Speech By

Annastacia Palaszczuk

MEMBER FOR INALA

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EDUCATION (STRENGTHENING DISCIPLINE IN STATE SCHOOLS) AMENDMENT BILL

Ms PALASZCZUK (Inala—ALP) (Leader of the Opposition) (11.14 am): I have taken on board what the minister has had to say in relation to the government's response to the committee's recommendations. At the outset I thank the committee and all the stakeholders who contributed in relation to this bill. I do want to put on record that this is a great example of how the committee system in the parliament works. It has provided the opportunity for stakeholders to present their views in relation to the bill and to raise issues. I understand that the committee met this week to also flesh out some of the issues that were contained in the bill in relation to policies or procedures for student discipline. The department was able to provide these policies and procedures to the committee. Having read those policies and procedures, the opposition is now satisfied about the government's intention. The opposition will be supporting this bill. We will be raising and putting on the public record the views of stakeholders.

This is how the committee system is supposed to function in this state and in this parliament. We have seen with a range of bills that have been rushed through that people have not had the opportunity to put on record their views, and I have stated that quite publicly before. What we have seen is some issues arising in relation to some of those bills. Unfortunately, the views of the Bar Association and the Law Society in relation to some of those bills that were rushed through, in hindsight, could have given the government—

Mr CHOAT: I rise to a point of order. Mr Deputy Speaker, I would like you to rule on relevance.

Mr DEPUTY SPEAKER (Dr Robinson): Order! It is a point of view, not a point of order. I warn the member for frivolous and trivial points of order under 253A. I call the Leader of the Opposition.

Ms PALASZCZUK: I am speaking about the committee structure and how well it worked for this bill. The views of the stakeholders were taken on board, the committee reported in full to the House and the department was able to then further explain to the committee those policies and procedures. That gives a lot of comfort to all members of this House that this bill will actually achieve the government's agenda.

Now I wish to go through in detail some of the stakeholders' views and then I will comment finally on the procedures that have been presented by the department to the committee. Perhaps the minister could clarify this in his response, but I am quite sure that he is going to be adopting those policies and procedures. Minister, if you would not mind, can you comment on that in your summing-up?

I am pleased to rise to make a contribution on this bill. The objectives of the bill are to provide Queensland state school principals with stronger disciplinary powers and more flexibility and autonomy around the making of discipline decisions; to bolster the grounds for suspension and

exclusion; and to reduce administrative burdens to enable quick and firm responses to problem behaviour.

The bill inserts a general head of power into the EGPA to give state school principals responsibility and power to regulate student discipline at their school. The bill does not describe the types of disciplinary interventions, however it will enable the director-general of the department to make policies or procedures about how principals should control and regulate discipline, and we have now had some evidence of that. The bill provides a head of power for principals to impose community service interventions and other actions under discipline improvement plans such as to attend school regularly, to attend a drug and alcohol education program or for detention to be performed on a non-school day, Saturday.

The bill expresses the power to make policy or procedures about detention conducted by principals or teachers, community service interventions, discipline improvement plans and other matters that the director-general considers appropriate. The bill requires that principals comply with any policy or procedure made by the director-general. The bill will expand the grounds for suspension and exclusion to cover conduct outside the school and also increase short suspension periods from up to five days to up to 10 days and make the long-term suspension period 11 to 20 school days. The bill also includes new grounds for suspension of a student who has been charged with a serious offence or another offence followed by exclusion if convicted of an offence.

I note that the committee's review of this bill attracted 22 submissions, with not all of the submissions supporting the bill. Many valid concerns were expressed by the various stakeholders. The Queensland Teachers Union point out in their submission that there are a number of key issues arising from the bill, such as the principle of natural justice applying to decisions made by principals. The QTU also recommends that the department will need to ensure that principals receive appropriate training before implementing the new powers and that beginning principals should receive ongoing mentoring and support. Further, the Queensland Teachers Union is opposed to the notion of Saturday detention and opposes any change to teachers' working conditions that would involve supervising detentions outside of a rostered duty time.

Section 288(2) of the bill, 'Grounds for suspension', proposes to give principals the power to suspend students who have been charged with an offence. The QTU expresses concern for principals in two areas: the first pertains to the issue of double jeopardy and whether such disciplinary action will be considered punishment which might hinder further punishment; the other is for the legal rights of their members who might suspend a student on charge related grounds who is later found to be not guilty by the courts. I will be asking the minister for some clarification of these issues during consideration in detail. In relation to the committee's recommendation 3, the report states—

... that the Minister for Education, Training and Employment ensures adequate guidance is provided to support state school principals to make a decision about suspending or excluding a student for criminal behaviour, including what information might be relevant and how to manage any implications for the criminal justice system.

One option could have been to put this guidance in the form of a schedule to the act or a regulation, something that has some legislative force, so that the House can maintain scrutiny over the guidelines which form the basis for decisions made and is a safeguard for the application of these new powers.

Further concerns of the Queensland Teachers Union are that some of the provisions for red-tape reduction reappear as issues to be addressed by new departmental policy procedure. For example, where the requirement for principals to ensure that there is an approved behaviour plan for the school, section 276, is omitted from the bill, the explanatory notes state that—

A behaviour plan will remain an essential management tool for school communities to agree on appropriate standards of behaviour. The requirement that schools have a plan that describes the proactive approach to managing behaviour is retained in DETE'S new policy and procedure.

With regard to continuing education during detention, the QTU notes the irony of increasing the responsibility for principals to arrange for the student's access to an education program given some of the most recent cuts that the government has made to some of the non-government organisations throughout Queensland who were facilitating programs such as Get Set for Work.

A submission to the committee received from Queensland Advocacy Inc., which is an independent, community based advocacy organisation that campaigns for the rights of vulnerable people with disabilities, raises many concerns and requests that this amendment be rejected. One of the QAI's concerns is that students with disabilities have previously been suspended or excluded on the basis of their disability, rather than the use of positive behaviour approaches to maximise their educational opportunities. In the committee's report I note that recommendation 7 states—

... that the Minister for Education, Training and Employment publish suspension and exclusion data every quarter by gender, Indigenous status, racial minority, children and young people with a disability and children and young people in the child protection system.

I did not quite catch exactly what the minister said there in relation to that recommendation, but I thought that recommendation had some merit. Perhaps he can respond later.

Mr Langbroek: I said we release it six-monthly anyway. We just want to make sure that we do not stigmatise a particular group.

Ms PALASZCZUK: I am happy with that. Thank you very much, Minister. Notably, the submission from the University of Queensland, through the School of Education's head, Professor Peter Renshaw, does not support these amendments.

Concerns raised are based on international evidence such as the OECD's *Teacher and learning international survey*, which shows that the common belief that school discipline is in decline is incorrect. The University of Queensland's submission instead calls for 'a more balanced approach to enabling the inclusion and engagement of all students in Queensland state schools'. A further concern relates to the potential infringement of young people's human rights. Natural justice for students who are to be excluded or suspended requires an impartial body to consider the decision. The University of Queensland raised many very valid concerns regarding some aspects of the legislation, not least of which is that exclusion from education can have serious impacts on a student's educational and employment prospects later in life. As I have previously pointed out, concern is high for students with disabilities regarding the use of suspension or exclusion.

Queensland Parents for People with a Disability do not support this legislation in their submission. They point out that these changes do not support good inclusive practice to put students with disabilities under threat of rejection or segregation. The use of sound, positive, evidence based responses to students in need is more in line with evidence based practice. Years of international research indicates that the removal of students from school will disproportionately be experienced by one or more of the following cohorts: males, racial minorities, students with disabilities, low income and state care such as foster, group homes and juvenile centres. Queensland Parents for People with a Disability has also requested Education Queensland publish data on these risk groups.

Just in relation to that, I have met with constituents in my electorate whose child with a disability has faced expulsion. It is a very stressful time for the parents. I know that principals go out of their way to do everything that they can, but I think something we all need to keep in mind is that for parents it is a very, very serious consequence to expel a child with a disability, especially in terms of where they live and ensuring that the child gets an education in the future. There can be issues around travel, and we know too that sometimes routine helps children with disabilities. To be taken away from an environment where they know teachers, their friends and support staff can have a dramatic impact when that young person returns home, especially if they have to return home for long periods of time. As a former minister for disability services, I would ask that the minister—through his department—makes sure that this area in particular is handled with some degree of sensitivity, and I think all members would agree with that sentiment.

An interesting and considered view was put forward by a principal who has had success at his school with improving behaviour management outcomes by freeing up one teacher to become the school's behaviour management specialist. This submission to the committee says—

If we keep trying to tackle this issue with pieces of paper because it is the cheapest solution, our schools will pay a much bigger price in the long run. The best solution is to supply staff to schools (not regions) for behaviour management purposes and let the schools decide how to utilise them.

The Queensland Law Society raises practical considerations regarding Saturday detentions and suggests that it may be difficult to implement, particularly in rural and remote areas. It would be interesting to hear what our members have to say—especially if they represent some of those rural and remote constituencies—about what impact that might have, especially when there are smaller school populations involved as well. Another particular concern expressed is about suspension when a student is facing charges. The Law Society is concerned that this is inconsistent with the presumption of innocence. I would like to read from the submission of the Queensland Law Society. It is quite lengthy, but they make some worthwhile points for consideration by the House. The submission states—

The Society notes the expansion to the grounds of suspension includes the introduction of a ground for suspension on "charge-related grounds" where the student is charged with a serious offence. Furthermore, proposed s282(2) notes that it is ground for suspension if:

(a) The student is charged with an offence other than a serious offence; and

(b) The principal is reasonably satisfied it would not be in the best interest of other students or of staff for the student to attend the school while the charge is pending.

The Society is concerned that this empowers a principal to make a decision based on behaviour that occurs beyond the school gates which may be entirely unrelated to conduct affecting the school. We are also particularly concerned that this suspension can occur when a student is charged with an offence, rather than on the basis of a conviction. This is inconsistent with the presumption of innocence. There have been no decisions on the facts of any allegations being made at the stage of a student being charged, and a suspension can adversely affect the student, especially if charges are later dropped or the student is not convicted.

We note the application of both the *Youth Justice Act 1992* and the *Bail Act 1980*. Under the *Youth Justice Act 1992* a court or police officer must consider the need to ensure that if the child is released, the child will not, for example, commit an offence or endanger anyone's safety or welfare. Further, we note s48 of the *Youth Justice Act 1992* sets out a number of considerations for the court or police officer with regard to bail or other related matters. The court or a police officer is required to consider the safety of others as part of the decision for a person to be released on bail. There are also strict requirements that must be complied with for the alleged offender who is granted bail. Given these provisions in legislation related to youth justice matters, we question the need for the creation of a ground of suspension arising from a student's contact with the youth justice system.

The *Youth Justice Act* also includes a requirement that the court or police officer deciding whether to grant a young person bail should have regard to "the child's character, criminal history and other relevant history, associations, home environment, employment and background." Our members report that it is often a condition of bail that an accused child continues to attend school. For example, a Judge may take into consideration school and wider community ties, positive school peer associations and knowledge that a child will be adequately supervised throughout school time when making a decision to grant bail. Any decision to suspend a student on such grounds will lead to further isolation of the child by removing them from formal school ties. Further, such a decision may undermine a judicial decision regarding bail conditions crafted to reinforce a young person's engagement with education and their community, thereby reducing the risk of future offending.

Further, the Law Society had something quite substantive to say on the matter of exclusion. I take this opportunity to read that into *Hansard*. It states—

As noted above regarding suspension, the Society is concerned by the introduction of a basis for exclusion where a child or young person is convicted of an offence. We submit that further opportunities should be made available for alternative schooling arrangements. We note that for both suspensions and exclusions, the proposed legislation states that the principal or chief executive … "must arrange for the student's access to an education program" that allows the student to continue their education in the following circumstances:

It lists the circumstances. The submission continues—

The Society is concerned that the proposed changes diminish the requirement placed on the education system to ensure students continue to engage with education. We suggest that the legislation should operate to ensure that students are able to participate in alternative schooling throughout suspensions or following exclusions. Our members report that places for students to participate in alternative schooling arrangements are limited, meaning many students may be left without educational opportunities.

I note that I think those concerns of the Law Society are in part addressed by the policies and procedures that were tabled at the education committee hearing this Wednesday. To expand, for the benefit of the House, I note that in relation to suspensions that are charge related there are some details here in relation to the types of charges, whether or not they are serious, and about ensuring a regional case manager is allocated through OneSchool. There is a procedure that principals have to follow. Also, in relation to the concerns of the Law Society about a child continuing to get an education even though there are pending charges, there is an onus on the principal to take reasonable steps to arrange for the student to access an education program or a school of distance education to allow the student to continue with their education whilst suspended. I am happy for the minister to comment in his reply that the concerns raised by some stakeholders will be alleviated by the detailed policies and procedures that were presented to the education committee just this week.

Finally, I note that the bill is specific to Queensland and is not uniform or complementary to legislation in the Commonwealth or any other state. As such, we do understand that Queensland could actually be setting the course here. I note that the minister has said previously that there will be an audit over the coming year—that there is every intention to monitor how this actually fares in relation to the practices that will be carried out under the bill. I also welcome the fact that the minister said there will be fact sheets sent out to principals to help them with their understanding. I hope there will be some sort of fact sheet for parents as well—and in different languages, just to make sure people from diverse backgrounds are able to understand. Sometimes language is a barrier.

As I said at the outset, the opposition will be supporting the bill. I note some of the concerns raised by various stakeholders. I think, all in all, the majority of those concerns have now been addressed by the committee. Hopefully those final outstanding issues will be addressed by the minister in consideration in detail. I again place on the public record that this is the way the committee system in this parliament should function. This is a very good outcome. Some of the issues raised have now been addressed by the minister and by the department.