

EDUCATION AND INNOVATION COMMITTEE

REPORT No.16 ON THE

EDUCATION LEGISLATION AMENDMENT BILL 2013

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 16 July 2013, the Education and Innovation Committee tabled Report No.16 in relation to the Education Legislation Amendment Bill 2013.

The Queensland Government response to recommendations made by the Committee and points of clarification sought by the Committee are provided below.

RESPONSE TO RECOMMENDATIONS

Recommendation 1

The Committee recommends that the Education Legislation Amendment Bill 2013 be passed.

Government Response

The Government thanks the Committee for this recommendation.

Recommendation 2

The Committee recommends that the Minister for Education, Training and Employment confirms in the House that fee charging practices for students listed on page two of the Explanatory Notes will not change as a result of the Education Legislation Amendment Bill 2013.

Government response

The Government can confirm there is no intention to amend the fee charging practices for international students. The proposed amendments are not aimed at broadening charging practices. The proposed amendments simply support the Government's ability to recoup outstanding tuition fees from those families who are currently charged fees and who will be charged fees into the future – i.e. parents of dependant students.

Recommendation 3

The Committee recommends that the Minister for Education, Training and Employment develop and publish a fact sheet in simple English and relevant community languages on the Department of Education, Training and Employment's website to outline the process the department can take in the event that tuition fees for certain international students are not paid, including:

- when and how enrolment can be cancelled,
- who the parent or carer should contact if they are unable to pay tuition fees or have received a cancellation notice, and
- that a student can be re-enrolled upon payment of outstanding fees.

Government response

The Government accepts this recommendation and confirms a fact sheet will be posted on the Education Queensland International website.

There is a comprehensive section on the Education Queensland International website regarding the enrolment of dependant students (<https://www.eqi.com.au/programs/dependant-student.html>). This section was updated on 15 May 2013. Details will be added to this information regarding the process related to the cancellation of enrolment for non-payment of fees. Education Queensland International will also prepare a 'quick facts' sheet to underpin this information specifically addressing issues raised in Recommendation 3.

Recommendation 4

The Committee recommends that the Minister for Education, Training and Employment amends the Education Legislation Amendment Bill 2013 to require that 14 days' notice be provided to fee-paying international students enrolled after commencement of the amendments.

Government response -

For the reasons expressed in the Explanatory Notes, the Government does not support this recommendation. The Government can assure the Committee and Parliament that cancellation of enrolment will not occur under this new power without first notifying the parents of their obligations and outstanding debt and encouraging payment. The Explanatory Notes advise at page 6 that:

“...the Director-General has capacity to enter into flexible payment arrangements and, in appropriate circumstances, waive fees. Administrative practices will be put in place to support parents to meet the payment obligations and support the ongoing enrolment of these students where possible. This process of cancellation is not prescribed in the Bill as it can be a seesawing one whereby payment plans are entered into and revised over time. Confusion may result if the prescribed notice process does not align with the practice of encouraging payment.”

It is intended that the process of cancellation will be a last resort following reminder letters and an invitation to come into the Department and take advantage of a payment plan option. If a payment plan is not honoured then letters will again be generated after which, should the client fail to comply, a recommendation for cancellation will be made to the Director General. Following the Director-General's support of the recommendation, a two week notice of intention to cancel enrolment will be given to the parents who will, at any time, be able to counteract the process by following through with payment of outstanding fees. Parents will be able to apply to re-enrol their child at any time after cancellation subsequent to payment of outstanding fees.

Recommendation 5

The Committee recommends that the Minister for Education, Training and Employment amends the Explanatory Notes of the Education Legislation Amendment Bill 2013 to correct typographical errors, including:

- delete the first 'state school' from the last sentence in the last full paragraph on page 1,
- replace 'charges' with 'charged' in the second last bullet point on page 2, and
- insert the word 'than' between the words "rather" and "requiring" in the last sentence in the paragraph commencing "While the power..." on page 5.

Government response -

The Government accepts this recommendation. The Minister for Education, Training and Employment will table an Erratum to the Explanatory Notes to correct the typographical errors during the debate.

POINTS FOR CLARIFICATION

Point for clarification 1

The Committee recommends that the Minister for Education, Training and Employment clarifies whether there are any circumstances under which it might be appropriate to offer a streamlined accreditation process for independent primary schools that currently offer Year 7 as primary education and have accreditation with the Non-State Schools Accreditation Board (the Accreditation Board) for P-7 only, that wish to continue to offer Year 7 beyond 2015.

Government advice

The Government believes that the transition processes proposed in the Bill for a stand-alone non-state primary schools is appropriate. Such a school that wishes to offer year 7 as secondary education from 2015 onwards will be required to apply in the usual way to add secondary accreditation. The Bill supports the progression of these applications prior to 2015.

As these schools are not experienced in providing secondary education, it is appropriate and reasonable that the Accreditation Board has the capacity to consider the school's ability to meet the prescribed accreditation criteria, i.e that the school can deliver secondary education for Year 7. For example, the Accreditation Board will assess the school's proposed educational program, facilities and staffing arrangements.

The Bill enables the application to add secondary accreditation for Year 7 to be processed before 2015, when the technical amendments changing the definitions of primary and secondary education will commence. Also, schools that are currently eligible for Government funding for Year 7 as primary will be deemed eligible for funding for Year 7 as secondary. This may reduce processing time by as much as five months.

The Committee has referred specifically to the situation where a non-state primary school may have already applied for accreditation for one or more Years of secondary education in anticipation of the provision of Year 7 as secondary in 2015. In this scenario, if the school is granted provisional accreditation or accreditation for secondary education (for Year 8) it will be able to change its accreditation status for Year 7 by submitting the Year 7 Change Notice.

If the school's current application for provisional accreditation for secondary education is still on foot upon commencement of the Bill, the school is encouraged to work with the Accreditation Board to determine the most efficient course of action. This will depend on the proposal by the school, and the status of the current application.

As indicated to the Committee in response to stakeholder feedback, it is anticipated that the Year 7 Change Notice will be a simple form that will not be onerous for governing bodies to complete and may adopt a tick-the-box approach for information needed by the Accreditation Board.

Change notices are necessary to inform the Accreditation Board of the school's attributes of accreditation (year levels, educational program, school sites etc) and, if relevant, Government-funding eligibility, that will apply to Year 7 as secondary education from 2015. The notices are critical in the transition procedures to: support the Accreditation Board's oversight and compliance role; in order to update the Register of Non-State Schools required to be kept by the Accreditation Board; in order to issue certificates of accreditation to schools; and, if eligible for Government funding for Year 7 as primary, ensure that the school receives its entitlements to State allowances for Year 7 as secondary.

Point for clarification 2

While acknowledging the high take up rate for the non-compulsory Prep year, the committee asks that the Minister for Education, Training and Employment advise the Education and Innovation Committee about non-participation in the Prep year, including:

- reasons why families do not send their children to Prep,
- any other patterns of non-participation such as (but not limited to) the geographical location of these families, and
- what measures are in place to engage with families who may not be aware of the benefits of Prep for their child.

Government advice

Data shows that in 2013, there are 46,356 students enrolled in Prep compared to 45,972 students in Year 1. As there is very little difference in the level of participation between Prep and Year 1 in state schools it is clear that Prep enrolment is very high.

The Department has implemented a number of measures to engage with families who may not be aware of the benefits of Prep. For example a Prep brochure for parents is available on the Department's Every Day Counts website which highlights the benefits of attending every day of the Prep program.

Point for clarification 3

The Committee asks that the Minister for Education, Training and Employment clarify whether there are any safeguards in place to protect the enrolment status of the students listed on page two of the Explanatory Notes in the event of non-payment of fees.

Government advice

The Department's policy and practices in relation to payment and collection of tuition fees is outlined in policy and procedure, which is adopted by all state schools. As noted in the Explanatory Notes, the Department does not charge fees to refugee students, temporary skilled migrants on skilled migrant visas or students entering Queensland on a New Zealand passport. Students in immigration detention have fees paid from Federal funding through an agreement with the Department of Immigration and Communities.

Point for clarification 4

The Committee asks that the Minister for Education, Training and Employment clarify whether the outstanding \$1.5 million has been accrued by people other than children of parents that are required to enrol their children in school according to their current visa.

Government advice

The outstanding fees referred to by the Committee are only fees owing from parents of dependant students, i.e. people who come to Australia to study a vocational or higher education qualification who enrol their children (the dependant student) in state schools.