



# Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023

Report No. 5, 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

This report presents a summary of the Education, Employment, Training and Skills Committee's examination of the Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023.

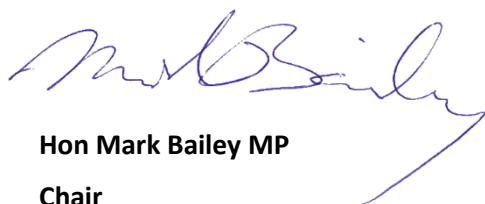
The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also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

The Member for Traeger, Mr Robbie Katter MP, introduced the Bill on 25 October 2023. The primary objective of the Bill is to improve access to secondary education services in remote Queensland communities.

Like many submitters, the committee recognises the challenges that children and families have in finding appropriate schooling in remote areas and the ambitious proposals this Bill puts forward to afford parents greater choice. However, as part of its inquiry the committee learned that the Bill, as presently drafted, might have major unintended consequences, often for those who it seeks to help most. As such, the committee could not recommend that the Bill be passed.

On behalf of the committee, I thank the Member for Traeger and those individuals and organisations who made written submissions on the Bill. I also thank our Parliamentary Service staff as well as 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

## Recommendation

### **Recommendation 1** **6**

The committee recommends that the Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023 not be passed. 6

## Executive summary

### About the Bill and inquiry

This report presents a summary of the Education, Employment, Training and Skills Committee's examination of the Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023 (the Bill). The Bill was introduced into the Legislative Assembly by Mr Robbie Katter MP, Member for Traeger, on 25 October 2023.

The former Education, Employment and Training Committee (former committee) initially examined the Bill. To inform its examination of the Bill, the former committee called for – and received – written submissions from stakeholders and was briefed by the Member for Traeger on 27 November 2023. On 13 February 2024, the Legislative Assembly amended Schedule 6 of the Standing Rules and Orders of the Legislative Assembly, establishing the Education, Employment, Training and Skills Committee (committee), and transferred the Bill to that committee for detailed consideration. The committee held a public hearing with stakeholders on 4 March 2024 and a public briefing with the Member for Traeger and the Department of Education (department) on the same day.

The Bill seeks to provide parents in remote communities in Queensland with greater choice over how and where children in Years 7 to 10 will be educated. The Bill would do so by enabling a local community, via its local government, to request that the Minister of Education either extend the offering of a remote primary school to include provision for Years 7 to 10 students, or, where that is not feasible, to reach an agreement with the local government to create a remote secondary learning facility. These remote learning facilities would be modelled on those employed at Julia Creek and Thargomindah where a classroom in an existing primary school is set aside for students undertaking distance education, who are also supported by a dedicated teacher's aide.

### Summary of stakeholder views

During our inquiry, submitters praised the Bill for the way in which it would give families in remote areas a way to educate their children without them facing either the isolation of home-based distance education or the cost and potential dislocation of sending them to boarding schools. Submitters also referenced the positive impact that this measure could have on the economic and social life of rural and remote communities more broadly.

The committee supports the objectives of the Bill, and we praise those educators, communities and local governments in places like Julia Creek and Thargomindah for finding innovative solutions to what are clearly real and pressing problems facing some families in their communities. We also applaud the Member for Traeger for raising awareness around this important issue.

However, the committee cannot recommend that the Bill be passed. This is because the Bill could potentially have serious unintended consequences including on the viability of existing secondary schools in remote areas and families' access to much-needed Living Away From Home Allowance Scheme support. As such, rather than enhancing parental choice and local autonomy, the Bill presents a danger of imposing its own 'one-size-fits-all' model.

### **The Bill has sufficient regard to fundamental legislative principles.**

We considered the Bill's compliance with the *Legislative Standards Act 1992*. We are satisfied that any potential breaches of fundamental legislative principles are reasonable and sufficiently justified in the circumstances.

### **The Bill is compatible with human rights.**

We considered the Bill's compatibility with the *Human Rights Act 2019* and found that it was compatible.

## 1 Introduction

On 25 October 2023, Mr Robbie Katter MP, Member for Traeger (the Member), introduced the Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023 (the Bill) into the Queensland Parliament. The Bill was initially 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 following its creation on 14 February 2024. The committee was required to report on the Bill by 25 April 2024, in accordance with Standing Order 136(1).

### 1.1 Policy objectives of the Bill

The Bill seeks to improve access to designated secondary education services in remote Queensland communities in which the Queensland Government does not currently provide a secondary school.

The main objectives of the Bill are to:

- provide an opportunity for children and young people living in remote communities to continue studying close to home, as opposed to enrolling at a boarding school, participating in a distance learning program, or relocating to a town or city in which there is a dedicated secondary school.
- remove the psycho-social impact of moving away from home for children who do not wish to attend boarding school.
- reduce feelings of isolation among children engaged in distance learning.
- prevent population drift from rural communities because of families moving away to educate their children to secondary level.

The Bill seeks to achieve these objectives by empowering remote communities to seek improved local educational access. Specifically, the Bill proposes to amend the *Education (General Provision) Act 2006* (EGP Act) to:

- provide the Minister for Education (Minister) with powers to extend education provided at a remote primary school to include Years 7 to 10.<sup>1</sup>
- enable a local community, through their local government, to request that the Minister either:
  - a) extend the offering of an existing primary school up to Year 10; or
  - b) where deemed economically unfeasible (and there are fewer than 5 children seeking to enrol in Years 7 to 10) reach an agreement with the local government to facilitate the establishment of a ‘remote secondary learning facility’.<sup>2</sup>

The Bill envisages that remote secondary learning facilities will be similar in form to the Julia Creek Learning Facility (Years 7 to 10) and the Thargomindah Remote Secondary Learning Facility (Years 7 to 12) in which secondary age students complete their distance learning program under the supervision of a teaching assistant.

To delineate its applicability, the Bill introduces a new definition of ‘remote primary school’. This is a state school that provides primary education and is in a town in a remote area of the state where no school is established at which the Queensland Government provides secondary education. These

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<sup>1</sup> Bill, s 20b.

<sup>2</sup> Bill, s 20c.

schools are all within the Queensland state electorates of Gregory, Cook, Southern Downs, Warrego, Mirani, Oodgeroo, Traeger, Callide, Hinchinbrook, Burdekin, Hill and Whitsunday.<sup>3</sup>

For the purposes of the Bill, a remote area of the state is an area identified as 'remote' or 'very remote' by the Australian Bureau of Statistics.<sup>4</sup>

## **1.2 Background**

### **1.2.1 The structure of schooling in Queensland**

In Queensland, schooling begins with kindergarten followed by 13 years of primary and secondary school. Prep (P) is the first year of compulsory schooling with the compulsory period of schooling lasting until a child reaches the age of 16 or completes Year 10. Between Prep and Year 10, students follow the Australian Curriculum. Schooling in Years 11 and 12 is non-compulsory and is focussed on providing students with the skills necessary to prepare for further education, training or employment.

Primary schools cater for students in Prep to Year 6 with secondary schooling covering Years 7 to 12. In 2015, Year 7 was moved from primary to secondary schools to align Queensland with the majority of other states and territories and to better reflect the Australian Curriculum.<sup>5</sup> This means that students typically enter secondary school between the ages of 11 and 12.

### **1.2.2 Face-to-face tuition in remote and very remote areas**

Queensland currently has 1,262 state schools of which 11 per cent are considered 'remote' or 'very remote'. Schools in these remote and very remote locations have a total of 14,340 students enrolled in Years Prep to 12 of whom 3,758 are in Years 7 to 10.<sup>6</sup> In terms of distance from a primary to a secondary school, across Queensland's remote and very remote towns, there are currently 110 state primary schools where the nearest state secondary school offering Years 7 to 10 face-to-face tuition is within 60 minutes commutable distance by road. There are 31 primary schools in these areas where the equivalent school is greater than a 60-minute road commute. There are also 3 primary schools on islands in the electorates of Oodgeroo and Whitsunday.<sup>7</sup>

### **1.2.3 How choices are made about where to locate secondary schools**

In determining the location of a Year 7 to 10 secondary school, the Department of Education (department) assesses population trends and school capacity to guide its future planning with the work underpinned by the student population projections undertaken by the Queensland Government Statistician's Office. To ensure that a balanced and functional school network is maintained, the department considers enrolment growth in the broader network of schools and what flow-on effects there may be if any changing to school location occurs.<sup>8</sup>

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

<sup>4</sup> Specifically, in the document titled 'Australian Statistical Geography Standard (ASGS) Edition 3 Remoteness Structure'.

<sup>5</sup> "Why is Year 7 moving?" Department of Education and Training, 13 October 2017, <https://web.archive.org/web/20171013235653/http://flyingstart.qld.gov.au/getting-ready-high-school/schools-support/Pages/home.aspx>.

<sup>6</sup> Department of Education, correspondence, 23 November 2023, Annexure, p 5.

<sup>7</sup> Department of Education, correspondence, 23 November 2023, Annexure, p 6.

<sup>8</sup> Department of Education, correspondence, 23 November 2023, Annexure, p 6.



#### 1.2.4 Support for students and families in remote areas

The department offers a range of programs to support students and their families in remote areas. These include:

- State Delivered Kindergarten – kindergarten offered within schools for discrete Aboriginal or Torres Strait Islander communities or where the nearest approved kindergarten is more than 40km away from the school.
- E-Kindy – distance education kindergarten.
- School of Distance Education (SDE) – full-time distance education for geographically isolated or home-schooled children providing the full Australian Curriculum. There are currently 7 SDEs in Queensland based in Brisbane, Cairns, Capricornia, Charleville, Charters Towers, Longreach and Mount Isa.
- Queensland Virtual STEM Academy – expanded STEM (science, technology, engineering and mathematics) courses and activities for highly capable students in Years 5 to 9.<sup>9</sup>

The Queensland Government also supports a number of services and programs to enable students and their families to access educational services. These include the:

- Rural and Remote Education Access Program (RREAP) – funding for eligible remote and very remote schools to improve educational outcomes and opportunities. This can include funding for additional information technology projects and staff professional development.
- Living Away From Home Allowance Scheme (LAFHAS) – funding to support children to either live away from home to attend a state school or private boarding school. This takes the form of:
  - a) Remote Area Tuition Allowance – up to \$4,360 per year for Years 1 to 6 and \$6,276 for Years 7 to 12 to pay non-state boarding school tuition fees
  - b) Remote Area Travel Allowance – up to \$2,011 per year from travel costs between home and boarding school during school holidays
  - c) Remote Area Allowance – up to \$2,740 per year towards boarding costs at either a Queensland Agricultural College campus or state high-school campus
  - d) Remote Area Disability Supplement – up to \$8,916 per year to help with additional boarding costs for students with disabilities.
- School Transport Assistance Scheme – assistance provided by the Department of Transport and Main Roads, such as a conveyancing allowance to support students who do not have access to a bus service to attend school.<sup>10</sup>

In addition, the department operates 3 residential boarding facilities to support students studying away from home. These are located at the Dalby State High School, Western Cape College, and Spinifex State College.<sup>11</sup>

#### 1.2.5 Equity and Excellence

In December 2019, the Minister, along with colleagues in other states and territories, signed the *Alice Springs (Mparntwe) Declaration*.<sup>12</sup> This sets out a shared vision of a world-class education system that

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<sup>9</sup> Department of Education, correspondence, 23 November 2023, Annexure, p 2.

<sup>10</sup> Department of Education, correspondence, 23 November 2023, Annexure, pp 3-4.

<sup>11</sup> Department of Education, correspondence, 23 November 2023, Annexure, p 4.

<sup>12</sup> Education Council, *The Alice Springs (Mparntwe) Education Declaration*, February 2020.

encourages and supports every student to be the best they can be, irrespective of where they live or the type of learning challenges they may face. This vision is reflected in the department's strategy *Equity and Excellence: realising the potential of every student* (Equity and Excellence) which is focussed on supporting educational achievement, wellbeing and engagement, and culture and inclusion.<sup>13</sup> An early initiative of Equity and Excellence has been the creation of the Queensland Virtual Academy, which aims to give students better access to their chosen learning pathways and courses by connecting them with a wider range of learning opportunities.<sup>14</sup>

#### **1.2.6 The Julia Creek Learning Facility and the Thargomindah Remote Secondary Learning Facility**

The Julia Creek Learning Facility (JCLF) was established in 2014 as a partnership between McKinlay Shire Council, the Department of Education, the Mount Isa School of the Air and the local primary school, the Julia Creek State School. JCLF is located in a classroom within the Julia Creek State School and provides support for students in Years 7 to 10 enrolled at the Mount Isa School of the Air. The facility is staffed by a teacher's aide for 30 hours a week. The Principal and Manager of Mount Isa School of the Air manages this member of staff in consultation with the Julia Creek State School principal. The funding for the teacher aide was initially provided by McKinlay Shire Council before being transferred to the Department of Education in 2017.<sup>15</sup> To date, 21 students have accessed the JCLF in its 9 years of operation.<sup>16</sup>

The Thargomindah Remote Secondary Learning Facility (TRSLF) operates in a similar manner to the JCLF by providing a space and support for Years 7 to 10 to undertake their distance learning, in this case through the Charleville School of Distance Education. It is a partnership between Bulloo Shire Council, Charleville School of Distance Education, the department and Thargomindah State School where the facility is based. In 2023 the TRSLF was closed due to insufficient enrolments, though the council is hopeful that future enrolments will allow it to reopen.

Neither the creation of the Julia Creek Learning Facility nor the Thargomindah Remote Secondary Learning Facility led to a change in the designation of the primary school in which they were based. They did not require an amendment to the *Education (General Provisions) Act 2006* to be created.<sup>17</sup>

### **1.3 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*.

#### **1.3.1 Human Rights Act 2019**

The committee did not identify any limitations on human rights in the Bill. The committee therefore considers the Bill is compatible with human rights.

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<sup>13</sup> Department of Education, 'Equity and Excellence: realising the potential of every student', 2022.

<sup>14</sup> Department of Education, correspondence, 23 November 2023, Annexure, p 1.

<sup>15</sup> Mount Isa School of the Air, 'Julia Creek Learning Facility', 18 November 2019, <https://mtisasde.eq.edu.au/enrolments/julia-creek-learning-facility-yr710>; McKinlay Shire Council, 'Ordinary Meeting Avena', 13 October 2017, <https://www.mckinlay.qld.gov.au/downloads/file/277/oct-2017-ordinary-council-meeting-agenda-public.pdf>.

<sup>16</sup> ICPAQ, submission 6, p 2.

<sup>17</sup> Queensland Teachers' Union, 'Response to Question Taken on Notice at the hearing on 4 March 2024', 12 March 2024.

### **1.3.1.1 Statement of compatibility**

Section 38 of the HRA requires a statement of compatibility to be tabled for the Bill. The committee is satisfied that the statement of compatibility provided sufficient information and detail as required under the *Human Rights Act 2019*.

#### **Committee comment**

The committee is satisfied that the Bill meets all the requirements of the *Human Rights Act 2019*.

### **1.3.2 Legislative Standards Act 1992**

The committee assessed the Bill's compliance with the LSA.

It is a fundamental legislative principle that Bills have sufficient regard to the institution of Parliament.<sup>18</sup> The Bill proposes to include a definition of 'remote area of the State' in the EGP Act. That definition would refer to the document called 'Australian Statistical Geography Standard (ASGS) Edition 3 Remoteness Structure', published by the Australian Bureau of Statistics (ABS) on its website.

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. In this instance, the Parliament is effectively delegating legislative power to the ABS because its classification of areas as 'remote Australia' or 'very remote Australia' in the ASGS would result in a primary school falling within or outside the definition of 'remote primary school' in the Bill.

While there is no discussion in the explanatory notes about the reference to the ASGS, the committee is satisfied that its use is appropriate. This is because the ASGS is prepared by the ABS, Australia's national statistical agency, an official source of independent information; the classification of areas would likely be amended by the ABS over time to reflect changing circumstances and thereby best promote the objective of the Bill; and the ASGS is freely available online for members of the Queensland Parliament and the public to access. The committee notes that certain current Queensland legislation also refers to the ASGS.

#### **1.3.2.1 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, the committee is satisfied that its 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.

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

The Bill's explanatory notes state that consultation was 'undertaken with key stakeholders, most importantly rural and remote school parents and students who would benefit from the Bill.'<sup>19</sup>

<sup>18</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.

<sup>19</sup> Explanatory notes, p 4.

## 1.5 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) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023 not be passed.

## 2 Examination of the Bill

### 2.1 Support for the Bill

Support for the Bill reflected submitters' understanding of the unique challenges posed by education in remote areas and the Bill's attempt to provide a more equitable access to education for children across the state, as well as its potential positive impact on socio-economic development in rural and remote areas more generally. Submitters, including those opposed to the Bill, stressed the Bill's ambitious nature and, even if they were opposed, recognised the positive intentions behind its introduction.

#### 2.1.1 Equitable access to education

A submitter praised the Bill for its goal of increasing equity in education.<sup>20</sup> Historically, the achievements of children in remote and regional locations have trailed their urban peers. This is reflected in National Assessment Program – Literary and Numeracy scores as well as the results of the Programme for International Student Assessment and Trends in International Mathematics and Science Study.<sup>21</sup> In response, governments at both the federal and state levels have committed to better supporting schools, teachers and parents in remote areas and have conducted numerous reviews into the issue including *Review to Achieve Excellence in Australian Schools* (Gonski 2.0) and the *Independent Review into Regional, Rural and Remote Education* (Hasley Review).<sup>22</sup> The latter explicitly recommended support for regional, rural and remote communities 'to implement innovative approaches to education delivery designed to improve education access and outcomes for students living in remote communities.'<sup>23</sup>

#### 2.1.2 The cost of boarding school

Submitters raised the cost of boarding school as an issue. While the Living Away From Home Allowances Scheme (LAFHAS) provides families with often substantial financial support, there frequently remains a significant gap between the fees schools charge and the support available. This is a particularly difficult issue in remote communities where, as P&Cs Qld stated, 'the economic challenge faced by numerous families in these remote areas are substantial'.<sup>24</sup> As such, the cost of sending a child (and potentially multiple children) to boarding school is often prohibitive for families, even with LAFHAS. Even for those who currently have the means to send their children to boarding school, the opportunity for children to receive a quality education close to home was described as 'a beacon of hope' for families who are currently struggling financially.<sup>25</sup> P&Cs Qld also explained that

<sup>20</sup> P&Cs Qld, submission 8, p 1.

<sup>21</sup> J Hasley, 'Independent Review in Regional, Rural and Remote Education', January 2018, p 4.

<sup>22</sup> D Gonski, 'Through Growth to Achievement: Report of the Review to Achieve Educational Excellence in Australian Schools', March 2018; J Hasley, 'Independent Review in Regional, Rural and Remote Education', January 2018.

<sup>23</sup> J Hasley, 'Independent Review in Regional, Rural and Remote Education', January 2018, p 5.

<sup>24</sup> Submission 8, p 1.

<sup>25</sup> P&Cs Qld, submission 8, p 3.

similar pressures exist on those parents who send their children away to a state school but are faced with significant out of pocket expenses resulting from privately run boarding facilities.<sup>26</sup>

### **2.1.3 Emotional effect of sending children to boarding school**

While some students relish the opportunity to study at a boarding school, submitters also noted that this was not the case for every child, with many facing emotional distress at the prospect of being separated from their family and local support network. The transition of Year 7 from primary to secondary school, and thus the lower age at which children may now be sent away to boarding school, was also referenced. As P&Cs Qld explained, the prospect of being sent to boarding school was particularly problematic at a time when mental health concerns have been rising across the school age cohort, and that for anxious or students with additional support needs the options provided in the Bill to keep studying close to home would be highly welcome.<sup>27</sup>

### **2.1.4 A means to keep children engaged in education**

As well as providing an opportunity for those who either cannot or do not wish to send their children to boarding schools, the Bill also offers a way to keep children who stay in remote and very remote communities more engaged in education. As the Member for Traeger explained:

if you are a kid at Dajarra, you have family support while you are living there, but you have to go off to Mount Isa...to do your ongoing education. That rarely happens. If it does, it provides that disconnect and what can already be a fragile social structure becomes enormously brittle.<sup>28</sup>

### **2.1.5 Impact on rural communities more broadly**

Linked to the above point, submitters also noted that the lack of face-to-face secondary schools also had an impact on rural communities more widely, including population drift from remote areas to cities.<sup>29</sup> As the Member for Traeger noted, many remote and very remote towns are rapidly losing services and population. Critical for the Member was the way in which, while boarding schools may offer an opportunity for some parents, the costs involved (discussed above) are at times prohibitive for key workers in remote towns such as council workers and graders, without whom an entire town could not survive.<sup>30</sup> The Member went on to add that as well as helping to support towns facing depopulation the same applies in situations where a town or industry which has opportunities to expand is unable to, due to the inability to attract staff who fear the dislocation of moving only to have to move again when their children reach secondary school age.<sup>31</sup>

## **2.2 Opposition to the Bill**

While submitters praised the ambitions of the Bill and the intentions behind it, concerns were raised about the practicability of some of the measures the Bill proposes. This included concerns about the Bill's effect on existing educational provisions for children in remote areas, access to LAFHAS support, and the suitability of both the proposed extension of primary schools to Years 7 to 10 and the proposed learning facilities.

### **2.2.1 Appropriateness of extending primary schools to accommodate Years 7 to 10**

A number of submitters were concerned about the impact on existing primary school's resources if Year 7 to 10 pupils were also admitted. As the Isolated Children's Parents Association Qld (ICPAQ) explained, of the 104 schools which the Bill contemplates as being extended, more than half are one-

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<sup>26</sup> S Wiseman, P&Cs Qld, public hearing, Brisbane, 4 March 2024, p 4.

<sup>27</sup> S Wiseman, P&Cs Qld, public hearing, Brisbane, 4 March 2024, p 6.

<sup>28</sup> Public briefing, Brisbane, 4 March 2024, p 2.

<sup>29</sup> P&Cs Qld, submission 8, p 8; Boulia Shire Council, submission 4, p 1.

<sup>30</sup> Public briefing, Brisbane, 4 March 2024, p 1.

<sup>31</sup> Public briefing, Brisbane, 4 March 2024, p 2.

teacher schools.<sup>32</sup> In these schools, the teacher-principal is often responsible for teaching across 8 year levels as well as undertaking administrative tasks. Teacher-principals are also not necessarily secondary level trained. As ICPA noted, adding secondary students to these schools would add ‘another layer of complexity, priorities, policy, and staff issues to the principal’s role’.<sup>33</sup>

While principals in these schools may be assigned a teacher’s aide to support Year 7 to 10 students, there was also concern that teacher aides do not need qualifications and, despite their enthusiasm and commitment, may not have requisite knowledge of secondary school policy and procedure, workplace health and safety rules and the technical skills required to support online distance learning. Moreover, as a submitter, herself a retired Prep to Year 10 principal, explained ‘if an issue emerges within the proposed secondary cohort ... the teaching principal may be required to physically leave his/her class to intervene/resolve any issues’ which may lead to subsequent learning disruption for the teaching-principal’s own class.<sup>34</sup> This submitter also raised the difficulty that a teacher-principal might face in securing short-term cover if a teacher’s aide was unable to attend (e.g. due to sickness).<sup>35</sup>

The Queensland Teachers’ Union raised the effect of including secondary school pupils on the physical resources of a school, noting that primary schools would, as a result, have to consider the different needs of children up to the age of 15 and that ‘to accommodate the physical growth, a repurposed school will require an additional allocation of funds to build new fit-for-purpose facilities, including desks, chairs and other learning facilities, as well as appropriate bathrooms’.<sup>36</sup> Questions of whether extended primary schools had the facilities to conduct STEM experiments was also raised as were the implications in terms of discipline with students across such a broad age range sharing common facilities.<sup>37</sup>

While the Member for Traeger noted that in many instances primary schools have more space than was once the case, due to the movement of Year 7 to secondary school, in some cases these spaces may now be being used for other classes and services (such as Prep and kindergarten).<sup>38</sup> As such, it may be the case that considerable investment in facilities may be required. At the same time, the committee acknowledges the Member’s comments that this approach is already being undertaken in some primary schools which are, informally, catering for older students who would otherwise be undertaking distance education from home.<sup>39</sup>

## **2.2.2 Feasibility and appropriateness of Remote Secondary Learning Facilities**

Though the work of the Julia Creek Learning Facility (Year 7-10) and the Thargomindah Remote Secondary Learning Facility (Year 7-12) were widely praised by submitters, questions were raised about the extent to which these types of schools could be used as a model for future developments.<sup>40</sup> At present, alongside support from the department, the facilities at Julia Creek and Thargomindah are supported financially by their respective local councils (Bulloo and McKinlay) who helped construct and manage these facilities. At Thargomindah the local council also previously contributed to the teacher aide’s salary. The Bill leaves it unclear if local councils are expected to contribute to the creation and upkeep of similar remote secondary learning facilities. Highlighting council’s need to maintain financial

<sup>32</sup> Submission 6, p 3.

<sup>33</sup> Submission 6, p 3.

<sup>34</sup> J Guthrie, submission 2, p 2.

<sup>35</sup> J Guthrie, submission 2, p 2.

<sup>36</sup> Submission 3, p 4.

<sup>37</sup> Public briefing, Brisbane, 27 November 2023, p 4

<sup>38</sup> W Henning, ICPAQ, public hearing, Brisbane 4 March 2024, p 1.

<sup>39</sup> Public briefing, Brisbane, 4 March 2024, p 2.

<sup>40</sup> Isolated Children’s Parents Association Qld, submission 6, p 2; Maranoa Regional Council, submission 5, p 2.

sustainability, Maranoa Regional Council advised that the amendments ‘may be perceived to be unintentional ‘cost shifting’ of the State to Local Government for what is essentially a State service’.<sup>41</sup>

Submitters also raised the extent to which these existing remote secondary learning facilities are actually being used. For example, the Thargomindah facility has not been used in the last 2 years.<sup>42</sup> Given the financial outlay regarding the construction, maintenance, and staffing of these facilities, it is reasonable to ask questions regarding value for money if they are to be used for only a short or intermittent period.

### **2.2.3 Unintended impact on existing primary and secondary schools**

The effect of the Bill on existing primary and secondary schools in remote areas was also referenced by submitters. In a number of areas, P-10/P-12 schools have already been created in order to provide a transitional educational opportunity for those seeking alternatives to boarding school or distance learning. As a submitter explained, the Bill would ‘undoubtedly extend an additional option for a small number of parents but may have the unintended consequence of reducing cohort at P-10/P-12 schools, possibly reducing their student numbers (and associated funding, subject offerings and staffing) and thus bringing their own continued viability into question’.<sup>43</sup> The department shared this analysis.<sup>44</sup>

### **2.2.4 Impact on Living Away from Home Allowance Scheme (LAFHAS) and Rural and Remote Education Access Program (RREAP)**

A number of submitters raised concerns about the Bill’s potential impact on the availability of LAFHAS for families in remote areas who continue to wish to send their children to boarding schools.

When applying for LAFHAS, the department takes into consideration a student’s reasonable access to nearby schools with the relevant school year levels. In this process, some state schools are determined to be *bypass schools* – that is, a rural or remote state school that may not deliver the programs a senior student needs to complete their chosen areas of study. Students applying for LAFHAS are able to disregard a bypass school when they complete the application’s residential distance criteria.<sup>45</sup>

While the Bill has been designed not to impact LAFHAS criteria, submitters noted that there was no guarantee that if an existing primary school took children to Year 10 (becoming a P-10 school) they would automatically be granted ‘bypass’ status. In such a situation, a family might find that they were therefore no longer eligible for LAFHAS.<sup>46</sup>

The impact on a school being given ‘bypass’ status was also raised. As the ICPA explained, while making a newly designated extended primary school a by-pass school would relieve concerns regarding LAFHAS, ‘if every school becomes a bypass school, you are then saying that all those schools are not suitable to deliver those years of curriculum and support. Why are we then wanting to put out students in those schools?’<sup>47</sup>

In regards to RREAP, the department also advised that the Bill as currently drafted may impact eligibility criteria, compromising some schools ability to access RREAP assistance.<sup>48</sup>

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<sup>41</sup> Submission 5, p 2.

<sup>42</sup> W Henning, public hearing, Brisbane, 4 March 2024, p 1.

<sup>43</sup> J Guthrie, submission 2, p 2.

<sup>44</sup> G Webb, Department of Education, public briefing, Brisbane, 4 March 2024, p 7.

<sup>45</sup> Department of Education, correspondence, 23 November 2023, p 5.

<sup>46</sup> ICPAQ, submission 6; Queensland Independent Schools Parents Network, submission 7, p 2.

<sup>47</sup> W Henning, public hearing, Brisbane, 4 March 2024, p 2.

<sup>48</sup> G Webb, Department of Education, public briefing, 4 March 2024, p 6.

### **2.2.5 Impact on existing alternative solutions**

In the face of the often acute dilemmas facing students and parents in remote areas which this Bill identifies and to which submitters attest, Queensland's local governments have also sought other ways to support students entering secondary education. The department, via the Student Hostel Support Scheme, helps fund a number of community student hostels across regional Queensland including the Roma Rural Student Hostel. Owned by Maranoa Regional Council, this student hostel provides co-educational accommodation and pastoral care for Year 7 to 12 students from rural and remote areas to continue their education at Roma State College and St John's College.<sup>49</sup> As such, submitters raised questions about what potential unintended effects the Bill might have on existing facilities and services that individual remote communities have adopted to meet their unique needs and preferences.<sup>50</sup>

### **2.2.6 Staffing**

Should the Bill be passed, if a primary school becomes an extended P-10 school, requisite secondary school teachers may have to be recruited. As well as highlighting the existing difficulty regarding teacher recruitment in remote and very remote areas, submitters noted the inherent specialisation of teaching at secondary level and the extra difficulty this may pose. Indeed, the Member for Traeger acknowledged that the potential difficulty in attracting sufficient staff 'is probably the most legitimate question in terms of the whole legislation'.<sup>51</sup> While the department currently has a suite of teacher attraction and retention initiatives, such as the Regional, Rural and Remote Graduate Teacher scholarship program, extra resourcing would likely need to be found to support the further development of these schemes.

In regard to remote secondary learning facilities, the Bill envisions the use and employment of teacher aides as opposed to fully qualified teachers to support children undertaking distance education. While there may be those in remote communities willing to perform the role of teacher aides, in other circumstances it may be necessary to recruit teacher aides from larger population centres. Concerns were also raised by the Queensland Teachers' Union about the suitability of teacher aides to perform what would be a complex and pedagogically challenging role.<sup>52</sup> Moreover, greater attention would need to be paid to housing teacher aides as current teacher housing procedures do not extend to teacher aides.<sup>53</sup>

Submitters raised more broadly the provision of adequate housing for any additional teachers or teacher aides employed.<sup>54</sup> As was explained at the public briefing, some of the P-6 schools that might be extended to P-10 comprise standalone buildings that are remote from the nearest towns, with the only housing available onsite that for the teacher-principal.<sup>55</sup> The provision of additional housing would thus come at a considerable cost that might otherwise be better spent supporting students in remote areas in different ways.

### **2.2.7 Drafting issues**

The department confirmed to the committee that the Minister already has the power to extend a primary school from P-6 to P-10. The department also noted that while the Bill is predicated on the scenario where upon receiving a request to extend a P-6 school to a P-10 school, the Minister can

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<sup>49</sup> 'A home away from home', <https://www.romaruralstudenthostel.com.au/>.

<sup>50</sup> J Guthrie, submission 2, pp 2-3; Maranoa Regional Council, submission 5, p 2.

<sup>51</sup> Public briefing, Brisbane, 27 November 2023, p 4.

<sup>52</sup> Submission 3, p 3.

<sup>53</sup> Department of Education, correspondence, 15 February 2024, Annexure, p 5.

<sup>54</sup> ICPAQ, submission 6, p 3.

<sup>55</sup> W Henning, public hearing, Brisbane, 4 March 2024, p 3.



determine that this is not feasible and instead propose a remote secondary learning facility, the Bill as currently drafted does not, in fact, allow this choice. This is due to the use of 'must' in section 20C (3) as opposed to 'may'.<sup>56</sup>

**Committee comment**

As the submissions to this inquiry attest, the Member for Traeger has identified a real and pressing concern for families in remote and very remote Queensland. The committee thanks the Member for his work and advocacy on this issue. At the same time, the educational system as presently arranged is, as our inquiry shows, working well for many families, particularly those who wish to send their children to boarding school or have the aptitude and ability to succeed at distance education. Any changes to the system must keep both of these factors in mind. While we agree with the Member that there is no perfect scenario or perfect policy, the Bill as currently drafted contains the possibility of too many potential unintended consequences to justify being passed in its current form.

Queensland thrives thanks to the ingenuity of its communities who are often able to work together to find local solutions to the particular problems and needs of their area. Programs such as the Julia Creek and Thargomindah secondary learning facilities are clear examples of this. In the interest of promoting parental choice, there is a danger that this Bill would in fact impose a one-size-fits-all model that goes against the grain of local action.

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<sup>56</sup> Department of Education, correspondence, 15 February 2024, Annexure, p 6.

## Appendix A – Submitters

Sub #	Submitter
001	Wulpuma Community Justice Centre
002	Julie Guthrie
003	Queensland Teachers' Union
004	Boulia Shire Council
005	Maranoa Regional Council
006	Isolated Children's Parents Association Queensland Inc.
007	Queensland Independent Schools Parents Network
008	P&Cs Qld

## Appendix B – Officials at public briefings

### 27 November 2023

Mr Robbie Kater MP, Member for Traeger

### 4 March 2024

Mr Robbie Kater MP, Member for Traeger

*Department of Education*

Ms Megan Barry, Deputy Director-General, People, Information and Communication Services

Mr Grant Webb, Acting Assistant Director-General, Schools and Student Support

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

The committee held a public hearing in Brisbane on 4 March 2024.

### **Isolated Children’s Parents Association**

- Mrs Wendy Henning, President
- Mrs Kate Bradshaw, Vice President

### **P&Cs Queensland**

- Mr Scott Wiseman, Chief Executive Officer

### **Maranoa Regional Council**

- Ms Edwina Marks, Chief Executive Officer

### **Individual capacity**

- Ms Julie Guthrie

### **Queensland Independent Schools Parents Network**

- Ms Amanda Watt, Executive Director

### **Queensland Teachers’ Union**

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

## Appendix D –Abbreviations and acronyms

ABS	Australian Bureau of Statistics
ASGS	Australian Statistical Geography Standard
Bill	Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023
committee	Education, Employment, Training and Skills Committee
department	Department of Education
EGP Act	<i>Education (General Provision) Act 2006</i>
EPEL	Education Policy and Evaluation Lab
Equity and Excellence	<i>Equity and Excellence: realising the potential of every student</i>
HRA	<i>Human Rights Act 2019</i>
ICPAQ	Isolated Children's Parents Association QldP
JCLF	Julia Creek Learning Facility
LAFHAS	Living Away From Home Allowance Scheme
LSA	<i>Legislative Standards Act 1992</i>
Minister	Minister for Education
P	Prep
QAI	Queensland Advocacy for Inclusion
QASSP	Queensland Association of State School Principals
QHRC	Queensland Human Rights Commission
QTU	Queensland Teachers' Union
RREAP	Rural and Remote Education Access Program
SDE	School of Distance Education
STEM	Science, technology, engineering, maths
TRSLF	Thargomindah Remote Secondary Learning Facility

All Acts are Queensland Acts unless otherwise specified.

## **Dissenting Report/Statement of Reservation**



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**Nick Dametto**

Member For Hinchinbrook

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**Education (General Provisions) (Extension of Primary Schools in Remote Areas)  
Amendment Bill 2023**

**Dissenting Report**

17 April 2024

I write to express my dissent from the recommendations of this committee report. I do not agree with the Committee recommendation that the Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023 not be passed.

I and the Katter's Australian Party (KAP) believe that all children, regardless of where they live, have the right to a fulsome education. This includes schooling up to at least grade 10. As proposed in the bill, where there is a reasonable request from a local government, the Queensland government should be compelled to invest in our rural and remote children. If not by way of extending a Remote Primary School to grade 10, then by establishing a remote secondary learning facility.

Remote secondary learning facilities have successfully been trialled in Queensland, as the Education, Employment, Training and Skills Committee heard. The Julia Creek Learning Facility (JCLF) is a partnership between McKinlay Shire Council (MSC), Department of Education (DoE) - Mount Isa School of the Air (MISOTA) and Julia Creek State School (JCSS). A partnership that supports children to learn in an environment within, or close to their community, without isolating them or forcing them away from family to boarding schools.

The Committee also heard from the Department of Education and other stakeholders as to why the bill would be unworkable and cause unintended consequences, and excuses as to why the Queensland Government should not invest in and support rural and remote children.

I fundamentally disagree with assertion of those who spoke against the Bill. The Department of Education in their presentation to the Committee gave me little faith in the future of education in this state. Instead of exploring how Queensland can facilitate local education for rural and remote children, the Department appeared hellbent on providing the reasons why not, rather than options of how, and conflated the two sections of the proposed bill to imply that implementation would be prohibitively expensive. We know from experience that this is not the case.

Additionally, potential unintended consequences were referenced by some stakeholders, such as potential impacts on existing boarding and travel subsidies. These can be dealt with via policy within the Department, or the committee could have recommended minor amendments to the Bill.



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**Nick Dametto**

Member For Hinchinbrook

The communities and families of North Queensland are made of hard-working people who want the best for their children. Not everyone is either fortunate enough to have resources to send children away to boarding school, or to dedicate the considerable time required to support a child's learning from home.

The bill introduced by the Member for Traeger ensures that all Queensland families have true choice in how their children are educated. That is why I support this bill. A bill providing choice to school locally, a choice to homeschool, or a choice to utilise boarding schools.

Regardless of where Queenslanders live, they must have equitable access to education.

**Nick Dametto MP**

Member for Hinchinbrook



## **Statement of Reservation**

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

The Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023 seeks to address access to secondary education in remote communities.

The LNP supports the intention of this bill; however, there have been concerns raised that the bill may have unintentional consequences and result in limiting families' choices when it comes to their children's education.

There are concerns around the disqualifying of families from accessing the Living Away From Home Allowances Scheme (LAFHAS). The LAFHAS provides necessary financial assistance for families who attend boarding school.

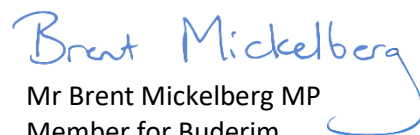
Many remote schools are small and often operate with one teacher. These schools and principal/teachers already have significant workloads which would increase under this proposal. Further considerations are needed with regard to teacher workforce and recruitment, and additional extra curricular opportunities that may not be available in remote communities.

The LNP members of the committee understand the challenges faced by families and students in remote areas and appreciate the intention of this bill in addressing these challenges.

The LNP does not believe this bill will achieve the outcomes sought for remote families.



Mr James Lister MP  
Deputy Chair  
Member for Southern Downs  
19 April 2024



Mr Brent Mickelberg MP  
Member for Buderim  
19 April 2024