EDUCATION AND INNOVATION COMMITTEE

Members present:

Mrs RN Menkens MP (Chair)
Mr SA Bennett MP
Mr MA Boothman MP
Mr MR Latter MP
Dr AJ Lynham MP
Mr NA Symes MP

Staff present:

Ms B Watson (Research Director)
Ms M Salisbury (Principal Research Officer)

DEPARTMENTAL BRIEFING—EDUCATION AND OTHER LEGISLATION AMENDMENT BILL 2014

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 27 AUGUST 2014

Brisbane

WEDNESDAY, 4 FEBRUARY 2014

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Committee met at 10.35 am

BUSBY, Mr Stuart, Executive Director, Portfolio Services and External Relations, Department of Education, Training and Employment

BRENNAN, Mr Bevan, Assistant Director-General, State Schools—Operations, Department of Education, Training and Employment

PARSONS, Dr Pat, Executive Director, Strategic Policy and Intergovernmental Relations, Department of Education, Training and Employment

WHITEHEAD, Ms Annette, Deputy Director-General, Policy, Performance and Planning, Department of Education, Training and Employment

CHAIR: Welcome. Before we start this morning, I ask everybody present to turn off their mobile phones or set them to silent. Any media recording today's proceedings are asked to adhere to the committee's endorsed media guidelines. If you require another copy of the guideline, please ask the secretariat staff.

The Education and Other Legislation Amendment Bill was introduced in parliament only yesterday, 26 August 2014. At this point, a reporting date for a committee report on the Bill is 20 October 2014. This morning's briefing from the Department of Education, Training and Employment is to get us started on our consideration of the Bill. I thank the department officials very much for being here today at such quite short notice to explain the Bill to us. Obviously, the committee has not had time to read the Bill in detail and now we will be able to do so with the benefit of the department's briefing. It is likely that the committee will have additional questions for the department once members have absorbed the content of the Bill and considered evidence during the inquiry. In this event, it is likely that the department will be asked to brief again.

I will now introduce the members of the Education and Innovation Committee. I am Rosemary Menkens, the member for Burdekin and the chair of this committee. With me are Mr Steve Bennett MP, the member for Burnett; Mr Mark Boothman MP, the member for Albert; Mr Michael Latter MP, the member for Waterford; Mr Neil Symes MP, the member for Lytton; and Dr Anthony Lynham MP, the member for Stafford. Another committee member, Mr Ray Hopper MP, who is also the deputy chair, has sent his apologies for today's proceedings.

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 briefing is public, you are able to request through me as chair that any material or information you have provided 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 code of practice for Public Service employees assisting or appearing before parliamentary committees is contained in schedule 8 of the parliament's standing orders, 'Instructions to committees regarding witnesses'. For the benefit of Hansard, I ask all of those who speak to state their name the first time they speak. I will now hand over to you, Ms Whitehead, to get us started.

Ms Whitehead: Thank you, chair, and thank you for the opportunity to brief the committee on the Education and Other Legislation Amendment Bill 2014. Joining me today from the department to support the committee's inquiry into the Bill are Bevan Brennan, who is our expert on state schooling; Pat, who is our expert on non-state schooling; and Stuart, who is our expert on everything, really.

I propose in my opening statement to provide the committee with an outline of the background of the Bill, an overview of the main amendments contained in the Bill and information about the consultation process undertaken so far for the Bill. I have to say from the outset that my opening statement today is probably a bit longer than previously I have given to the committee and

that is really on account of the number of amendments that are contained in the Bill. I think, given the time lines that we have and the lack of time that you have had to read the Bill in detail, as you indicated, chair, I think it would be remiss of me not to take the opportunity to elaborate on several of the significant reforms just to improve your understanding of the issues.

CHAIR: We appreciate that. Thank you.

Ms Whitehead: The Education and Other Legislation Amendment Bill 2014 is, as suggested by the title, a miscellaneous amendment bill. The Bill contains amendments to various acts within the Department of Education, Training and Employment portfolio. While the Bill may at first appear to contain quite disparate amendments, many of the reforms emanate from the common policy objective of supporting school autonomy by enhancing local decision making, making schools safe places, improving educational outcomes and reducing red tape.

This Bill is in part the result of a discrete review of the Education (General Provisions) Act 2006, which was conducted in order to identify opportunities to further these objectives. A miscellaneous bill also presents a timely opportunity to consider whether previous provisions within the portfolio's legislation require amendment in order to operate effectively in the present day and in order to ensure that they are contemporary. To this end, the Bill contains amendments to several provisions to ensure that they meet the current operational needs of the Department of Education, Training and Employment and its education and training stakeholders.

I will now summarise the key reforms in the Bill, which help realise these policy objectives. Firstly, I will deal with the amendments to the Education (General Provisions) Act 2006. As foreshadowed, a considerable portion of the Bill contains amendments to the General Provisions Act. So I will focus on these amendments first. The first issue that I wanted to deal with is the issue of mature-age students. The Bill contains amendments relating to the enrolment of mature-age students in state schools. The amendments aim to achieve two key objectives: firstly, providing an appropriate learning environment for adults and, secondly, empowering local decision making. The Bill restricts mature-age student enrolments at state schools to prescribed mature-age state schools, or state schools of distance education. Schools that may be considered for prescription as a mature-age state school include the schools at Kingston, Eagleby, Coorparoo and Townsville, commonly referred to as centres for continuing secondary education. Schools like those four schools provide specifically tailored education programs and appropriate learning environments for adult learners.

Centres for continuing secondary education provide programs, services and learning spaces suitable for adult learners. For example, they offer flexible delivery hours such as night classes. Their physical infrastructure such as learning spaces and other facilities and amenities are appropriate for mature-age students and may have some degree of separation from the main student body or have a distinct identity as a mature-age student facility. The rationale for restricting the mature-age students to specifically catered adult centres is also prompted by data that demonstrate that adult learner completion rates are approximately 80 per cent in centres for continuing secondary education, but only 50 per cent in other state schools. Let me be clear that these amendments will not apply to mature-age students currently enrolled in state schools or students repeating year 12.

The existing mature-age student enrolment regime in the General Provisions Act allows a student to enrol in any state school, provided they have a positive mature-age student notice. This notice declares that the person is suitable to be a student of the school. It is based on an assessment of the mature-age student's criminal history.

To boost a state school principal's role as chief decision maker for critical decisions affecting their local school community, the Bill provides for a principal of a mature-age state school to make decisions on mature-age student enrolment, taking into account any criminal history. This will remove the current requirement for a mature-age student to obtain a mature-age student notice. If the principal considers that the mature-age student poses an unacceptable risk to the safety or wellbeing of members of the school, the enrolment decision will be referred to the director-general.

The provisions relating to hostile persons is the next section that I wanted to deal with. The Bill makes amendments to current provisions in chapter 12 of the General Provisions Act, which provide a range of options for dealing with hostile persons on school premises. These provisions collectively are concerned with ensuring that schools are safe places. The Bill will allow state and non-state school principals to give a verbal direction to a hostile person to immediately leave and not re-enter the school premises for 24-hours. At present, a direction of this type must be in writing. The ability to give a verbal direction improves utility as it can be counterproductive to have to issue a written direction in emerging situations.

The amendments also recognise that principals are best placed to manage their school community by giving state and non-state school principals the ability to give a written direction to prohibit a person from the premises for up to 60 days in certain circumstances. This power is not a new power, but it presently sits with the director-general or with a non-state school's governing body. A comparable amendment gives the director-general on a non-state school's governing body the power to give a written direction for more than 60 days but not more than one year. Currently an order is required from the Queensland Civil and Administrative Tribunal for such directions. It is worth commenting so as to remove any doubt that these directions cannot be given to students of the school or certain other exempt persons. As you know, the Act contains specific student disciplinary provisions on which a state school principal can reply to deal with students.

I will now turn to the issue of exemption from compulsory schooling and participation. The General Provisions Act currently contains compulsory schooling and participation obligations. Attendance and participation are vital components in attaining an education, and let me stress that every day really does counts and we do want to ensure that our children are attending and participating in school fully. However, the General Provisions Act also recognises that it is sometimes necessary for a student to be absent from time to time. These absences may be due to medical, family or travel reasons or because of the student's involvement in cultural or sporting activities at an elite, national or even international level. Accordingly, the General Provisions Act allows for exemptions from compulsory schooling or compulsory participation requirements in certain circumstances. While the ability to grant exemptions has been delegated to state school principals, principals in non-state schools must currently apply to the relevant departmental officer, who makes the exemption determination as a delegate of the director-general. The Bill will now empower non-state school principals to grant exemptions for up to 110 school days, or approximately two school terms, in a calendar year. The amendment enhances local decision-making and acknowledges that principals are best placed to make these types of determinations, especially with their local knowledge of the student, their family and personal situation.

I will now turn to the section that deals with prosecutions for failing to meet compulsory schooling obligations. Under the General Provisions Act, parents can be prosecuted for failing to ensure that their child is enrolled and attending school in the compulsory schooling phase or meeting requirements of the compulsory participation phase. At present these prosecutions can only be commenced by the director-general or with the director-general's consent. The Bill enables the power to commence these prosecutions to be delegated to an appropriately qualified officer of the department. It is intended that this power be delegated to regional directors. Regional directors, in consultation with principals, have local knowledge about the student and their family circumstances that may impact on school attendance, making them well placed to make decisions about when a prosecution might be appropriate. The amendment does not itself seek to redress the multidimensional issues relating to school attendance. Instead it is part of a suite of strategies being utilised to improve school attendance. Other measures include intensive case management and the use of strategies such as our remote student attendance officers. Before a prosecution can be brought, the legislation requires that the child's parents be notified of their obligations and, where possible, a meeting be held with them to discuss the child's absenteeism. These prerequisites are not changed by the amendments to the Bill.

I will now turn to the matter of criminal history information. The criminal history information of children is extremely personal and private information. The department does not seek to access this information lightly; however, the Bill contains amendments that allow the director-general to request confirmation from the Queensland Police Service that a student has been charged with or convicted of an offence and to obtain a brief statement of the circumstances of that charge or conviction. This power is limited, and it is limited to support the enhanced school disciplinary powers enacted this year that deal with situations where a student is charged with or convicted of a criminal offence. The Bill ensures a request for the confirmation of a charge or conviction can only be made in very limited circumstances; that is, when the director-general reasonably suspects that a student has been charged or convicted and either the principal or director-general is considering disciplinary action. Also the Bill ensures that the information obtained will be strictly used for disciplinary decisions only.

I will remind the committee that enhanced disciplinary powers introduced into state schools this year will allow students to be suspended when charged with a sexual or violent offence or another offence where the principal considers it is not in the best interests of the student or staff of the school for the student to attend the school while the charge is pending. I just wanted to be clear that it relates to those provisions. A student can be excluded if convicted of an offence and the

principal considers it is not in the best interests of the students or staff of the school for the student to be enrolled at the school. You will see this new power to seek confirmation of a student's charge or conviction is not in relation to a minor offence such as shoplifting; it is only enlivened if it relates to an offence of a nature that would warrant suspension or exclusion in the first instance.

One last point I would like to make about this amendment is that the power in relation to getting police information is not vested in principals; the power vests in the director-general. Only that information required by principals to make disciplinary decisions will be shared with them.

I will now talk a bit about red tape reduction. In terms of the amendments that reduce regulatory burden, the Bill repeals chapter 18 from the General Provisions Act which deals with international education institutions. International education institutions are private businesses that offer curriculums of a foreign country. There are no international education institutions presently operating in Queensland. The Act currently stipulates that the Governor in Council's approval is required in order to operate an international education institution. To be clear, international education institutions will still be able to operate in Queensland. These amendments will simply free these businesses from the unnecessary regulatory burden imposed by the current approval process.

I will now deal with the minor and technical amendments to the General Provisions Act. As I have previously mentioned, other amendments to the General Provisions Act are designed to ensure that existing provisions are meeting contemporary obligational requirements. For example, the Bill inserts new exemptions to the confidentiality provisions allowing the release of information for research and law enforcement purposes subject to appropriate safeguards based on those in the Information Privacy Act 2009. For the committee's benefit, the amendments that fall under this category are identified and detailed in the explanatory notes to the Bill.

I will now deal with the issue of special assistance schools. These relate to amendments in the Education (Accreditation of Non-State Schools) Act 2001 to explicitly recognise special assistance schools. Special assistance schools are non-state schools which cater specifically for children and young people who have disengaged or exited from mainstream education and are not participating in vocational education and training or employment. As we are all well aware, the Queensland Plan has highlighted the strong commitment Queenslanders have to a quality education system and the keen awareness they have of the benefits that accrue from involvement in education. The reforms around special assistance schools acknowledge this fundamental belief by seeking to improve educational outcomes for disengaged children and young people. Whilst special assistance schools are non-state schools, they are not explicitly recognised in the Accreditation Act. The Bill amends the Accreditation Act to specifically recognise the existence and operation of special assistance schools. The amendment to do so is timely, as there has been a growth in the demand for special assistance schools in Queensland. There are currently 20 special assistance schools operating throughout Queensland with a further three set to commence in January 2015. The amendments will enhance the ability of Queensland's independent Non-State Schools Accreditation Board to ensure that special assistance schools comply with accreditation criteria and deliver a quality education program.

Another advantage of the amendments is that it assists in streamlining the existing arrangements for a school to be recognised as a special assistance school. The Bill achieves these aims by specifically recognising that a school will provide special assistance at a school site as part of the accreditation process and by enabling accreditation criteria to be prescribed in regulation against which special assistance schools will be monitored. Currently a school must first be provisionally accredited by the accreditation board, and once the school has commenced operations the school's governing body launches an application with the minister to become a special assistance school. The minister then considers these applications based on criteria prescribed by the relevant ministerial policy. These amendments enable a mainstream non-state school to operate a special assistance campus. Greater flexibility is one of the key benefits of the amendments. The Bill provides for accredited special assistance schools to operate from temporary sites in order to meet emerging needs.

I will now just quickly go through the miscellaneous amendments of the other portfolio acts. The Bill contains amendments to a number of other acts in the education portfolio. These amendments also support the policy objectives of reducing the regulatory burden and ensuring provisions meet contemporary operational requirements, as well as removing some duplication and ensuring consistency across the department's portfolio legislation and with other pieces of legislation. For example, the Bill includes amendments to remove overlap between portfolio legislation and the recently amended provisions of the Public Service Act 2008 that provides

standardised protection from civil liability for state employees. Other amendments align criminal history screening practices for statutory bodies within the portfolio. Currently the Education (Queensland College of Teachers) Act 2005 requires the Queensland College of Teachers to disclose police information to the applicant in every instance before using the information to assess the applicant's suitability to teach. The Bill will amend this requirement in relation to applications for renewal and restoration of teacher registration and permission to teach. The amendments provide that the QCT need not disclose police information where the information has previously been disclosed to the applicant—so the applicant is already aware of this—and where it will not adversely affect the college's decision about the person's application. This will reduce the resource burden on the QCT in disclosing this information to applicants and the regulatory burden and any potential distress on applicants who have previously responded to police information and have already been granted registration or permission to teach. This issue comes up consistently with renewal of applications.

In terms of consultation, consultation on the various amendments occurred with a range of stakeholders. For the committee's benefit I will outline the specific consultation that was undertaken on the key policy proposals in the Bill. The Queensland Secondary Principals' Association, the Queensland Association of State School Principals, the Queensland Association of Special Education Leaders, Queensland State P-12 Administrators' Association and the P&Cs Queensland were consulted in regard to the amendments that relate to the enrolment of mature students, criminal history for school discipline decision, disclosure of confidential information for research and law enforcement purposes, charging a fee for interstate students to attend distance education and cancelling enrolment in distance education for nonpayment of fees.

In addition to the stakeholders I have just mentioned, Independent Schools Queensland and the Queensland Catholic Education Commission were consulted on the amendments that are related to dealing with hostile persons on non-state school premises. Independent Schools Queensland, the Queensland Catholic Education Commission and P&Cs Queensland were all consulted on the amendments allowing principals of non-state schools to grant an exemption from compulsory attendance or participation.

As detailed in the explanatory notes for the Bill, targeted consultation occurred with stakeholders and draft amendments in the Bill that were relevant to the stakeholder interest. Specifically, Independent Schools Queensland and the Queensland Catholic Education Commission were consulted on draft amendments contained in the Bill relating to non-state school governance arrangements, special assistance schools, giving direction to hostile persons and granting exemptions from compulsory schooling. The Non-State Schools Accreditation Board was consulted on amendments relating to non-state school governance arrangements, the alignment of criminal history screening and disqualification criteria across the DET portfolio bodies and special assistance schools.

The Queensland College of Teachers and the Queensland Teachers Union were consulted on the amendments to the Education (Queensland College of Teachers) Act 2005. The Red Tape Reduction Council of Principals and the Queensland Teachers Union were consulted on the draft amendments relating to giving direction to hostile persons, criminal history information for school discipline decisions, delegation of the prosecution powers and mature age students. All stakeholders were generally supportive of the policy approach in the amendments in the Bill. I am able to provide further information about the consultation undertaken if required and we are pleased to offer assistance to committee members today with their inquiries into the Bill. Thank you for the opportunity to come and brief you so quickly. Thank you.

CHAIR: Ms Whitehead, thank you very much for that. It is quite an involved Bill and it does have a lot of information in it. I might start the questioning briefly on a couple of areas. In terms of mature age students, I noted you said there was a school in Townsville, and I guess as a rural member I do take note of those things. Will that be part of a larger school or are they absolutely separate establishments on their own?

Mr Brennan: Mature age students are currently enrolled in CCSEs, which are Continuing Centres of Secondary Education, and those centres have both mature age students and regular mainstream students and quite a number of other adult students are currently enrolled in what might be deemed traditional state schools. Under this Bill, the enrolment of mature age students will be restricted to the four CCSEs and potentially two other secondary schools that are traditional secondary schools which have traditionally had larger enrolments of mature age students.

CHAIR: If I have mature age students in my area in, say, Bowen or Collinsville, are they able to enrol in distance education?

Mr Brennan: Yes.

CHAIR: What is the cost for those students? Is there a community service obligation for, shall we say, mature age students who have not completed those years, or do they have to pay?

Mr Brennan: For distance education?

CHAIR: Not even distance education; to go to the special mature age student school.

Mr Brennan: Yes, the CCSE. They would pay some fees—

CHAIR: There are fees?

Mr Brennan: But they are minimal fees. It would be different in different places because some CCSEs would have, for example, textbook schemes which would extend to mature age students; others would not. They would require the student to buy their own textbooks, for example, and other resources, so there would not be a one-size-fits-all answer to that. But in terms of the fees, I think most people would consider the fees quite minimal and they are not fees for instruction. They would be fees for resources.

Mr Busby: If I can just add to that, the Bill also makes it clear that a mature age student enrolling in a school of distance education will not be charged fees for that service whereas other students who fall outside of remote areas or are not itinerant in lifestyle can be charged fees for distance education.

CHAIR: Thank you for that. The other comment is on the special assistance schools. You said they are non-state schools. What are the funding arrangements for these special assistance schools?

Dr Parsons: The special assistance schools generally receive the highest rate of state funding in terms of recurrent grants. In terms of the Commonwealth, they generally receive the highest Commonwealth funding as well. That is on the basis that the students have an inability to contribute, so there are no fees charged to students in special assistance schools. They are not state schools.

CHAIR: Are these schools run by community organisations? Can you give us a little bit of an overview of what some of those schools are?

Dr Parsons: There are 20 of them. They are run by corporations. For example, in terms of the Trustees of Edmund Rice Education Australia—that is a corporation—it conducts 10 special assistance schools. Ohana Education Inc. and Arethusa College Ltd are not-for-profit corporations that conduct special assistance schools. Toogoolawa Schools Ltd is another one. It is a longstanding special assistance school that runs from year 1 to year 12. Another example is The Roman Catholic Trust Corporation for the Diocese of Cairns which is to conduct one or two special assistance schools as well.

Dr LYNHAM: Just again about the special assistance schools, I have met with some education representatives already. There is a bit of a concern about transition of children out of special assistance schools back into mainstream schooling. I know it is quite a big incentive to have a kid at a special assistance school because there is a lot of financial remuneration to the body. I know this Bill is simply recognising them, but as part of that recognition process is there any provision for incentivising the return of such students out of these schools back to mainstream schooling, which I see as quite a good initiative?

Dr Parsons: To move back into mainstream or conventional?

Dr LYNHAM: Yes.

Dr Parsons: The state conducts positive learning centres and the attendance pattern there appears to be that the students will attend the state positive learning centre and generally go back to the conventional school. In terms of what we think is happening in non-state schools or special assistance schools, our perception is that the students will tend to stay at that special assistance school because maybe they fit there or maybe because of their circumstances, their personality, their background, their ability and so on they tend to find a home there I guess.

Dr LYNHAM: It has just been brought to my attention there is less of a transition in these schools than there is from the state system.

Dr Parsons: Yes.

Mr Brennan: My experience would be that there have been times when those students do transition and that we involve whoever is in charge of the special assistance school and the principal of the relevant school. There certainly have been instances where students have

transitioned, and that is a matter for the heads of those two organisations to determine what a suitable transition would be. In some instances they might go to school; they might go to, say, the secondary school from a special assistance school; they might go to the traditional school for one day a week or they might go for a half day. But certainly there has been cooperation between those organisations to transition those students quite successfully in some instances.

CHAIR: Thanks, Mr Brennan. If I could just add to that, are any of those students in the special assistance schools able to come out with formal qualifications? Do they actually get to that level?

Dr Parsons: Yes, many do.

CHAIR: In the school?

Dr Parsons: Yes.

Mr Busby: I would also like to just confirm the Bill is going to allow us to prescribe in regulation accreditation criteria specifically tailored towards special assistance schools. So during the development of those criteria we are giving consideration to that issue of transitioning them into mainstream school or further education or employment and whether that needs to be embedded within the criteria regarding the educational program.

Dr LYNHAM: Representations to me suggest that is a very significant issue.

CHAIR: Yes, because there will only be some success stories and some may not be able to reach that level, and that of course is understandable.

Mr BENNETT: Thanks again for coming in. I am just curious around the hostile persons issue and wondering about the frequency of this occurrence in our school system, and I suppose it is hard not to imagine that this stuff does not go on. In terms of the feedback from that key stakeholder engagement, was there any fear that we were maybe perhaps putting principals or teachers in any more potential danger by doing a verbal as opposed to taking a deep breath and doing the written notification? It is just a question. It is obviously a hostile environment anyway, hence the name of the criteria. I am just interested in more comments around that thank you.

Mr Busby: There was strong support through all of our consultation from the education sector and the union for these amendments, particularly the amendment around the verbal direction for the cooling-off period of 24 hours because, as Annette mentioned, currently the requirement is to go back to your office and write out the direction in accordance with the approved form in this volatile situation. So there was strong support all around for that.

Mr Brennan: From experience, it is a then-and-there opportunity now for a principal to ask the person to leave the grounds with authority and, as Stuart says, it is about a cooling-off period. It is about saying, 'This isn't going to be resolved here and now with this aggression or with this assertiveness. Let's take some time out and sort this out in a proper way.'

Mr SYMES: Mr Brennan, you briefed us recently on student attendance rates and you said that there had been only two prosecutions that you were aware of when you briefed us and that the warning notices were often very effective. Could you please advise the committee whether a warning notice is the first formal step in the legal process and therefore has to be approved by the DG and, under the Bill, the regional director? Can you also update the committee about how many warning notices have been issued in the past 12 months?

Mr Brennan: Madam Chair, I am going to have to take that one on notice. There are several conduits to that answer. I am happy to answer it, but I would not like to mislead the committee with some figures that are not accurate. So if I might, I will take the question on notice. I am happy to answer it and I will communicate through you if I may.

CHAIR: Understandably, yes, because we would appreciate that.

Mr Busby: The notice requirements will be on the principal, so they are the ones who provide the notice to the parents and try to meet with them.

Ms Whitehead: But that is the first step.

Mr Busby: That absolutely is the first step. It is a prerequisite under the Act that the notice be given and the meeting be had where available before heading down the road of prosecutions, and it is the departmental policy that prosecutions are absolutely a step of last resort. With regard to this amendment, by enabling the delegation of that power to the regional director we are hoping to

support more localised decision making where the regional director and the principal are better informed about the child, their family, their situation in making what is an appropriate decision about the remedy in the situation.

Mr BOOTHMAN: My question is a follow-on from the member for Burnett regarding directions to a hostile person. Is there going to be a process of a right to appeal a decision from a principal ordering an individual off the school grounds?

Mr Busby: As is currently the case under the Act—all of these powers are in there by the way; in relation to the 24-hour period, we are just changing the process by removing the written notice and we are changing the person who can give direction in relation to the 60 day and 60 days to one year—there is no right of appeal from the 24-hour ban for obvious reasons that it would be meaningless to seek an appeal about a ban that only goes for a day, but there are rights of review for the larger bans.

Mr BOOTHMAN: Is that ban actually recorded though? For instance, does the principal actually record that that individual has been removed from the school on such and such a date?

Mr Busby: We will record that on our database, the OneSchool database. All of those decisions are recorded on the database.

Mr BOOTHMAN: I suppose that is my question. Just say, unfortunately, as an example, a child was in a confrontation with another child and the parents actually have a bit of a dispute and therefore, because in the heat of the moment they get quite emotional about it, that will actually be put on their record—that is, that they have been excluded from that school for that 24-hour period. I suppose that is my main concern. It would be against their name for the rest of their days, you could say, within the department. Is that the case?

Ms Whitehead: You mean that they would be identified as an aggressive person and every school would know?

Mr BOOTHMAN: Yes, something like that.

Ms Whitehead: Bevan, how does it work on the ground?

Mr Brennan: Is the member suggesting that it would be on the record of the student or the—

Mr BOOTHMAN: On the parent themselves.

Mr Brennan: On the parent. Certainly this would not affect the student's information. In terms of the parent, I think again it would depend on how it was recorded in one school. There is no simple answer. I am sorry, but there is no simple answer to that. It would depend on the way in which the principal chose to record it in one school. Certainly if it is recorded in one school and if it is not deleted from one school then the record would stand, but there would be various ways in which a principal could record in that one school. That would be true.

CHAIR: As a flow-on question from that, if a hostile person has been banned from the schoolyard—and I have spoken with one or two constituents who have been in that predicament, if we can put it that way—if they break that ban and go into the schoolyard, how strong is the principal's directive? Can the principal then bring in the police to actually remove them?

Mr Busby: That is the case currently, in relation to hostile persons. It is a case-by-case basis. There would be times when, certainly, principals and teachers would want the support of police. I am sure that that has happened. The power is not expressed in the Act, but police are called on to help in those situations.

CHAIR: Because actually it is a legally binding directive, at the end of the day, if the principal says, 'Out!'

Mr Busby: It is a judgement call based on the situation. If you have a very volatile and hostile person, principals and teachers may not feel equipped to deal with that person and want the support of law enforcement.

CHAIR: Thank you. Do we have any further questions?

Dr LYNHAM: I have much interest in this Bill.

Ms Whitehead: Good.

Dr LYNHAM: The minefield is the criminal history, obviously. Everyone knows that. There is a lot of concern in this area about genuine kids who have reformed and kids who want to re-engage with the school system being, again, excluded from entering mainstream schooling. What safeguards are there that a kid who has genuinely reformed, but with one indiscretion cannot possibly re-engage in a valued education system?

Ms Whitehead: I guess the provisions in this Bill are about just giving a power for the director-general and only the director-general to have that information. As I said in my introductory speech, it is not a power that principals have. Principals will only be given information that they absolutely need to have. We are very aware that the information is sensitive and that these are children and that the information needs to be treated in a very private and confidential way. Our job, after the Bill goes through, will be to develop some internal policies about how we manage the information and how we make decisions.

Dr LYNHAM: You can see how barriers to reform can occur—

Ms Whitehead: Sure.

Dr LYNHAM:——especially in disadvantaged communities that can be disastrous. It may sound good to the public and to the front page of the *Courier-Mail*, that is, my children at my school will not be exposed to some creature with criminal history, but if there is genuine reform from that person how can we be sure that that person will not be forever excluded from an educational system that may be his only salvation in life?

Ms Whitehead: That would happen now, wouldn't it, where kids with very difficult histories are excluded, because of known histories. I am sure that there are many instances of them re-engaging successfully with schools.

Mr Brennan: I think the preciseness of the question makes it difficult to answer. There certainly would be discretion shown by the director-general and by principals in relation to considering children one by one in the instances that you are referring to. But in terms of absolutely safeguarding it, I guess that is the hard part of your question to answer. In terms of an assurance that students who have a criminal history known to Education Queensland would be given careful due one-on-one consideration, I can give you that assurance. But in terms of them being able to be given that second chance, I guess that is the delineating issue.

Dr LYNHAM: But the issue is if a small community found out about this child the child could be ostracised in that community forever.

Mr Brennan: I guess the other caveat too is that we are only talking about very serious crimes. We are not talking about shop lifting.

Dr LYNHAM: Absolutely, I understand. But you have to realise that education is the salvation of many.

Mr Brennan: No argument, there.

Dr LYNHAM: Absolutely. To a kid who really needs education, to be taken away from his or her only opportunity in life is a very serious thing; very serious.

Mr Busby: I will add to this as well, and I completely accept what you are saying. Just to be clear: in relation to these powers, this is only for use in discipline, not in enrolment. The power here is for the DG to seek confirmation that a student at a school has been charged or convicted and only certain information will be given to the principal to enable him or her to make their decision around discipline. Of course, they may need to make those decisions based on their duty of care to all students. Of course, we accept the responsibilities and the rights of an individual student, but they have to be balanced against the need of all students to have a safe and supportive learning environment. Also, I think these powers benefit the individual student in that currently the power exists in the Act to suspend based on a charge already. We are not adding that; we are supporting the decisions under that. Currently, principals are asked to make decisions around those suspensions based on hearsay and rumour and innuendo and pressure from the community. This enables them to seek confirmation that what has been said about that individual is accurate and the circumstances around that offence, so that they can inform that decision.

Mr Brennan: Through the director-general.

CHAIR: So technically it is a flow-on of the student's own behaviour once they have been actually enrolled in that school?

Mr Busby: This power is about the discipline of enrolled students; that is right.

CHAIR: Are there further questions? I have no doubt we will have a lot more questions as we look further into the Bill and also after we have seen the number of submissions that come in that will raise, I have no doubt, quite a few issues with it. We ask for your forbearance as we send a lot more requests back to you. Committee, do we have any further questions?

Dr LYNHAM: Next time. There are a lot of follow-on questions to that. I can understand and I have a lot more reading to do. I will come back. If no conviction is recorded, the child is labelled and all those other things. Even if it is dismissed in court, there is a label already; bang! All these other issues really have to be thought of carefully, with all this legislation. Obviously the Bill is not going to go through without a lot of questioning.

Ms Whitehead: We are aware of those risks and the need to be very careful with the conditions.

Mr Brennan: Madam Chair, I can assure Dr Lynham that the enrolment of a child is taken very seriously. Certainly, we agree with you in relation to education being the salvation for many children. In these instances, these students are given individual attention and one-on-one care in terms of decision making. There is no one size fits all to this, certainly on the discretion of principals and the judgement of principals and the director-general. We take this matter very seriously.

CHAIR: Thank you, Mr Brennan. I would like to thank all the officials who have appeared before the committee today. As I said before, you have been most informative. I do apologise that perhaps at this stage as a committee we have come not quite as well informed to this particular briefing as perhaps we could have been, but certainly we will be giving due attention and care to this particular piece of legislation. 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 this briefing closed.

Committee adjourned at 11.24 am