



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

**Report No. 3, 57th Parliament**

**Education, Employment, Training and Skills Committee**

**April 2024**

## **Education, Employment, Training and Skills Committee**

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### **Acknowledgements**

The committee acknowledges the assistance provided by the Department of Education.

All web address references are current at the time of publishing.

**Appendix D** lists the abbreviations and acronyms used in this report.

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## Chair's foreword

On behalf of the Education, Employment, Training and Skills Committee, I present this report on the committee's examination of the Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

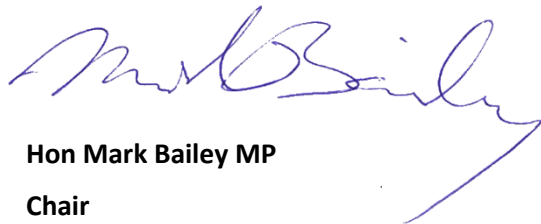
The primary objective of the Bill is to strengthen the obligations upon the Queensland Government and the Minister for Education so students of state schools receive a quality, well-funded education and opportunities to participate in a range of academic, sporting, and cultural programs free of charge.

To inform its examination of the Bill, the committee called for – and received – written submissions from stakeholders. The Member for South Brisbane and the Department of Education briefed the committee, and the committee also heard evidence from key stakeholders at a public hearing on 18 March 2024.

Based on this evidence, the committee is not satisfied that the Bill will achieve its policy objectives and therefore recommends the Bill not be passed.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill. I also thank our Parliamentary Service staff, the Member for South Brisbane and the officers from the Department of Education who assisted the committee during this inquiry.

I commend this report to the House.



**Hon Mark Bailey MP**  
**Chair**

## Recommendations

### **Recommendation 1** **4**

The committee recommends that the Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023 not be passed. 4

## Executive summary

This report presents a summary of the Education, Employment, Training and Skills Committee's examination of the Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023 (the Bill).

The stated objective of the Bill is to strengthen the obligations upon the Queensland Government and the Minister for Education (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. The Bill would also require that the academic and extracurricular services offered at state schools are comparable to the services offered at non-state schools.

To facilitate the calculation of costs to be paid by the State, the Bill proposes that the chief executive of the Department of Education (the department) be required to report information on enrolments and costs for each state school to the Minister annually.

The Bill would also require that the costs to state schools of providing educational and extracurricular services are to be met from:

- 100 percent of the School Resource Standard funding amount for each state school, and
- 100 percent of the total loading for each state school, and
- Any other amount for each state school identified through an annual analysis by the department on costs of schools.

If passed, the Bill would oblige the Minister to introduce a further Bill that would require the department to expand its obligations to fund state schools under the *Education (General Provisions) Act 2006*. As provided by the Bill, that funding obligation would expand from existing obligations to fund the cost of providing instruction, administration and facilities at state schools, to also fund ancillary and extracurricular costs associated with attending state schools. Parents and carers currently meet these costs.

We considered the Bill's compatibility with the *Human Rights Act 2019* and found that it was compatible. We are also satisfied that the Bill's impact on fundamental legislative principles in regard to the institution of Parliament is justified, and that the Bill is, therefore, compatible with fundamental legislative principles. However, we were concerned that the Bill's requirement that the Minister introduces a subsequent Bill to enact its objectives might place the Minister in conflict with their collective cabinet responsibilities.

As part of our inquiry, we found that the department could not fully cost the implications of the Bill and that, given the scope of the cost of the extracurricular activities the department could be required to meet if the Bill is passed, the cost could be potentially limitless. We also examined the range of existing programs and supports that the Queensland Government provides to eligible students and families.

The committee is not satisfied that the objectives of the Bill could or should be met and has, therefore, recommended that the Bill not be passed.

## 1 Introduction

On 11 October 2023, Dr Amy MacMahon MP, Member for South Brisbane, introduced the Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023 into the Queensland Parliament. The Bill was referred to the Education, Employment and Training Committee for detailed consideration and report and subsequently re-referred to the Education, Employment, Training and Skills Committee (committee) following its creation on 14 February 2024. The committee was required to report on the Bill by 11 April 2024 in accordance with Standing Order 136(1).

### 1.1 Policy objectives of the Bill

According to the explanatory notes, the objective of the Bill is to strengthen the obligations upon the Queensland Government and the Minister for Education (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.<sup>1</sup> The Bill also requires that the academic and extracurricular services offered at state schools are comparable to the services offered at non-state schools.<sup>2</sup>

To facilitate the calculation of costs to be paid by the State, the Bill proposes that the chief executive of the Department of Education (the department) be required to report information on enrolments and costs for each state school to the Minister annually.<sup>3</sup>

The Bill would also require that the costs to state schools of providing educational and extracurricular services are to be met from:

- 100 percent of the School Resource Standard (SRS) funding amount for each state school, and
- 100 percent of the total loading for each state school, and
- Any other amount for each state school identified through an annual analysis by the department on costs of schools.<sup>4</sup>

The Bill proposes to achieve its aims by inserting a number of new provisions into the *Education (General Provisions) Act 2006* (the Education Act).

There are no revenue or appropriation measures contained within the Bill; however, it proposes to require ‘the development of subsequent legislation for the provision of school funding’.<sup>5</sup> Clause 5 would insert a new provision into the Education Act that the Minister must, by the later of the day of commencement or 30 July 2024, introduce a Bill into the Legislative Assembly that achieves key objectives of the Bill related to the funding of state schools and the reporting of school costs (proposed sections 56C and 56D in clause 5) by the start of the 2025 school year.<sup>6</sup> That Bill would have significant financial implications for the State.

### 1.2 Legislative compliance

In accordance with section 93 of the *Parliament of Queensland Act 2001*, the committee’s examination of the Bill included consideration of the policy to be given effect by the legislation; the application of fundamental legislative principles contained in the *Legislative Standards Act 1992* (LSA); and the Bill’s compatibility with the *Human Rights Act 2019* (HRA).

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<sup>1</sup> Explanatory notes, p 2.

<sup>2</sup> Clause 5, proposed new s 56C(2)(d)(ii).

<sup>3</sup> Clause 5, proposed s 56D.

<sup>4</sup> Clause 5, proposed new ss 56C and 56D.

<sup>5</sup> Explanatory notes, p 13.

<sup>6</sup> Clause 5, s 56B(1).

### **1.2.1 Human Rights Act 2019**

The committee did not identify any limitations on human rights in the Bill.

#### **1.2.1.1 *Statement of compatibility***

Section 38 of the HRA requires a statement of compatibility to be tabled for the Bill. The statement of compatibility contains sufficient information and detail to facilitate understanding of the Bill in relation to its compatibility with human rights, as required under the HRA.

#### **Committee comment**

We are satisfied the Bill is compatible with human rights.

### **1.2.2 Legislative Standards Act 1992**

The committee assessed the Bill's compliance with LSA.

The Bill raises an issue relating to fundamental legislative principles in the form of potentially not having sufficient regard to the institution of Parliament.<sup>7</sup> The Bill proposes to require the Minister for Education and Minister for Youth Justice to introduce a Bill (subsequent Bill) that achieves the objectives set out in the Bill (in proposed new sections 56C and 56D of the *Education (General Provisions) Act 2006*) by the start of the 2025 school year.

Proposed new section 56C refers to definitions in the *Australian Education Act 2013* (Cth) (AE Act) for the meanings of 'SRS funding amount' and 'total loading'. By referring to the AE Act for the meanings of 'SRS funding amount' and 'total loading', the Bill is delegating legislative power to the Australian Parliament.

Under the LSA, whether a Bill has sufficient regard to the institution of Parliament depends on whether, for example, the Bill allows the delegation of legislative power only in appropriate cases and to appropriate persons, and sufficiently subjects the exercise of such power to the scrutiny of the Queensland Parliament.

It is reasonable for the Bill to refer to the AE Act for meanings of terms related to school funding because the AE Act provides for the Commonwealth's financial assistance for schools. Also, while the Queensland Parliament would not be able to scrutinise the exercise of the delegated legislative power (the definitions could be changed by the Australian Parliament without the Queensland Parliament being aware of it), this does not appear to be objectionable. This is because of the necessary connection between the financial assistance provided to the states and territories under the AE Act and the objective of the Bill for the State to meet the cost of providing instruction, administration and facilities for the education of students.

Federal legislation, like Queensland legislation, is publicly available for no cost and therefore members of the Queensland Parliament, and members of the public, would easily be able to peruse the terms in the AE Act.

Moreover, if the Bill (and subsequent Bill) were to incorporate the current wording of the relevant definitions in the AE Act to overcome the issue of Queensland Parliament's inability to scrutinise legislation, and the definitions in the AE Act were changed in the future, it could lead to problems related to the discrepancy, possibly impacting on the funding of state schools in Queensland.

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<sup>7</sup> Fundamental legislative principles are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law. These principles include requiring that legislation has sufficient regard to rights and liberties of individuals and the institution of Parliament. See LSA, s 4.



#### 1.2.2.1 *Explanatory notes*

Explanatory notes were tabled with the introduction of the Bill. The explanatory notes contain the information required by Part 4 of the LSA and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

#### **Committee comment**

Having considered the provisions of the Bill, we are satisfied that its impact on fundamental legislative principles in regard to the rights and liberties of individuals and the Institution of Parliament is justified, and that the Bill is, therefore, compatible with fundamental legislative principles.

### **1.3 Consultation for the development of the Bill**

According to the explanatory notes, the Member for South Brisbane's consultation for the development of the Bill consisted of:

- meetings with the Queensland Teachers' Union, Queensland Association of State School Principals and a group called Save our Schools
- discussions about issues related to state education and state school funding and resourcing with school principals, teachers, parents and students
- a community survey of parents and carers on the issue of out-of-pocket school expenses and school funding.<sup>8</sup>

There was no consultation with the Queensland Government, the department, other key stakeholders or the general public.

The committee approached the department for detailed advice on the Bill, specifically:

- the average out-of-pocket costs incurred by Queensland families with children at state schools, including the average annual cost of voluntary school contributions, extracurricular activities, individual resources (including laptops and tablets) and school uniforms
- the estimated cost of implementing the changes proposed in the Bill
- any existing policies or initiatives it has in place to address the out-of-pocket expenses incurred by families whose children attend state schools.

The department's written brief on these matters (correspondence dated 17 November 2023) is published on the inquiry webpage.<sup>9</sup>

The committee also requested information from the Member for South Brisbane about her claim that state schools are underfunded by \$1.7 billion annually. The Member for South Brisbane's advice (correspondence dated 19 October 2023) is also published on the inquiry webpage.

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<sup>8</sup> Explanatory notes, p 14.

<sup>9</sup> <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=166&id=4287>.

## 1.4 The Bill should not be passed

The committee is required to determine whether or not to recommend that the Bill be passed.

### Recommendation 1

The committee recommends that the Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023 not be passed.

## 2 Examination of the Bill

This section discusses key issues raised during the committee's examination of the Bill.

### 2.1 Funding for Queensland state schools

Queensland state schools are funded by the Australian and Queensland Governments, and from fees, charges and other parental and private contributions. The Australian Government's financial assistance reflects the government's obligations set out in section 96 (Financial assistance to States) of the Australian Constitution.<sup>10</sup>

The amount of funding provided by the Australian and Queensland Governments is calculated based on the Schooling Resource Standard (SRS). The SRS is an estimate of how much total public funding a school needs to meet its students' educational needs, and is based on recommendations from the 2011 Review of Funding for Schooling, led by Mr David Gonski AC.<sup>11</sup>

The SRS was based on the funding received by high achieving 'reference schools' where at least 80 percent of students were achieving above the national minimum standard for literacy and numeracy in the National Assessment Program – Literacy and Numeracy. The SRS for a school is made up of a base amount and a number of loadings to provide extra funding for student priority cohorts and disadvantaged schools based on their size and remoteness.<sup>12</sup>

#### 2.1.1 Australian Government funding

The Australian Government provides at least 20 per cent of the total SRS for Queensland state schools, consistent with section 35A of the *Australian Education Act 2013* (Cth).

The Australian Government's funding, provided in accordance with the *Australian Education Act 2013* (Cth), is conditional on the Queensland Government being party to a national agreement relating to school education reform. The latest agreement, the National School Reform Agreement, commenced in 2019, with an extension signed on 29 November 2023. Negotiations are currently ongoing between the Australian Government and the Queensland Government regarding the next funding window.

#### 2.1.2 Queensland Government funding

The Queensland Government provides most of the public recurrent funding for Queensland state schools, in accordance with the *Education (General Provisions) Act 2006* (the Education Act). The Education Act provides the legislative regime to 'facilitate the making available to each Queensland

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<sup>10</sup> Commonwealth of Australia Constitution Act (The Constitution).

<sup>11</sup> Gonski D, Boston K, Greiner K, Lawrence, C, Scales B and Tannock P (2011) *Review of funding for schooling: final report*, Department of Education, Employment and Workplace Relations, Australian Government, accessed 12 January 2024.

<sup>12</sup> See Department of Education, Skills and Employment, *What is the Schooling Resource Standard and how does it work?*, <https://www.education.gov.au/download/3773/what-schooling-resource-standard-and-how-does-it-work/30124/what-schooling-resource-standard-and-how-does-it-work/pdf>. Accessed 12 January 2024.

child or young person a high-quality education that will help to maximise their education potential'.<sup>13</sup> The Act replaced the *Education (General Provisions) Act 1989* following a review. When introduced in 2006, it was envisaged that the Education Act's policy objectives would be achieved by:

- placing responsibilities on parents and the State in relation to the education of children and young people
- providing for the establishment of State educational institutions and facilitating their operation as safe and supportive learning environments
- ensuring education programs are responsive to the individual learning needs of children and young people
- encouraging a parent's involvement in his or her child's education
- encouraging parental and community involvement in the operation of State educational institutions by enabling:
  - the establishment of school councils for State schools
  - the formation of parents and citizens associations for State instructional institutions.<sup>14</sup>

### **2.1.3 Costs met wholly by the State**

Consistent with the principle of shared responsibilities between parents (and carers) and the State for the education of children and young people, section 50 of the Education Act stipulates that the State must meet certain education cost, namely:

the cost of providing instruction, administration and facilities for the education of the person at the school.<sup>15</sup>

### **2.1.4 Other costs met by the State and parents/carers**

Other costs in connection with children or young people receiving education at a state school are shared between the State government and parents/carers. They include textbooks, transport between home and school, digital devices, water safety and swimming programs, and living away from home. Section 2.4.5 discusses the government's existing programs to assist with these costs.

### **2.1.5 How the Bill proposes to alter Education funding**

According to the explanatory notes, the Bill is designed to reduce the out-of-pocket expenses incurred by families by ending the underfunding of Queensland's state schools.<sup>16</sup> Neither the Bill nor the explanatory notes specify the amount of additional school funding that would be required to achieve the Bill's objectives.

When introducing the Bill, Dr MacMahon MP claimed that state schools are underfunded by \$1.7 billion each year.<sup>17</sup> The Member also stated that this total translated to more than \$2,000 per child.<sup>18</sup>

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<sup>13</sup> Education (General Provisions) Bill 2006, explanatory notes, p 1.

<sup>14</sup> Education (General Provisions) Bill 2006, explanatory notes, p 2.

<sup>15</sup> *Education (General Provisions) Act 2006* (Qld), s 50(2).

<sup>16</sup> Explanatory notes, p 1.

<sup>17</sup> Dr A MacMahon MP, Queensland Parliament, record of proceedings, 11 October 2023, p 2920.

<sup>18</sup> Dr A MacMahon MP, Queensland Parliament, record of proceedings, 11 October 2023, p 2921.

**Committee comment**

It is difficult to assess if the Member for South Brisbane's figure noted above is accurate. In August 2023, there were 570,259 students enrolled in Queensland state schools.<sup>19</sup> Assuming that it cost the government \$2,000 per student to implement the measures proposed in the Bill, the total cost would be almost \$1.15 billion per year. This is probably a conservative estimate. Some sources suggest that families with children at state schools in Queensland spend more than \$5,000 on out-of-pocket expense per child each year.<sup>20</sup>

The explanatory notes state that the underfunding of state schools has a number of negative consequences. Most notably, it results in families incurring significant out-of-pocket expenses, meaning that Queensland's state schools are not 'truly free'.<sup>21</sup> According to the explanatory notes, the underfunding of state schools also:

- means that Queensland's state schools are funded at lower levels relative to the educational needs of students than every other state and territory, except the Northern Territory<sup>22</sup>
- worsens students' outcomes and weakens the economy<sup>23</sup>
- exacerbates inequality and has a disproportionate effect on students who are already disadvantaged<sup>24</sup>
- contributes to teacher burnout and job dissatisfaction, while making it harder to recruit and retain teachers<sup>25</sup>
- contributes to cost-of-living pressures, meaning that children from low-income families miss out on educational opportunities.<sup>26</sup>

**2.2 Extracurricular and ancillary costs the Bill proposes that the State meet**

The Bill proposes that the costs associated with the following be met by the State through the department, not parents and carers:

- **extracurricular activities**, including the following, regardless of whether they are provided on school property:
  - sporting programs or events
  - musical, dramatic or other artistic programs or performances
  - academic challenges or competitions
  - other education or cultural information or instruction provided by a person who is not a member of the school's staff
  - school camps.<sup>27</sup>

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<sup>19</sup> Department of Education, *State school enrolments – August 2019-23*, <https://education.qld.gov.au/about-us/reporting-data-research/data>.

<sup>20</sup> Futurity Investment Group, *Cost of education in Queensland*, <https://www.futurityinvest.com.au/insights/futurity-blog/2023/01/24/cost-of-education-in-queensland>.

<sup>21</sup> Explanatory notes, p 1.

<sup>22</sup> Explanatory notes, p 3.

<sup>23</sup> Explanatory notes, p 4.

<sup>24</sup> Explanatory notes, p 6.

<sup>25</sup> Explanatory notes, p 7.

<sup>26</sup> Explanatory notes, p 10.

<sup>27</sup> Clause 5, proposed s 56A.

- **individual student resources** necessary to participate in a school's education program, including:
  - textbooks
  - stationary
  - laptops and/or tablets
  - any material, tools or instruments necessary for classes (such as art, music or cooking classes)
  - any other necessary equipment or devices.<sup>28</sup>
- **school uniforms**, including:
  - summer and winter uniforms
  - any specialised uniforms required for extracurricular activities, such as sport uniforms.<sup>29</sup>

The Bill also proposes that the State meets the cost of 'the academic and extracurricular activities offer at State schools are comparable to the services offered at non-state schools.'<sup>30</sup>

#### **Committee comment**

The Department of Education does not have control over the costs of academic and extracurricular activities at non-state schools. As such, the cost to the department of providing equivalent activities is potentially limitless.

To facilitate the calculation of the costs to be paid by the State, the Bill proposes that the chief executive of the Department of Education be required to report information on enrolments and costs for each state school to the Minister on an annual basis.<sup>31</sup>

The costs to be paid by the State would also be calculated by reference to:

- 100 per cent of the SRS funding amount for each state school
- 100 per cent of the total loading for each state school.

The Bill defines both the 'SRS funding amount' and 'total loading' by reference to the *Australian Education Act 2013* (Cth). That Act's definitions of those terms are set out in **Appendix A**.

### **2.3 How the Bill would achieve its objective**

The Bill proposes to achieve its objectives by amending the Education Act to require that the Minister introduce legislation requiring the State to bear many of the costs currently borne by families.<sup>32</sup>

The indirect way in which the Bill proposes achieving its objectives raises 2 procedural issues:

- whether the Bill is an appropriation Bill, and thus required to be recommended by a message from the Governor<sup>33</sup>

<sup>28</sup> Clause 5, proposed s 56A.

<sup>29</sup> Clause 5, proposed s 56C(2)(b) and s 56C(4).

<sup>30</sup> Clause 5, proposed s 56C(2)(d)(ii).

<sup>31</sup> Clause 5, proposed s 56D.

<sup>32</sup> Clause 5, proposes ss 56B and 56C.

<sup>33</sup> Standing Order 174(1) and s 68 of the *Constitution of Queensland 2001*.

- whether a Bill that would impose a statutory obligation on a Minister to introduce legislation to implement a specific, particularised policy is in order.

The Planning (Inclusionary Zoning Strategy) Amendment Bill 2023 (Inclusionary Zoning Bill), also introduced by Dr MacMahon MP as a private member's Bill, adopted a similar strategy. The Speaker addressed the procedural issues raised by that Bill in a ruling on 11 May 2023.<sup>34</sup>

#### **Committee comment**

Given the Speaker's ruling regarding the Planning (Inclusionary Zoning Strategy) Amendment Bill 2023, there appears to be no procedural impediment to the Bill proceeding.

#### **2.3.1 Financial initiative of the Executive**

The 'financial initiative of the Executive' refers to 'the constitutional and parliamentary principle that only the Government may initiate or move to increase appropriations or taxes'.<sup>35</sup>

In Queensland, this constitutional convention is maintained – in part – through the requirement that Bills which contain appropriations include a message from the Governor. This is given effect through Standing Order 174(1) which provides:

No proposal (including a Bill or a motion) for an appropriation that falls within the meaning of s.68 of the *Constitution of Queensland 2001* shall be introduced unless first recommended by a message of the Governor as required by that section.<sup>36</sup>

Section 68 (1) of the *Constitution of Queensland 2001* states:

The Legislative Assembly must not originate or pass a vote, resolution, or Bill for the appropriation of—

- a) an amount from the consolidated fund; or
- b) an amount required to be paid to the consolidated fund;

that has not first been recommended by a message of the Governor.

The Speaker has ruled that, although neither the current standing orders nor section 69 of the *Constitution of Queensland 2001* expressly prevent a private member from proposing revenue measures, such a proposal would breach a fundamental constitutional convention (the financial imperative of the Executive). As such, it is open to the Speaker to rule that a private member's Bill containing revenue measures is out of order.<sup>37</sup>

In recent years, the Speaker has ruled that several private member's Bills introduced by Dr MacMahon MP were out of order because they were appropriation and/or revenue bills. This includes:

- the Big Bank Levy (COVID-19 Health Response) Bill 2021<sup>38</sup>
- the Land Tax and Other Legislation (Empty Homes Levy) Amendment Bill 2022<sup>39</sup>

<sup>34</sup> Speaker's Ruling, *Planning (Inclusionary Zoning Strategy) Amendment Bill*, Queensland Parliament, Record of Proceedings, 11 May 2023, pp 1377-1380.

<sup>35</sup> D R Elder (ed) *House of Representatives Practice*, Department of the House of Representatives, Canberra, 2018, 7th Edition, p 415.

<sup>36</sup> Standing Order 174(1), *Standing Rules and Orders of the Legislative Assembly*.

<sup>37</sup> Speaker's Ruling, *Big Bank Levy (Covid-19 Health Response) Bill 2021, Contravention of Financial Convention*, Queensland Parliament, record of proceedings, 17 November 2021, pp 3553-3554.

<sup>38</sup> Speaker's Ruling, *Big Bank Levy (Covid-19 Health Response) Bill 2021, Contravention of Financial Convention*, Queensland Parliament, record of proceedings, 17 November 2021, p 3554.

<sup>39</sup> Speaker's Ruling, *Land Tax and Other Legislation (Empty Homes Levy) Amendment Bill, Order Discharged* Queensland Parliament, record of proceedings, 26 October 2022, pp 3040-3041.

- the Petroleum and Gas (Production and Safety) (Royalties and Cost of Living Relief) Amendment Bill 2022.<sup>40</sup>

The approach taken in the Inclusionary Zoning Bill appeared to be a response to these earlier Bills being ruled out of order. It was similar to the current Bill in that it adopted an indirect means of achieving its objective: rather than directly propose amendments that would compulsorily acquire private property (making it a revenue Bill), it proposed an amendment that would require the Minister to introduce an additional Bill to implement its objectives.

### 2.3.2 Whether the Bill is an appropriation Bill

The Speaker's Ruling in relation to the Inclusionary Zoning Bill strongly suggests that the Bill is not an appropriation Bill, and so is not required to be recommended by a message from the Governor. In that ruling, the Speaker concluded that the Inclusionary Zoning Bill was not a revenue bill because it would not directly generate revenue, but rather required the Minister to introduce a Bill that would.<sup>41</sup>

The Speaker explained:

...it is apparent that the bill does not itself seek to compulsorily acquire property without compensation, but rather impose an obligation on the Minister to introduce a bill in the Legislative Assembly that achieves those objectives. So, the bill is not itself a revenue bill.<sup>42</sup>

#### **Committee comment**

Applying the logic of the Speaker's ruling on the Planning (Inclusionary Zoning Strategy) Amendment Bill 2023, we conclude that the Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023 is not an appropriation Bill.

### 2.3.3 Whether a Bill requiring a Minister to introduce another Bill is in order

The Speaker's Ruling in relation to the Inclusionary Zoning Bill indicates that although a Bill requiring a Minister to introduce another Bill has troubling implications, it is not out of order.<sup>43</sup>

In that ruling, the Speaker explained:

I am troubled by the ramifications of a bill such as this being passed as it appears to transgress upon the rights or discretion of a Minister, compelling them to introduce legislation in accordance with a specific, particularised policy. It could theoretically place the Minister in conflict with their collective responsibilities as a Member of the Cabinet—a Westminster convention now recognised in s.42 of the Constitution of Queensland 2001. It is certainly not within the wider concepts of mutual respect between the executive and legislative arms of government. However, it is not for the Speaker to protect the rights of a Member in their capacity as a Minister. A breach of cabinet rights is also not a matter of privilege.<sup>44</sup>

#### **Committee comment**

Consistent with the Speaker's ruling on the Planning (Inclusionary Zoning Strategy) Amendment Bill 2023, we are concerned that the Education (General Provisions) (Helping Families with School Costs)

<sup>40</sup> Speaker's Ruling, *Petroleum and Gas (Production and Safety) (Royalties and Cost of Living Relief) Amendment Bill, Out of Order*, Queensland Parliament, record of proceedings, 30 November 2022, pp 3749-3750.

<sup>41</sup> Speaker's Ruling, *Planning (Inclusionary Zoning Strategy) Amendment Bill*, Queensland Parliament, record of proceedings, 11 May 2023, pp 1377-1380.

<sup>42</sup> Speaker's Ruling, *Planning (Inclusionary Zoning Strategy) Amendment Bill*, Queensland Parliament, record of proceedings, 11 May 2023, pp 1377-1380, 1378.

<sup>43</sup> Speaker's Ruling, *Planning (Inclusionary Zoning Strategy) Amendment Bill*, Queensland Parliament, record of proceedings, 11 May 2023, pp 1377-1380.

<sup>44</sup> Speaker's Ruling, *Planning (Inclusionary Zoning Strategy) Amendment Bill*, Queensland Parliament, record of proceedings, 11 May 2023, pp 1377-1380, 1379.



Amendment Bill 2023, by seeking to require the Minister for Education to introduce another Bill, may place the Minister in conflict with their collective responsibilities as a Member of the Cabinet, a Westminster convention now recognised in the *Constitution of Queensland Act 2001*.

## **2.4 Issues raised in submissions**

### **2.4.1 The Bill and SRS Funding**

As described above, the SRS is the funding that schools receive from the Australian Government and the Queensland Government. Queensland's funding target was 69.26 per cent of the SRS between 2018 and 2023 and increased to 70.5 per cent in 2024. When added to the legislated Australian Government contribution of 20 per cent, it is anticipated that Queensland's state schools will receive 90.5 per cent of SRS funding in 2024. Queensland has committed to achieving the legislated final target of 75 per cent of the SRS for state schools by 2032.<sup>45</sup>

The Bill proposes to meet the increased costs of providing individual student resources and extra-curricular activities, in part, by increasing the overall level of funding to the Queensland state schooling sector to 100 per cent of the SRS.

While achieving 100 per cent of the SRS was a popular aspect of the Bill among submitters, questions were raised over whether or not the drafting of the Bill in fact provides for this.<sup>46</sup> As the Queensland Teachers' Union (QTU) explained:

...the Bill does not require the Queensland Government to increase payments to schools to ensure that all state schools receive 100 per cent of the SRS. Rather, section 56C(3) of the Bill requires that the total amount of costs mentioned in subsection (1), that is the "cost of providing instruction, administration and facilities for the education of all relevant students," are to be met from 100 per cent of the SRS funding amount for each state school. Then, section 56C(2) of the Bill requires the state to meet the costs of individual student resources, school uniform, and extracurricular activities.<sup>47</sup>

There was also concern from the QTU and the department that the mechanisms to allocate costs of instruction, administration and facilities does not in fact capture the full range of sources from which education funding is secured in the State.<sup>48</sup> This includes investment in kindy and early childhood education, transport for students with disability, state funded residential boarding costs, the cost of curriculum assessment, and critically key aspects of capital investment in school infrastructure.

Likewise, the way the Bill has been drafted may negatively impact ongoing negotiations between the Queensland Government and the Australian Government over future SRS contributions.

### **2.4.2 Equity in education**

The drive for equity in education was reflected in the signing by the Queensland Government of the Alice Springs (Mparntwe) Education Declaration (Declaration) in December 2019. A commitment made by the Australian Government and the states and territories, the Declaration sets out a vision for 'a world class education system that encourages and supports every student to be the very best they can be, no matter where they live or what kind of learning challenges they may face'.<sup>49</sup> To deliver on this vision, the Queensland Government has developed *Equity and Excellence* a plan for every state school student which focuses on educational achievement, wellbeing and engagement, and culture and inclusion.<sup>50</sup> Designed in consultation with system leaders, stakeholders, and over 1,200 school

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<sup>45</sup> Department of Education, correspondence, 2 February 2024, p 2.

<sup>46</sup> See, for example, submissions 12 and 13.

<sup>47</sup> Submission 47, pp 7-8.

<sup>48</sup> Submission 47, p 8; Department of Education, correspondence, 17 November 2023, p 3.

<sup>49</sup> Education Council, 'Alice Springs (Mparntwe) Education Declaration', December 2019, p 3.

<sup>50</sup> Department of Education, *Equity and Excellence*, 2022, p 4.



principals, *Equity and Excellence* has been designed to create a stronger schooling system in Queensland and includes key initiatives in education leadership, digital innovation in teaching and learning education, educational performance and support, and revitalised school infrastructure.

The desire for equity in education was referenced by those submitters who supported the Bill.<sup>51</sup> This was summed up in the statement by Centacare FNQ:

This amendment...is particularly commendable as it reflects a shared commitment to enhancing educational outcomes and minimizing the educational divide in our society. By providing financial assistance to families in need, the bill ensures that no student is left behind due to financial constraints.<sup>52</sup>

### **2.4.3 Parity with private schools**

As well as the wider goal of equity in education, the Bill sets out the aim for state schools to achieve parity with private schools in regard to the provision of curricular and extra-curricular activities. This was a goal that was embraced by a range of submitters who objected to the differentials between services in the private and state sector.<sup>53</sup>

In Queensland one third of children attended Independent or Catholic Schools. It is the Australian Government that is the major-funder of non-state schools and is responsible for providing the minimum contribution of 80 per cent of the SRS to non-state schools. Since 2024 the Queensland Government decreased its funding target for non-target schools to the minimum legal limit of 20 per cent.<sup>54</sup>

### **2.4.4 Financial pressure on parents**

Submitters also referenced the financial pressure on parents of paying for fees, textbooks, uniforms, and other school supplies as well as extracurricular activities.<sup>55</sup> One parent of a child at a Brisbane high school, for example, described that the cost per year per child was \$2,139 which was comprised of mandatory school fees of \$780, mandatory minimum school uniform cost of \$408, mandatory minimum cost of resources of \$286, and a mandatory iPad and pen cost of \$664.<sup>56</sup> Yet, as another submitter explained, despite the financial hardship ‘people don’t want to think of themselves as bad parents. They pay up whatever the cost to their family’.<sup>57</sup>

### **2.4.5 Queensland Government support for eligible students and parents**

In recognition of the costs borne by parents, the department offers a range of support for children and families these include support for:

- **Textbooks**

The department provides a Textbook and Resource Allowance for parents of students in years 7 to 12 (\$146 for students in Years 7 to 10, \$317 for students in Years 11 to 12). Ungraded students and students enrolled in special schools are paid according to their age. In 2022-23, the allowance funding for state schools totalled \$47.2 million.<sup>58</sup>

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<sup>51</sup> See, for example, submissions 3, 8, 9, 10, 11, 15, 33, 37, 43, 48, 59.

<sup>52</sup> Centacare FNQ, submission 3, p 2.

<sup>53</sup> See, for example, submissions 9, 12, 15, 21, 22, 24, 26, 33, 37, 38, 39, 43, 44, 47, 55, 59.

<sup>54</sup> Department of Education, correspondence, 2 February 2024, p 2.

<sup>55</sup> See, for example, submissions 19, 27, 28, 28, 39, 45, 49, 50, 58, 61.

<sup>56</sup> Simon Cook, submission 27, p 2.

<sup>57</sup> Roy Hives, submission 19, p 2.

<sup>58</sup> Department of Education, correspondence, 17 November 2023, p 1.

- **Transport between home and school**

The department in partnership with the Department of Transport and Main Roads delivers the School Transport Assistance Scheme, which offers transport assistance to eligible students between home and school at the start and end of the school day. In 2022-23, the School Transport Assistance Scheme was valued at approximately \$211 million.<sup>59</sup>

- **Digital devices such as laptops, tablets and MacBooks**

The department offers a range of devices to support financially disadvantaged students through its Equitable Digital Device Program. The devices available include laptops, tablets, iPads and MacBooks that meet specifications suitable for early childhood, primary, junior secondary and senior secondary devices. Under the program, the department offers a co-contribution model with 50 per cent of the device's cost, up to \$500, reimbursed to schools. Schools can choose to provide devices without contribution from parents, run a 'bring your own device' program where devices are fully funded by parents, or a rental program where parents contribute a portion annually. In 2023, funding for the provisions of devices to financially disadvantaged students was expected to exceed \$11 million.<sup>60</sup>

- **Water safety and swimming programs**

The department provides annual Learn to Swim funding for state primary and special schools without a pool to support the costs incurred through travel and pool entry. In 2022-23, Learn to Swim funding to eligible state schools totalled approximately \$3.5 million.<sup>61</sup>

- **Living away from home allowances and bursaries**

The department supports eligible Queensland families whose children need to live away from home to attend a state school or an accredited non-state school due to geographic isolation through the Living Away from Home Allowance Scheme (LAFHAS). The scheme includes 4 allowances:

- **Remote Area Tuition Allowance** – helps pay tuition fees charged by non-state boarding schools (up to a total maximum of \$4,360 per year for Years 1 to 6 and \$6,276 per year for Years 7 to 12)
- **Remote Area Travel Allowance** – helps pay a student's travel costs between home and boarding school during holidays (maximum allowance \$2,011)
- **Remote Area Allowance** – contributes to the cost of boarding at a Queensland Australian Agricultural College campus or a state high school campus (\$2,740 per student per year)
- **Remote Area Disability Supplement** – helps with additional boarding costs for students with disability (up to a total maximum of \$8,916).

Historically, LAFHAS has been adjusted each year in line with the Consumer Price Index (CPI). There was an increase to LAFHAS for 2023 by the CPI figure for indexation of 7.3 per cent. In 2023, the department approved a \$4,000 increase to the additional allowance component of Remote Area Tuition Allowance (RATuA) in the 2024 school year, with RATuA exempt from CPI changes in 2024.

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<sup>59</sup> Department of Education, correspondence, 17 November 2023, p 2.

<sup>60</sup> Department of Education, correspondence, 17 November 2023, p 3.

<sup>61</sup> Department of Education, correspondence, 17 November 2023, p 3.

LAHFAS funding in 2022–23 totalled \$8.599 million.<sup>62</sup>

- **Queensland Academies Isolated Students Bursary**

The Queensland Academies Isolated Students Bursary provides financial support to families of students living away from home to attend one of the department's 3 specialised Queensland Academies in South East Queensland including Creative Industries (Kelvin Grove), Health Science (Gold Coast) and Science, Mathematics and Technology (Toowong). The bursary, for those who are not eligible for LAFHAS, includes a travel and student accommodation allowance. Neither payment attracts Goods and Services Tax (GST), and there is no financial means test. In 2022-23, the funding available from the bursary initiative totalled \$50,000.<sup>63</sup>

- **Other cost of living supports**

Other initiatives to address broader cost of living issues include:

- \$36 million over 4 years to install, stock and maintain Dignity Vending machines at all Queensland state schools that want one, providing access to free period products
- a \$106.7 million Student Wellbeing Package, which is providing access to mental health support from GPs, psychologists or similar wellbeing professionals at no cost to them or their families
- a total investment of more than \$4.5 million by 2025 in the school breakfast program and a school food program allocation of \$2 million in 2023.<sup>64</sup>

#### 2.4.6 P&Cs and school infrastructure

Despite the breadth of support offered to parents, submitters noted not only increased requests from parents to P&Cs for extra support but the tendency for P&Cs to contribute to what should be seen as essential school infrastructure.<sup>65</sup> As P&Cs Qld explained:

Historically P&Cs have been a significant contributor to providing additional infrastructure to Schools. This has resulted in P&Cs often providing for things that we as a community now expect as standard. Such as Telephones, Toilets, Air Conditioning and Playgrounds. This trend continues with 81% of P&Cs reported in 2023 that they were continuing to make contributions towards infrastructure.<sup>66</sup>

While recognising the important contributions that P&Cs have made to school infrastructure in the past, the department is working to ensure that schools have the facilities they need to best support students in the future. This includes a projected record investment of \$2.1 billion in 2023-24 in state school infrastructure to build, maintain and upgrade schools in 2023-24.<sup>67</sup>

This investment will be made in line with the department's commitment to equity and excellence in education, which the department reflected in its *Infrastructure for learning* plan. Designed in the context of the increasing vulnerability of infrastructure to a changing climate, the *Infrastructure for learning* plan is built around ensuring the sustainability, resilience and longevity of Queensland's schools.<sup>68</sup> This will lead to the delivery of more contemporary and flexible learning spaces as well as

<sup>62</sup> Department of Education, correspondence, 17 November 2023, p 3.

<sup>63</sup> Department of Education, correspondence, 17 November 2023, p 4.

<sup>64</sup> Department of Education, correspondence, 17 November 2023, p 4.

<sup>65</sup> See, for example, submission 31, 36, 46, 53.

<sup>66</sup> Submission 53, p 4.

<sup>67</sup> Department of Education, 'Building Education', 23 January 2024, <https://alt-qed.qed.qld.gov.au/programs-initiatives/departments/building-education>.

<sup>68</sup> Department of Education, *Equity and Excellence in action: Infrastructure for learning*, 2022, p 3.

fit for purpose facilities to maximise inclusion. Consistent with the community focus of P&Cs, the department is also investing in school-based hubs which will bring together early years programs and support, on-site health services, family support and adult education.<sup>69</sup>

#### **2.4.7 Effect on staff**

Submitters referenced the effect of current funding levels on school staff.<sup>70</sup> Submitter 7, a high school maths and science teacher, who asked for their name to be withheld, referenced their difficulties with classroom management given insufficient resources to support children with complex learning difficulties as well as the absence of funding for continuing professional development.<sup>71</sup> The tendency for teachers to use their own resources to pay for school supplies was also referenced by Submitter 7, as well as several other submitters.<sup>72</sup>

At the same time, the QTU warned that the Bill might increase teachers' workloads.<sup>73</sup> This is because section 56D of the Bill requires the chief executive to provide a report on student enrolments; the cost of providing individual student resources to be given to each student; the economic, social or geographical disadvantages of the students attending the school; and the amount of costs met by the State.<sup>74</sup> While this responsibility under the Bill lies with the chief executive, it is foreseeable that the burden of collecting and tabulating this information could be passed to individual teachers.

#### **Committee comment**

Improving children's access to a high-quality education is a goal all Queenslanders share. This is why the Queensland Government has committed to *Equity and Excellence* and the delivery of an education system that allows every young Queenslander to be all they can be. It is also why the Queensland Government funds a range of initiatives to support parents and carers across the State, including providing support for textbooks, transport to and from school, funding for digital devices, and living away from home assistance, to name just a few of the programs and supports available to eligible students. *Equity and Excellence* is also behind the investment of \$2.1bn in 2023-24 to build the schools of the future and make existing facilities fit for the challenges of tomorrow.

Our inquiry found that the Bill is fundamentally flawed in that it is uncosted and does not recognise the breadth of funding that state schools receive outside of the School Resourcing Standard or the existing support that eligible students and parents receive from the Queensland Government.

We were also concerned by the lack of consultation with stakeholders that went into this Bill, particularly with the Department of Education, as well as the way in which the Bill, if passed, might place the Minister in conflict with their collective cabinet responsibilities.

While acknowledging the very real pressures and frustration that parents, teachers and communities feel, especially in the context of a rising cost of living, we believe that the present policy of targeted and growing programs is the best way to support our youngest minds reach their full potential and make a positive contribution to their future and the future of Queensland.

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<sup>69</sup> Department of Education, *Equity and Excellence in action: Infrastructure for learning*, 2022, p 3.

<sup>70</sup> See, for example, submissions 7, 14, 15.

<sup>71</sup> Name withheld, submission 7, pp 2-3.

<sup>72</sup> See, for example, submissions 7, 14, 15.

<sup>73</sup> Submission 47, p 8.

<sup>74</sup> Bill, section 56D.

## Appendix A – Submitters

Sub #	Submitter
001	Name Withheld
002	Name Withheld
003	Centacare FNQ
004	Name Withheld
005	Name Withheld
006	Name Withheld
007	Name Withheld
008	Name Withheld
009	Fiona Bergin
010	Tina Patterson
011	Meryl Jones
012	Judy Hardy-Holden
013	Callum Morrison
014	Name Withheld
015	Toby Martin
016	Philip Mehigan
017	Confidential
018	Tobias Kennett
019	Roy Hives
020	Confidential
021	Jane Minor
022	Shellie Ward
023	Name Withheld
024	Danyel Wolff
025	Name Withheld
026	Holstein Wong
027	Simon Cook
028	Sarah Hackney
029	Helen Burger
030	Philippa Stanford
031	West End State School P&C
032	Rebekah Ramsay
033	Harry Johnson (A)

034	Harry Johnson (B)
035	Name Withheld
036	Name Withheld
037	Kaitlyn Everingham
038	Nadia Reck
039	Annyck Savill
040	Number not used
041	Andrew Reeson
042	Confidential
043	Name Withheld
044	Upper Brookfield State School P&C Association
045	Cairns Regional Jobs Committee
046	Name Withheld
047	Queensland Teachers Union
048	Name Withheld
049	Name Withheld
050	Name Withheld
051	Queensland Advocacy for Inclusion
052	Number not used
053	P&Cs Qld
054	Name Withheld
055	Kate Kakoschke
056	Stationery Aid Ltd
057	Confidential
058	Wendy Aghdam
059	Queensland Association of State School Principals
060	Name Withheld
061	Buranda State School P&C Association
062	Jonathan Lightfoot
063	Education Policy and Evaluation Lab (EPEL)
064	Dr Amy MacMahon MP

## **Appendix B – Witnesses at public briefings**

### **Monday 23 October 2023**

- Dr Amy MacMahon MP, Member for South Brisbane

### **Monday 18 March 2024**

#### **Department of Education**

- Ms Kathleen Forrester, Deputy Director-General - Policy, Performance, International and Intergovernmental
- Ms Stacie Hansel, Deputy Director-General - Schools and Student Support
- Mr Duncan Anson, Assistant Director-General & Chief Financial Officer - Finance, Procurement and Facilities

## **Appendix C – Witnesses at public hearing**

The committee held a public hearing in Brisbane on 18 March 2024.

### **Queensland Association of School Principals**

- Mr Patrick Murphy, President

### **P&Cs Qld**

- Mr Scott Wiseman, Chief Executive Officer

### **Education Policy and Evaluation Lab**

- Associate Professor Anna Hogan, Director of EPEL
- Professor Greg Thompson, Co-Director of EPEL
- Dr Naomi Barnes

### **Stationery Aid Ltd**

- Ms Alison Schutt, Co-Founding Director
- Ms Jan Schutt, Co-Founding Director

### **Queensland Advocacy for Inclusion**

- Ms Matilda Alexander, Chief Executive Officer
- Ms Sophie Wiggans, Principal Systems Advocate

### **Queensland Teachers' Union**

- Ms Cresta Richardson, President
- Dr Craig Wood, Research Officer



## Appendix D – Abbreviations and acronyms

Abbreviation/acronym	Definition
AE Act	<i>Australian Education Act 2013 (Cth)</i>
Bill	Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023
committee	Education, Employment, Training and Skills Committee
CPI	Consumer Price Index
declaration	Alice Springs (Mparntwe) Education Declaration
department	Department of Education
Education Act	<i>Education (General Provisions) Act 2006</i>
EPEL	Education Policy and Evaluation Lab
GST	Goods and Services Tax
HRA	<i>Human Rights Act 2019</i>
ICPAQ	Isolated Children's Parents' Association Queensland Inc.
Inclusionary Zoning Bill	Planning (Inclusionary Zoning Strategy) Amendment Bill 2023
LAFHAS	Living Away from Home Allowance Scheme
LSA	<i>Legislative Standards Act 1992</i>
Minister	Minister for Education
QAI	Queensland Advocacy for Inclusion
QASSP	Queensland Association of State School Principals
QHRC	Queensland Human Rights Commission
QTU	Queensland Teachers' Union
RATuA	Remote Area Tuition Allowance
SRS	School Resource Standard

All Acts are Queensland Acts unless otherwise specified.

## Statement of Reservation

## LNP Members of the Education, Employment, Training and Skills Committee

The Education (General Provisions) (Helping Families with School Costs) Amendments Bill 2023 proposes the reduction of out of pocket expenses to families. While the Opposition members acknowledge the intent of the Bill, we hold considerable reservations. The Bill is vague as to the means by which the State Government are to implement measures to address out of pocket expenses associated with attending State Schools in Queensland.

This is presumably due to constraints within Standing Orders, which do not allow non-Government members to introduce Bills that would incur additional appropriations; however, in this instance it is clear that should the Bill pass, implementing the intent of the Bill would require considerable additional financial investment from the State Government. Despite this, at no stage, neither within the explanatory notes or in submissions to the Bill, has the Member for South Brisbane sought to articulate the estimated cost of to implement the measures contained in the Bill. Such a reckless approach cannot be supported by Opposition members of the Committee.

Similarly, the Bill does not distinguish between what is core funding and what is not. No meaningful detail has been provided in relation to what items should be funded by the State Government and what items would not be funded. While it's clear that the Bill seeks to have the State Government meet the costs of student resources, uniforms, compulsory excursions and incursions, it is unclear if selective extracurricular activities such as overseas travel for STEM and robotics events, or for interstate sporting competitions would also have all costs met by the State Government.

Opposition members of the Committee do however, acknowledge the considerable strain the cost of living crisis is placing on Queensland families. We too support measures to ease the burden of rapidly escalating cost of living expenses and believe that the State Government should be proactively tackling the cost of living crisis by addressing those areas of the family budget that the State Government can influence. The cost of education is clearly one such area and the Opposition members believe that the State Government should be doing more to support struggling families pay for core expenses associated with sending a child to Queensland State Schools.

The State Government should consider extending funding to cover the cost of essential items such as student resources and essential curriculum related activities such as incursions and excursions. For any Queensland child to miss out on such essential elements of their education is unacceptable. It is clear from speaking to teachers and principals, that currently in circumstances where a child may be at risk of not being able meet the cost of such essentials, school communities in the form of teachers, P & C committees and community groups step up and provide support. While this is admirable, there is a compelling case to suggest that the State Government meet such costs in the first instance, so that the burden is not left to teachers and school communities more broadly.

With massive increases in housing costs, energy and insurance, many Queensland families are experiencing financial hardship. The State Government must do more to assist Queenslanders with what has become a crippling cost of living crisis. This Bill, however, is not a solution to that problem.

The Opposition members of the Committee do not believe the Bill in its current form will achieve its objectives.

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

Mr James Lister MP  
Deputy Chair  
Member for Southern Downs

10 April 2024

A handwritten signature in blue ink, reading 'Brent Mickelberg', with a long, sweeping underline.

Mr Brent Mickelberg MP  
Member for Buderim  
10 April 2024