department of Education set out the reason why the unions do not support this amendment at this time. The QTU reaffirms the position in our submission at 48, which states:

The DoE's consultation paper: Home education deals with EGPA provisions contained in chapter 9, including eligibility and registration, and reporting processes. Page 1 of the consultation paper includes a table that shows the number of provisional registrations for home education issued in the years 2008 to 2021, and that specifically shows the growth in provisional registrations for home education. The QTU notes the consultation paper does not seek to explain causes for the growth in provisional registrations, and yet the growth appears to be the primary reason for the DoE's proposed amendments to the EGPA.

67. The QTU reaffirms its concern that, without understanding the causes of growth in provisional registrations for home education, the proposed amendments are pre-emptive and cannot be supported.

68. The 2022 DoE consultation paper focused on inefficiencies and complexities in the application process. The QTU expresses frustration that the DoE has failed to take action to address inefficiencies and complexities in the work of state schoolteachers and school leaders, despite clear descriptions of experience that have been provided through the Promotional Positions Classification Review (PPCR), Workload Advisory Council, and other mechanisms that have sought to remedy the issue of inefficiencies in state schooling.

10.0 Parents and citizens associations and school councils

68. The QTU is proud of its shared history with P&Cs Queensland, our mutual commitment to public education in every school throughout Queensland, and our common interest in advancing state schools. The QTU recognises that P&Cs Queensland has been engaged in the DoE's process of review of the EGPA.

69. The QTU maintains the position that any amendments to the EGPA should not adversely impact on the workload of Queensland's state school teaching workforce. The QTU reaffirms the position that any amendments that have the potential to increase the workload of principals (or their delegates) are not supported.

11.0 Nomenclature

70. The QTU supports the use of gender-neutral language and replacing gendered nouns with gender neutral nouns. For example, replacing the gendered pronouns with the words "child or young person." The QTU provided in-principle support for this action and welcomes the progress of this initiative in the Bill with clause 132.

12.0 Summary of recommendations

1. That the QTU calls on the Education, Employment, Skills, and Training Committee to provide additional time for key stakeholders to consult and respond to the Bill.
2. That the QTU calls on the Education, Employment, Training and Skills Committee to recommend that the Queensland Government withdraws the Bill until the DoE provides a specific workload impact statement relevant to all of the proposed amendments.
3. That the QTU calls on the Education, Employment, Training and Skills Committee to recommend that the Queensland Government withdraws the Bill until the DoE provide a specific budget impact statement relevant to all of the proposed amendments.
4. That the QTU calls on the Committee not to support the amendment to section 7 of the EGPA, unless additional amendments clearly define the role of the Minister and chief executive.
5. That the QTU reaffirms its call for the Queensland Government to ensure all Queensland state schools receive 100 per cent of the schooling resource standard.
6. That the QTU calls on the Queensland Government to open additional positive learning centres to support student behaviour, cater to student need, and support safe workplaces.
7. That the QTU calls on the Queensland Government to provide funding over the forward estimates for the establishment of additional positive learning centres across the state for students across all year levels, considering their geographical location to ensure rural and remote locations are included.
8. That the QTU calls on the Queensland Government to withdraw clauses 78 and 120 from the Bill.
9. The QTU calls on the Committee to recommend that the DoE generates automatic notifications to students and parent about a decision to suspend, as a workload reduction measure.
10. That the QTU urges the Committee not to support amendments to the EGPA that would provide appeal rights for a cumulative 11 days of SDAs.
11. That the QTU calls on the Committee to support proposed amendments in the Bill that provide principals with powers to delegate the function of telling a student and/or parent about an SDA decision.
12. That the QTU urges the Committee not to support amendments to the EGPA that would legislate student support plans for every SDA and for students in particular cohorts.
13. That the QTU calls on the Queensland Government to adopt measures that will protect school communities from online abuse.
14. That the QTU recommends that the Committee supports the proposed amendments on transfer notes.
15. That the QTU calls on the Queensland Government to withdraw provisions contained in the Bill that are relevant to early childhood education and care until the DoE provides a workload impact statement on the proposed amendments.