




Speech by

Stephen Bennett

MEMBER FOR BURNETT

Hansard Wednesday, 14 November 2012

EDUCATION LEGISLATION AMENDMENT BILL

 **Mr BENNETT** (Burnett—LNP) (4.19 pm): I rise to make a contribution to the debate on the Education Legislation Amendment Bill 2012. This bill will enable the delivery of a distance education kindergarten program by the Queensland state schools of distance education. The bill will enable the Queensland College of Teachers to adopt national professional standards for teachers. It will clarify that section 204 of the Criminal Code does not apply to a failure to report the likelihood of future sexual abuse. It will remove the requirement to send anniversary letters to persons permanently excluded from state schools advising them of their right to seek a retraction of the decision. Instead, students will be advised of their review rights at the time of exclusion.

Intensive consultation has been undertaken with non-government and government stakeholders during the development of the bill. I would like to acknowledge the hardworking chair of the committee and fellow members of the committee. I also take this opportunity to recognise the staff of the committee—Bernice, Emily and Carolyn.

The amendment relating to e-kindy enables this government to fulfil its commitment to providing universal access to kindergarten for all Queensland children, including those in regional and remote areas of the state. The House would be aware that in areas of population growth it is easy to provide a kindergarten program, but in remote and rural areas like those in my electorate this amendment enables us to deliver e-kindy to children in those areas. I highlight the need for this program and know that Rosedale and Miriam Vale state schools are excited about the opportunity.

Queensland, together with all other jurisdictions in Australia, has agreed to provide universal access to quality early childhood education under the National Partnership Agreement on Early Childhood Education. Queensland's target under the national partnership is to achieve 95 per cent participation in kindergarten programs by mid-2013. Under the Labor government, the department started in 2008 with approximately 29 per cent of children in kindergarten programs. This year the target is 86 per cent and then reaching that final target of 95 per cent by 2013.

The national partnership agreement includes a commitment to implement specific strategies to support the access and participation of children in rural and remote communities, which is a welcomed change. The vast majority of Queensland children will be able to access centre based services. However, some children are unable to because of geographical isolation, medical conditions or an itinerant lifestyle. This bill makes the necessary amendments to the Education (General Provisions) Act 2006 to facilitate delivery of e-kindy by state schools of distance education.

The amendments are necessary because currently state schools of distance education can only provide primary, secondary or special schooling under the act, so they cannot provide a kindy program. This amendment enables e-kindy to be a digital, teacher-led and directed learning program that provides an opportunity for children to participate in a range of learning experiences similar to children who attend a centre based kindergarten program. The program includes a package of parent resources and teacher-led lessons and assistance, which will be provided over the phone and internet as well through some face-to-

face contact. In addition, a range of parent resources, including fact sheets, e-books and music activities will be made freely accessible to all parents via the department's website. More than 100 families are participating in the pilot already and it has received positive feedback. It is intended that e-kindy be provided free of charge to eligible children from 2013. The Queensland Catholic Education Commission supported delivery of the e-kindy program by state schools of distance education.

I will address the amendments concerning the national professional standards for teachers. The bill amends the Education (Queensland College of Teachers) Act 2005 to enable the Queensland College of Teachers to adopt the national professional standards for teachers. The national professional standards were developed by the Australian Institute for Teaching and School Leadership in accordance with the national partnership agreement for improving teacher quality in the system.

The national professional standards provide what teachers are expected to know and be able to do during their careers. The graduate level of the national professional standards will be applied to applications for provisional registration for beginner teachers to enter the profession and for accrediting teacher education courses. The proficient level will apply to applications for full registration and renewal for teachers with the required experience. The national professional standards cannot be amended by the QCT. However, the QCT retains the capacity to develop or adopt standards other than the national professional standards with the approval of the minister.

Adoption of the national professional standards will reduce red tape by improving the mobility of teachers because consistent standards for teacher registration will apply throughout Australia. The QCT was consulted about the amendments during the development of the bill.

Legislative reporting requirements were expanded last year so that school staff members are required to report to the police suspected sexual abuse and the likelihood of future sexual abuse perpetrated by any person. These expanded reporting requirements are consistent with departmental policy, which requires state school staff to make a report where they reasonably suspect a student has been harmed or is at risk of harm by any person. This includes harm caused by sexual abuse.

No penalty was prescribed for failing to report a likelihood of future sexual abuse. The aim was to mitigate concerns that the risk of criminal sanction would increase reporting of inappropriate low-level matters. It was always intended and agreed by both the state and non-state school sectors that sanctions for any failure to report a likely future sexual abuse may be dealt with by the authorities through disciplinary action in appropriate cases. It has subsequently been identified that a person who fails to report the likelihood of a future sexual abuse may be guilty of a misdemeanour, carrying a maximum penalty of one year imprisonment under section 204 of the Criminal Code. Section 204 provides that a person who fails to comply with the statutory obligation is guilty of a misdemeanour unless a mode of proceeding against the person is expressly provided. If an amendment is not made, it is feasible that a person could be prosecuted for failing to report a likelihood of sexual abuse.

The amendments in the bill aim to avoid the application of section 204 in relation to the reporting of future sexual abuse. Independent Schools Queensland and the Queensland Catholic Education Commission were both consulted on these amendments now before the parliament. It is anticipated that the expanded reporting requirement regarding likely future sexual abuse will commence at the beginning of the 2013 school year. Schooling sectors are also aware of the potential commencement date.

Training materials have been developed to assist staff to identify appropriate and inappropriate sexual behaviours and how to respond to those behaviours. It includes a number of case studies. This material has been provided to the non-state sectors as well.

Currently, after each anniversary of a student's permanent exclusion from a state school, it is a requirement to send a letter, an anniversary letter, to the student's last known address. This goes on until the student is 17 years of age. It is to advise them that they can apply to revoke the exclusion decision. This requirement will cease. Instead, the bill will amend the procedures under the Education (General Provisions) Act 2006 to require upfront notification of the student's review rights to be provided when they are first advised of their exclusion. In addition, advice about review rights will be placed on the department's website.

The effectiveness of advising students of their review rights through anniversary letters was questionable. The department of education was not always advised of a change of student address so could not be sure how many letters reached their intended recipients. Between 2009 and 2011, approximately 2,800 students were permanently excluded from state schools.

Implementation of the bill is not expected to result in any additional costs to the Queensland government. The cost of implementing e-kindy will be met from the Australian government's funding under the National Partnership Agreement on Early Childhood Education. It is with great pleasure that I commend this bill to the House.