

# Education (General Provisions) and Other Legislation Amendment Bill 2024

## SUBMISSION PAPER



**22 March 2023**

# About Queensland Independent Schools

**Community confidence in the independent schooling sector remains strong with more than 147,000 students enrolled in 234 independent schools across Queensland. These schools educate approximately 17 percent of the state's total school-age population and 20 percent of all secondary students.**

Independent schools are valued institutions and a pivotal part of Queensland's education system. They are valued schooling choices for families, hubs of human and community connection, places of intellectual, civic and social development, employers and employment generators, education innovators and change-makers.

Independent schools are as unique as the communities they serve and offer parents a choice in the education of their children. Common to all independent schools is their commitment to strong student outcomes, high standards of behaviour, and the welfare and wellbeing of students.

Many independent schools educate international students or specialise in the education of students with disability. There has also been strong growth in the number of Special Assistance Schools for students who have disengaged from mainstream schools, and trade training schools that combine senior year studies with practical vocational education and training.

Over the past decade, enrolments at Queensland independent schools have increased by more than 30 percent. This growth is a clear indication that parents value an independent education and are prepared to invest their after-tax incomes in their child's schooling.

Independent Schools Queensland (ISQ) is the peak body representing Queensland's independent schooling sector. Independent Schools Queensland represents the interests of its member schools, fosters choice in education and protects the autonomy of independent schools. ISQ is a not-for-profit organisation and membership to ISQ is voluntary.

# Education (General Provisions) and Other Legislation Amendment Bill 2024 Submission

Independent Schools Queensland (ISQ) supports the Amendment Bill in its objective of further protecting students and modernising and improving education services.

ISQ does, however, hold specific concerns relating to transfer notes as specified in clause 105 of the Amendment Bill. The purpose of transfer notes, supported by ISQ, is to ensure the continuity of the student's educational program and to meet the principal's duty of care obligations concerning the student and the members of the school community.

The Bill introduces a new obligation for principals to request a transfer note within 90 days after the day a student is enrolled at a new school if the principal does not already have the relevant information.

The Bill may not adequately appreciate that students are enrolled in non-state schools for significant periods before their commencement date; hence, the interpretation of the phrase "the day a student is enrolled" is ambiguous.

Further, the Bill's current time limitations for requesting a transfer note may lead to situations in which information necessary to meet duty of care obligations comes to the attention of a new school principal up to 100 days after the commencement of the student at a new school. This time frame may put the achievement of the transfer note's purpose at risk.

The compact timeframe also increases the risk that important information related to safeguarding will be missed as schools, especially in large intake years such as Years 5 and 7, are overwhelmed by processing a high volume of transfer notes received within a short period.

For the reasons outlined above, we suggest that requesting a transfer note should be permissible up to 90 days before a student's commencement date. The proviso that the enrolment agreement must have been formalised by both parties before requesting a transfer note can be added to allay any concerns of unfavourable treatment of the enrolling student due to the transfer note. We note that parents already have an obligation for the full and frank disclosure of any information relevant to a student's education before entering an enrolment contract. In addition, schools also comply with stringent obligations under anti-discrimination laws not to discriminate against students with protected attributes.

The extension of the transfer note timeframes would also allay concerns regarding the high administrative burden carried by primary schools for whose entire graduating cohort transfer notes will have to be created. Schools only have 10 days to supply the information in arguably the busiest time of the school year.

Further, due consideration must be given to how the expanded use of transfer notes could be effectively implemented across the three schooling sectors, ensuring appropriate systems and safeguards are in place to protect sensitive information being shared between schools. While state schools can utilise the OneSchool system to facilitate this activity, there is currently no provision for secure data sharing between the three schooling sectors, and between the over 230 independent schools across the state. We firmly believe that the anticipated increased transfer of data will also increase the risk of a data breach of sensitive information relating to students and parents.

The interstate transfer note project may provide a vehicle for secure data sharing but has not been scoped for implementation in the non-state school sector in Queensland and needs to be funded. No costing, privacy impact assessment or assessment of fitness for purpose in Queensland has been undertaken.

If the interstate transfer note project is not utilised, ISQ proposes the establishment of a process that centralises requests for transfer notes from state schools. In the process contemplated by the Bill, non-state schools would face a significant workload to find the appropriate contact details for all schools from which students arrive. This would be particularly burdensome in large intake years, such as Year 7, where an independent school may have to individually request in excess of 300 transfer notes from a wide range of schools. A single point of contact in the Department of Education from which to request a transfer note would significantly reduce the red tape the Bill would introduce while still achieving all policy objectives.

Finally, ISQ suggests the clarification of circumstances in which a principal is not required to request a transfer note. For example, our interpretation of proposed section 388(b) EGPA is that if a parent has requested a transfer note, and provided it to the school, the principal is not required to request an additional transfer note.



**Independent Schools  
Queensland**

choice & diversity

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