



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


**MEMBER FOR SURFERS PARADISE**

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Record of Proceedings, 30 October 2014

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

### **Second Reading**

 **Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (11.05 am): I move—

That the bill be now read a second time.

I would like to take this opportunity to thank the Education and Innovation Committee for its comprehensive review of the Education and Other Legislation Amendment Bill 2014. I wish to acknowledge the contribution of stakeholders who have made submissions on this bill to the committee and taken the time to appear before the committee at its public hearing. I am aware that in the examination of the bill and preparation of its report, the committee received two separate briefings from officers of my department, considered written submissions from stakeholders and held a public hearing with stakeholders.

The committee tabled its report on 20 October 2014, making four recommendations in relation to the bill. I am pleased to advise that the committee was supportive of the bill and recommended that it be passed. Recommendation 2 is that the government consider limiting the advice obtained from the police to whether there is a potential risk to the school community, and extended to include advice as to risk minimisation or elimination. This recommendation is not supported by the government.

The committee's recommendation relates to the amendments in the bill that allow the Director-General of the Department of Education, Training and Employment, on the request of a school principal, to seek information from the Commissioner of Police about charges or convictions to inform disciplinary decisions relating to serious offences, such as sexual or violent offences, or other offences where it would not be in the best interests of other students and staff at the school for the student to attend the school. This is a measured, common-sense amendment that is intended to ensure that school principals have the facts to make the right decisions for all members of the school community. This is an amendment that relates to serious offences and protecting the best interests of students and staff. Murder, attempted murder, rape and arson—these are the sorts of offences that this amendment contemplates, and I know that most parents in this state would support the principal of their children's school knowing if another student had been charged or convicted of these kinds of offences. The director-general may only exercise this power to seek information if he or she reasonably suspects that a student has been charged with, or convicted of, an offence and the information is required for the purpose of determining whether to suspend or exclude a student. Further, the director-general will only provide the principal with information that they deem to be relevant to allow the principal to make an informed decision about a suspension or exclusion. Strict protocols around the storing and sharing of information obtained by the director-general from the Queensland Police Commissioner will apply.

The amendment relates to the enhanced school disciplinary powers that came into effect in January of this year and is intended to support the use of these powers. The student discipline powers provide principals with the power to respond to situations where a student is charged with, or convicted of, a criminal offence. To fully utilise these powers, accurate information about a student's charges and conviction is required to allow principals to determine if and how the potential risk posed by the student's ongoing attendance at the school can be managed. Because principals understand the local school community and the resourcing and staff support available at their school, principals are best placed to make the assessment about whether a student charged with, or convicted of, a criminal offence poses a risk to the school community. If adopted, the committee's recommendation has the potential to limit the scope of information that may be provided to principals and, accordingly, their capacity to make an appropriate decision for the student and the broader school community. This is contrary to the intention of the amendments in the bill, and contrary to this government's view that the safety and security of school communities must be given absolute priority.

Recommendation 3 relates to the amendments in the bill about special-assistance schools, specifically the amendments which enable a special-assistance school to provide special assistance at a temporary site. For context and background, the rationale for enabling special-assistance schools to operate from a temporary site is intrinsically linked to the nature and operation of a special-assistance school. Special-assistance schools seek to re-engage children and young people who are not participating in school, vocational education and training, or employment. Providing for special-assistance schools to operate from a temporary site enables them to respond in a more timely and effective manner to emerging needs of disengaged children and young people within a community.

The committee has at recommendation 3 submitted that the bill be amended to allow a governing body of a special-assistance school to extend the time period in which they can operate from a temporary site. This recommendation is supported in principle; however, an amendment to the bill itself is not required as the bill does not address the time period in which a special-assistance school can provide special assistance at a temporary site. What the bill provides for is that the time frame and other matters are to be prescribed in the Education (Accreditation of Non-State Schools) Regulation 2001, or the accreditation regulation. The temporary site time period, therefore, is a matter for consideration in developing the consequential amendments to the accreditation regulation. Determining the appropriate time period in which a special-assistance school can operate a temporary site requires a balancing of considerations and the views of the stakeholders will be taken into consideration in the development of the regulation.

Finally, the committee's recommendation 4 is that the government ensure consistency in the offence provisions applying to so-called letters patent schools and other non-state schools. The government supports this recommendation and does not consider that further amendments to the bill are currently required. The bill introduces new arrangements for governing bodies established by letters patent under the now repealed Religious Educational and Charitable Institutions Act 1861. These amendments allow these entities to nominate additional directors for the purposes of the Education (Accreditation of Non-State Schools) Act 2001, or the accreditation act, other than those recognised by their governing documents if they wish to.

No other non-state school governing bodies will nominate directors in this way. Other types of governing bodies are able to change their directors using the mechanisms provided for in their incorporating legislation. This will be the only way that the board will be able to be made aware if an additional director has been nominated. Accordingly, the offence provision is appropriate to ensure that the board is promptly notified of directors appointed through this process.

The accreditation act is currently under review. In this context, the government will consider whether all governing bodies should be required to notify of changes to the directors of a governing body where these changes to directors are made in accordance with relevant incorporating legislation. The government will also consider whether a corresponding penalty provision for failing to notify is appropriate.

I turn now to the two points on which the committee has sought clarification. The committee has sought clarification to explain exactly what information would be sought by the chief executive from the Police Commissioner; what information would be conveyed to the principal and how the chief executive would determine that; and who would have access to the information while it is in the department's possession. These questions from the committee have been addressed in the government's response.

The committee's second point for clarification relates to the requirement for approved providers of Queensland education and care services to notify the department of various matters, including

serious incidents. The term 'serious incident' is clearly defined in the Education and Care Services Regulation 2014 and includes, for example, the death or serious injury of a child while at a Queensland education and care service. The department has a well-established process of liaising with approved providers about such matters. The department will ensure that approved providers are notified of any changes to the definition of 'serious incident' that would impact on the providers' notification obligations.

The committee report includes a statement of reservation from Dr Anthony Lynham MP, member for Stafford. The member for Stafford has sought clarification about the process to be followed for secondary state schools to be prescribed as a mature age student school. The department will undertake an expression of interest process to determine which schools, other than the schools located in the south-east, North Queensland and metropolitan regions, commonly referred to as centres for continuing secondary education, have interest and capability to provide educational programs to mature age students. This expression of interest process will be open to all Queensland secondary state schools, other than special schools and schools of distance education. This process is being undertaken in recognition of the fact that there are some schools that do have expertise, appropriate programs and facilities to provide suitable education programs for mature age students. Schools will be assessed based on their capacity to provide curriculum, facilities and services appropriate to mature age students and school community support for such a program.

The member for Stafford also invited me to provide a copy of the current guidelines relating to the use of the school discipline powers. I take this opportunity to inform the House that the safe, supportive and disciplined school environment procedure, together with supporting policy documents, is publically available on the department's website. If this bill is passed, the department will amend the safe, supportive and disciplined school environment procedure to incorporate the legislative amendments and have the revised procedure publicly available on its website by January 2015.

In addition, the department will ensure that all principals who access information about student charges and convictions undertake mandatory training with respect to the guidelines and the risk assessment tool. Principals will not be able to request information until they have completed this training. At this point, I would like to foreshadow to members that amendments will be moved during consideration in detail to address minor and technical issues that have arisen under two acts falling within the portfolio of the honourable Attorney-General and Minister for Justice. First, an amendment to section 287 of the Industrial Relations Act 1999 will be moved during consideration in detail to clarify that a general ruling of the Queensland Industrial Relations Commission, QIRC, including a state wage case ruling, applies to employees bound by an industrial instrument, which includes premodernisation awards and modern awards. The amendment addresses a matter raised by the full bench of the QIRC in the 2014 state wage case about whether a state wage case general ruling could apply beyond premodernisation awards. The amendment will ensure the state wage case can apply to employees covered by a modern award. This minor and technical amendment clarifies the operation of the Industrial Relations Act 1999.

Amendments will also be moved to address a minor drafting omission that has been identified in the Property Occupations Act 2014. Progressing this minor amendment as part of this bill will ensure the Property Occupations Act operates as intended from its expected commencement date of 1 December 2014. Consistent with the current position under the Property Agents and Motor Dealers Act 2000, the amendment to the new Property Occupations Act will ensure that statutory revocation rights apply to appointments of property agents for the sale of fewer than three residential properties and are not inadvertently extended to other types of sales appointments, such as appointments relating to the sale of businesses or commercial property.

Let me again offer my appreciation for the considerable work undertaken by the committee in its examination of the bill. I recognise that a miscellaneous amendment bill, such as this one, requires considerable skill and adeptness in mastering its varied subject matter. I now table the government's response to the committee's report.

*Tabled paper:* Education and Innovation Committee: Report No. 40—Education and Other Legislation Amendment Bill 2014, government response [\[6414\]](#).

In closing, let me reiterate my earlier statements when introducing this bill that this bill embodies objectives that are at the very cornerstone of Queensland education reforms. I commend this bill to the House.