

# Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023

## Explanatory Notes

### Short Title

The short title of the Bill is the *Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023*.

### Policy objectives and the reasons for them

Queensland state schools are systemically underfunded, and families are having to pay thousands out of pocket to cover the basics their children need for a decent education. Queensland kids are going without the resources, teachers and support they need, and this underfunding is compounding inequality. The *Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023* compels the Minister to draft subsequent legislation to ensure that Queensland state schools are fully funded, and that schools are also given funding to cover out-of-pocket expenses being paid for by families - making Queensland's state schools truly free.

The current *Education (General Provisions) Act 2006 (Qld)* (the Act) has the object:

- (a) *to make available to each Queensland child or young person a high-quality education that will—*
  - (i) *help maximise his or her educational potential; and*
  - (ii) *enable him or her to become an effective and*
- (b) *to provide universal access to high quality State education.*<sup>1</sup>

Among other obligations, the existing Act requires the government to provide a limited class of students of State schools with the instruction, administration, and facilities for educational programs, free of charge.<sup>2</sup> However, these obligations have proven insufficient at meeting the

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<sup>1</sup> s 5

<sup>2</sup> ss 12, 50

objectives of the Act or ensuring that state schools receive funding to meet even the minimum educational needs of students under the national framework, the Schooling Resource Standard (SRS).<sup>3</sup>

The objective of the Bill is to strengthen the obligations upon the government and the Minister such that students of state schools receive a quality, well-funded education and opportunities to participate in a range of academic, sporting, and cultural programs necessary for their complete academic and social development, free of charge. By doing so, the Bill will ensure that the existing objectives of the Act are achieved and address the current issues arising from existing funding arrangements with state schools. These issues are summarised below and discussed in further detail later:

- Queensland state schools are nominally funded to just 89% of the minimum funding amount required to meet the minimum educational needs of students under the national framework, the SRS);<sup>4</sup>
- actual funding as a portion of SRS is as low as 85% once capital depreciation is discounted from the Queensland Government's contribution to funding;<sup>5</sup>
- the shortfall between existing recurrent funding to state schools and minimum needs funding is \$1.7 billion;<sup>6</sup>
- state schools are increasingly reliant on parent contributions to deliver the basic curriculum, adding to cost-of-living pressures and meaning that some children miss out;<sup>7</sup>
- teacher morale and retention rates are declining under increasing pressure to perform with inadequate staff and material resourcing;<sup>8</sup>
- there is unequal educational, sporting and cultural opportunities available to children, denying many children the ability to fully develop both academically and socially;

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<sup>3</sup> Australian Education Union (2023). *Investing in Australia's Future*.  
<https://assets.nationbuilder.com/aeu/pages/3265/attachments/original/1690765627/ForEveryChild.pdf?1690765627>; Commonwealth of Australia and State of Queensland (2021). *Bilateral Agreement Between Queensland and the Commonwealth on Implementation of School Education Reform*; Rorris (2020). *The Schooling Resource Standard in Australia*.  
[https://www.aeufederal.org.au/application/files/5016/0393/4220/The\\_Schooling\\_Resource\\_Standard\\_in\\_Australia.pdf](https://www.aeufederal.org.au/application/files/5016/0393/4220/The_Schooling_Resource_Standard_in_Australia.pdf)

<https://www.education.gov.au/quality-schools-package/resources/queensland-bilateral-agreement>

<sup>4</sup>Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Australian Education Union (2023). *Most public school teachers spend own money on resources*.  
<https://www.aeuvic.asn.au/most-public-school-teachers-spend-own-money-resources>

<sup>8</sup> Longmuir et al. 2022. *Australian Teachers' Perceptions of their Work in 2022*. Monash University. Pg 10-13.

[https://www.monash.edu/\\_\\_data/assets/pdf\\_file/0008/3061169/Teachers-Perceptions-of-their-Work-2022.pdf](https://www.monash.edu/__data/assets/pdf_file/0008/3061169/Teachers-Perceptions-of-their-Work-2022.pdf)

- underfunding of state schools is a net detriment to the economy and worsens existing inequality.<sup>9</sup>

The *Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023* compels the Minister to draft subsequent legislation to achieve full funding for state schools. There are no revenue or appropriation measures contained within this Bill.

### **Queensland state schools are not funded to meet the minimum educational needs of students**

Following the 2011 *Review of Funding for Schooling*, led by David Gonski, Queensland adopted the SRS to calculate the minimum funding needed by a school to meet a student's educational needs.<sup>10</sup>

The Australian Education Union (AEU) have said:

*“The SRS is not an aspirational standard of school funding, nor is it a desirable level of funding that would give schools an ideal pool of resources. The SRS was designed as the **minimum funding required** so that schools can have at least 80% of their students achieving learning outcomes above the national minimum standard in NAPLAN for reading and numeracy.”<sup>11</sup>*

The Queensland Government funds state schools well below the SRS. Under the current *Bilateral Agreement*, the Queensland government and Commonwealth fund state schools to 69% and 20% of the SRS respectively.<sup>12</sup> As a result, Queensland's state schools are only funded to 89% of the SRS, less than any other state or territory except the Northern Territory. Under the agreement, Queensland's contributions to state school funding can also be discounted for capital depreciation, however this “does not represent real current resources for teaching and other supports; hence it effectively permits an additional degree of underfunding

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<sup>9</sup> Rorris (2016). *Australian Schooling- The Price of Failure and Reward for Success*. Pg 42.

<https://apo.org.au/sites/default/files/resource-files/2016-04/apo-nid63526.pdf>

<sup>10</sup> Gonski et al. (2011). *Review of Funding for Schooling*.

<https://www.education.gov.au/school-funding/resources/review-funding-schooling-final-report-december-2011>

<sup>11</sup> Australian Education Union (n 3). Pg 6.

<sup>12</sup> Commonwealth of Australia and State of Queensland. 2021. *Bilateral Agreement Between Queensland and the Commonwealth on Implementation of School Education Reform*.

<https://www.education.gov.au/quality-schools-package/resources/queensland-bilateral-agreement>

relative to the SRS".<sup>13</sup> As such, Queensland state schools are effectively underfunded by up to 15%.<sup>14</sup>

This level of underfunding translates to more than 1 in 10 children in Queensland state schools are not funded to have their minimum educational needs met. Over a decade, this is the equivalent of leaving more than an entire year level unfunded.

The annual shortfall between actual funding provided to state schools by the Queensland government and the funding required for state schools to meet the minimum needs of their students is estimated to be \$1.7 billion in 2023.<sup>15</sup>

Chronic underfunding of state schools means worsening student performance, poor working conditions for teachers, lower staff retention and fewer teachers entering the profession, increased out-of-pocket expenses for families, and worse long-term economic and social outcomes for individuals and our communities.<sup>16</sup>

This is an easily rectifiable situation. The \$1.7 billion deficit in minimum needs funding represents just 14% of the 2022-2023 Queensland Budget Surplus.

Internationally, Australian spending on education (where Queensland is ranked second worst ahead of only the Northern Territory) compares negatively to other OECD countries. According to the OECD's most recent education report, Australia spends the equivalent of just 73% of the OECD average on secondary school education as a proportion of GDP, with an outsized amount of this being spent on private schools: more than double the OECD average.<sup>17</sup>

### **Underfunding worsens students outcomes and weakens the economy**

The underfunding of schools means that schools are forced to operate with less staff and resources than is required to meet the educational needs of their students. This is negatively impacting the academic and social development of children at state schools, with lifelong consequences to the economy and individuals, particularly already disadvantaged children.

The Australian Institute Centre for Future Work says

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<sup>13</sup> The Australian Institute Centre for Future Work (2023). *The Case for Investing in Public Schools: The Economic and Social Benefits of Public Schooling in Australia*. Pg 11. <https://futurework.org.au/wp-content/uploads/sites/2/2023/08/Economic-and-Social-Benefits-of-Public-Schools-Aug2023-FINAL.pdf>

<sup>14</sup> Australian Education Union (n 3); The Australian Institute Centre for Future Work (n 13); Rorris (n 3).

<sup>15</sup> Ibid.

<sup>16</sup> Australian Education Union (n 3); The Australian Institute Centre for Future Work (n 13); Rorris (n 3); Rorris (n 9).

<sup>17</sup> OECD (2023). *Education at a Glance 2023: OECD Indicators*. <https://doi.org/10.1787/e13bef63-en>.

*“... despite strong agreement that **there is no greater determinant of a society’s economic and social progress than quality, accessible education, and growing evidence about the direct correlation between school attainment and economic performance, Australia’s education system is being hampered by consistent underfunding of public schools relative to minimum agreed benchmarks. This is leading to declining scholastic attainment, with consequent damage to the life chances of many thousands of students – particularly those from disadvantaged socio-economic and family backgrounds.**”<sup>18</sup>*

Since 2016, the percentage of Queensland students who have met the minimum national standard for reading, literacy, and numeracy in NAPLAN testing has declined across all year levels and areas (the only exception being Year 5 numeracy, which stayed the same).<sup>19</sup>

Nationally, the long-term decline in reading, maths, and science meant that the average 15-year-old in 2019, even before COVID, was approximately one year behind the average 15-year-old in the year 2000.<sup>20</sup>

Of the 79 countries that participate in the *Programme for International Student Assessment* (PISA), Australia’s decline in performance relative to other countries (the majority with improving performance) is the second worst.<sup>21</sup>

While the total additional investment required to provide Queensland children with their minimum educational needs is just \$1.7 billion annually, the economic benefits of properly funding schools far outweigh the costs.

The Australian Institute Centre for Future Work estimates that within 20 years the annual economic benefit to Queensland of fully funding schools will be between \$4.6 and 6.4 billion, between two and four times larger than the annual fiscal cost of meeting the SRS. In this same period, the net benefit to government revenue from fully funding school would grow to fully offset the ongoing fiscal cost of extra funding, improving the government’s annual budget by between \$0.6 and 1.9 billion after just 20 years.<sup>22</sup>

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<sup>18</sup> The Australian Institute Centre for Future Work (n 13). Pg 11.

<sup>19</sup> Australian Curriculum, Assessment and Reporting Authority. 2022. *National Assessment Program—Literacy and Numeracy National Report for 2022*.

<https://www.nap.edu.au/docs/default-source/default-document-library/2022-naplan-national-report.pdf>

<sup>20</sup> Australian Council for Educational Research. 2019. *PISA 2018: Australian students’ performance*.

<https://www.acer.org/au/discover/article/pisa-2018-australian-students-performance>

<sup>21</sup> Ibid.

<sup>22</sup> The Australian Institute Centre for Future Work (n 13) — national estimates adjusted for Queensland’s share of underfunding.

An audit of overseas school finance reforms showed that a 10% reduction in public education funding (less than the current Queensland deficit) has an outsized effect on the broader economy, decreases average income by 7%, and increases the incidence of adult poverty by 3.7%.<sup>23</sup>

Based on a major OECD study, it is estimated that lifting Queensland educational standards such that all Queensland students' achieve minimum PISA standards would generate a total economic benefit to the Queensland economy of \$700 billion by the year 2095, and result in an increase in GDP of 11%. Increasing Queensland's students' academic achievement by 25 points under PISA (equivalent to one year of education) would have a total benefit to the Queensland economy of \$1.6 trillion by the year 2095 and increase GDP by 29%.<sup>24</sup>

### **Underfunding exacerbates inequality, and particularly affects already disadvantaged students and cohorts**

Underfunding negatively impacts all state school students, their communities, and the broader economy, but particularly affects low-income students. Underfunding schools results in the greatest reduction in lifelong income and an increase in the incidence of adult poverty for cohorts of children from low-income households, further concentrating disadvantage.<sup>25</sup>

According to the Australian Curriculum Assessment and Reporting Authority (ACARA), the majority of students with disabilities, from low-income and low socio-educational backgrounds, who are Aboriginal or Torres Strait Islander, or who are from non-English speaking families, are educated at state schools.<sup>26</sup> Students with an unemployed parent are almost exclusively enrolled in state schools. These disadvantaged children are ten times more likely to fail to meet minimum testing standards in numeracy and literacy than students with a parent who is a qualified professional.<sup>27</sup>

Australia is ranked fourth worst in the OECD for access to educational resources for disadvantaged schools, considerably lower than countries with comparable wealth and average GDP per capita, and is a significant outlier in that already disadvantaged schools and students

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<sup>23</sup> Jackson et al. (2015). *The Effects of School Spending on Educational and Economic Outcomes: Evidence from School Finance Reforms*.

<https://academic.oup.com/qje/article-abstract/131/1/157/2461148?redirectedFrom=fulltext>

<sup>24</sup> Rorris. 2016. *Australian Schooling- The Price of Failure and Reward for Success*. Pg 42.

<https://apo.org.au/sites/default/files/resource-files/2016-04/apo-nid63526.pdf> — figures adjusted to account for 2022 price levels and Queensland's approximate share of the economic benefits based on its share of total school underfunding.

<sup>25</sup> Jackson et al. (n 23). Pg 3-4

<sup>26</sup> Australian Education Union (n 3). Pg 8.

<sup>27</sup> Rorris (n 9). Pg 9.

receive fewer educational resources, not more, than their better-off peers.<sup>28</sup> Not only is the underfunding of schools damaging the Queensland economy as a whole, but the negative consequences disproportionately affect those students who are already disadvantaged. This has long-term social and economic repercussions at individual and societal levels.

### **Underfunding is contributing to teacher burnout, job dissatisfaction, declining rates of staff retention, and a diminishing number of new teachers entering the profession**

State school underfunding requires schools to operate with fewer teachers, staff, and resources than is required to meet students' minimum educational needs. Not only does this negatively impact students' social and academic development, but it also requires teachers to work extended hours, and in some cases, personally finance resources, or otherwise see their students fall further behind. This puts enormous strains on teachers and school staff workloads, as well as their health, finances, and relationships.

As the effects of chronic underfunding compound with each year, job satisfaction among teachers, and the appeal of the profession to new entrants, is in steady decline. The percentage of teachers intending to change professions is at a record high of 35%, while the Queensland Education annual attrition rate has increased 34% since 2018.<sup>29</sup> The number of new graduates entering the workforce is predicted to decline 25% from 2022–2027.<sup>30</sup> According to Federal Department of Education documents obtained by The Guardian, there is expected to be a shortfall of 1700 Queensland secondary teachers by 2025.<sup>31</sup>

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<sup>28</sup> Hunter (2022). *Improving student learning in Australia: Submission to the Review of the National School Reform Agreement, June 2022*. Pg 8.

[https://grattan.edu.au/wp-content/uploads/2022/06/Grattan-Institute\\_Productivity-Commission\\_NSRA\\_Submission\\_20220617\\_Final.pdf](https://grattan.edu.au/wp-content/uploads/2022/06/Grattan-Institute_Productivity-Commission_NSRA_Submission_20220617_Final.pdf); Rorris (n 9). Pg 9

<sup>29</sup>Institute for Teaching and School Leadership (2023). *Australian Teacher Workforce Data Key Metrics Dashboard release March 2023*. Pg 2.

[https://www.aitsl.edu.au/docs/default-source/atwd-js/march29-2023/atwd-key-metrics-dashboard---march-2023.pdf?sfvrsn=ebd1b03c\\_2](https://www.aitsl.edu.au/docs/default-source/atwd-js/march29-2023/atwd-key-metrics-dashboard---march-2023.pdf?sfvrsn=ebd1b03c_2); Hon. Grace Grace (2023). *Question on Notice no. 1460, 2022*.

<https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2022/1460-2022.pdf>; Australian <sup>30</sup> Hinchliffe and Rose (2022). *Queensland to have one of nation's worst teacher shortages, modeling suggests*. Guardian Australia.

<https://www.theguardian.com/australia-news/2022/mar/16/queensland-to-have-one-of-nations-worst-teacher-shortages-modelling-suggests>

<sup>31</sup> Ibid.

This teacher shortage is driven by increased workloads, falling real wages, dissatisfaction with outcomes, and feelings of being unappreciated. According to Monash University's annual survey of Australian School Teachers

- 71% of state school teachers feel that the public doesn't respect teachers;
- 61% feel personally unappreciated for their work;
- 66% of state school teachers are dissatisfied with their job overall;
- 87% of state school teachers said their workload was unmanageable;
- 72% of teachers do not intend to stay in the profession until retirement;
- 65% of teachers would not recommend teaching as a career.<sup>32</sup>

All of these key figures have been increasing in recent years.

It is clear from teachers' comments to the survey that it is not the nature of the work, which for the most part teachers are incredibly passionate about, that is driving teachers away. Rather it is poor working conditions and exhausting workloads created by under-resourcing. Workload was cited as the number one issue in the survey.

*"I love teaching but the demands and conditions are not sustainable to good mental health."*

*"I would like to stay but genuinely don't know if I will be able to keep up this kind of workload."*

*"... you need to really love the work to tolerate the work conditions."*

*"I love teaching and I love working with the children. But the admin burden is beginning to outweigh the teaching."*

*"Part of me loves it and would never leave, but the other part of me is so worn out I wonder how long I can stay."*

*"I love teaching and would like to stay, but I don't know how long I can endure it for."*

*"... the career I love is being threatened by my worsening mental and physical health due to overload."*

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<sup>32</sup> Longmuir et al. (2022). *Australian Teachers' Perceptions of their Work in 2022*. Monash University. Pg 10-13.  
[https://www.monash.edu/\\_\\_data/assets/pdf\\_file/0008/3061169/Teachers-Perceptions-of-their-Work-2022.pdf](https://www.monash.edu/__data/assets/pdf_file/0008/3061169/Teachers-Perceptions-of-their-Work-2022.pdf)

*“I would have said [I’d teach] until retirement but now I don’t think I have more than two years left in me.”*

*“If we are provided with more time I’ll stay as I love the job. If not, I don’t know how long I will last but it is not sustainable.”*

*“I care too much to do a crappy job. I’d rather have less emotional pressure and workload and less pay in a different job. I still really want to teach.”*

*“There are aspects that are deeply rewarding and making connections and supporting young people is a privilege. However, much of the work you do is dictated by those with little real understanding of what facilitates good learning experiences.”*

*“I really don’t know - I would like to stay but genuinely don’t know if I will be able to keep up this kind of workload.”*

Teachers are also paying out of their own pocket to fill the gaps left by underfunding. According to an AEU survey of 12,000 teachers, public school teachers spend an average of \$874 of their own money on school supplies for students each year.<sup>33</sup>

Related to school funding is teachers’ compensation which makes up the single biggest cost for a school’s recurrent funding. Pay was the number four issue cited by teachers in the Monash report.<sup>34</sup> Teachers feel they are working too much for too little pay. Low remuneration, unpaid hours, and award rates declining in real terms, undoubtedly contribute to declining rates of retention and fewer new entrants joining the profession. Education Queensland teachers, based on past and expected inflation in the Queensland Budget, will have received a real wage cut of 3.9% from the start of their current pay agreement in 2022 to its conclusion in 2025.<sup>35</sup>

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<sup>33</sup> Australian Education Union (n 7).

<sup>34</sup> Longmuir et al. (2022). *Australian Teachers’ Perceptions of their Work in 2022*. Monash University. [https://www.monash.edu/\\_\\_data/assets/pdf\\_file/0008/3061169/Teachers-Perceptions-of-their-Work-2022.pdf](https://www.monash.edu/__data/assets/pdf_file/0008/3061169/Teachers-Perceptions-of-their-Work-2022.pdf)

<sup>35</sup> Queensland Government (2023). *Queensland Budget 2023-2024: Budget Strategy and Outlook (Budget Paper No. 2)*. Pg 4. [https://budget.qld.gov.au/files/Budget\\_2023-24\\_Strategy\\_Outlook.pdf](https://budget.qld.gov.au/files/Budget_2023-24_Strategy_Outlook.pdf); Queensland Industrial Relations Commission (2022). *Department of Education State School Teachers’ Certified Agreement 2022*. [https://www.qirc.qld.gov.au/sites/default/files/2022-12/2022\\_cb135.pdf](https://www.qirc.qld.gov.au/sites/default/files/2022-12/2022_cb135.pdf)

### **Out-of-pocket schooling expenses contribute to cost-of-living pressures meaning low-income kids miss out**

Due to the \$1.7 billion shortfall in the recurrent funding that Queensland state schools need to meet students' minimum educational needs, schools are increasingly reliant on contributions from parents and carers to operate.

Schools regularly have to rely on donations from parents and the community to cover school costs for essentials such as air conditioning, classroom resources and furniture, wireless internet infrastructure, playground and oval upgrades, sunscreen, water fountains, and wheelchair accessibility improvements.<sup>36</sup> According to an AEU survey, 86% of principals say that charitable fundraising is important, or very important, to financing the school budget.<sup>37</sup> The reliance on charitable funds is most detrimental to low socioeconomic schools that are least able to solicit funds from their poorer communities.<sup>38</sup>

The fundraising efforts of Queensland's incredible P&C groups and the broader community are laudable, but that these charitable funds are needed to cover the basics, which should be met by the state, instead of being spent on extra and special improvements to schools, is indicative of the inadequate amount of funding provided to schools by the state government.

Furthermore, while all state schools are to administer the basic curriculum free of charge, schools are still allowed to charge fees and for resources and items essential to this curriculum such as uniforms.<sup>39</sup> Schools can also charge fees for subjects, activities and programs that fall outside of the basic curriculum (for particular subjects, excursions, camps, cultural and sporting programs, academic competitions etc.). Access to these opportunities should be considered a necessity if all children are to have an equal opportunity to develop academically and socially.

The median per student contribution for Queensland state secondary schools, excluding Queensland Academies, was \$390 in 2021, with 7.4% of schools charging in excess of \$1000.<sup>40</sup> However, these fees don't include other essentials such as uniforms, technology, or stationery not included in a given school's student resource scheme. Additionally, for a child to succeed at

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<sup>36</sup> Greenbank State School P&C webpage. Accessed 14 September 2023.  
<https://greenbankss.eq.edu.au/our-community/pandc>; Camp Hill P&C Facebook post. Accessed 14 September 2023.

<https://www.facebook.com/camphillpandc/photos/a.178840822669748/312595309294298>

<sup>37</sup> Australian Education Union (n 7).

<sup>38</sup> Ibid.

<sup>39</sup> Queensland Department of Education. *School fees matrix*. Accessed 14 September 2023.  
<https://ppr.qed.qld.gov.au/attachment/user-charging-procedure.pdf>

<sup>40</sup> Australian Curriculum, Assessment and Reporting Authority. 2023. Finance Data 2021. Obtained upon request.

state school often requires incurring extra costs for additional tuition to compensate for a learning environment hindered by underfunding.

Parents have to pay further fees for extracurricular programs such as sporting and cultural programs, inevitably depriving disadvantaged children the same opportunities to develop as their peers.

Of the 721 persons who had at least one child attending state school who responded to a survey conducted by the office of South Brisbane MP, Dr Amy MacMahon,

- nearly a third said they had to make financial sacrifices to pay for school expenses;
- one in ten said they had to make significant financial sacrifices to pay for school expenses;
- 42% of respondents had sought assistance to cover school expenses, (nearly half of who went on a payment plan, and 22% received help from family, with either loans or cash);
- only 15% thought their school received sufficient funding.

These out-of-pocket costs can put an incredible strain on the household budget for low and middle-income earners as well as cause many children to miss out on opportunities essential to their academic and social development. *The Cost of Schooling Australia Report* found that 26% of families struggle to pay for food and bills when paying school costs.<sup>41</sup> A survey by The Smith Family<sup>42</sup> found that parents and carers were struggling to cover schooling costs alongside broader cost of living pressures, stating:

*“Nearly two-thirds of parents and carers (62%) have found it harder to afford all the things their children need for school this year compared to last year, with more than half of respondents (52.1%) saying this was due to increases in everyday expenses such as groceries, rent and petrol. Nearly a third (32%) are finding their children need more things, or more expensive things, for school, while just under a third (29.9%) have found the cost of school items has increased”.*

In order to give every child an opportunity to meet their potential, state school should be truly free, including those activities which many would consider essential to any childhood, such as the opportunity to play sports or learn an instrument. Instead, the cost of participating in the

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<sup>41</sup> Ibid.

<sup>42</sup> The Smith Family. 2022.

<https://www.thsmithfamily.com.au/media/centre/releases/2022/rising-living-costs-adds-to-educational-challenges>

basic curriculum, let alone participating in further educational, sporting, and cultural activities, is out of reach for too many.

## **Achievement of policy objectives**

The Bill obligates the Minister to introduce subsequent future legislation to achieve a number of educational objectives outlined in the Bill.

The government's existing obligations under the Act are to provide instruction, administration, and facilities at state schools free of charge.<sup>43</sup> The Bill obliges the relevant Minister to introduce legislation to ensure state schools are provided funding to meet the states existing obligations under the act', meet state school students' minimum educational needs under the national standards framework, as well as cover the cost of providing to state school students, free of charge, resources, textbooks, stationery, personal computing devices, school uniforms, and sporting, cultural, and academic programs.

In effecting these objectives with the introduction of subsequent legislation, the Minister is to determine school funding in accordance with the amount of funding a school requires to meet the minimum educational needs of its students as set by the SRS. Costs above SRS for each school will have to be determined by the Chief Executive in an annual report established by the Minister.

Legislation to achieve these objectives and determine these costs, would also have to oblige the Minister and Chief Executive to have regard to what costs will be incurred in ensuring the academic and extracurricular opportunities available to children are comparable between state schools and private schools. The Chief Executive is also to have regard to any additional costs associated with addressing the economic, social or geographical disadvantages of the students attending a school, and any particular requirements of students with disabilities.

## **Alternative ways of achieving policy objectives**

While the objectives of the existing Act as well as the Bill could be achieved by executive action alone, the guidance and obligations placed upon the executive in existing statutes, including provisions in the *Education (General Provisions) Act 2006* (Qld), have proven insufficient at achieving the objects of the Act or ensuring governments provide all students with the resources needed to meet minimum educational outcomes, let alone participate fully in extracurricular programs beneficial to their academic and social development. As a result, state schools are heavily under-resourced, the teaching profession is suffering a decline in morale and shortage

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<sup>43</sup> *Education (General Provisions) Act 2006* (Qld). s 50

of numbers, students are performing worse, inequality is being exacerbated, families are being strained by cost-of-living pressures and long-term social economic outcomes for individuals and broader communities are worse.

## **Estimated cost for government implementation**

There are no revenue or appropriation measures contained within this Bill.

This Bill requires the development of subsequent legislation for the provision of school funding. It is estimated that any costs arising from the drafting and development of subsequent legislation will be met from existing department resources.

The Minister is to fulfill their obligations in the normal course of their duties. The Minister retains the discretion to effect the objectives of the Bill with revenue and appropriation measures contained in subsequent bills as they see fit.

On 11 May 2023, the Speaker's ruling on the *Planning (Inclusionary Zoning Strategy) Amendment Bill 2023* determined that a bill obligating a minister to introduce a revenue bill was not itself a revenue bill, and that "there is no current procedural impediment to the bill proceeding".

## **Consistency with Fundamental Legislative Principles (FLPs)**

The only principle outlined in the *Legislative Standards Act 1992* (Qld) that the Bill touches is that of s 4(4), which provides that a Bill has sufficient regard for the institution of parliament only where it delegates legislative power in appropriate cases and to appropriate persons, subject to sufficient scrutiny of the Legislative Assembly.

In legislation to be subsequently introduced, the Minister is to be obligated to determined funding in these legislative measures as calculated by the Chief Executive, as well as the Federal Department of Education in accordance with the *Australian Education Act 2013* (Cwlth), sections 34(1), (2) and (4). However, in order to meet these costs, relevant appropriations Bills would need to be introduced by the Minister and passed by the parliament, thus there is no real legislative power delegated, and the determinations of the Chief Executive and Federal Department of Education are subject to the scrutiny of parliament in its consideration of the legislation introduced by the Minister.

## Consultation

Dr Amy MacMahon has met with the Queensland Teachers Union, Queensland Association of State School Principals, and campaign group Save Our Schools to discuss state school funding and a proposed legislative and funding reform. Dr MacMahon frequently attends P&C meetings, meets with school principals, and talks to teachers, parents, and students in the local community about issues related to state education and state school funding and resourcing.

In 2023, Dr Amy MacMahon launched a community survey to consult parents and carers on the issue of out-of-pocket school expenses and school funding. The survey had over 700 respondents.

Dr MacMahon regularly receives correspondence regarding state education and state school funding and resourcing.

## Consistency with legislation of other jurisdictions

Provisions in the current *Education (General Provisions) Act 2006 (Qld)* provide that the instruction, administration, and facilities for state education be provided free of charge are comparable to other Australian jurisdictions. Notably, the ACT's equivalent education Act has more onerous obligations than Queensland's. The ACT Act requires the Minister and persons administering the Act "to apply the principle that every child has a right to receive a high-quality education". This includes aiming to develop every child's potential, maximise their educational achievements, and remove economic, social, cultural and other causes of disadvantage through government education.<sup>44</sup> Queensland's Act merely recognises somewhat similar aims as objectives of the Act.

Additionally, the ACT Act recognises that funding provided to government schools should maximise student educational achievements and opportunities; develop the emotional, physical and intellectual wellbeing of all students; and ensure participation in all aspects of school education.<sup>45</sup> Unlike Queensland, every government school student in the ACT is funded to meet minimum educational outcomes under national standards without fees.

This Bill goes further than the ACT Act, putting more definite obligations on the Minister in order to practically realise the existing objectives of the Queensland Act. The Bill is consistent with

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<sup>44</sup> *Education Act 2004* (ACT), s7

<sup>45</sup> *Ibid.* s 18

and strengthens existing Queensland legislation and does not conflict with the legislation of other jurisdictions though it does rely on the *Australian Education Act 2013* (Cwlth), sections 34(1), (2) and (4) and the determinations of the Federal Department of Education.

The Bill allows Queensland to further its compliance with international law which recognises the legal right to free and quality education which has been affirmed in a number of international treaties including the *International Covenant on Economic, Social and Cultural Rights*, and the *Convention on the Rights of the Child*.

## Notes on provisions

*Clause 1* sets out the short title of the Bill.

*Clause 2* states that the Act amended is the *Education (General Provisions) Act 2006*.

*Clause 3* inserts a new ch 3, pt 1 heading, 'Interpretation'.

*Clause 4* inserts a new ch 3, pt 2 heading, 'Free education—general'.

*Clause 5* inserts a new ch 3, pt 3 heading, 'Funding State schools', provides meanings for terms introduced in this part, and provisions for the part.

*Extra curricular services* includes programs, instructions, events, performances and competitions outside the basic curriculum including for sporting, cultural, artistic, and other purposes.

*Individual student resources* means textbooks, stationery, personal computing devices, or any other relevant material, tool, instrument, equipment or devices necessary for a student's personal use in a class or state school's educational program.

*Relevant student* means a person receiving or intending to receive education at a State school, as well as kindergarteners and distance education students.

New section 56B requires the minister, within the stipulated time frame, to introduce a Bill into parliament that achieves the objectives of new sections 56C and 56D by the start of the 2025 school year.

The objective contained in new section 56C is for the state to meet the cost of providing instruction, administration, facilities, individual student resources, extracurricular services, uniforms, and any other resources necessary for participation in the State school's educational

program, to all relevant students at state schools. In meeting these costs the state is to ensure that the academic and extracurricular services offered at State schools are comparable to services offered at non-State schools. *Relevant students* is notably wider than the restricted class of State school students which the state is presently obligated to provide instruction, administration, and facilities free of charge.

The amount of costs to be met by the state should be calculated by reference to 100% of the SRS and individual school loadings determined under the national framework in accordance with the *Australian Education Act 2013* (Cwlth), section 34(1), (2) and (4), and an annual report conducted by the Chief Executive as per new section 56D.

New section 56D provides that an objective to be achieved by legislation introduced by the Minister is annual reporting by the Chief Executive to the Minister. The report is to provide basic information to the Minister; costings for meeting the objectives in new section 56C including additional costs associated with addressing economic, social, or geographical disadvantages of the students attending the school as well as any physical or intellectual disabilities of the students; and a review of the operation and efficacy in achieving the objective in 56C.

*Clause 6* adds the meanings provided in new ch 3, pt 3 heading, 'Funding State schools' to the Act's dictionary (schedule 4).