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EDUCATION, TOURISM, INNOVATION AND SMALL BUSINESS COMMITTEE

Members present:

Mr SJ Stewart MP (Chair)
Miss VM Barton MP
Mr MA Boothman MP
Ms N Boyd MP
Mr SL Dickson MP
Mr BM Saunders MP

Staff present:

Ms S Cawcutt (Research Director)
Ms M Coorey (Principal Research Officer)

PUBLIC BRIEFING—EDUCATION AND OTHER LEGISLATION AMENDMENT BILL 2016

TRANSCRIPT OF PROCEEDINGS

MONDAY, 13 JUNE 2016

Brisbane

MONDAY, 13 JUNE 2016

Committee met at 10.59 am

BUSBY, Mr Stuart, Director, Legislative Services Unit, Department of Education and Training

O'HARA, Ms Amanda, Director, Early Years and Schooling, Department of Education and Training

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

CHAIR: Good morning. I declare open the committee's public briefing on the Education and Other Legislation Amendment Bill 2016. I would like to introduce the members of the Education, Tourism, Innovation and Small Business Committee. I am Scott Stewart, member for Townsville and chair of the committee. Other members are: Miss Verity Barton, member for Broadwater and deputy chair; Ms Nikki Boyd, member for Pine Rivers; Mr Mark Boothman, member for Albert; Mr Bruce Saunders, member for Maryborough; and Mr Steve Dickson, member for Buderim. The briefing is being transcribed by Hansard and a transcript will be published on the committee's website. Could you please make sure your mobile phones are turned off or at least switched to silent mode. The committee's proceedings are proceedings of the Queensland parliament and are subject to its standing rules and orders.

On 24 May 2016 the Minister for Education and Minister for Tourism and Major Events introduced the Education and Other Legislation Amendment Bill 2016 to the Queensland parliament. The bill was referred to this committee for detailed consideration. The committee is due to report on Tuesday, 2 August 2016. The Department of Education and Training will brief us on the bill this morning, and we welcome officers from the department. We have allocated about an hour to hear from you, including questions from the members. I remind officials to speak into the microphones and to state your name the first time you speak, please. Ms Whitehead, would you like to start?

Ms Whitehead: I would like to thank the committee for giving me the opportunity to provide a briefing on the Education and Other Legislation Amendment Bill 2016. I propose to give you an overview of the legislation and go through the range of amendments and then go through them in more detail so that you get a picture of how they fit together.

As the name suggests, the Education and Other Legislation Amendment Bill 2016 is a miscellaneous amendment bill which amends a number of pieces of legislation in the education portfolio. In summary, the main objectives of the bill are: to make the preparatory year, or prep year, the compulsory first year of school education in Queensland; to improve the regulation of the teaching profession in Queensland; and to strengthen oversight and accountability of funding for non-state schools. As noted in the explanatory notes for the bill, the department undertook consultation with a number of key stakeholders in the development of the proposals and on a draft version of the bill. In general there was support for the bill. I will now summarise the key reforms contained in the bill.

On 24 January 2016 the government announced that prep is to become the compulsory first year of school education in Queensland from 2017. To achieve this, the bill provides that the principal of a state or non-state school must not enrol a child into year 1 unless the child has undertaken prep in Queensland or the equivalent in another jurisdiction; the child was registered for home education in the year prior to enrolment in a state or non-state school; or the principal is satisfied that the child is ready for schooling in year 1, taking into account the child's developmental attributes.

In Queensland children must be enrolled and attending school from the age of compulsory schooling, that is, six years and six months; however, parents are able to enrol their children to commence prep from 4½ years of age. Prep enrolment and attendance is very high across the state currently. In 2015 only a very small group of children in the state schooling sector, approximately 400, enrolled directly into year 1 without first undertaking prep in Queensland. While prep will now be

compulsory, parents will retain the flexibility to delay their child's entry into schooling until the child reaches the compulsory schooling age of six years. As an example, a parent may choose to delay enrolment in prep where attending school requires travelling long distances, where the child is to receive some of their education by attending a boarding school, or where the child is socially, emotionally, physically or developmentally not ready for school; however, if a parent delays entry for their child, the law will now require that the child be first enrolled in prep, subject to the limited exceptions I outlined earlier. This approach aligns with existing state school policy. The bill also caters for children who receive their education through home education by allowing prep-age children to be registered for home education.

I will now turn to the issue of improving regulation of the teaching profession. The bill makes significant amendments to the regulation of the teaching profession by providing a contemporary and streamlined governance structure for the Queensland College of Teachers; improving the teacher disciplinary framework; and strengthening the capacity of the college to protect children and uphold confidence in the teaching profession. Many amendments result from a review of the Education (Queensland College of Teachers) Act 2005—the QCT Act—undertaken by the department during 2014. The review highlighted opportunities to improve the existing legislative framework. Stakeholders provided feedback to the department through a discussion paper process and have been consulted extensively on the bill. More recently it has been identified that there are limitations in the college's capacity to take timely action to suspend a teacher's registration to protect students. Amendments are also made to address this. I will now turn to these amendments in detail.

Amendments are being made to provide a more contemporary and streamlined governance structure by reducing the size of the board from 17 to 15. This will remove one of the minister's nominees and the Queensland Public Sector Union representative. The bill will also require the chief executive and remaining minister's nominee to have the skills and expertise relevant to the college's corporate strategic or regulatory functions. A majority teacher representation is maintained.

The bill introduces a range of improvements to the college's disciplinary framework. By way of background, if the college considers there is ground for discipline against a teacher as a result of a teacher's behaviour, the teacher is referred to either the college's internal disciplinary committee for minor disciplinary matters or to the Queensland Civil and Administrative Tribunal where it is a more serious matter. Minor matters include behaviour where a teacher could be reprimanded or given a warning. More serious matters considered by QCAT, or the Queensland Civil and Administrative Tribunal, can lead to suspension or cancellation of the teacher's registration. The penalties are different depending on whether it is a minor or a serious matter.

The bill removes the restriction that the college can only commence disciplinary action based on disciplinary information, that is, complaints or notification from schools. This means the college will be able to consider a broader range of information in deciding whether to investigate or commence disciplinary action against a teacher; for example, the college will be able to investigate disciplinary issues or child safety concerns reported about a teacher in the media. The amendments will not lower the threshold for when the college must act in response to teacher behaviour. The college must still have a reasonable belief that a ground for disciplinary action exists before taking disciplinary action against a teacher. This prevents the college from acting on rumour or innuendo.

The bill allows a teacher's health related issues to be considered by the college's internal disciplinary committee when they pertain to minor disciplinary matters. The intention of the amendment in these circumstances is for the teacher to be dealt with in a more supportive and non-punitive way. QCAT has similar powers for serious disciplinary matters. For minor disciplinary matters the disciplinary committee—which will now be titled the Professional Capacity and Teacher Conduct Committee—will be able to consider underlying reasons for a teacher's behaviour when deciding on what disciplinary action to take; for example, a teacher's behaviour which has resulted in disciplinary proceedings may be triggered by impairment such as a mental illness or substance abuse. With the consent of the teacher, the committee will now be able to order the teacher to undergo a health assessment by an appropriately qualified registered health practitioner. The college will pay for the cost of the health assessment. When considering a disciplinary matter involving impairment, the committee will be required to include an appropriately qualified registered health practitioner on its membership. The bill will require the college to maintain a publicly available panel of registered health practitioners to conduct the health assessment or be on the committee.

As part of broader changes to the disciplinary framework, the committee will be able to impose conditions on the teacher's registration if they find that a ground for disciplinary action in relation to a minor disciplinary matter is established; for example, a condition for an impairment related disciplinary matter could require the teacher to comply with a management plan developed by a registered health

professional. The committee will not be able to consider the issue of teacher impairment without having ordered and considered the health assessment report and findings. If the teacher does not consent to the health assessment, the committee will deal with the matter as an ordinary minor disciplinary matter without the benefit of the assessment. The bill also allows the college and a teacher to enter into a voluntary agreement about minor disciplinary matters without a formal disciplinary hearing. This will not apply to impairment related matters. The department has advised that in many instances involving minor disciplinary matters the teacher accepts the behaviour was wrong and accepts the proposed disciplinary action. This reform therefore allows minor disciplinary matters to be dealt with more efficiently without going through a full disciplinary hearing.

I will now talk about strengthening the capacity of the college to protect the safety of children. It is a key objective of the college to protect the safety and wellbeing of children and uphold public confidence in the teaching profession. The college has powers under the act to suspend a teacher's registration where they are concerned the teacher poses an imminent risk of harm to children or has been charged with a serious offence. These are generally child related offences. A person cannot work as a teacher in a school while their registration is suspended. There have been concerns that there are some circumstances where the current act does not allow the college to act soon enough to protect the interests, safety and wellbeing of children in schools. The bill allows the college to suspend a teacher's registration where the college reasonably believes that the teacher poses an unacceptable risk of harm to children. This is a lower threshold than the current test of an imminent risk of harm to children. 'Harm' is defined in the QCT Act and must be of a significant nature. The new threshold for suspension of a teacher's registration is consistent with the test used in the early childhood sector under the Education and Care Services National Law (Queensland) and the Queensland Education and Care Services Act 2013. When deciding whether a teacher poses an unacceptable risk of harm to children the college would consider a range of matters including, for example, the type and severity of the harm being alleged, the nature and degree of risk and the number of allegations against the teacher.

If the teacher's registration is suspended under the new threshold, the bill requires the decision to suspend to be reviewed by QCAT. QCAT must decide to continue the suspension unless it considers the teacher does not pose an unacceptable risk of harm to children. The college must also notify the working with children screening agency that administers blue cards when the college has suspended a teacher's registration. This information can then be used to decide whether or not to issue or continue any blue card if the person wants to work in other child related employment. This will help prevent the teacher from sector hopping. The main purpose of these amendments is to strengthen the ability of the college to act in the best interests of children and protect the safety and wellbeing of Queensland students. The aim is to ensure that children are protected while the college progresses disciplinary action to the relevant disciplinary body to make the final decision on the teacher's registration.

The bill also clarifies the existing notification provision in section 76 to give greater guidance to schools about when to notify the college about child harm matters. There has been some confusion in the past about what is meant by an 'investigation of a child harm matter', which is the current wording. It is important that the college is notified early and in appropriate cases so that they can assess whether immediate registration action is necessary to protect students. The amendments also allow the college to enter into an information-sharing agreement with the Non-State Schools Accreditation Board and to obtain necessary information from the police and prosecution authorities to support registration and disciplinary processes.

There are also a number of miscellaneous amendments, so I will just go briefly through those. The bill makes a number of amendments to improve the teacher registration framework and to reduce red tape. Some examples are recency of practice. The bill removes the mandatory requirement for the college to impose a returning-to-teaching condition, which is a specific condition that requires the teacher to undertake a specific professional development program within a specified time frame which is prescribed in the regulation. Under the changes the college will be able to impose an appropriate condition under its general condition power in the act, taking account of the specific circumstances of the teacher. It provides greater flexibility for the college when renewing a teacher's registration to ensure nationally agreed recency-of-practice requirements are met.

The bill also removes the requirement to issue registration cards as they are no longer necessary. An employing authority can access the most up-to-date information to determine the status of a teacher's registration by searching a register of approved teachers online required to be kept by the college.

I will now turn to the issue of recovery of funding to non-state schools. Queensland non-state schools receive funding from both the state and the Australian governments. Recovery of Australian government funding is where the Australian government provides funding to eligible Queensland non-state schools through funding through the state government—so the money goes through the state government and the state passes that funding on to non-state schools. It is a condition of funding under the Commonwealth Australian Education Act that each state has a debt recovery arrangement in place with each funded non-state school. Such arrangements establish a debt from the school to the state in circumstances where the school has been overpaid or has failed to comply with the Commonwealth act. Once the debt is established the state can then assign the right to recover the debt owed by a non-state school back to the Australian government, so it is a matter of the procedure. The bill establishes a debt recovery process that meets the requirements of the Australian Education Act.

In 2014 the Queensland Audit Office conducted a performance audit of the oversight of the state recurrent funding program for non-state schools and highlighted the lack of a formal mechanism to recover overpaid funding as a weakness of the funding program. The bill addresses this issue by providing that the minister's funding policy may prescribe the procedure for recovery of overpaid funding and that it is a condition of funding that overpayments are repaid to the state in accordance with the procedure prescribed in the policy.

It is proposed that the funding policy will outline the process to be followed by the state to recover an overpayment and will include processes for ensuring natural justice and resolving disputes about whether there is an overpayment and the amount of any overpayment. The policy will be finalised in consultation with the non-state sector prior to the amendments taking effect. The bill provides that overpaid funding identified through the process outlined in the policy will be a debt owed by the non-state schools governing body to the state.

There are also some amendments to improve the oversight of non-state schools in the bill. The Education (Accreditation of Non-State Schools) Act 2001 regulates non-state schools in Queensland. Currently the confidentiality provisions in the accreditation act prevent the Non-State School Accreditation Board from reporting to law enforcement agencies, such as the police, any suspicions of criminal activity of a school's governing body. This might include concerns about fraud or misuse of school funds. The bill addresses this issue by amending the accreditation act to allow disclosure of information to a law enforcement agency or a court in certain circumstances. The accreditation act also prescribes school survey data that the non-state school must provide annually to the board to support the calculation of state recurrent funding paid to eligible non-state schools and oversight of non-state schools. Not all of the data currently provided is required for the oversight of non-state schools or the calculation of the state recurrent fund.

The bill reduces red tape on non-state schools by modifying the definition of school survey data which will allow for a reduction in the scope of the data provided. That is all from me in terms of the summary. We will all be happy to take any questions that you might have on any of those aspects of the bill.

Miss BARTON: With respect to prep and homeschooling, forgive my naivety, but when parents want a child to be homeschooled and they register that child as a homeschooled child, how will the Department of Education be able to ensure that the minimum prep standard is being met for them to be able to advance? Is curriculum provided?

Ms Whitehead: There are a range of resource materials available on the homeschooling website to support students through that process.

Mr Busby: In terms of the process, it will be the same for prep-age children that is currently available for children registering for home education now. The parent of the child is required to provide to the department their proposed education program philosophy so the department is able to see what is being proposed to be taught to that child and also requirements to provide samples of work performed by the child through the year. That is what provides some oversight of the standards and quality of the education.

Mr BOOTHMAN: Reading through the green paper, you are talking about it making the process quicker et cetera, but what about for a right to review a disciplinary action against an individual? It does not really talk about that at all in the legislation papers. What is the process for a person to review? For instance, if they feel that the allegations made against that individual are incorrect and they are false, what avenues does the teacher actually have?

Mr Busby: Do you mean where a disciplinary action is taken against a teacher?

Mr BOOTHMAN: Yes.

Mr Busby: It is a fairly involved process. Just quickly to outline it, depending on the type of the matter—minor or serious—disciplinary matters are considered by either an internal committee of the college or the Queensland Civil and Administrative Tribunal for more serious matters. The decisions of the internal committee are reviewable internally and then to QCAT. There are review rights already within the legislative scheme to cater for that. The QCAT legislation regulates reviews of those decisions. We are not changing those review rights. They stay current. They are already prescribed in the legislation.

Mr BOOTHMAN: It mentions the time period of 14 days where the college must consider the registration to be suspended. I spoke to a teacher not too long ago who had a minor complaint lodged against her. It was probably one of the most traumatising periods of her life because it was the first time it had ever happened in her entire life. She said even 14 days feels like forever when you know you have done nothing wrong. After everything was done she was allowed to go back to teaching. I know you say it is too short a period, but taking into consideration the teacher going through this traumatic period, especially when it is the first time it has ever happened, why would you change it from 14 days?

Mr Busby: The change is only being applied where the college has suspended a teacher on the basis of our new test, the unacceptable risk of harm. They are fairly serious concerns and we have tried to find that balance between protecting children and also accepting the impact on an individual against whom allegations have been made. That is why we have introduced that the QCAT will review that decision immediately—that happens immediately, the decision to suspend is reviewed—and if the suspension is continued the college must either commence its investigation or take disciplinary action against them.

The reason we took off the 14-day period is that currently if the college suspends a teacher because of an imminent risk of harm they have to take the disciplinary matter to QCAT within 14 days and, yes, that is trying to protect the interests of an individual, but what we have found is that sometimes when these are quite serious allegations involving child harm, the college is working with the police, the police are investigating, the college is waiting to find out evidence from the police that is required to enable them to substantiate the disciplinary action, and the maximum 14-day period was dissuading the college from acting under that suspension provision because they are not ready in 14 days to have all the evidence available to them. We are trying to give that flexibility in these limited circumstances where there is serious risk of harm, but we have balanced that by ensuring that the college progresses its investigation or progresses disciplinary action as soon as possible. It is a balancing act. We appreciate that there is an impact on an individual, but also we are talking about situations where we are trying to protect children.

Mr BOOTHMAN: It certainly is a very stressful time in their lives.

Mr Busby: Absolutely.

CHAIR: You talked in your introductory statement about 400 students in the state that are not with prep. Do we know geographically where they are situated? In other words, will this have an impact upon particularly Aboriginal and Torres Strait Islander communities and their ability to get to prep? Does that have any impact through this legislation?

Ms O'Hara: I think we would have to take it on notice in terms of preparing a geographic analysis. That probably is the most accurate response that I could give.

Ms Whitehead: I do not think we have the information about the geographical breakdown, but we know there are lots of reasons. Sometimes parents just wish to have children at home, sometimes they have come from another jurisdiction or they have come from overseas. There are a range of reasons. I am pretty sure that we do not have a geographical breakdown, but if we do we are happy to give that to you.

CHAIR: I am happy for you to provide that if you have it. If you do not have it I am happy not to receive it. I am just questioning a bit further whether this might have an impact on particularly communities that might find it difficult to get to a school or something along those lines.

Mr DICKSON: Firstly I would like to welcome you here today and thank you for your time. On compulsory prep, what was the start year for that again?

Ms Whitehead: 2017.

Mr DICKSON: No, what is the minimum age?

Ms O'Hara: Six years and six months.

Mr DICKSON: That is for school. How old is it for prep?

Mr Busby: Currently under the legislation we prescribe the age a child can enrol in prep. Of course it is below compulsory school age, so the way it is prescribed is five years and six months on 31 December in that year. As Annette said in her introductory speech, it is 4½ at the beginning of the year.

Mr DICKSON: Just to tease that out a little bit further relating to those exemptions—they are not ready, the distance is a bit of a problem, they could be doing homeschooling; what other exemptions would there be?

Ms O'Hara: There is an opportunity for the principal to give consideration to a child's attributes. That would broadly be the types of things that Annette referred to before: their emotional, behavioural, developmental readiness. It would be an individual case based analysis.

Mr DICKSON: That is it?

Ms O'Hara: If they have undertaken a prep equivalent in another state of Australia or in an overseas country—they would not have prep, per se, but a prep equivalent—or if they have been registered for home education the year prior to commencing school. They are the three that would be provided for.

Mr DICKSON: I refer to the chair's question earlier on. I think it is pretty important to understand where people are throughout Queensland and if there are Indigenous or Islander people who are going to be impacted and feel like they are forced to go. I think we probably do need to know that information.

Ms O'Hara: The way that this is proposed to be implemented will provide flexibility for those parents who have those concerns. We would not have had that flexibility if we had linked it specifically to the compulsory schooling age, but this way a parent can give consideration to the readiness of their child for commencement of prep. It provides that clarity, I suppose, for parents, that prep is the first year of schooling, but there is some flexibility in terms of whether they start in the year prescribed within the legislation or whether they want to go one more year. They will be older within the prep cohort, but this does provide that flexibility. With those kiddies who are in remote circumstances, their parents can give that consideration and say they are not ready to travel and we will send them the following year, but they will have prep as their first year.

Mr DICKSON: The second question I have is relating to disciplinary action, between minor and major—or what was the other word you used?

Mr Busby: Serious.

Mr DICKSON: Serious. What is the line in the sand? What is the difference? Can you just give us some examples?

Ms O'Hara: The legislation is constructed in such a way that, in deciding whether something is a minor matter or a serious matter, they look at the action that is likely to be taken. You look at the end result. If the action is likely to be a suspension or a cancellation of a teacher's registration then it is a serious matter. That would then be referred to QCAT. If it is not likely to result in a cancellation or suspension then it is considered a minor matter and it would be considered by the internal disciplinary body.

Mr DICKSON: I have got that. I am just looking for some examples. I do not know and I am just trying to understand what would be a minor incident—accidentally kicking the chair of a child as you are walking past? I do not know. That is what I am looking for. Where is the line? Can you just give an example?

Ms O'Hara: In terms of a serious matter, an example is often something that would have impacted a child, or there would be substantial issues within the classroom environment that would bring about questions of that teacher's conduct with regard to the children they are teaching. A minor matter could be a summary offence, where the teacher has stolen something—a question mark about their behaviour but not necessarily something that impacts children directly, something that goes towards the teacher's behaviour. It is question mark about the teacher's professional behaviour but not necessarily something that would impact substantially on the classroom environment or children.

Mr DICKSON: I will give you an example. This happened many years ago when many older people in this room used to go to school. A teacher decides he wants to throw a blackboard duster to the back of the room. Is that minor or major? Where would that fall?

Ms Whitehead: If your question is: are there any particular guidelines or criteria—

Mr DICKSON: That is what I am trying to get it down to.

Mr Busby: No, it is a matter of discretion each time the matter comes in. With that example, if a complaint was made about a teacher throwing a duster at a child—I cannot tell you for sure, but that would likely be a minor matter. If it was harming a child in a significant sexual way—

Mr DICKSON: That would be major.

Mr Busby: That would be a serious matter. There is no hard and fast rule. As Amanda said, it comes down to what the likely outcome is. In terms of throwing a duster, the outcome is likely to be a reprimand for the teacher not to do it again. That is a minor matter.

CHAIR: Amanda, if I may just continue from Steve's question with regard to enrolment. One of the issues that we have in Townsville particularly is when we get refugees coming in from overseas—Somalis, Congolese. According to their visa, they need to enrol their children into a school within two days of arrival into the city. The principal may decide that that child is not ready for prep, given that they cannot speak English or there is no proof of previous school. Sometimes there are questions of age. Their actual birth date comes into those processes. Is that going to impact on that family's visa conditions, do you know? It is a tough question, I suppose, because it is a Commonwealth matter.

Mr Busby: What we are doing will not change that early cut-off age for entry. If a refugee or an immigrant is seeking to enrol in school and they are old enough to enrol in prep, they can be enrolled. There are no provisions there now where a principal could say, 'You're old enough, but you're not ready.' The principal ought not be able to say in that circumstance, 'You can't enrol your child,' if they are over five—or 4½. Does that answer your question?

CHAIR: Yes, absolutely. Thank you.

Ms Whitehead: They may, of course, talk to the family about doing another year of prep, or those sorts of things. They do with any grade level now in schools in special circumstances, although it does not happen often.

Mr Busby: It may be that, administratively, they may talk to the family and say, 'We can see that your child is developmentally low and your options could be to wait a year,' but if the parent wanted that child to be enrolled if it is a requirement of their visa, absolutely they can do it.

CHAIR: Terrific. Thank you.

Ms BOYD: I ask one question in relation to the regulation of the teaching profession. In terms of the governance, I note that this bill plans to reduce the members from 17 to 15. I wondered if you could provide us with some background on why that change is happening and also, if you have the information to hand, what is the composition of the board as it will stand in the future?

Ms O'Hara: Yes, we can provide that. Do you want the background first of all? The issue of governance and the suitability of the current governance model is something that was analysed through a discussion paper process and then subsequently through consultation in terms of different options. The primary motivation was to look at whether the current governance model was contemporary and was working as well as it could be for the board and for the college. We took a lot of information in terms of cross-jurisdictional analysis to look at what other states and territories do—what is best practice in terms of ASX corporate governance guidelines—and certainly, generally, in terms of talking to different education stakeholders.

In terms of the feedback that we received, we were mindful that there was strong support for maintaining the majority representation of registered teachers on the board. There was strong support for maintaining a representative board model rather than a corporate board model so that the interests of all education stakeholders would continue to be represented through that governance model. They were the primary things.

The other thing that we looked at was whether there were the right corporate and strategic skills within the board structure and how they were provided for as well. Again, it was very much a balancing act to look at trying to tick all of the required boxes and, because we were wanting to maintain majority representation of registered teachers and not diminish the representation of education stakeholders, there were limited spaces that we could play with in terms of any dramatic streamlining of numbers. The feedback that we had was that the first two things were really of most importance in terms of structuring something.

You would probably be aware that in the bill there was a proposal to reduce by four members. Through the most recent consultation process, it was evident from the QCT board and also the parent representatives that there was a high level of concern about removing a parent body representative. Although that reduction to one member would be in line with other state and territory models—and a

couple have no parent representatives—we got that feedback and the decision was made to reinstate in the proposal that parent representative. In doing so, we then needed to reinstate the other registered teacher position that we proposed to drop off. That was to ensure that we maintained majority teacher representation on the board also. It was a balancing act and that is really the summary of the machinations behind it. You are interested in who would be on the board?

Ms BOYD: Yes.

Ms O'Hara: There would be a nominee of the minister and that person would be the chairperson; a nominee of the director-general of the Department of Education and Training; a nominee of the Queensland Catholic Education Commission; a nominee of the Association of Independent Schools Queensland; a nominee of the Queensland Teachers' Union; and a nominee of the Queensland Independent Education Union of Employees. The nominee of the public sector union would be removed—they are currently there but they would be removed. There would be a nominee of the Higher Education Forum. The change around that is that we will not prescribe in the legislation that the nominee has to come from the Higher Education Forum, because it is not a body prescribed. It is just a technical amendment, but there will still be a higher education representative. There will be a nominee of the Queensland Council of Parents and Citizens' Associations; a joint nominee of the Federation of Parents and Friends Associations of Catholic Schools in Queensland and the Queensland Independent Schools Parents Association; a nominee of the director-general of the Department of Education and Training representing state schools; a joint nominee of the Association of Independent Schools Queensland and the Queensland Catholic Education Commission. That is the teaching representative. There are two representing state schools and then one representing non-state schools. That person, the non-state school representative, is the joint nominee of the Association of Independent Schools Queensland and the Queensland Catholic Education Commission. Then there are three elected practising teachers: two from state schools and one from non-state schools. The second nominee of the minister, representing the interests of the community, who is currently there, would be removed. The two removed are the public sector union and the second nominee of the minister.

Mr Busby: We could provide you with a copy of that.

Ms Cawcutt: I think it will be in the transcript

Mr SAUNDERS: Who selects these people? We know that there is a nominee, but how do they get selected to be on the panel? For example, does a teacher go through a ballot process? Does that go through the minister's office? Does that go through whomever to make sure that that person is also suitable? My example is the P&C person. We all know that they are in various different groups across the community. Who makes sure that these people are right to sit on this committee?

Ms O'Hara: In terms of the six practising teachers, three are through an election process. There would be processes within that where that person's suitability for the role would be considered. The other nominees are nominated by their respective organisations and bodies.

Mr Busby: In terms of the process, once the election and nomination happens, all appointments are made by the Governor in Council under the legislation. That means that the minister takes it to Governor in Council and it goes through our government processes. The legislation prescribes eligibility and disqualification provisions. All of that is applied. We get criminal history checks on all applicants, and if they are disqualified their appointment is not proceeded with.

Mr SAUNDERS: That is what I wanted to know. I wanted to know the process of how someone gets on the committee.

Ms BOYD: I would just like to ask a question around the debt recovery arrangements for non-state school funding, particularly around the timing of that. The committee has heard in the past about overcounts and undercounts. I wanted to get an idea of when the assessment is made and in which period a recovery process takes place. In my mind, for instance, it is working on a 12-month cycle. Is that the case, or how does it work practically?

Mr Busby: There is no limit. If an overpayment is identified—it does not have to be in the last 12 months; it could happen at some stage in the future. The likelihood is that it happens through the audit process, the non-state schools accreditation board. The data is provided to them and they have powers for auditors to go into schools and check the information that has been provided and they do cyclic and random audits. Often, these things could be identified through that process. Sometimes a school advises, 'We have accidentally overstated our enrolments here.' There is no hard and fast rule about when and how that information is obtained.

Ms BOYD: Is there a statute on it? Can you only go back, for instance, six years or seven years? Is there any kind of statute around the recovery process, or is it something that you can do regardless of whether it happened 15 or 20 years—

Mr Busby: We have not imposed a limit on the period.

Ms BOYD: Thank you.

Mr SAUNDERS: You were talking about homeschooling of the prep. I could put a submission to the school board to say, 'I'm going to teach my child X, Y, Z in accordance with the prep legislation' but not follow it up and sit at home. Is there any checking on that to make sure that homeschooled prep students are doing the work and make sure they are getting ready for school?

Mr Busby: The current provisions are there.

Ms Whitehead: As Stuart said before, parents are required to put in a report on the student's progress.

Mr SAUNDERS: And no follow-up?

Ms Whitehead: And samples of work.

Mr SAUNDERS: No follow-up to make sure—

Ms Busby: That is a follow-up.

Ms Whitehead: That is the follow-up.

Mr SAUNDERS: Yes, but the student does not come in and go through a test, or an exam?

Ms Whitehead: No.

Mr Busby: That is what home education is—enabling people who are not going through the formal schooling system to develop an educational program. They submit that program. Provided that it is considered to be a quality program, they are allowed to register and then they provide samples of the work done to ensure the child has undertaken that program.

CHAIR: There being no further questions, I thank the officials from the department: Annette, Stuart and Amanda. I thank Hansard. A transcript of the briefing will be published on the committee's web page in due course. I declare this briefing of the Education, Tourism and Small Business Committee closed.

Committee adjourned at 11.46 am