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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  
Mr SL Dickson MP  
Mr BM Saunders MP  
Mr RA Williams MP

### **Staff present:**

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

## **PUBLIC BRIEFING—INQUIRY INTO THE GRAMMAR SCHOOLS BILL 2016**

### **TRANSCRIPT OF PROCEEDINGS**

**WEDNESDAY, 31 AUGUST 2016**

**Brisbane**

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### **Committee met at 9.14 am**

**CHAIR:** I declare open the committee's public briefing into the Grammar Schools Bill 2016. I would like to introduce members of the Education, Tourism, Innovation and Small Business Committee. I am Scott Stewart, member for Townsville and chair of the committee. The other members joining me today are Miss Verity Barton, member for Broadwater and deputy chair; Mr Mark Boothman, member for Albert; Mr Steve Dickson, member for Buderim; Mr Bruce Saunders, member for Maryborough; and Mr Rick Williams, member for Pumicestone.

The briefing is being transcribed by Hansard and a transcript will be published on the committee's website. Please turn off mobile phones or at least turn them to silent if you have not done so already. The committee's proceedings are proceedings of the Queensland parliament and are subject to its standing rules and orders. On 16 August 2016 the Minister for Education and Minister for Tourism and Major Events introduced the Grammar Schools Bill 2016 to the Queensland parliament. The bill was referred to the Education, Tourism, Innovation and Small Business Committee for detailed consideration. The committee is required to report to the Legislative Assembly by Tuesday, 4 October 2016. The Department of Education and Training will brief us on the bill this morning.

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

**ROBINSON, Ms Lesley, Assistant Director-General, Policy Performance and Planning, Department of Education and Training**

**RUTLEDGE, Ms Christine, Manager, Office of Non-State Education, Department of Education and Training**

**CHAIR:** I welcome the representatives from the Department of Education and Training. We have allowed until 10 am for your briefing this morning and members' questions. Would you like to make an opening statement?

**Ms Robinson:** I would like to thank the committee for giving the department the opportunity to give a briefing on the Grammar Schools Bill 2016. The Grammar Schools Bill 2016 will replace the existing Grammar Schools Act 1975 with modern legislation and meets the contemporary needs of Queensland grammar schools. I propose to give a quick overview of the regulation of grammar schools and the main amendments of this regime.

There are three broad areas of Queensland legislation that applies to grammar schools. Firstly, the Grammar Schools Act 1975 provides a legislative framework for the establishment and regulation of the eight grammar schools. The eight grammar schools regulated by this act are Brisbane Grammar, Brisbane Girls Grammar, Ipswich Grammar, Ipswich Girls' Grammar, Rockhampton Grammar, Rockhampton Girls Grammar, Toowoomba Grammar and Townsville Grammar School. These eight schools were established between 1863 and 1892. Secondly, the grammar schools are non-state schools and therefore regulated under the Education (Accreditation of Non-State Schools) Act 2001, like all non-state schools in Queensland. Thirdly, as grammar school boards of trustees are statutory bodies, the legislation that regulates all Queensland statutory bodies also applies to grammar schools. The current bill takes into account this regulatory framework.

The bill removes the ability to establish new grammar schools. The contemporary approach for the state to support education in Queensland is to establish state schools and to regulate and provide funding support for non-state schools. No grammar schools have been established since 1892 and it is not anticipated that a state government would wish to establish one in the future.

Currently each individual grammar school is governed by its own seven-member board of trustees—four appointed on the nomination of the minister and three appointed after an election process held by the respective board. Currently, members are appointed for a fixed term of four years. The bill provides that a board may request the minister nominate up to an additional two people to be appointed to the board and provides that the board may request that a ministerial nominee be

appointed for a term less than four years. It is anticipated that these amendments will ensure corporate knowledge is maintained and facilitate board rejuvenation and renewal by allowing a staggering of appointments. Boards may also wish to use these amendments to appoint a person with the specific skill set to assist in the management of the school for a shorter period. Grammar school board members are not remunerated. The bill ensures a robust consultation process is undertaken prior to the minister making nominations for appointments to ensure that the boards' views about the impact a potential nominee may have on the composition and skill mix of the board are considered.

I turn to financial accountability. As I mentioned during my introduction, grammar schools are statutory bodies and are subject to the Queensland legislation that regulates statutory bodies including the Financial Accountability Act 2009 and the Statutory Bodies Financial Arrangements Act 1982. These acts govern the financial management arrangements including, for example, requirements to undertake planning and budgeting, prepare annual financial statements and reports, have annual financial statements audited and set the borrowing and investment powers for government departments and most statutory bodies.

The bill, therefore, does omit some of the current prescriptive requirements around financial management that are contained in the current Grammar Schools Act such as the procedures a grammar school must follow before borrowing state funds and the types of accounts a board is required to maintain. Removing these provisions will not jeopardise the financial management of the school. The financial arrangements of grammar schools, like other statutory bodies, are adequately regulated by state legislation. Grammar schools are audited annually by the Queensland Auditor-General. Under the bill, the minister also retains the current power to appoint an administrator if the minister is concerned about a school's ongoing viability. In essence, the bill maintains the current regulation of grammar schools but with some important modifications that will assist grammar schools into the future. We would be happy to take questions from the committee about this bill.

**CHAIR:** I open it up for questions.

**Mr DICKSON:** I would like some clarification in relation to your statement that grammar schools were implemented from 1863 to 1892. I happen to have one in my electorate that started in 1997. Can you tell me about Sunshine Coast Grammar?

**Mr Busby:** Thanks for the question. There are two grammar schools that are not established under this act, one of them in your electorate—

**Miss BARTON:** And Churchie.

**Mr Busby:** That is right. Those schools have 'grammar school' in their name. They were not established under this act. This act protects the use of the term 'grammar school'. It is an offence to use it unless you are established under this act unless you are one of those two schools, and the exception is provided for those schools in this act. They are not statutory bodies. They are non-state schools. They are not established under this act but they do have grammar in their name.

**Mr DICKSON:** Thank you very much for that clarification.

**Miss BARTON:** I want to know a little more about the board appointments. In terms of how the minister makes the appointments, you said that there was consultation. I assume that—and assuming is always dangerous—consultation is done with the existing board members and leadership at the school. How does the minister come across names? Are the appointments chosen from within the broader school community or the broader community generally, particularly in regional areas?

**Ms Rutledge:** When a board is up for reconstitution, we have the elected members who are provided by the school and the board of trustees will often provide some suggestions for the minister. The minister does not have to abide by those recommendations. Sometimes the minister may go out to the local electorate and seek further nominations. I cannot speak for the minister so I am not sure of the basis on which the decision is made, but I do know of situations where the local electorate has been involved in those decisions.

**Mr Busby:** Do you mind if I add to that? The current act talks about the minister consulting, and that is the process. The current boards provide some nominees and suggestions. The minister considers those and is to consult with the board about them. I just want to clarify that for the purposes of this bill following consultation with grammar schools we have tried to strengthen that consultation process somewhat. Again we are providing for consultation to occur for nominees of the minister, but we are clear on the face of this bill that the minister must consider the submissions and the nominees of the grammar schools board and the impact—

**Ms Robinson:** The mix and composition of skills.

**Mr Busby:** Thank you.

**Miss BARTON:** Non-state schools, in particular, are very proud of their history and their community. That is not to say that that is not important for state schools, but my experience of non-state schools is that they are very proud of their history and those who have had long associations with the schools. Schools that are not governed by the Grammar Schools Act would probably be very conscious of that in making their appointments. I wanted to make sure that was happening.

In terms of being progressive in how the state manages grammar schools, has there been any consideration as to whether or not we should move to a situation where they are not statutory bodies? We are talking about eight schools who are having their boards partly appointed by the minister. Within the department was consideration given as to whether or not that is still the best format in 2016?

**Mr Busby:** That issue has been considered over the years by governments of both persuasions. This review that we have undertaken did not reconsider that. The regulation under this act was due for expiry last year, in accordance with the Statutory Instruments Act. It was an opportunity to look at the legislation as a whole and see if it is meeting the contemporary needs of grammar schools, but that issue in particular was not relitigated this time around. Before government would consider that kind of issue there is a range of things we would have to consider about the impact on the governing bodies, their borrowing and their land tenure. There are quite a few considerations that would have to be taken into account in relation to all of the schools before going down that path, and this review did not consider that. Of course it is open for any grammar school that wished to cease being a grammar school under this act to ask government to be removed from the legislation and it could become, once considering those kinds of issues, a non-state school not regulated by this act.

**Miss BARTON:** In the explanatory notes it talks about the cutting of red tape. Obviously some changes around the really prescriptive financial accountability rules would be one of them. It is not my anticipation that there would be any less rigour in accountability within schools because the schools would of course be quite concerned about those things themselves. Outside of the financial accountability framework, are you able to detail specific areas of red tape where there have been significant changes for the schools?

**Mr Busby:** We have made a few tweaks to the legislation and the regulation over grammar schools. As you say, the main aspect is around the financial accountability, the keeping of particular accounts and the way that the Auditor-General must audit those accounts. Instead of re-prescribing those matters, we allow the Financial Accountability Act, which has general principles about budgeting and operational planning, to apply to the schools and we are allowing the Auditor-General's legislation to dictate how they audit the accounts of grammar schools rather than re-prescribing that.

There are a couple of other things. We have reduced some of the requirements around meetings, leaving that more to the discretion of the board of each grammar school to determine its meeting processes. We took out some of the detail about that. We have tried to reduce some of the time and process required to fill casual vacancies and leaves of absence. Currently casual vacancies to fill a position, if someone were to resign or cease their position on the board in the middle of a term, have to go back to Governor in Council. We are allowing the minister to fill those casual vacancies, clarifying that that is done in consultation with the boards, as an initial appointment would be.

**Miss BARTON:** That prompts another question. Obviously there is legislation that is anticipated for this week that you have already briefed this committee on and it has some changes with respect to how excess funding to non-state schools can be recovered. I assume that that legislation will apply equally to those schools that are prescribed under this act, and the Non-State Schools Accreditation Board has the same rights and responsibilities whether they are a grammar school or not?

**Mr Busby:** That is absolutely correct.

**Mr WILLIAMS:** I want to reflect back to the financial position of the eight schools. I think you made us aware that one of the schools in Ipswich had a fire and they created some leverage there. What sorts of figures do we have of borrowings? I assume that the moneys they borrow are all from the state? Are there external sources which they leverage from?

**CHAIR:** Can I direct the member? That was a briefing from the Queensland Audit Office and not on this particular bill. It is a different hearing that we had. Are there any further questions?

**Mr BOOTHMAN:** To talk about financial accountability and referring back to the act, have there been financial problems with these grammar schools in recent times? What has transpired over the course of history? Having this section in the act obviously means that something has transpired in the past. I am curious what types of financial issues have occurred in these grammar schools.

**Mr Busby:** Thanks for the question. As grammar schools are statutory bodies, the reason we have oversight is that the state has a moral interest and obligation over statutory bodies in ensuring their ongoing viability. We keep in contact with grammar schools over time to ensure that they are continuing to be viable. I think issues may have arisen over time. Maybe we could take that question on notice to make sure that we give you accurate advice in ensuring that we are not releasing information that may be commercially in confidence. We would like to take that on notice and come back to the committee in writing.

**Mr BOOTHMAN:** I am more than happy for that.

**CHAIR:** If I can help shape that by saying that is in relation to the bill; that is the premise of course. There being no further questions, I thank the departmental representatives for the briefing this morning. I declare the committee's public briefing closed.

**Committee adjourned at 9.31 am**