




Speech By  
**Hon. John-Paul Langbroek**

**MEMBER FOR SURFERS PARADISE**

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Record of Proceedings, 31 October 2013

**EDUCATION (STRENGTHENING DISCIPLINE IN STATE SCHOOLS)  
AMENDMENT BILL**

 **Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (12.33 pm), in reply: I thank honourable members from all sides of the House for their contributions. I thank the Leader of the Opposition, who indicated the opposition's support with some clarification that I am obviously happy to provide, the Independent member for Gladstone and government members as well for their considered contributions about what is a significant area of debate, as members of parliament have seen not just with the Queensland Plan but wherever they are in the state.

There are schools in every community. In fact, when you think about it, it is the only government department that has the number of facilities that it does. There are 1,240 state schools throughout the state. That is why there are always views expressed by people about the different issues in education, often by people who have not been in schools for a long time. I think it is important to make sure that we balance the views that are sometimes expressed that we all read about in letters to the editor and views that are expressed by people who may not have been in schools for a long time. But, most importantly, we need to make sure that as members of parliament we are in touch with what is happening in our schools.

I note from the contributions of a number of members that all members are interested in attending their schools, whether it is for programs such as Principal for a Day or Education Week activities. It is a great way to get into the community and it is a significant thing that this government is trying to do and that our principals know—involving parents and the community in our attempts to make sure that we can do the things that the Premier Campbell Newman is always talking about, and that is to invigorate our economy, to turbocharge our economy. There is no doubt that the secret to doing that is making sure that we have more productivity. Productivity is a simple result of more participation in the economy. We are potentially going to have more people participating in the economy and the key to participation is being educated. That is why we are interested in all of our students—over 500,000 students—in the state school system about whom this legislation is making provisions.

In the non-state system—and sometimes not everyone is aware of this fact—non-state schools have their own levels of autonomy, whether it is the Catholic system where they have their own particular measures for different things to do with administration. But there is more autonomy with regard to discipline in the independent school system because they are independent schools. Whether they are schools in the Lutheran sector or in the Catholic sector or generally in the non-state sector, they do have their own rules. People are sometimes a little perplexed about the fact that, when they write to me about some issue of discipline that they are concerned about that happened at their school, if it is a non-state school I have to refer them back to the principal or the board of the appropriate school.

It is obvious, as we have discussed in this place many times before, that the government is concerned with making sure that we boost outcomes in our schools. We are doing that via three different aspects that we have discussed this morning in question time, as members here will remember. The first aspect is making sure that we boost teacher qualities, the second aspect is that we give schools more autonomy and the third aspect which I did not refer to in question so much but which is dealt with in this bill is about giving discipline the appropriate focus.

As honourable members noted in their contributions, as the member for Waterford did, the vast majority of our students are doing the right thing and their teachers and principals deserve to be able to work with them to make sure that the 98 per cent of students who are doing the right thing are not inconvenienced by the very small minority of students who are doing the wrong thing. So good order in our schools is a high priority for the government. That is why, in a nutshell, this bill is about making sure that we provide our principals and teachers with a wide range of options for them to be able to consider in terms of disciplinary processes.

This is continuing and extending the work done by the previous government that began to print suspension and exclusion numbers some time ago. But just doing that in itself—just printing the numbers and saying, ‘We have suspended a certain number of students or excluded a certain number of students,’—we do not believe, and I do not believe, is proof that our behaviour system is as robust as it might be. Therefore, we should be supporting principals by giving them more options but to that always with a series of checks and balances. I want to refer to some of the specific matters raised by the Leader of the Opposition and other members and by people who appeared before the committee who made representations on behalf of parents of students with a disability, Indigenous students or disabled students—and I know the Leader of the Opposition raised a concern about that and I will deal with that in my summing-up.

As the Leader of the Opposition asked and I think noted, a draft policy and procedures document was tabled at the committee and it is going to be released relatively soon. I do not anticipate much change from that, and I am sure that that will assuage many of the concerns that people have had about the presumptions that were made in the committee’s deliberations. People were making presumptions about what was going to happen because, from the publicity that matters like this receive, it seemed that there could potentially be a big-stick approach. We are not interested in that for the sake of it. If we are going to increase productivity by participation, we have to make sure that students who are suspended or excluded, no matter what their background is—we have to take the concerns about what their background is into consideration, because their background may be one of the reasons why their behaviour is unacceptable—are able to participate in education so that they can then potentially become productive citizens, allowing for the fact that many of them have wraparound issues that principals and teachers tell me about when I do principal forums. It is obviously an increasing issue.

For those of us educated in Queensland in the seventies, eighties or nineties—or for those members who may have been educated in the first part of this century—it is quite obvious that there is a wider cross-section of issues in our classroom that our teachers have to deal with. That means that issues affect other portfolios such as Communities, Disability, Health and Housing.

The member for Hervey Bay mentioned a school in his electorate that the former opposition leader and I visited when we were in opposition in the lead-up to the 2009 election. He spoke just the other day about the cross-section of students at that school. There has been a lot of change from the traditional relationships that we may have had over the last two to three decades, and that is reflected in the make-up of the students in our schools and the circumstances which students find themselves in which can potentially lead to disciplinary issues. At the coalface—at the school itself—while it is easy to say, ‘That’s unacceptable behaviour and you should be booted out of school,’ we need to manage it in such a way that students are still adequately taken care of. This is done not just through draft policies and procedures but through the care most of our principals and teachers have for the students in their care. But we do not just want them out of the classroom and doing nothing in particular, because that really does not help in terms of their becoming productive citizens.

In terms of numbers—and I think it was the member for Logan and the member for Waterford who spoke about these numbers—last year we had 1,300 exclusions out of over 500,000 students. There is a lot of focus on exclusions, or expulsions in the old terminology. Of course one is too many, but we are always going to have issues that affect students and we need to make sure we support them. Significantly, there are thousands of suspensions. We are anticipating that, through the passage of this legislation and the plans being implemented in schools, there may be an increase in suspensions and exclusions as principals understand that without the red tape they faced before they

can now say, 'We're not tolerating some of the things that may have been tolerated in this school before.'

In discussions that I have had with principals of schools in the north and the south-east of the state, I have had some very cogent examples given to me. They have had teachers who have said, 'There's not much you can do about swearing in this school.' When the principal says, 'We're not going to tolerate it and you're suspended because you've done it,' it does not take long for the message to get around. That applies whether it is teachers on playground duty because the school grounds may have been littered and that was always the culture of a particular school. Principals have told me that former principals or former teachers say when they come to a new school, 'You won't be able to do what you did at your old school here because the social demographic of this community is not the same as that one.' I reject that. Those good principals reject that. We want to make sure they are supported but there is balance in terms of accountability for implementing their school discipline regime.

I want to briefly go through some issues. I know the opposition leader has questions about a couple of clauses. I will try to answer some of her questions in my summing-up and if there are still questions then I will happily take them. We need to create a safe, supportive and focused environment to support student learning. I have already mentioned that we support the reforms from Great Teachers = Great Results, by giving principals greater power and autonomy, expanding the disciplinary processes available to principals, and cutting red tape and streamlining processes to enable quick and firm responses to problem behaviour. There is no doubt there are students who have been able to milk the current system, knowing there was only a 20-minute detention at lunchtime or 30 minutes after school. We have removed those provisions. Autonomous principals running their schools as they see fit should be able to make rules, apply those rules to students and know that they have the backing of the government and the department.

We are not able to reduce the legislation as much as other states have because of the Legislative Standards Act that has applied in Queensland since the early 1990s. We have removed much of the legislation, but for people who would like to see it even shorter we are limited by the Legislative Standards Act. We are removing burdensome processes associated with suspension, exclusion and cancellation of enrolment decisions. This will reduce red tape but we also seek to strike a careful balance between flexibility and accountability in managing student behaviour. It has already been mentioned that Sharon Mullins has briefed the committee. We will ensure that guidance will be provided to principals on policies and procedures so that natural justice principles remain at the forefront of good decision making about disciplinary actions. I will come back to that. The opposition leader asked whether a suspension or an exclusion about a charge related ground could be inconsistent with the presumption of innocence. I will come to that either now or in the clauses. It is important to ensure that data is entered properly so we can regulate the system.

I know that the union is concerned about things like out-of-hours school detention. Again, I will address that in a moment. The member for Mount Coot-tha gave some specific examples of community service interventions. We want students to realise the consequences of their actions, and doing an intervention helps them to understand more about the consequences of what they did so they can understand what it means to be part of the school community.

These strategies are designed to address inappropriate student behaviour prior to resorting to suspension or exclusion. That was my point before when I said that we have had lots more suspensions and exclusions. We want to give principals the flexibility to decide what it is they are going to do, to do that in conjunction with parents, teachers and students themselves. There has been a lot of focus about supposedly going straight to a Saturday detention. That is something that the union has expressed its concern about in terms of the impacts of the reforms on teachers. The bill will not mandate that teachers work on a day other than a school day. Any outside school hours activities introduced by the reforms will not require that teachers work outside of the industrial frameworks agreed to by the department.

Principals and their communities will make local decisions about the design, supervision and resourcing of these initiatives. I have spoken to a number of principals. The former principals of Corinda State High and MacGregor State High have told me that in their time as principals or acting principals something they have said to parents, who invariably are very supportive, is, 'Your child has done this. I'm coming in on Saturday and I would like them to come in.' We are not going to do anything that is outside the current industrial framework in that regard.

We are taking our school behaviour plan out of legislation. It does not mean that we will not have discipline plans, but we do not necessarily think that having it in legislation will lead to better outcomes just because it is in there as a red-tape issue. Whilst principals received a lot more power

two years ago, again, a lot of red tape was created due to them getting more power. It meant that they would not do all the things they were able to do simply because there was red tape associated with it. Principals have identified limitations with the grounds for suspension and exclusion and expressed concerns that the administrative process around disciplinary decisions has created excessive paperwork. This of course takes time away from school management and the core business of teaching and learning. Those issues could not be addressed without changes to the legislation.

I want to reassure all members that the reforms will not necessarily affect, in any discriminatory way, students with a disability or mental health difficulties, those who—and I have already mentioned this—come from an Indigenous background or those who have other issues that we and principals need to take into consideration.

The departmental procedure will include information about outside school hours detention. I was at Ayr State High School a couple of months ago. The principals of those schools and the people in the electorate of the member for Hinchinbrook pointed out to me—and Ayr, of course, is in the electorate of Burdekin—at a principals forum that when the publicity about them being able to exclude students came out they wondered how it would affect those in rural and regional areas. We need to understand that out-of-school-hours detention may not be a viable option in rural and remote areas where there is no public transport. Principals do not have the power to force attendance on a Saturday. If they are unable to negotiate with the parents about something like that, that could lead to further disciplinary action being taken. We are asking parents to partner with principals on this. Most recently at Centenary Heights State School only last week we saw 39 students suspended for their prior knowledge or involvement in a fight. That principal said, 'I'm suspending 39,' and, as I am advised, 36 students' parents were supportive of that decision because of the message that it sent to those students. We want schools to use other strategies as disciplinary consequences if there are negotiated situations that need to be worked through.

I want to deal quickly with one of the issues that was raised at the committee by Professor Peter Renshaw, from the School of Education, and this also received significant publicity. He stated that the proposed school discipline changes could breach the UN Convention on the Rights of the Child. I have written back to him about that. I stated, 'I strongly dispute the suggestion that the bill potentially breaches the UN convention and that principals in state schools would use the enhanced powers in the bill to subject children to torture or other cruel, inhumane or degrading treatment or punishment.' I have made it very clear that the importance of natural justice is absolutely paramount. As I mentioned I sent a letter to Peter Renshaw, which I will table in a moment. There needs to be balance between flexibility and accountability in managing student behaviour. We will not forget our duty of care and neither will our teachers or principals. I table that letter that I sent to Professor Peter Renshaw.

*Tabled paper:* Letter, dated 17 October 2013, from the Minister for Education, Training and Employment, Hon. John-Paul Langbroek, to Professor Peter Renshaw regarding the Education (Strengthening Discipline in State Schools) Amendment Bill [\[3945\]](#).

I want to deal with the opposition leader's query about whether being suspended offends the presumption of innocence until proven guilty. Whether a person is guilty or not of an offence is for the court to decide according to proper criminal justice processes. These amendments do not seek to pre-empt the administration of justice. I want to quote from Chief Justice de Jersey who made the case that discipline and punishment are two separate things. So a disciplinary process in a school does not affect a court subsequently making a decision on that. However, it is also very important to ensure that the principal can respond when a student is charged or convicted of a criminal offence. It is not entirely novel, because the current act provides for the exclusion of mature age students on the basis of being convicted or charged with offences in certain circumstances. The decision maker is not pre-empting the court decision but is taking action in relation to behaviour that impacts on the good order and management of the school by bearing on the safety and wellbeing of staff and students. The bill contains a number of safeguards. For example, a principal may cease a suspension on a charge related ground prior to the charge being dealt with. There is also a right to review to the chief executive against the suspension.

I mentioned the impact of exclusions in remote areas and I stated that a number of school principals had asked me about that. It is also important to ensure the student does have access to an educational program, which was raised by a number of members, and access to a regional case manager during the period of their suspension. Under departmental policy and procedure, the case manager will continue to be responsible for engaging the student in an educational program after an exclusion decision has been made. Case managers monitor students for up to six months after they are excluded to ensure that they are still engaged with education or training. Each region has access to behaviour management specialists who can provide assessment and support in managing a

student's complex behaviour. If additional support is required case managers may also refer excluded students and their families to other community organisations.

With those words and having dealt with a number of the issues that honourable members have raised in this debate, I thank all members for their contribution. I want to reassure the people of Queensland what was expressed at the Queensland Plan and in over 30 principal forums at which I engaged with hundreds of principals not just from the state system but also the non-state system. It is our desire to have an education system that does provide what Queenslanders want not just over the next 20 or 30 years but also for our children and grandchildren, and that is to align with many of the things that the Premier has said and that we say as a government: focusing on outcomes, not just the inputs; making sure that we can help people where they need help and assistance; and also ensuring that we cut red tape and assist in the good order of our schools where we can. We need to give principals more choices and let them know that they have the support of the government and the department in doing their job as well as they can to provide the best teaching and learning, which will lead to the best outcomes for their students.