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Response to the *Education (and Other Legislation) Amendment Bill 2016*

30 June 2016

The Queensland Catholic Education Commission (QCEC) welcomes the opportunity provided by the Education, Tourism, Innovation and Small Business Committee to comment on the *Education (and Other Legislation) Amendment Bill 2016 (the Bill)*.

QCEC is the peak strategic body representing Catholic schooling in Queensland and makes this submission on behalf of 22 Catholic school employing authorities across Queensland, comprising five diocesan Catholic education offices and 17 Religious Institutes and Public Juridic Persons who, among them, own and operate a total of 300 Catholic schools in Queensland.

QCEC acknowledges previous consultation with the Department of Education and Training (DET) in regard to the development of the Bill over a long period of time. In providing this feedback QCEC has not re-canvassed extensive response from Catholic school authorities since the amendments represented are largely congruous with similar consultations held from 2014 onwards. QCEC has drawn on feedback provided previously from Catholic school authorities to inform this response.

The explanatory notes to the Bill state that its primary policy objectives are to:

- make the Preparatory Year (Prep) the compulsory first year of school education in Queensland;
- improve regulation of the teaching profession in Queensland, including by providing a contemporary and streamlined governance structure for the Queensland College of Teachers (the College) and improving the disciplinary framework and strengthening the ability of the College to protect the safety and wellbeing of Queensland students;
- introduce a statutory debt recovery mechanism to recover State and Commonwealth funding paid to non-state schools in excess of their entitlement, and
- strengthen oversight of non-state schools by enabling the Non-State Schools Accreditation Board to disclose relevant information to law enforcement agencies and reduce red-tape for non-state schools by reducing requirements for the provision of school survey data.

1. Enrolment in Preparatory Year

The intention of these amendments is to make enrolment in the Preparatory Year compulsory prior to advancement to Year 1, which QCEC supports.

One significant impediment to this policy goal for non-government schools is that the Australian Government, the majority funder of students in non-government schools, does not fund Preparatory Year students in the same manner as it funds all other school students. For this year of schooling only, any student who requires to repeat the Preparatory Year for whatever reason, is deemed ineligible to receive funding. While it is recognised that this is an Australian Government policy decision, and not specifically a State government issue, it represents a serious source of inequity in the treatment of Preparatory students compared to students in other school years. It would be obviously unreasonable to make enrolment in the Preparatory Year compulsory, while at the same time not treating this year for funding purposes in the same manner as other compulsory years of schooling are treated. It is considered highly desirable that resolution of this issue be achieved prior to the implementation of amendments making enrolment in the Preparatory Year compulsory.

2. Improving regulation of the teaching profession (Amendments to the *Education (Queensland College of Teachers) Act 2005 (QCT Act)*)

Governance

The amendments to the QCT Act propose to reduce the size of the Board of the Queensland College of Teachers (QCT) from 17 to 15 members by:

- (a) removing one teacher, previously nominated by the Queensland Public Sector Union; and
- (b) reducing the nominee of the Minister from two to one.

QCEC supports these changes.

QCEC sees it as vital for representatives of the three major school employing authorities to be represented on the board or governing body and for the composition of the Board to be monitored so that it acts objectively and with a degree of independence, free from self or parochial interest.

QCEC also endorses the maintenance of parent representation on the governing body given the focus of QCT functions is on protecting students in schools.

Improving the disciplinary framework - Teacher impairment

QCEC acknowledges the more compassionate intent (as well as the potential work efficiency) of the Bill to create a new Committee and enable it to consider impairment as a cause of behaviour in dealing with minor disciplinary matters.

QCEC supports the amendments which will enable the Committee to seek a health assessment if they reasonably believe a teacher has an impairment that may have caused the behaviour leading to minor disciplinary issues.

It is noted that the issue of teacher impairment is only considered as part of teacher registration where the impairment may be causing behaviour or conduct that leads to a grounds for disciplinary action and

it is not intended to diminish responsibility of teacher employers to identify and manage impairment matters. Caution would need to be exercised to ensure that the onus on teacher employers to manage such behaviour did not impose unreasonable impost in keeping a teacher employed when de-registration may be the more appropriate outcome.

Where a health assessment is ordered and impairment is recognised in contributing to behaviour issues, it would seem essential that the information should be shared with the teacher employer.

Commencing disciplinary proceedings

The Bill proposes to remove the reference to disciplinary information as the trigger to commence disciplinary proceedings. Instead, QCT can commence disciplinary action on the basis of any information.

QCEC supports the intent of the proposed amendments to increase the capacity of QCT to commence disciplinary proceedings based on information that QCT may become aware of through means other than formal complaint; and reinforces the existing proviso that QCT must have a reasonable belief that a ground for disciplinary action may exist before proceeding.

Investigations

The Bill proposes amendments to the QCT Act to clarify when the employing authority must notify QCT about allegations of harm to a child by a teacher.

The amendments clarify that an employing authority must notify the College when they *deal with* an allegation of harm caused, or likely to be caused, to a child because of the conduct of the relevant teacher. The amendments provide guidance about when an authority or school must notify the College of an allegation of harm.

QCEC accepts the rationale that this amendment is intended to give greater clarity around the meaning of the word “investigates” and is not intended to increase unreasonably the power or reporting requirements QCT holds with respect to schools.

QCEC supports the proposed amendment, understanding that reporting thresholds per se remain unchanged. However, while it is accepted that the intent is not to change the reporting threshold, QCEC cautions that increased reporting may be a consequence. Appropriate briefing documents and processes for principals detailing the meaning and intent of the changes, will be essential to maximise the effectiveness of the change and minimise any unintended consequences.

Voluntary agreements

QCEC supports the proposed amendment to allow for early resolution of disciplinary matters by voluntary agreement between the College and the teacher in appropriate circumstances.

Recency of practice requirements

QCEC supports the proposed amendment to remove the mandatory requirement for QCT to impose a return to teaching condition and allow QCT to impose an appropriate general condition under its general condition power in the QCT Act.

Information sharing

QCEC supports the amendments proposed in the Bill that will allow QCT to request more information from a prosecuting authority about how a prosecution ends if an approved teacher has been charged with an indictable offence. QCEC acknowledges that this will assist QCT to decide whether further disciplinary action is required to be taken in relation to the teacher.

QCEC also supports the amendments within the Bill that are directed at improving the sharing of information related to QCT's functions, namely as follows:

- (a) the amendments propose to allow QCT to access evidentiary material from the Queensland Police Service for teacher applications and renewals (to align with what they can presently do with the Director of Public Prosecutions); and
- (b) amendments enabling formal information-sharing arrangements between QCT and the Non-State Schools Accreditation Board (**NSSAB**) to allow QCT and NSSAB to exchange information relevant to their functions.

3. Statutory debt recovery

QCEC supports the amendments which establish formal debt recovery arrangements for government funding paid in respect of schools.

It is agreed that the requirements specified in section 11 of the *Australian Education Regulation 2013* can best be met by their incorporation into the *Education (General Provisions) Act 2006*. As noted, this ensures that the arrangements are applicable to all school governing bodies in receipt of government funding.

4. Strengthening oversight of non-state schools

Confidentiality of Information

The Bill proposes to amend the *Education (Accreditation of Non-State Schools) Act 2001* (**the NSSAB Act**) to allow for disclosure by the Non-State Schools Accreditation Board to a law enforcement agency or court information relating to a criminal offence or for the purpose of prosecution of an offence. This amendment is supported.

School Survey Data

It is noted that the Bill proposes to amend the NSSAB Act so that 'school survey data' will be fully prescribed in the *Education (Accreditation of Non-State Schools) Regulation 2001*, rather than (as is currently the case) the NSSAB Act and the Regulation

It is recognised there has been an ongoing process of adding additional details in the Regulation concerning the specifics of the school survey data. To have all of this information consolidated in one spot is considered optimal.

QCEC would value the opportunity to work with DET to refine the data that will be maintained within the Regulation. More broadly, QCEC would value the opportunity to engage with DET about the practices that underpin the collection, use and treatment of school survey data.

Conclusion

Save for the above qualifications, QCEC supports each of the amendments proposed in the Bill.

A handwritten signature in blue ink, appearing to read 'Lee-Anne Perry', is written over the typed name and title.

Dr Lee-Anne Perry AM
Executive Director
Queensland Catholic Education Commission