



# ***EDUCATION AND INNOVATION COMMITTEE***

## **Members present:**

Mrs RN Menkens MP (Chair)  
Mr SA Bennett MP  
Mr MA Boothman MP  
Mr MR Latter MP  
Mrs DC Scott MP  
Mr NA Symes MP

## **Staff present:**

Ms E Booth (Principal Research Officer)  
Mr G Thomson (Principal Research Officer)

## **PUBLIC BRIEFING—EDUCATION LEGISLATION AMENDMENT BILL**

### **TRANSCRIPT OF PROCEEDINGS**

**THURSDAY, 18 APRIL 2013**

**Brisbane**

## THURSDAY, 18 APRIL 2013

---

### Committee met at 1.31 pm

**CHAIR:** Good afternoon all and welcome to this public briefing to support the parliament's Education and Innovation Committee in its examination of the TAFE Queensland Bill and the Education Legislation Amendment Bill 2013. Before we start, I ask that mobile phones be switched off or set to silent.

Thank you all very much for your interest and attendance today. I am Rosemary Menkens, the chair of this committee. I would like to introduce the other members of the Education and Innovation Committee: Emily Booth, the principal research officer; Desley Scott, the deputy chair and member for Woodridge; Neil Symes, the member for Lytton; Michael Latter, the member for Waterford; and Mark Boothman, the member for Albert. Mr Ray Hopper is absent. Mr Steve Bennett will be here shortly. Mr Ray Hopper sends his apologies.

The briefing is being recorded and will be transcribed by Hansard for publication on our web page. It is also being webcast live. The video will be available on our web page until it is superseded by a subsequent webcast recording. It may also be used for training purposes.

On 16 April 2013 the parliament referred the TAFE Queensland Bill to the Education and Innovation Committee for examination. A report back to the parliament is due by 16 May 2013. The Education Legislation Amendment Bill was also referred and we are required to report on it by 16 July 2013. The task before us is to consider the bills in terms of the policy intent to be achieved as well as fundamental legislative principles and lawfulness and provide a report to the parliament before the bills are debated in the House.

If passed, the TAFE Queensland Bill would establish TAFE Queensland as an independent body to be the public provider of vocational education and training. TAFE Queensland would be a not-for-profit entity, however have a commercial focus. Existing TAFE institutes would be abolished and statutory TAFE institutes would be dissolved, transitioning from the department to TAFE Queensland. This would result in a single governance arrangement for all institutes. TAFE teachers would be employed by the new body rather than the department under a new enterprise agreement.

The Education Legislation Amendment Bill makes some technical amendments to legislation, including defining year 7 as part of secondary education from 2015. The bill includes a symbolic amendment recognising prep as the first year of schooling through including it in a state school student's basic allocation. The bill would also allow the enrolment of international students to be cancelled if their school tuition fees were not paid. It is important to note that the current arrangement for refugee families, children of asylum seekers in community detention, asylum seekers on bridging visas and dependents of temporary skilled migrants on skilled migrant visas will not change.

Although the committee is not swearing in witnesses, these briefings are a formal process of the parliament. As such, any person intentionally misleading the committee is committing a serious offence. By the same token, parliamentary privilege applies to evidence presented here today.

Although this is a public briefing, you are able to request through me as chair that any material or information you provide be kept private and you can object to particular questions. You might also wish to take questions on notice if you do not have information at hand. The details about how witnesses are to be treated are contained in schedule 3 to the parliament's standing orders—instructions to committees regarding witnesses—and copies of these have been provided the witness table. We will begin our briefing on the Education Legislation Amendment Bill.

**BUSBY, Mr Stuart, Director, Policy and Legislation, Department of Education, Training and Employment**

**HOUSE, Ms Jo, Executive Director, DET International, Department of Education, Training and Employment**

**MCKENZIE, Ms Lyn, Deputy Director-General, Education Queensland, Department of Education, Training and Employment**

**PARSONS, Mr Pat, Director, Policy and Programs, Department of Education, Training and Employment**

**WATTERSTON, Dr Jim, Director-General, Department of Education, Training and Employment**

**WHITEHEAD, Ms Annette, Deputy Director-General, Policy and Programs, Department of Education, Training and Employment**

**CHAIR:** I warmly welcome representatives from the Department of Education, Training and Employment. I particularly thank you for agreeing to brief us at such short notice. Could I give a special welcome to Dr Jim Watterston. I believe this is actually your first week and certainly your first attendance at one of our briefings. Welcome and congratulation; we certainly look forward to working in lots of other areas with you. I now invite the department to begin the briefing.

**Dr Watterston:** Thank you, Chair. Thank you for the warm welcome. I am the new director-general of the Department of Education, Training and Employment. I am very privileged to have the role. As you also noted, it is my first week so you will forgive me for reading this statement. It will take a while. I am here with my colleagues today to present on behalf of the department. We look forward to having a discussion about the Education Legislation Amendment Bill.

This bill will effect three main changes: support implementation of the move of year 7 to secondary school from 2015; make technical amendments to include the preparatory year or prep in a state school student's basic allocation; and allow for the cancellation of the enrolment of international students at state schools for non-payment of fees.

Let me start with year 7 as part of secondary education. The Queensland government is committed to year 7 becoming the first year of secondary education from 1 January 2015. There are a number of key advantages in establishing year 7 as the first year of secondary school. By 2015, the majority of year 7 students in Queensland will be in their eighth year of school. This is the time most students in Australia commence secondary school. Moving year 7 to secondary school will align Queensland students with their peers in most other Australian jurisdictions. This is important to support the mobility of students around Australia.

Tasmania, the ACT, Victoria, Northern Territory and New South Wales already have year 7 as the first year of secondary school. Western Australia announced in 2011 that year 7 would become the first year of secondary school from 2015 for all schools in that state. From 2015 only South Australia will retain year 7 as a primary year of schooling. With Year 7 in the secondary school environment, Queensland students will have access to specialist teachers and facilities to support their success with the Australian curriculum.

In relation to the amendments themselves, the bill will make the technical amendments to the definitions of primary and secondary education across the education portfolio legislation. The amendments ensure that from 2015 primary education is defined as prep to year 6 and secondary education is defined as year 7 to year 12. In addition, it will enable non-state schools to change their accreditation arrangements prior to 2015.

I turn now to non-state school accreditation changes. For example, it is anticipated that most, if not all, non-state secondary schools currently offering years 8 to 12 will wish to also provide year 7 from 2015. Even though the technical changes to education definitions I referred to earlier will not commence until January 2015, it is imperative that this bill be passed this year to support non-state schools to make this change.

Importantly, the process proposed in the bill streamlines the usual processes under the Education (Accreditation of Non-state Schools) Act 2005 and will reduce the administrative burden on the non-state sector. This will enable non-state schools to confidently proceed with operational

and implementation matters to deliver year 7 as secondary education from 2015, such as staffing, curriculum, educational programs, educational and other resources, facilities, marketing and student welfare.

Non-state schools that are already accredited or provisionally accredited for year 8 that wish to offer year 7 from 2015 as secondary education will be able to change their accreditation arrangements simply by giving a notification—a year 7 change notice to the Non-State Schools Accreditation Board. I will refer to this body as the accreditation board. If a school is currently eligible to receive government funding for the provision of year 8, they will automatically be eligible for government funding for year 7 as secondary education.

Non-state primary schools wishing to continue to offer year 7 from 2015 will have to do so as secondary education. They will have to apply for accreditation for secondary education under the usual procedures. This is appropriate as it enables the accreditation board to consider the school's capacity to provide secondary education, including its proposed educational program and facilities. Non-state primary schools that do not propose to offer year 7 as secondary education will not need to take any action. Their accreditation status will be changed automatically by the accreditation board. Finally, the bill will also allow an entity wishing to commence a new school from 2015 to seek accreditation on the basis of year 7 being secondary from that time.

I turn now to consultation on year 7 as secondary education. I understand that the committee would like to hear about the consultation that has been undertaken. The Queensland Catholic Education Commission, Independent Schools Queensland and the Accreditation Board have been consulted on draft provisions substantially similar to those in the bill presented in the Legislative Assembly and support the arrangements proposed in the bill.

Significant consultation was undertaken in 2010 in relation to the proposal to shape the future direction of education contained in the flying start green paper, including the proposal to move year 7 to secondary education. This included over 93 face-to-face forums attended by over 2,600 people and 1,500 written submission.

Following the main community consultation period, more in-depth consultation continued with key stakeholder groups including the Queensland Catholic Education Commission, Independent Schools Queensland and the Queensland Council of Parents and Citizens Associations. Public consultation revealed varying views on moving year 7 to secondary school. Public forums and submissions from key stakeholder groups were more supportive of moving year 7 than submissions from individuals.

The clear message from the consultation is that what matters most is the quality of the educational experience young people receive and that our students are supported through the years of early adolescence and their transition from primary to secondary school. There was strong support for changes to the early years of secondary school and strategies supporting smooth transitions between primary and secondary.

I now turn to year 7 pilots as secondary education. The department has been busy undertaking the necessary preparations to support a seamless transition of year 7 to high school across the state. In 2012, the department commenced a pilot program of year 7 in high school at Murrumba State Secondary College. This year another 18 state schools joined that pilot program with almost 2,300 year 7 students beginning their secondary school experience ahead of some of their peers. Our 20th and final pilot school, Gordonvale State High School, will commence its pilot program in 2014.

The successful transition of year 7 students into the secondary school setting at the pilot schools is being supported by the provision of infrastructure, human resources, IT and professional development. Pilot schools are reporting strong enrolment, attendance and engagement by year 7 students. There has also been strong parent participation. A formal evaluation will take place later this year.

I will now turn to the technical amendments to the Education (General Provisions) Act 2006 concerning basic allocation. Under the act, all students attending Queensland state schools are currently entitled to an allocation of 24 semesters of state education. This is called the basic allocation. This is enough to complete years 1 to 12, which was appropriate prior to the introduction of prep in 2007. The bill amends the act to include prep in a student's basic allocation. The amendment ensures that students who undertake prep to year 12 will have a basic allocation of 26 semesters or 13 years of schooling. This formally recognises the government's policy and practice in state schools that prep is the first formal year of schooling in Queensland. Participation in prep is essential for students to maximise their educational outcomes.

The final significant amendment in the bill allows the cancellation of the enrolment of international students at state schools for nonpayment of tuition fees. There is currently approximately \$1.5 million of tuition fees outstanding from international students. There are various fee arrangements in place for international students that are dependent upon their visa arrangements. Not all international students pay fees. For example, refugees do not pay fees. However, commercial and international students are required to pay tuition fees. Commercial students are international students who come to Australia to study in state schools. Dependent students are children of people who come to Australia to study a vocational or higher education qualification who are required to enrol in a school. It is a visa requirement that dependent students enrol their children in a school before they apply for their visa. Parents of dependent students are advised of the requirements to enrol their children in a school before they apply for a visa and must prove to the Commonwealth Department of Immigration and Citizenship that they have sufficient funds to pay tuition fees during their stay in Australia.

Non-payment of fees is most prolific with parents of dependent students. The experience has been that after the first year of enrolment many parents ignore the requirement to pay as there is no power to cancel enrolments for failure to pay fees. As the minister indicated in his introductory speech, debt collection has not been an effective mechanism to recoup the unpaid fees. This is primarily because most dependent students only attend Queensland schools for two or three years and leave the system before civil enforcement options can be exhausted.

The power to cancel enrolment will not be taken lightly. As director-general, I have the power to waive or exempt a person from paying tuition fees in times of financial hardship or to enter into payment plans enabling the payment of fees over a period. Parents who fail to pay school fees will be given at least three warnings, written and verbal, before the enrolment of their child is cancelled. If payment cannot be obtained or if a payment plan has been entered into and not met, a final letter will advise that the enrolment will be cancelled and give the parents two weeks to pay. Even if enrolment is cancelled, a student can be re-enrolled in a state school providing the outstanding payment is received.

I am pleased to offer assistance to the committee members today with their inquiries. Thank you for the opportunity to provide this brief.

**CHAIR:** Thank you, Dr Watterston. We will now open up for questions. I might start the questioning, actually. The explanatory notes identify non-state schools in regional and remote parts of Queensland as examples of stand-alone primary schools that may wish to continue offering year 7, although as secondary education, from 2015. Why would this be particular to rural and remote parts of the state?

**Dr Watterston:** Lyn?

**Ms McKenzie:** In the rural and remote parts of the state, there are more children in that area who may be going to boarding school for high school. At the moment, there is concern from some parents that their children are too young to go across to boarding school for year 7. The option is going to be that if there is a critical mass of parents in that community and they work with the local non-state primary school they can look at having them stay at the primary school for year 7 until they are that year older to transition to boarding school. That came out through the consultation to have that option available for those parents who choose that.

**CHAIR:** Any further questions from committee members?

**Mr LATTER:** Just as a follow on from that: if you have a mechanism that allows a non-state school to offer year 7 as secondary education, is there anything preventing them from, say, offering grade 8?

**Ms McKenzie:** I might just provide that question to the Non-State School Accreditation Board rep who is here. He will have more capacity to answer that in detail.

**Mr Parsons:** I am from the secretariat of the Non-State Schools Accreditation Board. There is nothing stopping, at any time, the governing body of a non-state school from applying to the accreditation board to extend their offerings. A school could migrate up through the years at any time they wanted to lodge a fresh application for that.

**Mr Busby:** I might just add, what this bill does is enable a stand-alone primary school that is looking to offer year 7 as secondary to apply to the accreditation board prior to 2015, prior to the technical amendments around definitions being made. So it is facilitating schools to be able to do this prior to 2015 and have certainty about their accreditation arrangements. After 2015, any school

wishing to step into the secondary field and offer education in any of those years can apply to the accreditation board under the usual processes. We are just providing a streamlined process heading to 2015 in this bill.

**Mr LATTER:** Thank you.

**Mr BENNETT:** If I can just touch on the international students. You mentioned that you have some discretionary—I assume it is discretionary—capacity in that. Is it actually documented and is it a policy document where you can waive fees if that becomes a desire of the department?

**Ms House:** Yes, you are correct. There are two separate policies. One is the fee exemption policy and one is the fee waiver policy. They are both documented and are on the website.

**Mr Busby:** I will add to that: there is a legislative power to waive fees, too.

**Mr BOOTHMAN:** How many students potentially could have their enrolments cancelled? Potentially, how many students does that affect? Do you have any idea of a number?

**Ms House:** No, we do not have the exact number of those who have not paid their fees, but I can provide you with numbers of students on payment plans. We have 190.

**Mrs SCOTT:** You were discussing dependent children of families here and then the visa categories and so on. There are areas with lots of Pacific Islanders. I imagine that they are eligible for free education right through to the end of high school still?

**Ms McKenzie:** Yes, certainly. Pacific Islander students and New Zealand students who are here are part of the free schooling education system.

**Mrs SCOTT:** So there is no effect on them?

**Ms McKenzie:** No, not in terms of the dependent students who are being referred to in this bill.

**Mr BENNETT:** Dr Watterston, with the debate about this transition and some of the capacity of schools to retain or move their 7s and 8s, with the infrastructure and the capital works spend that is obviously being planned and rolled out, is there any inference that there may be some problems now with that?

**Dr Watterston:** Is that something that you can answer, Lyn?

**Ms McKenzie:** I am sorry; can I just have the question again?

**Mr BENNETT:** Obviously, you are already planning your capital infrastructure, where you need to put buildings, where you need to be able to accommodate the move of students. With being able to retain years 7 and 8 within the state system, if that is the desire in rural and remote areas, are there any anticipated problems with that or have we already programmed all the upgrades for the year 7 transitions?

**Ms McKenzie:** If I can just clarify: the bill is not referring to state schools maintaining students in year 7 in primary. The state school system will go from prep to 6 from 2015. The bill is particularly looking at non-state schools where they are wishing to have year 7. In terms of the building program for the move of year 7 into high school, all of that is being planned. It is well underway in terms of the planning for the buildings that will be required across the state to accommodate year 7s going into high school.

**CHAIR:** Do we have any further questions?

**Mr BOOTHMAN:** I have one last question. When it comes to the transition itself, has the department actually seen any issues with that? What undertakings have been put in place to actually make it a smooth transition?

**Ms McKenzie:** At the moment, the department has a number of pilot schools that are involved. We have 19 pilot schools and we have one more coming on board next year. We have about 2,300 students who are in year 7 in high school at the moment, that are in schools this year. We have been working, doing quite extensive work for management planning. Obviously, there will be a need to move primary teachers into the secondary setting, as well as the buildings. We have been looking at our human resource transfers, our buildings that need to be built, as well as our IT infrastructure and the various other aspects of the curriculum program in going into the secondary component. Through the pilots, there is going to be an evaluation of those pilots this year that will inform practice as we go into 2014 and 2015.

**CHAIR:** Any further questions? Thank you. We do have two bills today. It is a busy afternoon. We will stop there, unfortunately, so that we have enough time to discuss the second bill.

**Committee adjourned at 1.55 pm**