



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


**MEMBER FOR SURFERS PARADISE**

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Record of Proceedings, 26 August 2014

## **EDUCATION AND OTHER LEGISLATION AMENDMENT BILL**

### **Introduction**

 **Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (2.30 pm): I present a bill for an act to amend the Education (Accreditation of Non-State Schools) Act 2001, the Education and Care Services Act 2013, the Education (Capital Assistance) Act 1993, the Education (General Provisions) Act 2006, the Education (Queensland College of Teachers) Act 2005 and the Further Education and Training Act 2014 for particular purposes, and to make minor and consequential amendments of the acts as stated in schedule 1 for purposes related to those particular purposes. I table the bill and the explanatory notes. I nominate the Education and Innovation Committee to consider the bill.

*Tabled paper:* Education and Other Legislation Amendment Bill 2014 [\[5741\]](#).

*Tabled paper:* Education and Other Legislation Amendment Bill 2014, explanatory notes [\[5742\]](#).

I am pleased to introduce the Education and Other Legislation Amendment Bill 2014. The bill is a miscellaneous amendment bill, with the majority of amendments being to the Education (General Provisions) Act 2006 and the Education (Accreditation of Non-State Schools) Act 2001. However, the bill also contains various amendments to other acts within my portfolio. The bill represents, in part, the next wave of work undertaken to support key Queensland government initiatives to enhance school autonomy, localise decision making and reduce red tape.

The bill contains many reforms which have these aims at their very core. The Queensland government is committed to supporting principals and teachers to focus on their core business of educating students. The bill also focuses on ways to improve student outcomes, especially for disengaged youth. The Queensland government knows the importance of education and the tangible benefits that education can bring to the lives of all Queenslanders. The bill seeks to ensure the portfolio's legislation is contemporary and meets the current operational needs of the Department of Education, Training and Employment.

Let me outline the significant amendments contained in the bill which align with these objectives. To increase school autonomy, the bill includes a range of amendments to enhance the principal's role as decision maker. The bill will enhance powers of principals to deal with 'hostile persons' on school premises—for example, persons threatening the safety of students, damaging property or disrupting the good order and management of the school. The amendments will give state and non-state school principals the power to give a verbal direction to a hostile person to immediately leave and not re-enter the school premises for 24 hours. Currently, a principal is required to give a written direction to the hostile person. As you can imagine, requiring a written direction to be given can often be impractical when confronted with difficult and sometimes rapidly evolving situations. The ability to resolve this with a verbal direction is a common-sense solution that ensures principals can continue to keep their school community safe.

In addition, the bill contains amendments to enable state and non-state school principals to give a written direction to prohibit a hostile person from the premises for up to 60 days. This ability presently resides with the director-general or a non-state school's governing body. Again, this amendment is proposed to support and recognise that principals are best placed to manage their school. For similar reasons, the bill also includes amendments allowing the director-general or a non-state school governing body to issue a written direction to ban a hostile person for 60 days up to one year. Presently an application is made to the Queensland Civil and Administrative Tribunal for an order to be made. These decisions will remain externally reviewable by QCAT. To be clear, verbal and written directions available for issuing to hostile persons cannot be given to students of the school. Principals have other disciplinary approaches available to address student behavioural issues.

The state school principal's role as primary decision maker for critical decisions is enhanced by the tranche of amendments relating to the enrolment of mature-age students at specified mature-age state schools. The bill will restrict mature-age student enrolments to state schools of distance education or prescribed mature-age state schools. These will include the four schools at Kingston, Eagleby, Coorparoo and Townsville that are commonly referred to as Centres for Continuing Secondary Education. These schools are specifically established to cater to adult students, unlike what could be termed 'mainstream' state schools that predominantly cater for students under 18 years of age. Also, adults can enrol with registered training providers, including TAFE Queensland, to undertake vocational education and training that will assist them to gain the knowledge and skills required for employment. In addition, many vocational education and training qualifications can provide pathways to further study at university.

The bill will enable the principal of one of these schools to make decisions on enrolment of a mature-age student. This will remove red tape by ceasing the current requirement for a mature-age student to obtain a mature-age student notice from the director-general of my department. Currently, an adult student can enrol in any state school provided they have a positive mature-age student notice which declares the person to be suitable to be a student of the school based on consideration of the person's criminal history. This has raised considerable issues for state schools that are not appropriately equipped, through their learning environment and pedagogy, to provide education to adults.

The bill will provide that a principal of a mature-age state school will consider the adult's suitability for enrolment at the mature-age school taking into account any criminal history, if any. In addition to considering the criminal history, principals will determine whether to enrol a mature-age student based on the requirements that apply to all students—that is, if the principal believes the prospective student would pose an unacceptable risk to the safety or wellbeing of members of the school community because of the criminal history, or for other reasons, the enrolment decision will be referred to the director-general. As well as empowering principals, this reform supports the government's aims to improve educational outcomes of children and mature-age students and create safe environments in our state schools.

According to 2012 completion data from the former Queensland Studies Authority, adult learner completion rates are at approximately 80 per cent in the Centres for Continuing Secondary Education, whereas this falls to 50 per cent in other state schools. Transitional arrangements are contained in the bill to ensure that existing mature-age students will be able to continue their education at their current school. The bill specifically overrides the Queensland Anti-Discrimination Act 1991. The measure is considered appropriate as the amendments relating to mature-age students are made for the benefit of all students.

To enhance local decision making for school communities, the bill will expressly enable non-state school principals to grant exemptions from compulsory schooling, or the compulsory participation phase, for a period up to 110 school days—approximately two school terms—in a calendar year. Exemptions can be sought for a range of reasons including illness or travel. Presently, exemption decisions can only be made by the director-general or his delegate within my department. State school principals are able to make exemption decisions in relation to students at state schools through this delegation. However, non-state school principals must apply to the department for exemptions on behalf of parents of students at their school, even for short periods of absence.

The government proposes to reduce this double handling, recognising that non-state school principals, like their state school counterparts, are best placed to make such an assessment in relation to their student and context. Suitable safeguards will be retained over the exercise of these exemption powers. Exemptions sought for more than 110 days will still be determined by departmental officers on behalf of the director-general. The director-general will have the power to

review a decision of a non-state school principal, for example to refuse an application for exemption. Also, non-state schools will be required to maintain a copy of their exemption decisions and provide the director-general with access to the decision on request.

Another initiative in the bill that accords with this objective is the amendment that enables the director-general to delegate to appropriately qualified departmental officers, such as regional directors, the power to commence prosecutions against parents for the offence of failing to comply with compulsory schooling and compulsory participation requirements. Regional directors, in consultation with principals, are in the best position to make decisions about prosecution processes as they have access to detailed knowledge about the student, family circumstances that impact on school attendance and local community issues. Of course, it is recognised that school attendance is a complex issue that requires multiple approaches. The amendment is one of a number of strategies, including intensive case management and utilisation of remote student attendance officers, being adopted to improve state school attendance. Before a prosecution can be commenced, the legislation requires certain steps to occur, including notifying parents of their obligations and meeting with them to discuss their child's absenteeism. The amendments do not alter these prerequisites.

Improving educational outcomes for disengaged youth is at the heart of proposed amendments to the Education (Accreditation of Non-State Schools) Act 2001 relating to special assistance schools. Special assistance schools are provisionally accredited or accredited non-state schools that cater specifically for children and young people who have disengaged from mainstream education and who are also not participating in vocational education or work. Critically, special assistance schools do not charge tuition fees.

The bill amends the accreditation act to specifically recognise the existence and operation of special assistance schools. This will enhance the powers of Queensland's independent Non-State Schools Accreditation Board to ensure that special assistance schools comply with accreditation criteria and deliver a quality education program. The proposed amendments to the accreditation act will permit a special assistance school to operate, for a limited period of time, from temporary non-accredited sites in order to re-engage disengaged children and young people into education and training. The proposed amendments will provide added flexibility to respond to the needs of this cohort. It is hoped that initiatives like this will see re-engagement with education and ultimately result in benefits for the student and society.

These amendments will also streamline existing processes for recognising schools as special assistance schools. Currently, schools must be at least provisionally accredited and have commenced operating to apply for special assistance school status, which generally entitles the school to a higher level of state government funding. The minister considers applications for recognition of a school as a special assistance school based on criteria prescribed in policy.

The amendments will remove the discretion from the minister's decision. Instead, the minister will recognise the school as a special assistance school based on the decision of the accreditation board. In addition, currently a special assistance school must operate for the sole and specific purpose of special assistance—a two campus school cannot comprise one special assistance campus and one conventional campus. The amendments will enable an existing non-state school to maintain conventional educational offerings on one site while establishing another campus for special assistance.

Opportunities to reduce the regulatory burden have also been taken. The bill includes amendments to repeal chapter 18 from the Education (General Provisions) Act that regulates the establishment of international educational institutions. This is an institution offering an overseas school curriculum of a foreign country. The legislation currently requires the approval of the Governor in Council in order to operate an international educational institution. The repeal of chapter 18 will not impact on the ability of international educational institutions to operate in Queensland. On the contrary, it removes the unnecessary regulatory burden on these businesses. Of course, any such institution will continue to be regulated under corporations and child protection legislation. I need to stress here that this amendment has no impact on the provision of Queensland education to international students studying in Queensland under student visas. A joint national and state regulatory scheme aims to ensure the safety of international students and provides that they are only able to study approved Queensland and Australian courses with approved providers, including state or non-state schools.

The bill will also remove the existing requirement for the Queensland College of Teachers to disclose to applicants for renewal and restoration of teacher registration and permission to teach police information that has previously been provided to the applicant. This will apply where the police information will not adversely affect the college's decision about the person's application, for example, where the information relates to a minor matter, such as a traffic infringement. This will assist in

reducing the resource burden on the college in processing these applications. Importantly, it will also reduce the regulatory burden and anxiety for applicants who have previously made representations to the college about the police information and been granted registration or permission to teach.

The bill also includes amendments to ensure current provisions within my portfolio's legislation meet contemporary needs, operate to meet their policy objectives and support current operational requirements. For example, the bill supports enhanced school disciplinary powers introduced last year by giving the director-general statutory power to request confirmation from the Queensland Police Service that a student has been charged or convicted of an offence and to obtain a brief statement of the circumstances of the charges or conviction. This power will be limited to supporting suspension and exclusion decisions based on charges and convictions.

Also, the bill inserts new exemptions to the confidentiality provisions in the Education (General Provisions) Act to allow for the release of information for research and law enforcement purposes, subject to appropriate safeguards based on those in the Information Privacy Act 2009. The bill makes further amendments to the accreditation act to recognise modern governance arrangements for non-state schools established by letters patent for the purposes of accreditation. The bill makes other technical and minor amendments, including amendments to remove duplication with the recently revised civil liability indemnity provisions in the Public Service Act 2008 and amendments to align criminal history screening practices for statutory bodies within the portfolio.

While the bill is miscellaneous in nature, the reforms epitomise commitments to key initiatives that have been at the very centre of the Queensland government's education reforms—school autonomy, local decision making and reduced red tape. I commend the bill to the House.

### **First Reading**

**Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (2.47 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to the Education and Innovation Committee**

**Madam DEPUTY SPEAKER** (Mrs Cunningham): Order! In accordance with standing order 131, the bill is now referred to the Education and Innovation Committee.