Speech by

LINDY NELSON-CARR

MEMBER FOR MUNDINGBURRA

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GRAMMAR SCHOOLS AND OTHER LEGISLATION AMENDMENT BILL

Ms NELSON-CARR (Mundingburra—ALP) (12.45 p.m.): It gives me great pleasure to rise in support of the Grammar Schools and Other Legislation Amendment Bill 2003. The purpose of the bill is to maintain public confidence in grammar schools. To achieve this objective the bill regulates the establishment and governance of grammar schools.

The environment in which grammar schools now operate is very different from when the original 1975 act was drafted. It is much more competitive today and, of course, there are higher standards of corporate governance which apply. This bill seeks to achieve a better alignment between the act and the changing social environment. I would like to talk a little bit about the characteristics of grammar schools. We do know that the first grammar school was established in 1863. I do not have any grammar schools in my electorate, but I border one with the member for Burdekin and, of course, we have another grammar school in Townsville, and students who live in my electorate go to those schools and I know that they have a very good reputation.

Queensland grammar schools provide a rare model of governance based on cooperation between government and the community, and the schools borne of this unique public-private partnership can be defined by certain characteristics, including the philosophy of excellence in preparing the whole person to contribute productively as a member of civil society through such things as scholarship, aesthetic appreciation and so on. It is non-discriminatory, secular education that is tolerant of a diversity of religions and cultures. One of the other characteristics is a well developed system of governance and management with accountability through the democratic process. There are a number of other characteristics, but if we look at the establishment of grammar schools we can see that this was clearly a community initiative.

At present a grammar school may only be established by the Governor in Council being satisfied that a community has raised $100,000, or property at least to that value, towards the establishment of a grammar school, and this mechanism was ruled to be unacceptable under national competition policy. The bill replaces this with two mechanisms for the establishment of new grammar schools—on community application or on the minister's own initiative.

The community application mechanism essentially replicates the current mechanism in allowing a community to demonstrate its desire for a grammar school, but without requiring the community to raise a given amount of money. Members of the community may lodge an application requesting the minister's consideration of their proposal to have a grammar school established. The actual establishment of a grammar school is no longer determined based solely on money, but rather requires the minister to be satisfied that there is a demonstrated need for a grammar school as opposed to any other type of school; that there is sufficient community support for this school as opposed to any other type of school; that establishing a new grammar school is compatible with government policy; and that the financial implications for the state need to be acceptable. The new grammar school would have to be funded at the same levels as funding provided to other grammar schools at comparable stages in their development, and the people proposing the school and likely to become the first board members have to understand the grammar schools' rules of governance.

This bill recognises that while grammar schools are non-state schools and essentially run as independent entities, they are statutory bodies and the Minister for Education has portfolio responsibility

for them. In recognition of this responsibility, the minister is provided with improved powers similar to those provided to other ministers in relation to statutory bodies in their own portfolios.

The improved powers that are provided to the minister include allowing the minister to require from a board of trustees information or documents within the board's knowledge or control and also to allow the minister to direct a board, if the minister is satisfied it is necessary, to ensure the school's financial viability. Grammar schools are protected in the exercise of these powers by the minister having to consult with the board prior to taking any action unless exceptional circumstances exist. This consultation will allow boards to state a case as to why they should not have to provide the information or why the direction should not be issued.

The most significant of the minister's new powers is the ability to appoint an administrator to manage a board and to run the school. An administrator is to be appointed only in the most severe circumstances, where the board of a school is internally conflicted, the school is about to fail financially, or to lose its ability to operate as a school. Such an appointment may be made only when the board requests the appointment, or if a show cause notice is issued by the Non-State Schools Accreditation Board, which may actually affect the school's accreditation, or where the school is no longer financially viable or indeed is in danger of becoming that way. In the second two instances, the minister has to issue the board with a notice advising of the proposal to appoint an administrator and give the board—usually, I believe, 14 days—to make submissions on that matter.

In terms of protecting the grammar school name, the bill creates two offences in relation to the use of the grammar school name: to use the name in connection with a school that is not a grammar school and to hold out that a non-grammar school is a grammar school. Each offence carries a maximum penalty of $15,000. The creation of these offences is required to protect the valuable brand name of that grammar school that it may have built up over a number of years—at least over the past 140 years. Until this bill, any school was able to establish itself using the name 'grammar' therefore diluting the grammar brand and potentially affecting the reputation of grammar schools that has been established and subject to the act. An additional reason for the inclusion of the offences is that the public benefits test report on the bill found that protection of the grammar name was integral to the objectives of the bill and was necessary to justify the criteria for establishment.

The PBT report found that without protection of the grammar name, the establishment criteria would be of no consequence as non-grammar schools would be able to take advantage of the name without having to comply with the other requirements placed on grammar schools. This would place grammar schools at a significant competitive disadvantage compared to those schools merely calling themselves grammar schools.

This bill also recognises that there is significant variation among Queensland's eight grammar schools, because the schools vary in a number of tangible ways. The variations make it essential that the individual schools are provided with the ability to tailor certain requirements to their school's specific needs and attributes. In recognition of this bill, it will enable the boards to make by-laws about a number of matters and the amount that persons must donate to a school in order to vote in an election or stand for election will also differ markedly between schools.

The school's particular circumstances are also relevant when considering how many terms a person should be eligible to be elected to a position on the board. Some schools value the continuity and organisational knowledge that long-serving members provide. These schools will not make a by-law limiting the maximum number of terms a person may serve. Other schools may consider that a board can stagnate if it has the same members for years and sometimes even decades. So the by-law making power enables these schools to individually decide how many terms is too many and to limit eligibility accordingly. I commend the bill to the House.