



Speech by

Hon. D. WELLS

MEMBER FOR MURRUMBA

Hansard 23 November 1999

EDUCATION AND OTHER LEGISLATION AMENDMENT BILL

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Education) (2.49 p.m.): I move—

"That the Bill be now read a second time."

This Bill will streamline administrative processes, facilitate the operation of school councils and provide greater clarity in relation to the implementation of behaviour management plans. There are several primary policy objectives of the Bill. Firstly, the Bill remedies several practical difficulties in the election of staff members and, in certain circumstances, the election of parent members to school councils under the Education (General Provisions) Act 1989. Secondly, the Bill clarifies and puts beyond doubt several statutory arrangements dealing with the allocation of semesters of State education provided for in the Education (General Provisions) Act 1989. Thirdly, the Bill ensures greater clarity in the regulation of the allocation of semesters of State education available to students by confining the obligation under the Education (General Provisions) Act 1989 to give notices about students' remaining allocation of State education to only those students who are enrolled in semester 2 in a calendar year in a State educational institution and who, by the end of that calendar year, will have a remaining allocation of four or less semesters. This will undoubtedly streamline burdensome administrative processes, thus leading to a more appropriate use of resources.

Also, the Bill clarifies the day upon which decisions of student suspension, exclusion and cancellation take effect under the Education (General Provisions) Act 1989. This will provide greater certainty and alleviate any ambiguities in the practical operation of these provisions for principals, parents and students. Finally, the Bill makes concise, minor and non-controversial miscellaneous amendments to other legislation in the education portfolio and to the Public Sector Ethics Act 1994.

Honourable members will realise that the Bill has many benefits for Queenslanders, especially young Queensland students, not the least of which are: (a) enhancements in the operation of school councils, in particular the election of members to school councils; (b) more socially just treatment of all students in their access to State education; (c) streamlining administrative processes associated with notifying students of their remaining allocation; and (d) greater clarity in relation to the implementation of behaviour management plans for schools. The primary policy objectives of the Bill are to be achieved mainly by: (a) changing the provisions of school council constitutions governing the election of elected staff members and elected parent members of school councils to include all school staff members, not only those employed by Education Queensland; (b) ensuring that allocations of State education are fair and equitable for all students, disabled and non-disabled; (c) reducing the number of notices of remaining allocations required to be sent to students; and (d) creating greater certainty for students and principals about when decisions regarding student discipline take effect.

I want to take the opportunity now to thank the many peak bodies, teachers, students and other interested community members who provided responses, comments and recommendations to the department in relation to the Bill. Their comments and recommendations proved invaluable in determining and finalising recommendations and issuing drafting instructions.

I now wish to draw the attention of honourable members to several features of the Bill. On the matter of notification of decisions when dealing with submissions against suspension or exclusion of a student or the cancellation of a student's enrolment from a State educational institution, the Education (General Provisions) Act 1989 currently requires that the person—that is, the principal's supervisor or the

chief executive— making a decision after considering a submission against suspension, exclusion or cancellation must "promptly tell the student about the decision". The amendments provided for in the Bill clarify the rights and obligations of students and principals under the legislation. The Bill provides that the person—that is, the principal's supervisor or the chief executive—considering an appeal against suspension, exclusion or cancellation must as soon as possible tell the student and the principal about the appeal decision. Therefore, the obligation to notify the student and the principal of the decision is now stated with certainty in the legislation.

In addition, the Bill now requires that, if the person—that is, the principal's supervisor or the chief executive—making a decision after considering an appeal against suspension, exclusion or cancellation decides that the student can return to school earlier than the original decision, the student and the principal must be told that the student can return to school earlier. This again provides for appropriate notification to the parties involved so that an appeal decision is communicated and implemented in a timely manner. The notion of clarifying the rights and obligations of both the student and the principal in relation to suspension, exclusion and cancellation of enrolment is further reinforced with amendments relating to when a decision about a student's suspension, exclusion or cancellation of enrolment takes effect.

Currently, the Act is ambiguous as to when a decision of a student's suspension or exclusion or cancellation of a student's enrolment takes effect. The Bill provides that, where a student has appealed against their suspension or exclusion from school or the cancellation of a student's enrolment and the outcome of the appeal is such that the student can return to school earlier than originally decided, the decision takes effect when the student is told they can go back to school. Otherwise, a student goes back to school on the date stated in the written notice given to the student.

On the matter of the election of staff, parent and student members to school councils, the Bill seeks to allow greater participation by all staff members at a school in school council elections, whether or not they are employees of Education Queensland. The Bill makes changes to the Act so that an employee of any department who is based at the school can vote in an election for elected staff members. Currently, the Act limits those eligible to vote in an election for elected staff members to those staff members employed by Education Queensland and assigned to that school by attending a meeting to vote for the elected staff members. Also, if there are an equal number of nominees to the number of candidates required for an election of staff, parent or student members to the school council, then the nominees are taken to have been duly elected. This avoids the situation of having to undertake an unnecessary school council election. The changes made to the Bill will enhance the operation of school councils, in particular the election of members to school councils, and will lead to greater convenience for voters, a greater voter turnout and participation in school council elections.

Currently, students are generally given an entitlement of 24 semesters of State education within which to finish their schooling. A student beginning school in year one in a State school will have an allocation of 24 semesters of State education. This rule applies to all students commencing their education in a State school and includes students starting in special education developmental centres. A student enrolling in a State school at a stage of his or her education after Year 1—that is, students who have received schooling at a non-State school or instruction at a place other than a State school or outside the State—will receive an allocation of semesters of State education decided by the principal. The principal will make this decision upon consideration of such factors as the student's age, ability and aptitude and the need to promote continuity of the student's learning experiences.

The Act, as it stands, is ambiguous as to the entitlement of a student who was enrolled in a State school before the scheme was introduced and who now wishes to re-enter the State school system. The Bill clarifies that the principal is to calculate the entitlement of these students. So the Bill ensures that all students have their access to State education calculated in an equitable way.

The Act currently obliges the department to issue notices about remaining allocations of State education to all students enrolled in semester 2 in a calendar year. Last year approximately 451,000 notices were sent. This amendment is directed towards reducing the number of students that must be gratuitously currently notified about their remaining entitlement to State education. This will lead to a more streamlined and efficient administrative process by decreasing the number of notices sent each year to students and parents. It will also save the taxpayer a great deal of postage. This will mean a significant reduction from the 450,000 or so notices that must currently be issued, most of them to students who are not close to using up their entitlement.

The Bill changes the Act so that only three categories of students are to be sent written notices: students who are enrolled in semester 2 in a calendar year in a State educational institution and who, by the end of the calendar year, will have a remaining allocation of four or less semesters; students enrolled in a State educational institution for the first time; and students repeating in a State educational institution a year for which the student has already been enrolled in a State educational institution.

I now wish to emphasise for the House several features of the Bill in relation to the director-general's delegation power. In two instances, the Bill provides for a widening of the chief executive's delegation power. The Education (Overseas Students) Act 1996 provides for the registration of persons providing courses to overseas students and for registration of courses. Private providers of courses and Education Queensland can apply under the Act for registration as providers and for registration of courses. As the director-general is responsible for the approval of these registrations, there can be a perception that the director-general may favour the registration of Education Queensland and the courses offered by it.

To assist in alleviating any sign of potential perception of bias on behalf of the director-general in relation to the registration of providers and courses for overseas students, given the director-general's responsibility for State schools, the Bill provides that the director-general may delegate his powers to an appropriately qualified person or a body, whose members are appropriately qualified to determine the registration of courses and providers.

Also, the Bill amends the Education (School Curriculum Council P-10) Act 1996 and provides for the attendance of the chief executive's nominee at executive committee meetings of the Queensland School Curriculum Council. Currently, any departmental officer attending an executive committee meeting for the director-general attends as an observer only and cannot vote. The Bill amends the Act so that the director-general can nominate an appropriately qualified Public Service officer to attend the executive committee meetings in his/her place. In addition, the Bill ensures that the chief executive must, if practicable, nominate the same person to attend council meetings and executive committee meetings. The amendments assist in ensuring continuity of nominees to council and executive committees so that, as far as possible, one officer has knowledge of issues raised at previous meetings.

I turn now to the amendments made by the Bill to the Education (Tertiary Procedures Authority) Act 1990. The Education (Tertiary Procedures Authority) Regulation 1991 contains a single provision. This provision deals with the quorum of the authority. This amendment will lead to the repeal of a piece of subordinate legislation, thus helping to streamline and enhance the statute book. The reference to the "quorum" in the TEPA regulation has been removed and has now been placed in the TEPA Act. This amendment assists in a more user-friendly legislative scheme. In addition, the amendment assists in efficient use of Governor in Executive Council time.

In relation to the James Cook University Act 1997, the Bill makes minor amendments consistent with other university Acts. The James Cook University Act 1997 was the first university legislation to be redrafted in a series of university Acts. The Bill inserts various phrases into existing provisions of the Act to bring the Act into line with more recently drafted university legislation. The amendments assist in providing a more uniform legislative scheme for the department and its statutory bodies.

In relation to the Public Sector Ethics Act 1994, the amendment made by the Bill is basically a "house-keeping" amendment. The term "State educational institution" does not appear anywhere in the Act, and so has been removed from the definitions section of the Act.

In relation to the Education (Capital Assistance) Act 1993, the Bill makes minor changes in respect of the terminology used in the Act. The Act requires that for non-State schools in receipt of a subsidy to be eligible to receive grants of capital assistance for capital projects, the non-State schools must register with certain bodies. The terms "affiliation" and "affiliated" are used to describe this registration. These terms are misleading because they appear anti-competitive, but the provisions in which they appear are not anti-competitive.

Far be it from me to wish to offend the delicate sensibilities of those who subscribe to the doctrines of Hilmer, or to offend the sensibilities of deregulators wherever they may be, so as a matter of terminology the Bill replaces the terms "affiliation" and "affiliated" with the expressions "listing" and "listed". The effect of changing the words "affiliated" and "affiliation" to "listing" and "listed" is that there can be no suggestion that the provisions are anti-competitive.

Finally, the Bill makes minor changes to rectify inconsistencies in the wording used in this provision of the Act and in the companion regulation in relation to religious instruction. Now, the Act and the regulation use the same wording: accredited representative of a religious society or religious denomination.

Throughout I have referred honourable members to the benefits that will accrue to Queensland students and schools as a result of the implementation of the initiatives set out in this Bill. These are notable benefits and are both important and significant for the way in which they will shape the future delivery of quality education in this State. I look forward to the initiatives contained in this Bill making a distinctive contribution to education in Queensland. I commend the Bill to the House.