

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

Statement of Compatibility

Prepared in accordance with Part 3 of the Human Rights Act 2019

In accordance with section 38 of the Human Rights Act 2019, I, Amy MacMahon, Member for South Brisbane, make this statement of compatibility with respect to the *Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023* (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the *Human Rights Act 2019* (HR Act). I base my opinion on the reasons outlined in this statement. The Bill seeks to protect and provide to children their fundamental human right to education (s 36, HR Act), and in no way limits or jeopardises any right.

Overview of the Bill

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

The government's existing obligations under the *Education (General Provisions) Act* are to provide instruction, administration, and facilities at state schools free of charge.¹ The national framework for educational standards, the Schooling Resource Standard (SRS), is designed as the minimum educational resources a school needs in order to ensure 80% of the school's students achieve minimum standards in NAPLAN for reading and numeracy. Queensland state schools are nominally funded to just 89% of the SRS, actual funding is as low as 85% once capital depreciation is discounted from the Queensland Government's contribution to funding, which is equivalent to a \$1.7 billion shortfall in annual minimum needs funding.²

The Bill obliges the relevant Minister to introduce legislation to ensure state schools are provided funding to meet the State's existing obligations under the act, meet state school students' minimum educational needs under the national standards framework, as well as meet the cost of providing to state school students, free of charge, resources, textbooks,

¹ *Education (General Provisions) Act 2006* (Qld), s 50

² 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*; Rorriss (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.education.gov.au/quality-schools-package/resources/queensland-bilateral-agreement>

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 would 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.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 3, section 36, *Human Rights Act 2019*)

Under existing statute, all Queensland state schools are to administer the basic curriculum free of charge, but schools are still allowed to charge fees and require the purchase of resources and items essential to this curriculum, such as uniforms, consumable resources, and digital resources.³ 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 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 \$1000.⁴ However, these fees don't include other essentials such as uniforms, technology, or stationery not included in a given school's student resource scheme.

Underfunding negatively impacts all state school students, their communities, and the broader economy, but particularly affects low-income students and students facing other forms of disadvantage. Underfunding schools results in the greatest reduction in lifelong income and an increase in the incidence of adult poverty for cohorts of children from

³ Queensland Department of Education. *School fees matrix*. Accessed 14 September 2023. <https://ppr.qed.qld.gov.au/attachment/user-charging-procedure.pdf>

⁴ Australian Curriculum, Assessment and Reporting Authority. 2023. Finance Data 2021. Obtained upon request.

low-income households, disabled children, and Aboriginal and Torres Strait Islander children, further concentrating disadvantage.⁵

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.⁶ 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.⁷

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 receive fewer educational resources, not more, than their better-off peers.⁸

As a result of the \$1.7 billion shortfall in the recurrent funding that Queensland state schools need to meet students' minimum educational needs, state schools are prevented from providing the minimum standard of education to their students' free of charge, if at all. Access to education that meets minimum standards is not available to children where these resources are not available or where they come at a prohibitive cost, denying many children the right to education appropriate to their needs.

The Bill enhances human rights by requiring the Minister to introduce legislation which ensures state schools are funded to meet minimum educational standards, provide resources essential to participating in a schools curriculum, and provide educational opportunities many would deem not only appropriate, but essential to any childhood, such as the ability to engage in sporting and cultural programs.

Conclusion

In my opinion, the *Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023* is compatible with and enhances essential human rights under the *Human Rights Act 2019* (Qld).

⁵ Jackson et al. (n 23). Pg 3-4

⁶ Australian Education Union (n 2). Pg 8.

⁷ 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>

⁸ 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; Rorris (n 7). Pg 9