

23 June 2016

Research Director
Education, Tourism, Innovation and Small Business Committee
Parliament House
George Street
Brisbane Qld 4000

Email: ETISBC@parliament.qld.gov.au

Dear Sir/Madam,

RE: EDUCATION AND OTHER LEGISLATION AMENDMENT BILL 2016

Independent Schools Queensland (ISQ) represents the interests of Queensland's independent schools. ISQ currently represents some 200 independent schools in Queensland enrolling approximately 120,000 students.

Reference is made to the *Education and Other Legislation Amendment Bill 2016* which is currently being considered by the Education, Tourism, Innovation and Small Business Committee.

ISQ is supportive of the objectives of the Education and Other Legislation Bill 2016 (Qld), in particular:

- improving regulation of the teaching provision in Queensland
- strengthening the ability of the College to protect the safety and wellbeing of Queensland students; and
- reducing red-tape for non-state schools by reducing requirements for the provision of school survey data.

ISQ thanks the Committee for the opportunity to contribute to the review process and is pleased to provide the following response.

Proposed amendments

Education (Accreditation of Non-State Schools) Act 2001

School survey data

Proposed amendment

- It is proposed to move the definition of school survey data into the regulation which will enable procedural changes to the collection of State census data (Clause 4 s166).

Subject to any new Regulation, ISQ does not believe that these proposed amendments will have any practical impact on the operations of independent schools.

The changes to s173 regarding confidentiality of information is supported noting that this change will not have a significant practical impact on our member schools.

Education (General Provisions) Act 2006

Enrolment

Proposed amendment

- It is proposed that as a requirement for enrolment in Year 1 a student must undertake a preparatory year, which may also be satisfied by an equivalent year in another State or Country, by home education, or by exemption should a Principal make a determination based on the child's attributes (Clause 9, s175).

As previously noted this represents a major change to the requirement of enrolments in the compulsory education phase. ISQ is of the belief that the change gives sufficient scope to an independent school principal to allow an exception to this requirement based on readiness attributes of the child.

ISQ acknowledges that the attributes that the principal should consider as set out in s175M (2) are those that allow the principal to make an accurate assessment of the child's readiness for school. ISQ member schools represent a broad range of educational philosophies and it is understood that the current draft legislation provides scope for that breadth of member schools to continue to operate within their educational philosophy while still complying with the proposed change. The insertion of Part 9 Transitional Provisions which allows current enrolments for Year 1 which do not comply with the proposed changes to process under the legislation at the time of enrolment provides assurance for current school processes.

Education (Queensland College of Teachers) Act 2005

Recency of practice requirements

Proposed amendment

- It is proposed to remove the mandatory requirement for the College to impose a returning to teaching condition and allow the College to impose an appropriate condition under its general condition power in the Act (clause 31, s46).

ISQ is supportive of these amendments.

Investigations

Proposed amendments

- The College's power to suspend if approved teacher poses an unacceptable risk of harm to children (Clause 33 s49).
- Requirement for employing authority to notify college about particular investigations in relation to the allegation, including by— (a) investigating, inquiring into, or examining the

allegation; or (b) referring the allegation to another entity to investigate, inquire into, examine or otherwise deal with (Clause 45 s76).

ISQ supports legislative changes that build the capacity of the education sector to be more adept at identifying, reporting and responding to instances of harm to students. Notwithstanding some clarification of the term ‘harm’ in s7, the section may be enhanced by a clearer definition of ‘unacceptable harm’ and how it links to the definition of harm and “significant harm” in current *Child Protection Act 1999*.

Additionally, ISQ would suggest that successful implementation of this amendment would be enhanced by a targeted professional development program to engage and inform the sectors in determining “unacceptable harm” to encourage consistent reporting to Queensland College of Teachers (QCT) under both existing legislation and any changed legislation.

Impairment

Proposed amendments

- Practice and Conduct Committee (clauses 51 s3)
- Considering impairment when deciding disciplinary matters (clause 60 s100)
- Ordering a health assessment (clause 94, s136)
- Impose conditions on, or amend or remove conditions imposed by the committee on, the teacher’s registration or permission to teach (clause 86 s123(2))

ISQ welcomes improvements to the College’s disciplinary framework and particularly those that allow for more supportive and collaborative mechanisms for resolving minor disciplinary matters.

Practice and conduct proceedings of the PC&TC committee

Proposed amendment

- It is proposed to remove the reference to disciplinary information as the trigger to commence disciplinary proceedings. Instead, the College can commence disciplinary action on the basis of any information (Clause 77 s116)

This approach will allow the College to consider a broader range of information in determining if a ground for disciplinary action exists. Requiring the College to have a ‘reasonable belief’, regardless of the source of the information, prevents the College from acting on rumour or innuendo.

ISQ is supportive of this amendment.

Practice and Conduct agreement

Proposed amendment

- It is proposed to amend the Act to allow for the early resolution of disciplinary matters by a voluntary written agreement between the College and the teacher (a practice and conduct agreement) in appropriate circumstances, (Clause 60, s101).

ISQ is supportive of these amendments.

Membership of Board

Proposed amendments

- It is proposed to reduce the size of the QCT board to 15 members (Clause 116 s239).

ISQ recognises that the current QCT board is a representative governing body. However, we would suggest that over time there be a reduction in size to better reflect current research on 'good' governance which cites 7-10 members as the optimal number of directors, with the smaller number favoured as more flexible and effective. If additional expertise is needed, the governing body can co-opt assistance without increasing its size.

Similarly, issues with a representative governing body can arise in the areas of objectivity and conflicts of interest. A move to the inclusion of a mixture of independent educators and non-educators with contextual knowledge and expertise in corporate governance would seem to be optimal.

In summary and given the scope and significance of the proposed amendments, ISQ recommends a 12-month review period to assess the impact and efficacy of the legislative changes across the sector.

ISQ is happy to provide additional details or to discuss any items provided in the feedback. Do not hesitate to contact me if more assistance is required.

Once again thank you for the opportunity to provide feedback on these amendments.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Robertson', with a stylized flourish at the end.

David Robertson
Executive Director