



# ***EDUCATION AND INNOVATION COMMITTEE***

**Members present:**

Mrs RN Menkens MP (Chair)  
Mr SA Bennett MP  
Mr MA Boothman MP  
Mr RG Hopper MP  
Mr MR Latter MP  
Mrs DC Scott MP  
Mr NA Symes MP

**Staff present:**

Ms B Watson (Research Director)  
Ms E Booth (Principal Research Officer)

## **PUBLIC HEARING—EDUCATION (STRENGTHENING DISCIPLINE IN STATE SCHOOLS) AMENDMENT BILL 2013**

### **TRANSCRIPT OF PROCEEDINGS**

**FRIDAY, 20 SEPTEMBER 2013**

**Brisbane**

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### **Committee met at 10.01 am**

**CHAIR:** Good morning and welcome to this public hearing relating to the Education (Strengthening Discipline in State Schools) Amendment Bill 2013. Thank you all very much for your interest in the committee's inquiry and for your attendance here today. Before we start, I ask that mobile phones be switched off or set to silent. Members of the media who might be recording proceedings are asked to adhere to the committee's media guidelines. Secretariat staff can provide a copy of the guidelines if you require one.

This hearing is being broadcast via the Queensland parliament's website and recorded and transcribed by Hansard. The transcript will be published on the committee's webpage in due course, and the video footage will be available there until it is superseded by footage from a future telecast briefing or hearing. I now declare this hearing open.

I am Rosemary Menkens, member for Burdekin and the chair of this committee. With me today are: Mrs Desley Scott, deputy chair and member for Woodridge; Mr Steve Bennett, member for Burnett; Mr Mark Boothman; member for Albert; Mr Michael Latter, member for Waterford; and Mr Neil Symes, member for Lytton. I believe Mr Ray Hopper, member for Condamine, will be joining us later in the morning.

On 20 August 2013 the Queensland parliament referred the Education (Strengthening Discipline in State Schools) Amendment Bill 2013 to this committee for examination. Our task is to consider and report back to the parliament about the policy intent to be achieved by the bill and the application of fundamental legislative principles. The report is due by 9 October 2013.

If passed, the bill would strengthen discipline in Queensland state schools. Principals would have stronger powers and more flexibility and autonomy when making decisions about student discipline. The grounds for suspension and exclusion would be broadened, and the administrative burden faced by principals when addressing problematic behaviour would be reduced.

This briefing is a formal process of the parliament, and parliamentary privilege applies to all evidence presented. Any person intentionally misleading the committee is committing a serious offence. Although this hearing is public, you are able to request through me as chair that any material or information you provide be kept private, and you can object to particular questions. You might also wish to take questions on notice if you do not have information at hand.

The details about how witnesses are to be treated are contained in schedule 3 to the parliament's standing orders—'Instructions to Committees Regarding Witnesses'. For the benefit of Hansard, I ask all witnesses to state your name the first time you speak. Our first witness will be heard via teleconference.

### **O'FLYNN, Ms Michelle, Acting Director, Queensland Advocacy Inc.**

**CHAIR:** I welcome Ms Michelle O'Flynn, who is the Acting Director of Queensland Advocacy Inc. Ms O'Flynn, would you like to make an opening statement?

**Ms O'Flynn:** Yes, I would. Firstly, I would like to thank the members of the committee for this opportunity. I do apologise that our submission was a late entry due to unforeseen circumstances. Our director took suddenly ill last week at a time when we were about to make the submission. So I do thank you for this opportunity. It is very welcome. We normally do not step into the area of education, but this was of major concern to us and we feel that the issue is very important. So thank you for that.

I can tell you a little about Queensland Advocacy. We are an independent community based advocacy organisation that has worked for the last 25 years to campaign for the rights of vulnerable people with disability in Queensland. We are very concerned that many students with disabilities and, indeed, other students who become disengaged with the education system would be affected by this proposed amendment, and we feel it is counterproductive, with long-term consequences that could affect family functions and juvenile justice.

I would like to refer to the explanatory notes to the amendment bill which we referred to in our submission. We are very concerned about the notion that the normal areas of proceedings for a school principal is seen as an administrative burden. These are very serious matters and should be

treated as such. To streamline and suggest that red tape should be done away with in order to make things easier and to expedite matters for principals seems to imply that it is a matter to be just rushed through. It seems to indicate a lack of concern or interest in the wellbeing of students and their families and an abdication of natural justice and support to vulnerable students who require guidance and assistance. We believe that this is misplaced attention for the ease of administrators and time saving at the expense of that welfare and the needs of students at risk, and it is alarming and seems to exhibit a coldly detached disregard for the future of young people.

Perhaps there is a lack of understanding of the seriousness and cumulative effect that suspension can have on a student's reputation and of the risk it poses to escalated levels of exclusion. To treat suspension as an overly laden, time-consuming administrative burden is to demean the nature of such a measure. If principals are given opportunities to rush this through and treat it as less serious, then perhaps it would be viewed as a trivial matter by the student and his or her family. We think that removal of these protocols removes any chance of negotiation or overturning a pending decision for suspension and would create great levels of distrust and disharmony between families and school principals. The explanatory notes state—

Legislation should have sufficient regard to the rights and liberties of individuals—rights of a person are affected by an administrative power subject to appropriate review—*Legislative Standards Act ...*

The bill expands a principal's power to suspend students for short periods of up to 10 school days (currently it is five school days). The right of review to such decisions will be judicial review.

That is a seriously onerous burden to place on family members. That would be a cost of \$802 to register for a judicial review, not counting representation fees or possible court costs. That would seem to be a very unevenly dealt hand considering the resources available to schools and the department of education.

The bill expands the grounds for suspension and exclusion and, in terms of students charged with criminal offences, the explanatory notes state—

The amendment gives to the principal for the first time clear authority to respond to criminal activity (whether charges or convictions) and to act in the best interests of their school community.

The supposition about a student gives rise to a presumption of guilt rather than innocence and is likely to cause damage to a student's reputation. While we recognise that offenders charged with very serious crimes should be isolated from the main student population, for students who are charged with minor offences attendance at school can assist with remediation of those students. Left alone to their own devices there is a more serious risk of further alienation and likely increasing criminal activity.

Under the headings 'Broadening discipline options and principals' powers' and 'Head of power for principals to control discipline', the explanatory notes state—

To maximise capacity of these interventions to change student behaviour, the Bill provides clear authority for Community Service Interventions, actions under a Discipline Improvement Plan and detention to be performed on a non-school day, for example a Saturday.

The onerous task for teachers and parents to supervise and transport students for out-of-school-hours detentions and community service will far outweigh the current burdens attaching to procedures for suspension or any disciplinary responses. Such a measure is not congruent with time conservation and the notion of reducing red tape and will not progress any improvement with students and school relationships. We also would question whether or not teachers would be willing to work on weekends.

Under the heading 'Increased powers for short term suspensions', the explanatory notes state—

Principals can currently suspend a student for a 'short term' of up to five school days or a 'long term' of between six and 20 school days. As is the case currently under the EGPA, a student only has a right of review against long term suspensions. The Bill will increase the short suspension period from up to five school days to a period of up to 10 school days, making the long term suspension period 11 to 20 school days. This will act as a stronger deterrent for student misbehaviour and signal to students and parents the authority of principals in state schools.

I think this is incredibly short-sighted and a mistaken belief. Increasing the short-term suspension to 10 days will also place an unreasonable burden on working parents who may have to take up to two weeks leave, with the potential for loss of employment, to supervise children who are suspended for this increased time.

Under the headings 'Streamlining processes and reducing "red tape"' and 'Suspensions, exclusions and cancellation of enrolment', the explanatory notes state—

Principals will be responsible for exclusion decisions in their school.

...

The Bill simplifies suspension, exclusion and cancellation of enrolment processes and reduces associated red tape.

...

The Bill enables suspensions to commence immediately upon telling the student. This facilitates immediate responses to student behaviour, with written notice to be provided as soon as practicable thereafter to confirm the nature of the decision.

The Bill will remove the requirement on a principal to invite written submissions prior to excluding a student.

As stated earlier in the submission, QAI is concerned that the motive for this amendment is questionable and that sufficient consideration has not been given to long-term consequences for student wellbeing and their future. The proposed amendment shuts out students, parents and their supporters from negotiating with school principals an agreement that could work for both parties with optimal outcomes.

In terms of removal of behaviour plans, students with disabilities have historically been removed on the basis of their disability by the untethered use of suspension and exclusion, and it is likely that more students with disabilities would be affected by this amendment should it be adopted. Research and practice have provided sound evidence that positive behaviour approaches assist with keeping students in schools and working well within their local communities. Schools that have embraced all their student population work together to celebrate diversity and resolve issues, and have a proven record of student retention and healthy and happy communities.

Again quoting the explanatory notes under consistency with fundamental legislative principles, the legislation should have sufficient regard to the rights and liberties of individuals—the Legislative Standards Act 1992. The bill may be argued to adversely affect the rights of students and parents as it expands disciplinary interventions; permits disciplinary measures to occur outside of school hours, for example, detention and community service interventions; and expands grounds for suspension and exclusion, including on the basis of charges and convictions of criminal offences. These reforms are considered justified as the student's right for education must be balanced against the competing rights of other students, teaching staff and the broader school community to access and attend a safe, supportive and focused learning environment.

The bill also retains the requirement for the director-general to take reasonable steps to provide an educational program for students who are excluded from all state schools. Queensland Advocacy is deeply concerned that, with such a skewed view of 'sufficient regard to the rights and liberties of individuals', the consequences of such an amendment will see a proliferation of special schools designed for students who are suspended or excluded from mainstream education. While we acknowledge that, in the past there has been some excellent work performed in these types of schooling arrangements, this has always been for those students who have had no other alternative and is an extreme last resort. Many students with disabilities and their families have had experience of the department's 'reasonable steps' to provide an educational program. This has often resulted in parents having to pay for and administer home schooling via the distanced education program. This can be cost prohibitive for many families and often imposes yet another onerous task on parents who may have to relinquish employment in order to deliver this program to their sons and daughters with disability. Severing a student from their local community will further isolate that child and their family from the social and moral supports that assist that family to belong to their community.

I turn to the great range of discipline strategies for principals. As a further safeguard, the policy and procedure must be available to the public for inspection and published on the department's website. I am sure our agency agrees vigorously with the proposed amendment. We would urge that school policies and procedures are advertised to the school population via the newsletter. It is unrealistic to assume that all students and families have home computers to access the department's website.

**CHAIR:** Ms O'Flynn, our time is becoming short. I was wondering if you would like to call a halt there and answer some questions?

**Ms O'Flynn:** Absolutely, that is fine.

**CHAIR:** Firstly, thank you for that. We really appreciate your concerns because I know that they are sincere and very genuine. Are schools now generally supportive environments for young people with disability?

**Ms O'Flynn:** I think one would say that you would have to look over probably a longer period of time. While there have been peaks and troughs in how families and students with disability have been accepted in different schools, I would say that in the main students with disabilities are more welcome in local regular schools. We still have concerns that at times students can be effectively

excluded within a school as well. Yes, there has been much better progress and certainly people have had experiences of being shunted from school to school and have had to shop around to find those schools. Certainly in the main they are more supportive than they were, say, 20 years ago.

**CHAIR:** That is good.

**Mrs SCOTT:** I probably have a high number of students with disabilities and so on in my area. I remember one young boy who had actually been excluded from all schools because of his violent behaviour. We got him into the Logan City Special School and those specialist teachers were able to actually give him the required education that just settled him. It was one of those good stories that we hear. Also I have many different flexible type schools. Do you actually go in and advocate for students and families when a student is excluded from a school?

**Ms O'Flynn:** Queensland Advocacy does not actually perform those kinds of roles. We would defer to Queensland Parents for People with a Disability, who had a very important role in doing that up until recently when they were defunded last year. Certainly I would encourage the members of the committee to look to their work. They have published two excellent documents that the department themselves have quoted from in their areas of work in both state and national arenas of inclusion of students with disabilities. *I Choose Inclusion* and *Diving for Pearls* were two such documents or books that they produced and are a very helpful resource not only for parents and students but also for teachers and schools.

**Mr BENNETT:** I was interested in participation, particularly of people with a disability. Whilst it is obviously significantly lower than the broader population, do you know whether it has increased in recent years?

**Ms O'Flynn:** The participation of students in schools?

**Mr BENNETT:** Yes.

**Ms O'Flynn:** Absolutely, it has improved and increased. I have a daughter with a disability myself. She is an adult now and does not go to school anymore, but I can recall what it was like back in the early to mid-nineties. Students with disabilities fronting up to their local school were really pushing the envelope back then. It is now considered the norm. We do not have a separate enrolment policy anymore as used to be the case. It is expected that students would enrol and participate in their local schools.

**CHAIR:** We have time for one last question.

**Mr BOOTHMAN:** Can you give us some types of examples of the sorts of behaviours that you are concerned may lead to this disciplinary action being taken against students with a disability? At the moment how is that behaviour currently managed?

**Ms O'Flynn:** It does vary from school to school. The concern here is that telling principals cart blanche that they can suspend a student for a behaviour which they believe is considered prejudicial to the good order and conduct of the school is open to interpretation by individual principals. For example, some school students who may find it necessary to take a walk or who find it hard to sit still or who are perceived by some to be disruptive would not find the same response in a different school that is much more tolerant and willing to accept diversity. The trouble is that schools do not always use the strategies that are meant to be used to support a student regardless of their type of learning style or learning need, and this is not just exclusively a method that is required for students with disabilities. Certainly it has been used to exclude students with disabilities because it may not be in view of the values of the principal or the members of the P&C. The concern is that principals themselves need more skilling in knowing what behaviour really warrants such a measure. It really should be a last resort. It should not be just, 'You have done this so you are out for 10 days,' or what have you. Quite often the principals themselves have not had a great deal of exposure of working with students with disabilities and yet the teachers within the schools could manage that a lot better, or vice versa as the case may be.

**CHAIR:** Thank you so much for that. I am so sorry, but the time has come to an end. I really do appreciate your time and your submission. It is most valuable and the evidence that you have provided has been most helpful.

**Ms O'Flynn:** Once again I would like to thank you, all of the members of the committee and the people there listening today for this opportunity.

**CHAIR:** Thank you. We will now hear from representatives from the University of Queensland's School of Education, Professor Peter Renshaw, head of department, and Dr Louise Phillips, lecturer.

**PHILLIPS, Dr Louise, Lecturer, School of Education, University of Queensland**

**RENSHAW, Professor Peter, Head of Department, School of Education, University of Queensland**

**Prof. Renshaw:** Thank you for allowing us to talk to our submission.

**CHAIR:** It is our pleasure. Would you like to make an opening statement of five to 10 minutes?

**Prof. Renshaw:** Yes. Our submission represents a range of concerns across the school. It came from a number of staff members—staff whose interests are in youth and schooling who are interested in young people and how they relate to schools; inclusion and social justice and schooling opportunities; also from staff who do research on special populations; and I guess more generally from staff like Louise, who is interested in the citizenship rights of students and young people. As a school of education at a university, one of the things we are interested in is looking at the way that changes to legislation might draw upon existing evidence—so the notion of evidence based policy or evidence informed policy. One of the things we would be interested in is why there is such a large number of suspensions and exclusions within Queensland schools and what is the efficacy and effectiveness of these exclusions? It was surprising to see the large number of suspensions and exclusions that was referred to in the documentation. We noted that there are currently discipline audits being done around schools, and I think these are not completed yet. So I was wondering why the legislation was introduced before the disciplinary audits were completed and what might be learned from those.

Research generally shows that the amount of disruption and time out from classroom engagement is not increasing; it is not more disruptive. In fact, across the OECD countries, research is showing that the amount of disruption within schools is actually declining. I think there is a perception amongst the public that there is a large increase in disruptive behaviour within schooling, but if you look across the international evidence—and I am referring to the TALIS, the Teaching and Learning International Survey data—the amount of disruption is actually declining. I think that is important to keep in mind. Researchers from the School of Education are involved in a range of studies across the state going back a number of years and looking at what happens in schools in terms of different kinds of pedagogies, different kinds of teaching activities and strategies. The finding from that was that, in general, classrooms in Queensland are very supportive, safe environments for students. There was not any major concern in the research suggesting there was a big problem with disruption within schools. The major problem within schooling really was the lack of intellectual engagement and connection between the curriculum and students' everyday lives. But if you look at issues around discipline and safe and supportive environments within schools, it was actually something that Queensland did very well at.

So we come to research that actually addresses what happens to the policies around exclusion. I will just quote from an article that states that research that has examined school exclusion shows that exclusion has negative effects, both academically and socially: increased risk of academic failure and drop-out, disengagement from school, alcohol and drug use, physical violence and other antisocial actions.

It continues that moreover exclusion and suspension have consistently been found to augment existing disadvantages and societal inequality since these measures are disproportionately used for students belonging to marginal groups and low socioeconomic groups in society. So I guess we have a major set of concerns around the fact that this legislation is being introduced without looking at the current situation in Queensland, understanding the current set of circumstances and before the disciplinary audits are actually completed. It also seems to me that the intention that is stated for the changes, which is to reduce the use of exclusions and suspensions, is not consistent with the set of changes that are being introduced. So I guess I have concerns about the intention of the changes and the actual practices that are being introduced. I cannot see that they are consistent. I will hand over to Louise to say a few words.

**CHAIR:** Thank you, Professor Renshaw.

**Dr Phillips:** I will speak from a children's rights position and a children's citizenship position. My concern is the lack of consultation with children with regard to this amendment bill. The United Nations Convention on the Rights of the Child in article 12 states that the child shall, in particular, be provided with the opportunity to be heard in any judicial and administrative proceedings affecting the child either directly or through a representative, and I do not see this happening. This inquiry is  
Brisbane

another example of a lack of consultation with children and how the amendment reads is that there is a lack of consideration for the care and wellbeing of children as well, as the previous representative from Queensland Advocacy indicated.

Australia as a signatory to the United Nations Convention on the Rights of the Child has to report back each year and article 12 is one area that we consistently perform poorly in and that we consistently do not honour, and this is an example. This inquiry could have sought the opinion of children and young people, particularly given that this amendment is directly affecting them. They are the group of people that it is addressing. I am aware that we have here in this state the Commission for Children and Young People and that they did put in a submission, but their submission did not appear to promote the interests of children and young people. So I am concerned that this bill will continue, as the evidence points out and consistently points out across research, the fact that exclusion further marginalises disadvantaged people. Of course that has a personal impact, but you could also look at this from the state's productivity point of view. You are taking a body out from the workforce in terms of the long-term implications. The trajectory typically is that those who are consistently suspended or excluded from school then have that trajectory of perhaps engaging in drug abuse or crime. This is a bigger, long-term picture to consider.

Our concern is that the behaviour plan has been removed from the Act. The proposal in the amendment is instead to have the school have authority to provide students with activities in after-school hours on a day other than a school day. Schools do not have the authority to say what children and young people do in out-of-school hours. First up, this is very concerning and I am aware that the Queensland Law Society has spoken about some concerns about that. What we had in place before was the notion of a behaviour plan. The idea was that you worked constructively with children and young people to address the issues so that you are effectively building the social skills and building their capacity as a citizen to co-exist with others.

**CHAIR:** Thank you. We really appreciate those comments.

**Mrs SCOTT:** Have we done some studies on young people who are excluded from school where we have actually worked with them in a way to curb that behaviour, and there are quite a few flexible learning places in my area. On a personal basis, I have seen a young man—he is probably now 40—where exclusion in year 12 has actually affected his life negatively ever since then. I know his parents very well and it has affected the whole family. So I am sort of interested in that intervention approach where we are able to better engage with young people who are exhibiting those behaviours at school and where we go with all of that and whether we have done a lot of studies on that.

**Prof. Renshaw:** I think I referred to the research that was reviewed and summarised in my initial response showing in general the effects of that. In terms of research that we are currently doing within the School of Education, we are working in the Bundaberg region and looking at students who are excluded from schools in that area and the alternative arrangements that can be set up through alternative schools or through other community organisations. I think one of the findings from that is that students often are excluded from school because they do have a disability of some sort or because they lack literacy and that school becomes a place where they are not actually learning anymore or they have emotional problems that cause them to come into conflict with people within the school. But where there are alternatives for them to go—and I am talking about a particular alternative school up there—those students do turn their lives around. It does take effort from the teachers at those schools—small student-staff ratios—but we are talking about students who have been in conflict with a school for a long period of time and whose lives have gone off the rails. Where there are these alternate opportunities, you can see that it does make a big difference to their lives. They begin to think about their future in more positive ways.

The particular school that I am talking about sees itself as a last resort for many of these students, so if they did not have that opportunity to go there then they would sort of be out on the street, so to speak. But one of the good things about that school is that since it has been in operation it has been able to work with the principals and the teachers in the schools in that region to suggest strategies and ways of working with those students before they get excluded. So I can point to general research and I can point to specific research that we are involved in, but the important thing is that there are alternative opportunities I think for students but also that the schools do not use exclusion as a first choice. They actually change their programs. So the schools that are doing well generally have pathways for students—alternate pathways—within the school so that there is opportunities and there is diversity of opportunities for students within the school.

**Dr Phillips:** If I can just add another point to that, what we need to consider with these alternative schools though is that they are still being excluded although that may help to address that issue. In terms of the broader research on that, Bryson in 2010 said that alternative education in itself sustains continued exclusionary practices. Some who have gone through these schools continue to see themselves as not fitting in. So it is not recognised as a solution. It is kind of being proposed as a solution, but there are complications and failings with that as well.

**Mr SYMES:** Your submission refers to there being evidence to support a claim that suspensions are used for very minor offences and claims that this is likely to increase with no checks and balances on a principal's power. Can you direct us to evidence to support this?

**Dr Phillips:** Yes. I might speak in this role as a parent. I am a parent of three sons in state schools and have experienced my children being suspended for minor offences on three occasions. One was just simply saying, 'If you go to a teacher's class, you're in for a bad time,' and he was suspended for three days. It does happen and my experience has been that the actual addressing of the issue has not been done. There has been no discussion about the issue at hand and there is a pattern of a reintroduction interview, but that did not address the issue or talk further about it.

**Prof. Renshaw:** Maybe I could put that question in perspective, because I think one of the things you find is the vast variation between schools in the use of suspensions and exclusions and the variation between teachers within the one school on how effectively they deal with relationship problems with their students. Some schools will never use suspensions and exclusions and then in some schools it is very prominent. The issue of whether it is a minor offence is really that it is usually a pattern of behaviour that builds up over time and that teachers perhaps lose their patience. So what comes out is just a way that some schools and some teachers can deal with a problem in an everyday way and keep the relationship going while in other schools it turns into suspension or exclusion. So I think the key thing here is to prevent these minor episodes of relationship problems developing into something else. It is clear that teachers have varying capacity in dealing with issues of conflict with students and schools seem to have good or bad programs in place to deal with this. So I think the key thing about this legislation is to build the capacity of teachers and schools to make exclusions and suspensions as small as possible.

**CHAIR:** I think we have time for one last question.

**Mr LATTER:** I will first start by making some observations and then seek some comment from you, if you will. Firstly, this is a highly complex issue and I note and appreciate that you mention that when we talk about disciplinary issues in schools there are often varying factors that contribute to that. It may be that the child has poor literacy or numeracy and subsequently is disengaging. I also note that there has been some discussion around other avenues of schooling that are not mainstream that help address some of these concerns. With regard to the issue of behaviour and behaviour in the classroom, I see it as addressing two things. Principally, most good schools should have a set of guiding principles around behaviour, and that is something that is set not just by the school but by the community and often represented by P&Cs as well. So when we talk about understanding behaviours, there should be a set guideline there in terms of what is acceptable and what is not by a student and subsequently then how that is going to be dealt with. My interest in this space is that if that set of guiding principles are there—and they vary amongst schools; some schools have a stronger focus on special needs while some are more academic focused in terms of their curriculum than other schools, so there is an element of choice—when you are managing discipline, is it not fair to say that when you bring in a program like this it is also about managing how the broader community around the child responds—that is, not just the school but also the family environment?

Again, if we take that on board, if we are talking about children—and it is a very small minority really who have behavioural issues that are being addressed in this space—and we have all of the evidence and data in the world to suggest what impacts it may have in terms of the varied forms of discipline that you might provide a child with in this space, when do we come back and look at the impact? What research is there to suggest what the impact that a disruptive child in a class of 20 to 30 children is having on those 20 to 30 children? If the child who requires discipline is not fitting into mainstream education, at which point and where does it become appropriate to draw a line in the sand and say, 'We are going to discipline the child by a suspension or even expulsion, but in doing so we are going to assist the child and the family through transitioning that child to a facility elsewhere that's better catered to deal with that?' In that regard, I refer to the YMCA, the Clem Jones Centre, which Desley and I are very lucky to have in our area, and of course Endeavour and the like. I guess my question to you is, if the evidence there to support the impact—

**CHAIR:** Time is running out.



**Mr LATTER:** Thank you, Madam Chair. Is there evidence to talk about the impact that those sorts of issues are having on the 20 or 30 other children and how do we address that?

**Prof. Renshaw:** I refer to the TALIS—that is the international review. It looks across 20 or 30 countries in the OECD. The amount of time spent by teachers in dealing with disruptive behaviour—and this is an average, but it just gives you a sense—in Australia is less than 20 per cent. So you can say about 80 per cent of class time is spent on teaching and learning—about 20 per cent. Individual children in a class can be very disruptive, but I go back to the large variation between teachers in the way that that disruption affects everyone. It comes back to really the teacher's skill, the teacher's competence in being able to deal with a diverse group of people within the classroom. So I think the key to this is professional development rather than setting up a set of exclusionary practices and putting people in other facilities or in other special classes.

**CHAIR:** Thank you, Professor Renshaw. I am sorry but the time has beaten us again. Could I thank you both, Professor Renshaw and Dr Phillips, for your input this morning, which has been very valuable.

**BARTHOLOMEW, Mr Damian, Member, Queensland Law Society Children’s Law Committee**

**D’CRUZ, Ms Raylene, Queensland Law Society Policy Solicitor**

**ROAN, Ms Jennifer, Queensland Law Society Graduate Policy Solicitor**

**CHAIR:** I would now like to welcome representatives from the Queensland Law Society who will now give evidence. Would one of you like to make an opening statement or would you all wish to make short statements?

**Mr Bartholomew:** Thank you. I can make an opening statement. I would like to thank you for inviting the society to attend this public hearing and speak to you about the concerns that we have regarding aspects of the bill. We will provide a short opening statement and then we are obviously happy to answer questions. I address the committee in my capacity as the Deputy Chair of the Children’s Committee of the Queensland Law Society. I am a solicitor at the Youth Advocacy Centre and I assist young people in the youth justice system, the child protection system and the education environ. That is my *raison d’être* for being on the children’s committee.

Our first issue that the Law Society would like to raise with you is the issue with regard to charge related suspensions and charge related exclusions. In our submission the society has noted our main concerns are with the proposal to introduce charge related grounds—so after young people have been charged with an offence for suspension and exclusion. The society is very concerned that the suspension can occur on the basis of a charge rather than conviction, that this appears to be inconsistent with the presumption of innocence and no decisions on fact, of course, would have been made regarding any allegation that has been made at that stage.

These changes would also empower a principal to make a decision based on behaviour that occurs beyond the school grounds and may be entirely unrelated to conduct affecting the school. There is a possibility that a principal may make a decision without relevant facts, given that the conduct occurred in private circumstances and beyond the bounds of the school environment and without proper investigation. We can foresee a number of practical concerns in relation to this, not the least of which is how the information is obtained by the principal and by the school and do young people need to ultimately compromise their defence in relation to criminal actions because they are being questioned by the school in relation to those matters. This may indeed ultimately create significant legal quagmires where young people have made representations to the school and to the teachers in relation to criminal offences and it may result in teachers being called to give evidence in relation to proceedings as a result of them questioning young people in relation to offences. That has inevitably come about because their matters have not been resolved in the criminal justice system.

We also note that, at the time when young people are charged with an offence, the existing legislation requires the police or the court—and certainly young people if they have been arrested are required to come before the court very quickly—before either the police or the court considers bail to look at a number of factors. Those factors would include the character, the criminal history, the relevant history, the home environment, employment and background. All of those factors are already considered by the police and by a judicial officer at the time that the young person is allowed to remain in the community after they have been charged. We are also very concerned, of course, that young people who have been charged with offences and then have been suspended or excluded from school would be further isolated. This will result in great difficulties for young people. One of the primary concerns, of course, of the Law Society in making a representation in relation to this bill is that we know that the young people who are disengaged from school are far more likely to be engaging in the youth justice system. We also know that ultimately the people who have not had the benefit of schooling are far more likely to be in the criminal justice system. So that is a particular concern to us.

We are also very concerned that the decisions may undermine a judicial decision regarding bail conditions crafted to reinforce to a young person their engagement with education and community, thus reducing their risk of offending. At the time young people are granted bail it is often presumed, or known and considered by the judge or the magistrate who is making that decision, that the young person is engaged in that education process and, indeed, has crafted their bail conditions based on that presumption. These changes that are proposed will significantly impact on a child’s engagement with education and, as I have indicated, will have a significant and tangible

effect on them in the long term. We are also particularly concerned that at the conclusion of a matter that the legislation does not require a conviction in order for a school to then make a decision to continue to suspend or exclude.

The Law Society also has particular views in relation to the parameters on detention that is outlined in the changes to the legislation. The current Act has legislative parameters in place regarding detention, such as time limits. The changes that are proposed will mean that there is no clear process to ensure that detention is imposed with consistency across state schools and principals and teachers will not be required to operate within particular time frames or be required to notify parents. We consider that, without strong legislative parameters in place, the proposed Department of Education, Training and Employment policy needs to ensure that safeguards are still in place for detention to ensure that children are appropriately protected and to ensure enforceability of such policies. The Law Society would certainly like to be consulted around any policy in relation to those detention processes.

There are particular concerns that the Law Society has raised in its submission in relation to Saturday detention. We believe that there needs to be significant consideration for the parameters to be placed around the operation of this particular kind of detention. Schools are, of course, largely closed on Saturdays and emergency procedures must be in place to ensure that there is adequate protection and supervision. Principals should first of all confirm that the carer of a child is aware of any proposal to detain a child on a Saturday to ensure that there is safe transportation, noting that there might be difficulties in this occurring.

There was a particular concern to the Law Society in relation to alerting parents and children from separated families. Often with young people from separated families—and unfortunately there are quite a number of those young people in the school system—their access to their non-residential parent can often be on weekends. It is very important, of course, that both parents are aware of Saturday detention to ensure that this can be put in place. There obviously should be opportunities for parents to raise objections to Saturday detention where the child or the family have previous commitments.

We also are very concerned about the difficulties that may be imposed upon Saturday detention in regional and remote areas, mindful of the very long distances that young people are required to attend at school in rural and remote areas. We are also very concerned about the methods of dealing with the punishment of children who are unable to attend that detention through no fault of their own, such as their inability to find transport to school on a Saturday or because of other family commitments.

The Law Society also is concerned about the community service option that is raised in the legislation. There is not a lot of information within the legislation in relation to that. We are concerned around the limitation periods that may be relevant in relation to that community service around the time periods that would be imposed and the ages which young people could be compelled to undertake community service. We are aware that within the Youth Justice Act there are parameters around when community service can be imposed, the number of hours that can be performed, the age limits for when young people can be compelled to undertake community service and the differing requirements that can be imposed upon different age groups. Certainly, it would seem to be an unusual situation that all of those restrictions would be within our Youth Justice Act and not be paralleled within our education system. We certainly note that there are some policies that are alluded to that have been developed and we would welcome consultation in relation to those.

**CHAIR:** Thank you. I appreciate that. Thank you for those points. Firstly, I refer you to page 5 of your submission. You noted that the bill—

... diminishes the requirement placed on the education system to ensure students continue to engage with education.

Could you please discuss how this is so and the effect of this potentially significant policy change?

**Mr Bartholomew:** Sorry?

**CHAIR:** On page 5—

... the requirement placed on the education system to ensure students continue to engage with education.

**Mr Bartholomew:** Yes. The bill talks about there must be some reasonable steps that need to be put in place. Certainly, the concern that the Law Society would have is that there needs to be some obligation placed upon to ensure that young people are given those options. Certainly, the experience of our membership is that young people who have been excluded or suspended from

school have not been given adequate alternative proposals when that has happened. They have not been provided with that. We are particularly concerned again about young people from rural and regional areas because of the difficulties in providing those alternatives. Certainly, young people being suspended or excluded from schools can often have to travel. An alternative school may be hundreds of kilometres away from where those young people are attending.

**CHAIR:** Mr Bennett?

**Mr BENNETT:** Good morning. I would just like to touch on some of your comments around natural justice and the issues regarding that and for you to expand. I have noted that you have used a couple of times 'of no fault of their own'. If there are disciplinary issues, how can we make the assumption that these children being excluded have no responsibility in that space of being excluded?

**Mr Bartholomew:** When I referred to that in my opening statement, the issue in relation to 'no fault of their own' was in terms of them not being able to be transported to school because they do not have that assistance. Perhaps their parents or perhaps their usual method of transportation that is available from them to get to school may not be available.

In terms of the procedures of natural justice, there are those issues in relation to any suspension and exclusion process. Young people are at a significant disadvantage in terms of dealing with school authorities. It is well noted that young people are very vulnerable in dealing with authority. It is often very difficult for them to make adequate representations in relation to their position. They are often not given a lot of information in relation to the allegations that are made against them and they are often at a significant disadvantage in being able to respond to those to schools.

**Mr BENNETT:** Thank you.

**Mr BOOTHMAN:** Are you aware of any potential positive outcomes when it comes to community service for these kids? I can certainly say that one thing a lot parents in my electorate say to me time and time again is, 'These kids need to take responsibility for their actions.' Do you feel that there are positive outcomes when it comes to getting these kids to do community service? Are you aware of any?

**Mr Bartholomew:** Is the Law Society aware that there are benefits from young people being asked to do community service within the education system or just generally undertaking community service within the criminal justice system? I am just seeking clarification.

**Mr BOOTHMAN:** Just generally.

**Mr Bartholomew:** Obviously it is a punishment which is currently existent under the Youth Justice Act and it is a decision of the legislature that that should be an appropriate penalty in relation to incidents under the Youth Justice Act. I think there have been some instances where young people have gained some skills in relation to those community service orders, but I would think generally there are some significant concerns in relation to how community service operates within the youth justice service generally in that sector in that it does not tend to provide a lot of skill base, that they tend to be fairly mundane activities that are undertaken and are not necessarily directed towards the individual young person. Certainly I do not think it is the view of the society that young people should not be encouraged to take responsibility. That is not what we are suggesting. What we are suggesting is that that needs to be done in a manner that is mindful of all the needs of the young people and their families.

**Mrs SCOTT:** If a young person is off campus doing some community service or other activity, are there issues of public liability or accident insurance that we should be discussing? I think even when students are at school these days the schools do not hold the same accident insurance as they used to at one stage. Where do we stand with issues such as that?

**Mr Bartholomew:** I obviously cannot provide the committee with particular legal advice in relation to those issues, but I think it is quite rightly raised that there are significant issues that need to be considered in relation to those matters. I suppose our membership has had some experience in terms of the ability of young people to be able to engage in particular types of community service as part of their youth justice orders where they have shown a particular interest in an area and yet they have been unable to complete community service in that environment because they have not had appropriate insurance or appropriate protections and safeguards in place so they have not been able to undertake that. I am also aware that in relation to youth justice conferencing that community service was often problematic for the department to arrange in particular areas because again they did not have the appropriate insurance and they were concerned that those safeguards needed to be in place. So certainly I think there are issues that need to be considered.

**CHAIR:** Would you consider that the bill results in a duplication of the role of courts and police by principals to assess whether charged students are fit for school and whether there is a consideration of whether they would actually endanger other students at that school?

**Mr Bartholomew:** There certainly is a concern that there is that duplication, and perhaps unnecessarily so, that you do have both the police and judicial officers who are considering the ability of young people to remain in the community at the time that they grant them bail and certainly one of the things that they would consider is their ability to participate in school based activities and to be in the community. Judicial officers who consider these issues obviously consider bail quite carefully and obviously with a great deal of scrutiny and they are obviously considerations that are made at the time that young people are granted bail. Certainly in very serious and in a very small and discrete range of issues it is the experience of our members that on occasions magistrates or judges have felt that it was appropriate to indicate that they believe the school should be notified in relation to the matter. So there is certainly some scope for that to happen. A request can be made by the judicial officer for that to happen on occasions where they do believe that that is something that needs to be appropriate. But there is also the capacity of the youth justice system to be able to support young people to ensure that they are appropriately supervised to and from school. So as part of young people being granted bail sometimes it will be a requirement of a conditional bail program that is put in place by the court that there be a youth worker to transport them to or from school. There is even some capacity, perhaps with negotiation with the school, for a youth worker to supervise them during lunch periods et cetera to ensure that there was appropriate supervision and there was not inappropriate interaction between the young people and the students. I would have to say that is probably an unusual provision that was required, but in very unusual situations certainly the judge or magistrate could direct that.

**CHAIR:** Thank you so much for that. Sadly the time has expired. We appreciate the very significant points that you have raised in your submission.

**RUTTIMAN, Ms Kate, Deputy General Secretary, Queensland Teachers Union**

**WOOD, Mr Craig, Research Officer, Queensland Teachers Union**

**CHAIR:** Would you like to make one opening statement or would you both like to make statements?

**Ms Ruttiman:** We will make one opening statement and then answer any questions that you have. As the committee is aware, the Queensland Teachers Union made an initial submission around the Education (Strengthening Discipline in State Schools) Amendment Bill. It was a very brief one because one of the things that we are quite conscious of is that the devil can be in the detail and while the bill might go to some extent to removing legislative red tape, some of the prescriptions that previously were in the bill we were curious to see how they would be actually implemented within policies and procedures. We had met with the Department of Education and Training to speak through those particular issues with them and while they had given us a commitment that they would provide us with whatever policies and procedures might be available, unfortunately they have not been able to do that to date. So we provided you with a later submission outlining some of the key elements of the bill which we support but we also have some concerns with.

The Queensland Teachers Union understands that the idea of the Education (Strengthening Discipline in State Schools) Amendment Bill is to reduce red tape and provide increased autonomy to principals and school communities with respect to behaviour consequences. One of the key issues that we have raised in previous discussions with the department in the implementation of action 15 of the Great Teachers = Great Results plan, the discipline audits, is the word 'discipline' itself. Schools are expected to develop positive behaviour management plans and implement them. As a consequence of that there are consequences that arise. Discipline is a word that does not necessarily fit into that positive behaviour management mode but that is the word that we have and that is the word that we are working with.

Some of the elements of the bill that we support are the better specification for criteria for suspension and exclusion for students in Queensland state schools; the improved time frames for principals with respect to responding to the issues around suspensions and exclusions; a removal of some of that duplicity and that waiting period for those principals—one of the things that we do note from the bill will be the ability for students to enrol in an alternative school setting during periods of appeals around exclusions and we think that that is a positive move—obviously the apparent reduction of legislative red tape from the bill; and changes within the bill that actually make it explicit that offences outside of school that might have an impact on the behaviour or the good order and conduct of the school will be able to be taken into consideration with respect to disciplinary consequences within the school. That is not saying that schools should have the complete responsibility for managing student lives. Absolutely if there is an offence that is committed outside of school, parents obviously need to support their children in the remedy of that particular offence, but if it is an offence of such an extent that it could call into question the good order and conduct of the school and it could place other students at risk then obviously the principal having the capacity to take action under their behaviour management plans to either suspend that student from the school pending the outcome of the charge or pending the outcome of the findings is a positive thing because obviously we need to understand that principals will act for the best safety of the students and the teachers within their environment.

We do have a belief that there are some limitations of the bill and it goes to that question that was asked earlier from the chair around whether or not there is duplicity with respect to the judicial system dealing with a student who has offended outside of school as well as the school dealing with students. That then conjures up the idea of natural justice. While it is inferred that natural justice will be applied, there needs to be some support for principals in making decisions around those particular concepts and implementation of those particular elements of the bill. Particularly in relation to our new principals. We have some very experienced principals who have been working within schools for quite some time and who would be very confident about what action was supported by the community around these sorts of behaviours. However, we do have new principals who are appointed quite frequently and a support program for them and very clear outlines of procedures to support them in those particular circumstances are necessary.

We also have raised some issues around continuing education during suspension and/or detention. I do know that within the current legislation there is some support for continuing education during suspension when it is from the six to 20 days, but the removal of that six to 20 days continuation of education during that period of time to any time frame that they might be

detained or they might be on suspension actually creates an additional onus on the school. This raises our point around the statements that have been made by the minister that schools will need to actually implement these changes within their existing resources. We are very conscious of the fact that resources have actually been cut. Mr Wood, who is with me, is our research officer but was previously a behaviour advisory teacher in the Logan area. We have seen a cut back in those specialist services with the changes to the way education is funded or the changes to the way in which schools are staffed. So asking schools to implement these sorts of things within their existing resources will obviously have a significant impost. Somewhere, when you add to the responsibilities of the school, you need to take away so that those existing resources are not stretched too thin and so that the workload is manageable.

We also have some issues with the idea of outside school hours detention because we do not think that it is appropriate for government to seek to implement a legislation that would undermine working conditions. Currently the awards and the agreements that our teachers and our principals work under do not enable teachers to be paid for Saturday detention, for example. They do not enable roster duty time to extend into a Saturday. While they enable roster duty time to extend beyond what we might say would be the normal length of the school day—eight till two or 8.30 to 2.30 or nine till three—there is some flexibility with that. The idea of after-hours detention would need to be subsumed as part of that roster duty time and schools just do not have the capacity to remove teachers from providing subject offerings or from providing classroom support. We do not think that there is necessarily the capacity within schools to implement the after-hours detention, nor do we think that it is in line with the industrial coverage of our members or the working conditions of our members at this point in time.

The other thing that we did take some concern with was the header of the legislation where it spoke about the principal having to be responsible for the behaviour of students within their school. While that sounds good and while we do not necessarily disagree with that, that is open to interpretation and it can have some implications. Does it mean that the principal needs to ensure that there is a positive school-wide behaviour management program within the school with appropriate disciplinary consequences and that is sufficient so that if a student acts in such a way that they offend or hit another child while on the school premises the principal cannot be held accountable for necessarily that child's behaviour. It is a broad statement that is open to interpretation and understanding the intent of the bill is not necessarily to do that, there does need to be some clarity around that intent and its purpose. They are the key points. The second submission that we made has provided further detail around those particular issues. They were the key points that we wanted to raise in the hearing.

**CHAIR:** Thank you. We appreciate that and the effort you have put into your submission. Do we have any questions?

**Mr BENNETT:** Certainly. I am always happy to ask questions. It has been suggested that the bill heavily focuses on punitive measures such as suspension and expulsion at the expense of preventative and inclusive processes. Would you be able to give us more of your view on that part of the bill?

**Ms Ruttiman:** It does tend to concentrate on those punitive measures. This is where I would say the devil is in the detail when we look at the policy. One of the key things that we have been told is that these disciplinary consequences will be at the discretion of the principal in consultation with the community as to whether or not they become part of their behaviour plan. Additionally to that, we understand that behaviour improvement conditions which previously might have existed within the legislation which are being removed would be likely to form part of the policy and the procedures that the government would put in place. One of the things that I am aware of is a submission that says that suspensions and exclusions might be given for minor offences and I absolutely do not believe that that would be the case. Any positive behaviour management program within a school would articulate the different consequences that arise for a particular thing. So if a child is swearing at a teacher, unless it is a repeated offence, and depending on the severity of the swearing, I would say it is unlikely that the very first reaction to that would be suspension or exclusion.

My understanding of any policy and procedure being developed is about looking at those things as they accumulate and looking at the child's behaviour in its entirety rather than a particular incident. That particular incident might be the catalyst for the suspension, but there would obviously be evidence that would support that particular suspension or that exclusion. So, yes, this does focus heavily on the punitive measures. That is in line with my statements earlier about discipline verses positive school-wide behaviour management. But with the ability of the policy to suggest schools

would be able to implement programs around positive school-wide behaviour management, having a behaviour management plan in place, including things such as behaviour improvement conditions including things, if they want, such as after-hours detention, community service and those sorts of things—that suite of consequences verses other consequences—I think the devil is in the detail of that policy and that procedure.

**Mrs SCOTT:** Often I hear stories of teachers who are just so innovative and engaging with their students that they can actually reduce behavioural issues. Then, on the other hand, you hear of some teachers who complain that so much time is spent in actually disciplining students in their classroom that the actual teaching time is diminished. I am just wondering about the amount of actual engagement with students and about the teachers who are just so engaging with their students and whether at university we are giving teachers sufficient tools to manage behavioural problems in a classroom and things like that.

**Ms Ruttiman:** I hope I answer the question effectively. You do hear those stories where children want to be in a classroom and they do not have a behaviour problem and then they can go into another classroom where a teacher has a different approach to teaching and there may be some issues about engagement of those students. Part of it is about developing our teachers. One of the great things about the Developing Performance Framework, which is currently in Queensland schools, is the ability for teachers to identify areas that they believe within their own professional skill set they need to develop, and behaviour management may in fact be one of those.

Where schools are properly resourced and funded I am aware that schools have been able to release teachers to participate in behaviour management programs and provide professional development opportunities for them to come back and implement those strategies within their classrooms. With respect to teacher education programs, I think it depends. I think it depends on the programs that you are engaged in. For example, we have been fortunate enough to be involved in the teacher education centres for excellence that were created as a consequence of the Improving Teacher Quality National Partnership program. In all of them they have concentrated on key elements within schools that principals have identified have been missed within teacher education programs, and the majority of them will look at behaviour management programs as well, engagement in the classroom and alternative strategies and all those particular things.

What you use in your classroom will very much depend on the group of students that you have, and it will depend on their responsiveness or otherwise to those particular strategies. So I, as an English teacher, might have taught two groups of students the same lesson in the same way but, because they are different cohorts and different students themselves, one may have gone fantastically and the other one may have been bogged down with disciplinary consequences or behaviour management depending on the time of day; depending on the time of the week; and depending on the skills, aptitudes and abilities of those children in that particular classroom setting. Craig, you might have more information.

**Mr Wood:** Back about five years or so the department rolled out a suite of initiatives under the title of Essential Skills for Classroom Management. To go to your question, that was underpinned by research done by Christine Richmond, *Teach More, Manage Less*. So in the finite time that a teacher has in front of the boys and girls in their class it is about maximising quality curriculum instruction and minimising the amount of time spent dealing with behaviour incidents. The data that was captured during the roll-out of that program suggested that, for the vast majority of students, with some support from their teacher using the Essential Skills for Classroom Management—in Essential Skills for Classroom Management there are 10 skills—by implementing those 10 skills you are able to manage a class really effectively. But it is those really high-level, high-incidence students who were still hard to capture or still hard to manage regardless of what the teacher did. For those students, programs like Get Set for Work were a really useful alternative for schools to be able to access.

**Mrs SCOTT:** Can I just add that one of my primary schools is having wonderful success. They have introduced a little spaniel into the school, and when Archie comes into the room, when a child has actually lost it, he quietens them down. They are reading better. They are concentrating better. So maybe we need more dogs in schools.

**Mr Wood:** Literacy dogs.

**CHAIR:** The Delta Therapy Dogs program. They have them in quite a few schools, I think.

**Ms Ruttiman:** I think there are some very positive programs out there. You have used that as one example. There is also the You Can Do It! program in primary schools where students engage with people's names—Oscar Organisation, Connie Confidence, Pete Persistence, Ricky



Resilience—and all of those sorts of things. So they are identities. They have those attributes that they focus on and roll out across particular weeks. So there are some very positive programs out there. If schools are able to determine the behaviour management program in consultation with their teaching staff and are able to implement it effectively—and they need to be appropriately resourced to do that—then that is a positive thing. But if they are directed to use particular processes of disciplinary consequences and they are directed to do it within existing budgets and they do not fit within the school communities that their children attend or that they work in, then they are not going to work.

**CHAIR:** Thank you for that. Sadly, I think our time has expired. We really appreciate your submission and your points of view. Thank you both very much for attending this morning.

**Ms Ruttiman:** Thank you very much.

**CHAIR:** I now call on representatives from the Queensland Secondary Principals Association. I welcome Mr Jeff Major, who is the Principal Vice President, and Ms Julie Tabor, who is the Vice President.

**MAJOR, Mr Jeff, Principal Vice President, Queensland Secondary Principals Association**

**TABOR, Ms Julie, Vice President, Queensland Secondary Principals Association**

**CHAIR:** Mr Major, would you like to make an opening statement?

**Mr Major:** We would like to start with a fairly brief opening statement, and then we would invite questions from the committee. Might I start by thanking the committee for inviting the Queensland Secondary Principals Association to appear before you. We welcome the opportunity to discuss the proposed changes to the discipline options, processes and procedures for state secondary schools and to respond to any of your questions. We have been grateful to have had the opportunity to have significant input into the framing of the bill.

A principal's main focus is, of course, on achieving the best outcomes for students through positive teaching and learning processes. Therefore, we do not set out with a desire to have lots of suspensions or exclusions in any of our schools. Unfortunately, this has become part of our role in dealing with some of the pointy-end behaviours that occur in our schools so that we can set high expectations and set good tones in our schools so that all students can benefit from good learning.

Respect for authority and for the principalship over time has diminished. We believe that the bill and some of the work that is done in terms of promoting this bill will help to reinstate the principal's position in the community and their authority, and over time we hope that that will in fact lead to better discipline and better behaviour in our schools.

Principals do strive to have very positive cultures in their schools and ensure that students are engaged, as has been said before, in terms of making sure that teachers' skills are developed to a level where students do have engaging educational programs. School staff do use a range of approaches to engage students. But for most a positive relationship is essential, particularly in a secondary school context, with our students to ensure that students are enjoying their school and are achieving well.

Schools do implement individual behaviour plans for students when necessary and they do engage parents to ensure that students understand the needs and the boundaries that they need to work in to achieve their best. Under inclusive policies and practices that exist in our schools, particularly where integration of students with disabilities has become a bigger issue in our schools, some of those students do unfortunately fall foul of our behaviour approaches, but it is very clear to all of our principals that it is not the disability that we ever punish; it is the behaviour. We need to ensure a safe environment not only for students with disabilities but also for the other students in our care.

Principals place a significant emphasis on the support processes for our students, particularly in the beginning years of high school, where children are still learning the ropes of being a teenager and a high school student, using warnings both verbal and in writing, individual interviews, parental interviews, behaviour support mechanisms, guidance support, youth support officers, chaplains and individual behaviour plans. Principals in state secondary schools do believe in natural justice processes for our young people. We do support the appeal mechanism where appropriate. However, we do believe the committee needs to understand that the decisions principals make to suspend or exclude a student are not taken lightly. Where a decision to suspend or exclude needs to be made, principals do all they can to ensure they gather all of the evidence before making a carefully thought out decision. We need to ensure that whatever appeal mechanism exists it does not need to be onerous. We would always welcome additional support for our schools in relation to student management and student behaviour, but we do note that that is not part of this bill.

Principals are aware of the accountabilities and responsibilities that come with being a leader of their school and in society in general, but our focus must remain on good teaching and learning outcomes for all of our students. We do reiterate that we do support very strongly the proposed education bill.

**CHAIR:** Thank you for that, Mr Major. Are there any questions?

**Mrs SCOTT:** Are there any parts of the bill that some principals have any disquiet about, that they are unsure about? I guess the policy and procedures are not there yet, so it is a bit hard to know.

**Mr Major:** Yes. I would say that much of what already exists is translated into the new bill. The areas that are somewhat new are in relation to the additional opportunity to detain students on Saturdays.

**Mrs SCOTT:** After hours.

**Mr Major:** Yes, after hours. Principals are thinking through how they might manage that in their particular community. It will be up to each school to determine whether they in fact have the resources to be able to do that. I know that there are some schools that already, with their community support, do some of that. I think there was one teacher in today's paper. But that will be an issue for schools to wrestle with—the level of resourcing that they can possibly put towards being able to implement that particular measure.

Some of the supervision arrangements around community service orders and how they might actually work in practice is not clear, but there is no mandate that schools need to use those before they might enact a suspension or an exclusion, so that will be a matter for each principal. The fact that there is a greater variety of tools available to principals, should they choose to use them, is in fact a good thing. We need to ensure, of course, that they are not a mandatory requirement before a principal might need to move towards a student suspension or a long suspension or exclusion.

**Mrs SCOTT:** So might there be opportunity for, say, a partnership with a PCYC or one of the youth organisations that may have the ability—

**Ms Tabor:** Those relationships do exist in some schools. It is also about considering the range of environments that schools work in across the state, especially rural communities that do not have access to those additional support opportunities. It is about keeping an even playing field for everyone.

**Mrs SCOTT:** Father Chris Riley has just set up out in Logan. They will be working weekends with young people at risk and so on.

**Ms Tabor:** Certain communities around the state have access to additional funding to be able to support those sorts of relationships as well. It is also about how do we support those schools that do not receive that additional funding who still have those same issues?

**Mr Major:** One of the issues that will need to be clarified—and that will probably come through in the policies and procedures issues—is around duty of care and where that sits with the school and where that might not. Certainly if there is a requirement that one of the teachers from that school has to be there to supervise the child, that creates a huge imposition on a school resource.

**Mrs SCOTT:** Exactly.

**CHAIR:** Your submission suggests that provision should be made for alternative sites to assist with students who have been suspended. What are your thoughts on those sites? Should they be educational sites or sites that focus on behaviour management?

**Mr Major:** Julie and I are in a fortunate position on the north side of Brisbane where principals have determined over a long period of time that they would combine the behaviour resources supplied to their individual schools into a pool. On the north side of Brisbane a range of programs are provided for students. So should I suspend a student for six to 20 days, they do not just get an educational program from me and go home; they have an opportunity—so long as their parent is in agreement—to sign up and be part of a program that is called the short-term intervention program, which is staffed by Education Queensland teachers who are funded through the program that has been developed on the north side of Brisbane. That is a highly effective program because it not only continues with the child's education, but also provides some intervention in terms of that child's understanding of what is right and what is wrong and helps them to start to think about their decision-making processes so that when they return we often have a lot of success with those students not re-offending. As well as being punitive, we do need to look at solutions where students are actually given some development.

**CHAIR:** In your experience and also other evidence, what are the results? Do you see positive improvements? Do you see students who are being turned around?

**Mr Major:** Absolutely. It is certainly not 100 per cent of students. There will be some students at the really dangerous, pointy end who, no matter what effort has been put into them, what extra resources you try to apply, they are heading down one path that is rather tragic. They tend to be the students that we ultimately exclude from the school. Outside of my teaching position I have been involved with some non-government organisations. One of them is Jabiru on the north side of Brisbane. Only in the last couple of years they have set up an alternative school, that is a non-government school, which is addressing the needs of some of those more disenfranchised students, offering an educational experience for those children who cannot comply with what are reasonable demands in the normal mainstream school. I would think that, if there are to be more

resources in terms of supporting those students at the real pointy end—and some of them have mental health issues, some of those students have substance abuse issues, some of those students have completely dysfunctional families and are not able to function effectively in a mainstream school. However, in a smaller alternate school site, where there is a lot of intense support and perhaps less demands and pressures around expectation of behaviour and compliance that has to occur for the greater good in our mainstream schools, there is certainly a place for those schools.

**CHAIR:** I have no doubt about that. My concern from a personal perspective—I am a regional member and come from quite a large electorate which has regional towns and small schools, and I think, Ms Tabor, you referred to that earlier. That is a major concern.

**Mr Major:** It is.

**Ms Tabor:** Different regions across the state deal with their behaviour services differently. We are lucky in our area that we do have access to a lot of those areas, but other areas that I have worked in have also done the same sorts of things, but they have to do them a lot more creatively using a lot of NGOs and local communities to be able to still access that same support for their students.

**Mr Major:** Our state council involves principals who represent different geographic areas all around the state. While we all operate within one set of rules, the way those rules are interpreted can be quite different in different locations. Where you are in a one-school town and you are the only school available to those children, I know that principals, by and large, go to the nth degree before they make that difficult decision to exclude the student because they know that there is nowhere else for that child other than the school of distance education which, by and large, does not suit the learning needs of a lot of those types of students.

**CHAIR:** It does not necessarily say that they are better behaved students in those areas, which is the concern.

**Mr Major:** But it is a challenge because they do have to set some standards and they do have to provide a safe learning environment for the rest of the children who attend that school, and that is an important consideration as well.

**CHAIR:** Of course. That is a real consideration. Are there further questions?

**Mr SYMES:** A number of submissions refer to causes of poor behaviour such as mental health concerns, neglect, domestic violence, poverty and parental drug use. How do you feel the bill takes these life factors into account in the design of the appropriate behaviour management strategies?

**Mr Major:** I think that the bill could not possibly address those particular issues. I think that those issues are quite separate and need to be dealt with in a quite separate way. Schools put a range of processes in place to deal with those particular issues. I think I indicated before that suspension is not the first thing you jump to. There is usually a whole range of parental interviews and understanding of the child's circumstances and what is happening in their world. Where possible, those students are supported by referrals to different agencies. It might be the Child and Youth Mental Health Service. It could be our youth support coordinators who operate in our schools. Many of our schools have school chaplains and guidance officers. So there a lot of support, although we could always do with more. What support we do have available is put around those students to try to address those needs and the individual plans are put in place for some of those students. But at the end of the day despite all of those issues that those children might face, if their behaviour is so abhorrent that it is impacting on the learning and the behaviour in the school, then unfortunately we do have to resort to using the disciplinary approaches, and we do.

**Mr LATTER:** Taking into consideration that the bill presents an expanded opportunity for principals or schools to be able to manage discipline, it does not particularly mandate these outcomes.

**Mr Major:** No.

**Mr LATTER:** If our schools are in a position where they may take on some of this or they may not—it could continue 'situation normal' for all we do in that school. There seems to be some concern by other submitters in that space that there is an opportunity here to be taken advantage of by schools in so far as it might be just an easy option to suspend or exclude. It seems to me that there are actually some safeguards in place if we have to go through behaviour management processes and put a strategy in place to deal with these issues. Are there safeguards in place that you are aware of or that you are able to speak of that would actually stop or address that concern?

**Mr Major:** The government has recently introduced discipline audits in all of our schools. Every principal has a performance plan with their assistant regional director. So there are supervisory processes in place for the school. There are checks and balances in terms of audits being done to make sure that those processes are done fairly and well in schools. If they are not, then obviously there is a line management mechanism to deal with the particular aberrant principal who might not be complying with that. Within the Act there is also still the provision of an appeal against a longer term suspension. There is also opportunity for appeal against cancellation. There is opportunity for appeal against an exclusion. So those safeguards still exist if schools are using those and no doubt regional offices are monitoring that data around individual schools. If there is an anomaly amongst their schools where there seems to be a higher proportion of that sort of disciplinary action being taken, I have no doubt that there would be some intervention from supervisory roles.

**Mr LATTER:** If there are safeguards in place to prevent these concerns coming to fruition, given that our teachers are trained professionals who are trained in how to deal with children, given that our principals are trained professional managers who are trained to manage our schools and given that there are strategies in place to ensure that there are appropriate behaviour management processes being put into this space, if there were anything in the bill that you think needs to be changed or addressed principally above all else, what would that be?

**Mr Major:** I indicated earlier that we had had the privilege of being very heavily consulted in the construction of the bill in the first place. So most of the concerns that we might have had in the drafting stage have been taken heed of. The challenge I think that exists for many of us is a simplification around the appeal process. Under the current bill I have been dealing with an appeal against a cancellation of enrolment. The documentation and paperwork has consumed at least two or three days of the deputy principal's work and consists of paperwork that amounts to documentation about an inch and a half thick. That has been a demand placed on us by our regional office. If there is anything that we would like to see streamlined and simplified, it would be around that appeal mechanism, notwithstanding that we certainly believe that young people have a right to appeal a decision. We are not perfect. There are times when those decisions may in fact be challenged. But it needs to be a very simplified and clear process.

**CHAIR:** Thank you very much for that. We are virtually on time as well. We do appreciate your time and your submission as well.

**Mr Major:** Thank you again for the opportunity.

**CHAIR:** I am now very happy to welcome Dr Lisa Bridle from Queensland Parents for People with a Disability Inc.

**BRIDLE, Dr Lisa, Queensland Parents for People with a Disability Inc.**

**CHAIR:** Thank you for coming this morning. Would you like to make an opening statement?

**Dr Bridle:** QPPD really welcomes the opportunity to be here today. I need to say that I have stepped in very last minute because the person who was responsible for the submission was not able to make it today. QPPD is a 30-year-old organisation of parents. We are a completely voluntary organisation at this point in our history. Our mission is to defend justice and rights for people with disabilities. So we come as parents who live with trying to get the best possible life for our family member. So obviously the comments that I want to make are particularly pertinent to students with a disability in our schools.

Over the last 30 years we have strongly lobbied for very inclusive school communities because we see school inclusion as an absolute cornerstone of an inclusive community more generally and providing the best life opportunities for people with disability. Over the last 30 years we have enjoyed a lot of progress in the inclusive education area. We do see the current legislative amendments as a potential threat to the progress that has been made. I want to very briefly outline what we see those threats as being.

We are concerned that it places a lot of power on one individual, namely, the school principal. In 2011 we produced a report called *Diving for Pearls* which was designed to get parents' experiences of seeking inclusive education. What we have found was an enormous disparity in terms of school attitudes towards welcoming students with disability. We found schools that were doing an excellent job, school principals and school staff who were very skilled and then we found others where just getting a foot in the door was completely impossible, and we continue to hear these stories. So we are concerned that any changes are absolutely consistent with anti-discrimination legislation, backed up by training and resourcing of schools and principals and also obviously mindful of the United Nations Convention on the Rights of Persons with Disabilities.

We would be deeply alarmed if the role of the behaviour support plan was diminished. Many of us have found that that has been a very important safeguard in terms of dealing with behaviour that our children exhibit and also in maintaining that positive partnership between home and school. We all know that behaviour does not occur in a vacuum and it really is a stop and think that helps people see what might be the environmental cues or what might be the child's experience in the school that might be leading to that behaviour. We are very concerned about that lengthening of the short-term suspension provision. We have many families who have had the experience where their child will just be continually subject to suspensions—that is, they will have a suspension of five days and then be back at school for two days. Really, that tends to occur not where the child is particularly difficult but where there is not a commitment to including students with disability in that school. I guess the other thing that we would be really asking is that there is data and monitoring in that process. We do see that the behaviour support plans are one way to get a lot more accountability into that system. Obviously we think the right of appeal, which has already been mentioned, is worth preserving in legislation and the issue of notification being required is also very important. We do understand that there is a need to reduce red tape and unnecessary burden of paperwork—I do not think our children get a better education if everyone is tied up in paperwork—but we do think that there is a risk of throwing the baby out with the bath water, particularly with students with disability who, because of their own kind of communication deficits, are often much less likely to be able to explain what has gone on for them.

If there is time, I would really like to talk a little bit about my own personal experience which I think may be helpful. I have a son who is 18. He is in his final year of secondary school. He has been included since year 1 and we have experienced many ups and downs in that time. In early adolescence he was at strong risk of being expelled from the school that he was attending. He had an unmet need actually to have friends and the way that he dealt with that unmet need was by being a bit of a pest in the playground in that what he did was he would take kids' hats as a way to get them to interact with him. Many times he was suspended over that behaviour. I guess the only way that we were able to actually deal with that was by asking the school to put in place a behaviour support plan before he was suspended or expelled again. He was also, as other students would tell us, regularly set up in the playground. So he was really wound up. He has an intellectual disability. Lots of students would get in his face and encourage him to do things but he was not able to give an account of himself to the teachers, so he was very often the one in trouble.

We were called to a meeting of nine school staff who told us quite blankly that Sean needed to go to a special school. That was the attitude of the school principal at that time. When we disagreed with that, the principal said to us, 'It doesn't really matter what you think because I will just suspend him for longer and longer periods.' As a working parent, that threw me into great

alarm, because I could not maintain employment if he was going to be home unsupervised. I could not do that. My concern was that suspension was never an effective way for Sean to learn to manage his behaviour. It was a good way for us to feel undermined in terms of our position at that school. I just want to read you what I wrote to the principal at that time. I wrote—

Your stated intent to suspend my son for longer and longer periods unrelated, it would seem, to the seriousness of any future lapses in appropriate behaviour appears to be a threat to try to drive us from the school rather than a stated plan to help my son to meet school expectations. I am very concerned at this point that he will be set up to fail rather than to succeed.

I guess I want to say that that was our experience and it is the experience of many other parents whom we field calls from. What was our safeguard was that I was able to get a behaviour support plan drawn up for Sean and that that provided the mechanism for us to have continued partnership with the school. Sean is still at that school. Now his behaviour is not a problem because he has friends and he has learnt to regulate his own behaviour. He has had a fantastic year this year—friends at his 18th birthday party from the school, the school formal, school camps, school sports days. I think that nexus between attitudes to inclusion and how behaviour is able to capture people's attention where the need for friendship or the need for communication does not is a very important part of this legislation.

**CHAIR:** Thank you, Dr Bridle, for your presentation and for sharing those personal experiences. Could I ask you to enlarge more on what that behaviour support plan really is, because I guess it is still in place?

**Dr Bridle:** The behaviour support plan was basically in the first point understanding why the behaviour was likely to occur, understanding the environments in which it was likely to occur and developing proactive strategies in terms of how Sean would be reminded of the school rules in a way that was not punitive, and helping the environment also to be monitored—that is, what would be the playground teachers' responsibility and consistent cues that would be given. I think that that is one of the things where it can fall down. It is probably easier in a situation where you are just dealing with one classroom teacher to have a behaviour plan, but when it relates to playground activity, for example, it is the consistency of response that is very important. So it would have a data collection phase and it would have a review phase. From our point of view, what it dealt with is that by the end of even having those conversations people were on the same page in terms of understanding why the behaviour was occurring rather than just removing Sean from the playground, which was not going to help him to learn the appropriate playground rules.

**CHAIR:** This would have taken quite a lot of time with the staff?

**Dr Bridle:** An external consultant—a psychologist—came and did a couple of observations. The plan was not enormous; it was two pages. I also work in disability and I think they are having the same conversations in terms of disability programs, so I am certainly not talking about producing a huge plan. It was two pages. It had a table with regard to when this happens or when that happens. The important thing was that it was reviewed. It was trialled. There was a paragraph that said, 'We think this is what's going on. This is what other boys will be reminded to do. This is what Sean will be reminded to do.'

**Mrs SCOTT:** From my observation in terms of children with, say, a physical disability—maybe a youngster in a wheelchair or something like that—it seems to be a fact that children in the class can be there to help them and to actually work inasmuch as possible with them. But when it is an intellectual disability, it seems to be more difficult. We are seeing more and more foetal alcohol syndrome, ADHD and so on. I am just wondering first about the ability of teachers to have an understanding of those issues. You were very fortunate to have someone be able to come in and work on actually understanding what was happening and what could be a remedy. I am just wondering about the ability of other parents to be able to access someone with the expertise to be able to do that and work with the school, as well as the teachers having that understanding.

**Dr Bridle:** And that is where I would say the variability of school experiences is quite extreme, and some of it does rely on the savviness of parents to be able to navigate the system and I am particularly concerned for families who do not have the same resources that I do. In primary school and most of high school we have had very positive experiences and the benefits for the other students have also been significant, so Sean has friends who understand how to include him. They understand if he is having a bad day. They just have their own strategies that they have learnt from growing up alongside him, so it is no big deal. He is able to go out on the weekend. He does not have paid support. He goes down to South Bank. He goes to the movies with the people he has been in school with. This is, I guess for us, about the investment in that kind of future rather than a future which is segregating and excluding students with disabilities. I guess the other point that I would like to make in terms of the suspension and exclusion strategy is that I understand that it is

kind of a popular response, but it does not appear to be based on any solid evidence. I think the more positive strategies in terms of the behaviour support plans and partnerships with families—even though, yes, they take meeting time—have the evidence behind them.

**Mrs SCOTT:** Do a lot of teachers have the understanding to be able to deal with that?

**Dr Bridle:** I do think that many teachers do, and I recognise that there are a lot of pulls on teachers' time. I am not in any way pretending that teachers do not have a very hard job in terms of managing the diverse needs within a classroom. I would see that if Sean, for example, had been removed from the school at that point when things were difficult the school teachers would not have actually developed the competence that they now have that they bring to any other student. It is a learning process for everyone within a school community, so I am concerned that it can be used as an out. It is very easy to identify the child as the problem. I think one of the things we would often say is that the child with disability is a bit like a disclosing tablet: they show up the processes that probably are not working for lots of other students, but if you get it right the benefits are also there for the whole school community.

**Mr LATTER:** Dr Bridle, good afternoon. Dr Bridle, I think you have been here for the most part of the inquiry today. It is fair to say that my comments may have come across a bit adversarial, but I say to you that I understand your position and your concerns in this space, particularly with a child with disability.

Given some of the previous submissions that you have heard, particularly the line of inquiry that I made in that space, given that there is some flexibility for the schools to be able to address the issues to meet the needs of their specific communities and the concern that you raise—and indeed it is a concern that has been raised by others—is this something that could or should be addressed specifically in relation to children or a child with a disability? Should there be some measure to ensure that perhaps there could be a behaviour management plan where children are identified as having a disability? Is that something that you have been advocating for? Likewise, does your contention or concern go beyond students with a disability? Is this something that you would say—

**Dr Bridle:** More generally should be there.

**Mr LATTER:** More general.

**Dr Bridle:** I guess what I can say is that my knowledge, my area of expertise really and what I am knowledgeable to speak of pertains to students with a disability. I would not be surprised. I have read, for example, the submission made by the School of Education at the University of Queensland, which tended to support that behaviour support plans were more generally supported by evidence, but I do not have that direct knowledge to make those statements.

**Mr LATTER:** Okay. So just to go back—

**Dr Bridle:** So I guess I am saying particularly for students with a disability, I think there is definitely that evidence.

**Mr LATTER:** So just to go back if I can to my previous line of inquiry with the previous submitter whereby we talked about a school's ability to implement appropriate behaviour plans in their school or strategies around dealing with behaviour and given that our principals and often our school communities that have children with special needs, high needs or disabilities have some wonderful programs there, that is not to say that there are not circumstances—and I am well aware indeed of circumstances—where some kids may cop the raw end of the deal in that space. But is this something that could be specifically addressed if children who are identified as having a disability have some protective measure or safeguard in that space and is that what you are advocating for?

**Dr Bridle:** I think I would be saying that that sort of safeguard is likely to be much more consistent with requirements under the anti-discrimination legislation. So, yes, I would support there being particular safeguards and measures for students with a disability.

**Mr LATTER:** That being said, if that is the case, a broadening but not mandated set of options for principals, is that something then that otherwise you would not be opposed to?

**Dr Bridle:** The QPPD would take the position that they are probably things that other people are best placed to argue for.

**Mr LATTER:** Okay. Thank you.

**CHAIR:** Dr Bridle, thank you so much for your submissions and also for your input this morning.

**Dr Bridle:** Thanks for the opportunity.

**CHAIR:** It has been very valuable.



**SKELTON, Ms Emma, President, Brisbane Youth Education and Training Centre Parents and Citizens Association**

**CROSSLAND, Ms Angela, Vice-President, Brisbane Youth Education and Training Centre Parents and Citizens Association**

**HOBBS, Mr Michael, School Principal, Brisbane Youth Education and Training Centre**

**CHAIR:** I now welcome the Brisbane Youth Education and Training Centre—BYETC—Parents and Citizens Association, who will now give evidence. When you are ready would one of you like to make an opening statement?

**Ms Skelton:** Madam Chair, ladies and gentlemen of the House committee. In the spirit of reconciliation, I would like to acknowledge the traditional owners of the land on which this event is being held and pay my respects to the Elders past and present. My name is Emma Skelton and I am the Brisbane Youth Education and Training Centre Parents and Citizens Association president. Accompanying me today are two other members of the parents and citizens association: our vice-president, Angela Crossland, and Mike Hobbs of the school community.

An important role of the P&C is to advocate for youth in contact with the justice system of Queensland—that is, youth in detention and youth in the community on orders or on bail. A key priority for the parents and citizens association is improving the prospect for rehabilitation of young people involved in the justice system of Queensland. We believe that quality educational options are an essential part of the rehabilitation process in supporting and guiding young people as they mature and embark on a productive life.

We support the intention of the legislation and the principal's role in maintaining a safe and supportive school community. However, we believe that the committee may be unaware of possible unintended consequences of one aspect of the bill. We note and support the points made by the Law Society, in particular the ambiguity around suspension relating to non-serious charges that are not directly related to the school community.

We also are concerned about the proposed amendments for natural justice where the proposed changes may lead to a young person being punished twice for a single offence not related to the school community. Many young people break the law and are charged but go on to be productive citizens. Our concern is that legislation may inadvertently create a barrier for these young people, preventing them from returning to mainstream education and consequently reducing their chance of successful rehabilitation.

Some submissions have called for an increase in the funding for flexible schooling. We submit that, while flexible schooling has its relevance for some young people in some situations, it does not deliver the same range and quality of educational outcomes that mainstream state education does. Youth justice is aimed at rehabilitating young people and education plays an essential role in this process. We are aware of young people, who, after committing an offence, have successfully rehabilitated themselves with schooling playing an essential part of this process. This aspect of the bill of excluding them from school after paying their debt to society will place an additional barrier to their likely success. Reducing access to schooling, we believe, would most likely be a limiting factor for rehabilitation. If the chance of rehabilitation is cut off, then there will be a greater cost to the community in the long run as those young people will need increased support from community based services. In the worst-case scenario, if a young person living in a regional location is excluded from school, there may be no other viable educational alternative. Consequently, this provision in the bill may have the unintended consequence of trapping these young people in a situation where there are few options for rehabilitation.

An additional concern is for those young people charged with offences who are subsequently found to have no case to answer. Not all young people charged with offences are guilty. Some young people could be excluded from schools for up to two years at a critical period in their education and become potentially lost to the education system for simply being charged with an offence. Few other areas of life have such significant sanctions associated with simply being charged with an offence. Through our interaction with the Brisbane Youth Education and Training Centre and youth justice services, we are aware that it is already difficult for young people transitioning from detention or on bail to gain entry into mainstream schooling. Some of these young people are as young as 11 or 12 years old.

Some have proposed distance education. While distance education may be perceived as a viable option, without strong parental or family support distance education can be very challenging. Many young people in contact with the juvenile justice system typically do not experience family support and guidance. Schools provide an adult and peer community through which a young person can receive the necessary support and guidance.

In conclusion, in supporting the legislation we ask the committee to consider that the implications of the suspension or exclusion clause for non-serious offences be considered. We believe that the proposed amendments may increase barriers to successful rehabilitation. This would be an unintended consequence of the proposed provisions. Thank you.

**CHAIR:** Thank you very much for your input, Ms Skelton. Could you tell us a little bit more about BYETC?

**Ms Skelton:** Sure. The Brisbane Youth Education and Training Centre Parents and Citizens Association came about in discussion with the school personnel, including the school principal. Like an ordinary P&C, it is made up of parents who support the students within the school environment. However, given the uniqueness of the school within the detention centre, the committee is made up of interested community members and each of those community members have professional backgrounds as well. When we come together on a monthly basis, we are able to give our input towards creating a transitional pathway for these young people when they leave the detention centre. So it is a unique P&C in that we cannot have parents on that particular committee. So we as volunteer committee members bring our experience, other expertise and our professionalism to enable these young people in the centre to empower them to give them hope—that even though when they leave the detention centre they will be given a chance to become successful citizens.

**CHAIR:** Wonderful. Thank you.

**Mr LATTER:** I might start firstly by thanking you for being here today. Some of you I know and have met before. You are certainly well placed to understand the issues in my area. I also pay particular regard to Mr Michael Hobbs, who Desley has had the pleasure of informing me is a former principal of Mabel Park State High School. While supporting some aspects of the bill, your submission states that your organisation would also—

... support increased school-based structured welfare support... incorporating wider community services that might be relevant.

Could you describe what kind of services you are referring to and why you consider them to be important?

**Ms Crossland:** I think I can answer that question. With young people in detention, one of the key focuses of the Brisbane Youth Education and Training Centre is around improving the core skills of those young people so that they have increased opportunities when they transition from detention back into the community. So that is mainly focused on literacy and numeracy. For some young people in the centre, schooling is not necessarily going to be the best option for them to transition into. Sometimes that is hindered because the school will not accept them back to that particular school. That is not necessarily to do with their offending behaviour; there are some broader issues associated with that. Sometimes alternative options like community supported pathways into employment and training may be better suited to those young people.

However, one thing that we have raised today and in our submission is that, despite those opportunities as great as they are, mainstream schooling is still the preferred option for a young person. Mainstream schooling provides a different level of education and many more opportunities to a young person's learning and experience than perhaps an alternative education pathway. I am not saying that alternative education does not have its place—it certainly does. There are many young people for whom that is certainly a very valuable and very good option. But there still needs to be some support for young people who could potentially still return to a mainstream school environment.

**CHAIR:** Thank you.

**Mrs SCOTT:** Over the years I have seen many young people—the U-turn program where we had young offenders. Often it would be cited that this is the first time they have ever received commendation for something that they have done—a certificate—and that their parents have been there to see that they have accomplished something really significant and so on. Particularly Mike where you sit, you must have learned a significant amount of how to engage with young people and reinforcing positive self-image and all of that sort of thing. Could you tell us a little bit of what you have learned in your time there?

**Mr Hobbs:** Have you got several years? I think one of the committee members said that it was a very complex process, this whole behaviour development and behaviour support in schools, and it certainly is. Before I try to answer your question very succinctly, I think we are advocating for quite a large group of young people, people in contact with the youth justice system, and we are not advocating for young people who are serious offenders. I am a member of the QTU and a member of the principals' association and support their submissions, but the QTU person got something slightly wrong. When we said non-serious we meant non-serious criminal offences, not offences in school. I think the point there is that there are serious criminal offences, and we have had some stabbings and I have met these young people, and we have had other terrible things which we are not talking about, we are talking about more minor offences where a young person is in contact with the police, the youth justice system, yet a principal without strong guidelines and guidance might believe that this young person does not have the right to be in their school and that is the ambiguousness that we were talking about.

Two days ago I was talking with a young person who has been in the centre three times. I was commending him. He has just worked out that learning to read and write, learning some job skills, these sorts of things, are the way for him to change his life. I did not ask him, he told me that. He told me that while we were sharing some food. While that is not the majority, often it takes a lot longer—until they are in their twenties. But there are young people who need the benefit of state schooling. We are very strong on state schooling.

The behaviour plan you were talking about, I believe particularly with young people with autism—my son is a consultant on autism in the Catholic system. They are developing things like autism friendly practice where the whole school learns about autism and learns how to deal with it. I think there are lots of innovations happening in Education Queensland as well and I think that is really good. But those young people need somebody with the expertise, I think you were alluding to, to help the teachers gain a plan, come onto the plan and put that plan into practice so everybody is on the same page.

**Ms Crossland:** Your question was around recognising achievements. That is certainly something that has been communicated to us from the school. Last year they conducted the triennial review.

**Mr Hobbs:** Quadrennial. It is four years now.

**Ms Crossland:** In that review parents were consulted as well as students and also teachers. One of the key comments from the parents was around their young person's abilities to write. They might have been writing them letters and they had never had any experience where their son or daughter had produced written work. That was a very significant change. But also in the conversations that the parents may have been having with their son or daughter they made mention of these certificates that they might have received once they had read a certain number of books and how those small steps really improved confidence and it boosted the young person's view of themselves. That is very key to helping a young person change their ways and obviously improving their outcomes later in life.

In saying that, I suppose why we are here today is around that very significant support that is required for a young person transitioning from detention or from youth justice orders to be received and supported. And often it is people that they already know and that they are familiar with that can provide that support and often it is the support that they do not have at home but they may have in a school environment. Closing the door at the school level can have very strong implications on that rehabilitation process.

**CHAIR:** Thank you very much. I think one final question.

**Mr BENNETT:** Ms Skelton, unintended consequences were referred to in your introduction. Could you give us some examples on how that could be addressed in the bill? You raise the bill having unintended consequences. Do you have a possible solution?

**Ms Crossland:** One of the biggest struggles with the BYETC is that it is education that sits within the youth justice services and there is ongoing communication between the two departments and then also Communities and Health. There are a whole lot of different government departments that communicate to support a young person. Perhaps there may be some reference to that or some way to incorporate that structure into the bill. I do not know. That is an idea.

**Mr BENNETT:** That is what I was asking.

**Mr Hobbs:** Can I add that the key thing is what type of offence it is and the judgement on how it affects the school. Does joyriding in stolen cars affect the school? I am not saying it does or does not, but who makes that decision? There are a lot of minor offences where young people will

be charged. It is a lot of young people. We are not talking about just a few. Currently there are nearly 200 young people in detention. That is just the tip of the iceberg. As a principal I support the bill, but the question is does it close the door on those young people, especially if they want to turn their life around?

**Mrs SCOTT:** I am aware that Aboriginal and Torres Strait Islander elders visit the detention centre quite regularly. How significant is returning to their cultural roots and having that understanding and respect for their elders and their culture and so on? Is that a significant part of what happens there at the centre?

**Ms Skelton:** I just want to give an example, having worked with Aboriginal children who are returning to their communities in Cherbourg in particular, because I did a program with them, an Indigenous mentoring program, so hopefully in giving this experience it will answer your question, Desley and Steve. What happened is a grandfather that I spoke with in Cherbourg talked about not having the ability to bring their child back into community and that was only because that young person, even though they had been brought up with those traditional cultural values, they had not taken it on board. So, on trying to return him back to Cherbourg the community rejected him. So this grandfather had to relocate his grandson to another community, but in doing this all they did was relocate the problem. They did not solve the problem. With the Indigenous mentoring program we open the doors to, one, workshopping with the parents and also the child. You cannot return a cultural child to their community without empowering the parents, because you are returning the kid back to the problem.

Cultural communities need to understand that traditional values are important. However, we have a new generation that has been brought up in Australia so integrating those societal changes into their traditional culture makes it easier for them to return.

**Mrs SCOTT:** That is very interesting.

**CHAIR:** We appreciate that. Can I thank you all for your input and for your submission. Thank you very much for your time.

**Mr HOBBS:** Would you like a copy of the statement Ms Skelton gave me?

**CHAIR:** Yes, thank you.

**DACEY, Mr Jack, Private capacity**

**CHAIR:** I now call on the very last witness of the day, Mr Jack Dacey, who I think has probably been here the longest of nearly everyone.

**Mr Dacey:** It has been informative.

**CHAIR:** Would you like to make an opening statement?

**Mr Dacey:** I have taught internationally. Hi, Neil. Neil is my representative in Wynnum. I live in Wynnum. I used to work at Wynnum State High. I have taught in Hawaii and I have taught in California. I have taught in New Zealand. I have taught in Las Vegas. Most of them have been programs for problem kids. Within this I have learnt a lot of things, especially in New Zealand where I was at a remand home where kids were actually probably going to be going to jail or they were on remand waiting for their sentencing from the judge. Judge Brown was very big over there in Auckland. He used to have a system where he would talk to the parents and the offenders and unpack what happened in front of the people. That was an interesting way of doing things. It was pretty well accepted over there and cost effective.

The first thing I have got to say about this whole thing is that the bill is not put together too well and it gives principals a lot of power. The Director-General of Education used to be a teacher—went to the CMC. The regional director of Education—went to the CMC. The Djarragun principal took \$7 million—\$9 million off the government. There was the case in Burpengary where the deputy principal committed suicide—and there have been others. What I am trying to say is sometimes principals are not trained or the right person to be making certain decisions. I guess we are giving a lot to principals within this whole structure. In the Djarragun case, she is suing the Department of Education because they had not helped that much. We have to really have some structure.

**CHAIR:** Mr Dacey, beware not to discuss anything that may be in front of court at the moment.

**Mr Dacey:** I did not know that case was in front of court. I went to the inquest for a week and a half on one of them. I have submitted my ideas which you guys already have. I would like to take this opportunity to impart the ideas of many hands-on educators. This includes many teachers, principals and behaviour personnel I have consulted with on this issue. My email has been going hot. I am trying to get it from grassroots people who have actually done these kinds of jobs. I should mention that for 10 years I was a behaviour management teacher. I set up a system where we had computers and kids came down when they had problems with teachers. I had them cognitively go over it. They would actually do it on the computer and type it out. They might not like it at first, go and get a drink of water, a kid would swear and I would say, 'Please, not down here. Come on. We're in a different environment.' After a while you gain that kind of respect. You help these kids during the situation. Some kids at times brought knives to school. They were going to get somebody. Another kid would actually tattletale on that kid, tell me and I would actually pull that kid out and say, 'Come on. Can we have a conversation today?', pull the knife off the kid, tell the parents what was going on and exit that kid for a while. In other words, if you have got people that they have respect in it will probably take care of some of these situations. I set up the Chandler centre. I got the mayor to give us the Chandler centre for these kinds of kids. We had 17 secondary kids. It worked. The kids came all the time. Because as AVT teachers they wanted the numbers in the schools, they broke up the program. It was not really a good idea. The parents were happy. We used to talk with the parents after and I have never seen a program where they get so many kids coming and they want to come. We used to use distance education for some of their material. I will get off what we have done.

First of all, government agencies should be helping to improve students' behavioural outcomes as this is a growing national problem. We keep on saying schools, schools, schools, principals, principals, the Department of Education. Wait a minute! They come as a whole. Let us get communities, let us get other organisations, let us get welfare, let us get everybody to put a pool together to help this kind of situation out. It should not just come out of the Education budget. No wonder they are flagging it a bit. I have read a lot of submissions. I contacted Mr Cole, the principal from Gympie. He actually goes to a singing group in Caboolture that I go to sometimes.

They are saying, 'Give us a behaviour management teacher for every 500 kids,' but what is happening with behaviour management? I just talked to them yesterday: they are cutting the numbers. Yesterday I got a quote that in some cases they have 22.5 behaviour management teachers for 85 schools or something. Unless you are there the day that things are happening, there is really nothing much that is going to happen, is there? I am getting off course here, but I am getting to what I have say.

The students will either become responsible, independent citizens if we take these courses or take another route which we will have to endure and financially pay for. Better communication between agencies, while desirable, is difficult as the excuse of confidentiality is important. When they increase penalties for speeding, does that actually work and stop people speeding? I have written to the department many times. I think Saturday detentions are a good idea if we do it right. We could use a library in some cases. It could be a positive thing. The kids might actually like coming after a while if you get the right personnel to supervise detention on Saturday. If you extend that to a five-hour day, you could put a lot of effort and a lot of teaching into that. That might count as two days of school. Thus we might be able to put the student in school on Monday, Wednesday and Friday, giving the teachers and the principal a break and the kids may be able to survive better in school with programs like that. Then there is everything else that was said about Saturdays. I think they talked about the fathers who probably are not at home and things like that.

The plan is a bandaid solution at best. In Caboolture, Logan, Deception Bay, Woodridge—the list goes on—over recent years successive governments have taken money out of the youth and social support sectors, making it harder for them to function effectively in communities of high need. The fix for the most difficult of our students is not excluding them from the system but rather providing them with well-organised and supported interventions. Support community hubs in these known difficult areas where highly skilled collaborative staff—health, welfare, education, police—can work on the bigger picture. The role of the school is just one part of this machine.

By the way, you can probably tell that I am ADHD. But a long time ago a Mr Donaldson helped me when I was a kid. He probably took me on a different course. I came from the projects, where a guy called Glen died of a drug overdose across the street and stuff like that. People who influence you at certain points of life can change the course of where you are going. That is what we have to do. This plan just kicks them out, and who are they going to be with when they get kicked out? Who are going to be their friends? Who is going to be paying for it later on?

They are going to make it 10 days for suspensions now—no questions asked, 10 days. We will have fewer suspensions as far as the statistics are concerned because if they start handing out 10-day suspensions that is five per cent—10 days out of 40 weeks of education—of the kids' education gone. They will not be getting the education that they would have been getting in those two weeks in school, and those are the kids who most need it. They will be out of school. So it will be hard to re-engage after that. If the Queensland government wants to fund some Saturday activities, they need to also be inclusive of the family, carers and collaborative path with other social interventions—perhaps even the police. Has Education Queensland evaluated security risks they are liable for under these arrangements, especially as it is a punitive program in the way that it is put in? We could change that.

Once this is established, principals may exit students without too much difficulty. True, reasonable evidence—accountability audits—should be readily transparent to the public as to negate issues such as unfairly targeting students without offering in-school positive behaviour support first, including functional behaviour analysis for any children or teens with disability and complex behaviour issues. These things are not asked for in this. When I was a behaviour management teacher, they spent a lot of money showing us functional behaviour analysis—that is how you check on kids; check triggers and everything else. I do not see it being used much. I am trying to get back into behaviour management but since they cut the numbers it is very hard to get back in. I am on the transfer list trying to get into what I definitely have an urge to do.

Whilst principals probably do need to be able to make decisions for their school, they must be held highly accountable for the decisions they make. Many recent news items on Education Queensland's leadership highlight that leaders and principals manage to slip between the cracks of accountability. Students may fall into the habit of playing games and hanging out with parents, and suspension becomes a reward, not a deterrent, unless the students are provided with specific programs by the school, even for the short-term suspensions, and their work is seen and rated prior to their readmission. Education Queensland could publish best practice research and include ongoing professional development, including using diverse models of behaviour support for all principals and teachers including checks and balance audits of practice. Checks and balances need to be in place. It does not seem like they are in place. Some principals use suspension/exclusion as the first method of discipline. Some principals take it as, 'Look how tough my school is. My suspension list is up. We run a tight school here.' And some principals will lose sleep because they tried everything they can to help a student.

There should be a check to ensure the penalty was appropriate and other methods were tried. While giving more principals power sounds good, there is a prospect that students and parents will suffer injustice. Often teachers and principals force students and parents to react

aggressively due to a lack of experience, training or time. Mentoring and training would be good. School staff need development in a range of theories before they can effectively apply those theories to difficult situations. It should be noted and recognised that not all kids learn the same way, and teachers need to teach variously so that learning happens the way that kids learn instead of trying to make them learn the way that the teachers learnt.

Administration should ensure that students have a clear understanding of issues as students' environments may differ from the norm, as we probably all know. Education Queensland could devise a matrix that teaches and unpacks what the challenging issues look like, sound like et cetera. Some of these kids probably do not know what they are doing is wrong. If you unpack it and say how it affects others—that is what we did in the computer program when I used to have them write it out. We would say, 'Well you just through a pen at another kid. The teacher is liable if that pen goes through his eye.' So you start telling the kid why he got sent to the principal's office. Then after a while you get the kid to write a letter of apology and you get the teacher to sign it. Thus we are going back to the stakeholder. A lot of times the teachers do not hear what happens to the kids later on. They see them in the class next time and they say, 'What happened?'

When a kid has to front up to the teacher and it is a signed document—we use those documents. Plus you talk to the parents and you say, 'If this happens too many times, they are going to have to suspend.' When you call a parent to tell them that their child is suspended, guess what? They say, 'That is okay.' They know you have been trying, so the parent is not offside. Then you might even help the kid. You might call up and say, 'They mucked up'—and the kid is worried about breaking the suspension to mum and dad—so you might say, 'How about mowing the lawn? How about cleaning out the shed? I am sending him to go to all the teachers now to get as much work as he can.' When you have people who can do something, you hear the principals asking, 'Can we have help?' I do not blame the principals. They want more money and more help. Education Queensland again should not have the burden to pay for it all. Let's try to put something together that can. Maybe you guys can help with that.

**CHAIR:** Mr Dacey, would you like some questions?

**Mr Dacey:** Can I just put something else forward? Stakeholders should explain and reinforce consequences of actions, model and instil respect for self and others—like the old computer program I told you about. We should not just punish but strengthen development of responsible behaviour and self-discipline. Remember that more flies are caught with honey than with pepper or vinegar. Positive reinforcement gets more improvements than punishment any day. Experience shows that relationships matter. Queensland is, or was, a leader in restorative practice. I refer to Margaret Thorsborne's work on restorative justice and transforming conflict. Many suspension/exclusion issues are a violation of many people in relationships. We should incorporate problem-solving actions centred around an exploration of the harm that has been done and how to repair it.

When talking to many ground level staff, they note they are being asked to do more with less. Teachers ask: 'How do you want me to deal with those three kids'—some people say one—'while I have to teach this and the principal is going to be looking at this and saying, "You haven't got this done with the class and the NAPLAN tests aren't too fantastic"—and then sometimes you question why in the NAPLAN statistics you will see that 10 per cent of the kids might not have taken the test, which was on television lately.

Administration has less time to deal with the now more complex behavioural issues—home violence, parental care. Perhaps a classified officer to deal with discipline actions could be more suitable. That came from a principal. He was saying, 'Why don't you give us a position up top where this person deals with a lot of this stuff?' To a degree it is the DP, but what if you have someone who is there just to do behaviour management? And you know what? I would do it. I would do it for a regular teacher's pay, I would take a certain office and I would say, 'I will take the discipline of the school.' It would not have to be paid at a higher rate. It would just be because you want to do it.

Behaviour management teachers seem to be decreasing, especially now that independent public schools have the option to convert these positions. What probably should happen is they should keep the positions and put them back into the public school system to try to help out. We should transform the way school responds to wrongdoing, teaching concepts and accountability, responsibility and empathy to all members of the community. When students have fallen out in our schools and communities and these relationships are not healed, the loss of social capital, productivity, satisfaction and emotional wellbeing is at best sad and at worst dangerous. I would like to walk down the streets without worrying too much. I think as these things go we are going to get more of a judicial system if we do not take care of it.

Some principals may suspend for different reasons. Some may believe that a higher suspension/exclusion rate may be deemed beneficial to retention of students and community expectations. This may shuffle the more difficult students out of the system without actually going through any proper processes, let alone support. On the other hand, some may leave these dramatic actions as a last result after much intervention has been exhausted. One may suspend for wearing incorrect socks and another may reserve this action for a serious physical fight.

Stakeholders should be trained in shifting their thinking away from retribution to focusing on repair, procedural and emotional satisfaction, as this course has enormous benefits for victims of those harmed wrongdoers and their families, agencies and institutions in the wider community. Teachers of behaviour management challenged students have been injured when dealing with violent children. Cameras are used to protect the carrots in the supermarket. Why are they not used in deemed areas that may be potentially explosive to protect all stakeholders? This may be helpful to show parents and also to discuss teaching strategies.

You could incorporate the P&C. The P&C may have a parent talk to a parent—a parent-to-parent action—saying, ‘Your son is disrupting the class for my kid, too.’ Then it is not a hierarchal thing. It is not the principal talking. A P&C person would probably be best suited to doing something like that.

Again, we had a fantastic deal with the Sleeman Centre. Again, it might be a good idea to have a cooking program. Some of these kids come to school with sugary things—coca-cola and everything else. Maybe an alternative cooking program might go for an hour where they use donated vegies and they all learn how to cook and eat that kind of food. They take some home and the parents are happy with this situation. If these ideas are well thought out and implement the use of community public buildings and assistance, it may be very economical. I have that kind of mind. I try to say, ‘How are we going to do this as cheaply as we can? Let’s use community facilities and things.’

Without change based on quality research, quality training and development for teachers and school leaders, and without a rigorous data driven quality assurance process, these problems will continue and cost government and society dearly. I am happy to assist with any further queries via phone or email on request.

**CHAIR:** Thank you very much.

**Mr Dacey:** Sorry I took a long time, but I had a lot of principals, teachers and personnel to whom I said I would say that to you.

**CHAIR:** That is okay.

**Mr SYMES:** I got your email. Unfortunately, I could not take the train in. In your submission you provided a list of behaviour management alternative options such as BoysTown Fresh Start program. Do you think that more flexible learning centres such as the one at Hemmant would be better utilised in high suspension regions?

**Mr Dacey:** Neil, would you get me in that school? I am going for a transfer right now and I would love to go back into what I love. When I had the boys come up from Get Set for Work we had an older guy that they looked at like a grandfather. He would come and pick them up. Every so often he would take them to a skate park, and they would like that, too. They went and I went with them sometimes to cut down on the smoking. He might have been a bit lenient on that. As a department of education employee, I had to say, ‘That’s not going to happen here that much.’ They loved him and they loved the program. It was woodwork, it was fixing bicycles or whatever there was. It was hands on, it was practical and the kids loved it. I think we need practical programs. These kids are all hands on. I used to ask that we held them on Tuesdays and Thursdays. Why? Because the kids would want to go to the program on Tuesdays and Thursdays. So on Mondays, Wednesdays and Fridays they had a lot easier time taking care of them at school. I would say, ‘You just won’t go tomorrow if you keep that up with her.’ It was an incentive; it was a reward. Do you see how I am influencing this within our regular school? We still keep them in the regular school. We still keep them with that community—

**CHAIR:**—which is important.

**Mr Dacey:** The principal I had there was fantastic. I used to go like a little lawyer with the boy. I said, ‘I will take him for three days instead of suspending him.’ That kid would fix my computers and a lot of things. Part of the suspension was that he could not go out at the regular times when the other kids would go out. I would say ‘You have to stay here. You can go out for a break when the kids aren’t outside.’ There are ways to do it. When they left me for a suspension,



after I called the parents and broke the ice—and we used to get a lot of windows broken—10 metres away I said, ‘Did you forget to tell me something?’ The kid would look back and say, ‘What? Oh, thank you, Mr Dacey.’ ‘That’s alright. See you.’ I had him facing the school and the windows. He did not want to come back that night and smash the windows. That is going to save you money, too, at \$280 a window. Can you see my exuberance?

**CHAIR:** Absolutely. We do appreciate your exuberance. Sadly, our 20 minutes has well and truly come to an end. I must thank you very much. Thank you for your submissions and your enthusiasm. We certainly have appreciated it.

**Mr Dacey:** If anybody ever wants to ask me anything, I will go outside and they can ask me whatever they want.

**CHAIR:** That is wonderful. Thank you very much. I would like to thank everyone who appeared before the committee today. The information you provided will assist us in the examination of the bill. I urge those with an interest in the work of the Education and Innovation Committee to subscribe to the committee’s email subscription list via the Queensland parliament’s website. I now declare the hearing closed.

**Committee adjourned at 12.47 pm**