

# Education (General Provisions) Amendment Bill 2025

**PeakCare's Submission on proposed amendments to the *Education (General Provisions) Act 2006***

4 April 2025

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# INTRODUCTION

PeakCare Queensland is pleased to provide a submission to the Education, Arts and Communities Parliamentary Committee on the Education (General Provisions) Amendment Bill 2025. PeakCare acknowledges that this legislative amendment is important to continue to ensure the Education Act is contemporary and relevant to the changes in our schools and our communities.

## ABOUT PEAKCARE

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector. Across Queensland, PeakCare has more than 100 members including small, medium, and large, local, state-wide, and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, families, and communities. Member organisations also provide child protection services, foster care, kinship care and residential care for children and young people who are at risk of entry to, or who are in the statutory child protection system and youth justice systems. A large network of associate members and supporters also subscribe to PeakCare. This includes individuals with an interest in child protection, youth justice and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing, and equitable access to life opportunities.

## PEAKCARE'S SUBMISSION

### Streamlining student access to online services

In Queensland, we know that an ever-changing technological landscape is an ongoing issue for schools and parents alike. PeakCare acknowledges the importance of ensuring strong protections for the information and data held by the Department of Education in relation to students. However, over the past decade, there have been several significant data breaches involving Queensland students.

In May 2022, Toowong's Queensland Academy for Science, Mathematics and Technology reported a data breach involving the unauthorised sharing of "personal and sensitive" student health and wellbeing information with a third party without parental consent.<sup>1</sup> The Department of Education later confirmed that the third-party provider deleted the data following complaints raised by parents.

Similarly, in November 2015 it was revealed that personal data from over 600 students was accessed by hackers during a 2013 breach of Department of Education and TAFE Queensland systems.<sup>2</sup> This data included sensitive student information, including complaints of sexual assault.

We understand that in order to support student access to online services, the provision of certain information is necessary – for example, the student's name, date of birth, email address, and year level are often required for registration purposes.

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<sup>1</sup> Courier Mail 20 May 2022 – **Exclusive Brisbane school at centre of alleged data breach** – Matty Holdsworth

<sup>2</sup> ABC online 12 November 2015 - **Personal details of more than 600 Queensland school students stolen in TAFE, Education Department websites hack** – Nick Wiggan

Under the current *Education (General Provisions) Act 2006* (section 426), consent must be obtained for each individual service that requires access to student personal information. State schools currently implement a consent process for each new service, requiring students or parents to review and agree to the information.

The amendments proposed in this Bill would allow personal information about a student, that is relevant to the setup and use of an online service, to be recorded, used, and disclosed by a departmental public service employee to an online service that has been approved by the Chief Executive.

While PeakCare supports efforts to enable schools to manage and streamline the use of technology more effectively, we strongly urge that appropriate and strong safeguards be embedded within the Bill to ensure the continued protection of student data. According to a 2017 Javelin Strategy and Research presentation, fraud resulting from data breaches involving data aged two to six years, increased by nearly 400% over the past four years to \$3.7B in 2016.<sup>3</sup>

Ensuring schools are able to operate efficiently and access appropriate and relevant technology and platforms to assist students in learning is vital; however, it is equally if not more important to protect the personal information of children and young people being held on third party technology platforms.

**Recommendation 1: PeakCare supports the streamlining of student access to online services and recommends that the Bill incorporate appropriate and rigorous protections be put in place to ensure security of student data, and that the use and success of these protections are included in the Department of Education annual report, including any data breaches and management of those breaches.**

## **Amendments to the operation of Parent and Citizens' (P&C) Associations**

PeakCare supports the proposed amendments that will enable Parent and Citizens (P&C) Associations to operate across multiple school campuses and provide donations between P&C Associations. These changes reflect the evolving nature of school communities and will enhance the ability of P&C Associations to support student learning across broader educational networks.

In addition to this support, PeakCare encourages the Education, Arts and Communities Committee to consider strengthening safeguards for P&C Associations by enabling access through the Department of Education for P&Cs to undertake criminal history checks on individuals seeking election to executive committee positions.

Under the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024, executive committee members who are parents of students at the school, but where the school does not operate an Outside Hours Care Service, are not currently required to hold a Queensland Working with Children Check (blue card).<sup>4</sup> As such, there is no existing mechanism to screen for prior convictions unless self-disclosed.

PeakCare supports the Bill's proposed amendment to preclude individuals convicted of an indictable offence from holding an executive committee or subcommittee position with a P&C

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<sup>3</sup> <https://javelinstrategy.com/webinar/banks-undercover-risks-and-opportunities-dark-web-intelligence>

<sup>4</sup> [https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/58f3584f-e203-41da-8cd8-08440ffca63c/blue\\_0118\\_parents-and-citizens-associations\\_03.pdf?ETag=e8c1157d51324e3643d048a88a9cbbcb](https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/58f3584f-e203-41da-8cd8-08440ffca63c/blue_0118_parents-and-citizens-associations_03.pdf?ETag=e8c1157d51324e3643d048a88a9cbbcb)

Association. This reflects the increased responsibilities of those roles, including access to and oversight of the association's financial operations. It is important these roles are held by individuals who can be entrusted with such responsibilities, given the thousands of volunteer hours contributed and the significant funds raised by P&Cs in support of Queensland state schools.

To strengthen this safeguard, PeakCare recommends that the Bill be amended to require the Department of Education to support P&C Associations in conducting a voluntary National Criminal History Check (at a cost of \$25.50 per check) for all individuals elected to executive committee positions. This would ensure that the integrity of the screening process does not rely solely on self-disclosure by the candidate. PeakCare also recommends all prospective executive committee nominees be clearly advised that a National Criminal History Check will be undertaken as part of the election process.

These proposed amendments will help P&C Associations maintain transparency, build trust, and safeguard the financial and governance responsibilities entrusted to their executive committees. In particular, it would reduce the risk of individuals with prior convictions for fraud or other serious indictable offences being placed in positions of responsibility.

**Recommendation 2: PeakCare supports the amendments for P&C Associations and recommends that further consideration be given to having P&C Associations undertake National Criminal History Checks for all elected members of the executive committee to ensure further safeguarding of the P&C Association.**

## Clarifying the eligibility criteria of children to access eKindy

PeakCare supports clarifying the eligibility and accessibility criteria for families to participate in eKindy programs across Queensland. We welcome the commitment to improving access to early childhood education, particularly for children who may otherwise face barriers due to distance or health related absences.

PeakCare endorses the proposed amendments in the Bill, specifically:

- amending the current distance criteria of 16km from the nearest centre-based service 'catering to kindergarten age children' to instead reference 16km from a centre-based service 'delivering an approved kindergarten program', or a prescribed state school that provides a state school kindergarten program; and
- amending medical eligibility criteria to enable children who are likely to be absent from a kindergarten for at least 10 cumulative weeks (not consecutive), with access to the eKindy program.

PeakCare supports ensuring access to the eKindy program and the importance of early education and care for all Queenslanders. Investing in increased support for teachers and students in pre- and primary schooling years will help reduce school suspension and exclusion rates, particularly for children with disabilities, First Nations children, and children in care.

Keeping children engaged in school, feeling safe, and connected to learning environments is key to reducing future youth offending and promoting positive life trajectories. We note that the New South Wales Government Brighter Beginnings: The First 2000 days of life initiative found that investing in early childhood intervention programs delivers a return on investment of \$13 for every \$1 spent.<sup>5</sup> Children who grow up in nurturing and supportive environments are more likely to

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<sup>5</sup> <https://www.health.nsw.gov.au/kidsfamilies/programs/Factsheets/brighter-beginnings.pdf>

become happy, productive, and contributing members of society. The evidence is clear - early intervention is not only a good policy; it is a smart investment.

### **Implement the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) in relation to information sharing between Queensland schools when students transfer**

PeakCare supports the implementation of recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse. It is deeply concerning that, despite the final report being handed down in 2017, key recommendations remain unlegislated.

Recommendation 8.15 of the Royal Commission emphasised the importance of information sharing between schools when a student transfers. It is recommended that information provided to a student's new school should be proportionate to its need to support the student's safety and wellbeing, as well as the safety and wellbeing of other students, and this information should be shared between principals or other authorised information sharers and disseminated on a strict need-to-know basis.

Timely and effective information sharing is essential to ensuring student safety and to enabling schools to provide appropriate support for new students. PeakCare supports the amendments in this Bill, which seek to facilitate the exchange of relevant student information between Queensland schools and align with the Royal Commission recommendations.

PeakCare supports the amendments to chapter 14 of the *Education (General Provisions) Act 2006* to provide for mandatory use of transfer notes when a student is moving between Queensland schools (state or non-state). PeakCare supports the requirement for the principal of the student's new school to request a transfer note from the student's previous school within 90 days of enrolment, and for the transfer note to be provided within 10 school days.

Transfer notes should contain up to date and relevant information necessary to support the student's educational continuity, safety, and wellbeing, as well as the safety of the broader school community.

PeakCare acknowledges that there may be circumstances where a transfer note is not required, for example, where the new principal already has access to relevant information through departmental systems such as OneSchool, or where a parent has already provided a transfer note upon enrolment.

Given this is a recommendation from the Royal Commission into Institutional Responses to Child Sexual Abuse which was handed down in 2017, PeakCare urges the committee to select a reasonable but direct date for the implementation of this recommendation of Term 1, 2026.

This reform is long overdue and represents a necessary step to better protect children and young people in Queensland's education system.

**Recommendation 3: PeakCare supports the amendment to share information between schools that supports the education of, or the safety and wellbeing of the student and the school community. PeakCare would recommend as this is an outstanding recommendation from the Royal Commission since 2017 that implementation be for the commencement of the 2026 school year.**

## Failing to implement a “suspension as a last resort” legislative requirement for all schools.

Research has consistently demonstrated the negative impacts of suspension and exclusion on students, including academic failure and an increased risk of school disengagement from school.<sup>6</sup> In alignment with the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission), PeakCare recommends the proposed Bill be amended to ensure that Student Disciplinary Absences (SDAs) are used only as a measure of last resort.

This recommendation is grounded in substantial evidence highlighting the detrimental effects of SDAs on students' health, wellbeing, and educational outcomes of students, particularly students with disabilities and those in out-of-home care.<sup>6</sup> The Disability Royal Commission found that suspensions and exclusions not only reduce the time students spend in learning environments, but also significantly hinder academic performance, lower self-esteem, and disrupt long-term engagement in education.

Failure to enact legislative changes that incorporate the Disability Royal Commission recommendation 7.3 signals concerning disregard for the expectations of community that Royal Commission recommendations will be actioned in the best interest of the most vulnerable members of our society.

Currently, Part 3 Division 2 Subdivision 1 Section 282 of the *Education (General Provisions) Act 2006* contradicts the Disability Royal Commission's recommendation and further perpetuates the overrepresentation of students with disabilities in suspension statistics compared to their peers.

PeakCare is also concerned about the strong correlation between SDAs and increased risk of early criminalisation for students, including those with disabilities. Commonly termed as the 'school-to-prison pipeline', this phenomenon has been substantiated by research indicating that a considerable number of young people in the criminal justice system have experienced school exclusion.

Ensuring suspension and exclusion is used only as a last result, coupled with appropriate and targeted investment in alternative strategies will have a positive effect on future rates of youth offending and will help keep Queensland communities and young people safe.

PeakCare believes every child has a right to be empowered to fully engage with and feel valued in their learning journey, which is why we emphasise the importance of fostering an education system that is inclusive of diverse learning needs.

Achieving an inclusive education system requires adapting teaching methodologies and classroom environments to ensure equitable learning opportunities for all students. We acknowledge while Student Support Plans offer valuable assistance, they are unable to meet the comprehensive and varying needs of every student.

PeakCare recommends the Queensland Government adopt the Multi-Tiered Systems of Support (MTSS) framework which is designed to provide varying and inclusive levels of support to students. Each tier is structured to ensure the specific academic, behavioural and emotional needs of students are met, ensuring all learners, regardless of their abilities can participate in a shared and supportive educational experience.

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<sup>6</sup> Australian Institute of Criminology (2017). Positive associations between school suspensions and student problem behaviour: recent Australian findings. <https://www.aic.gov.au/sites/default/files/2020-05/tandi531.pdf>

**Recommendation 4: PeakCare recommends the Bill be further amended to ensure suspensions and exclusions are implemented strictly as a last resort, safeguarding the educational rights and wellbeing of Queensland students, particularly those with disabilities.**

## CONCLUSION

PeakCare supports many of the amendments in the Bill; however, we feel that there have been missed opportunities in ensuring that students, families and educators are provided with the best possible legislative framework to support improved educational outcomes and access for all Queenslanders.

PeakCare supports the Queensland Government commitment to implementing recommendations of Royal Commissions, which are designed to improve the outcomes for all and protect our most vulnerable community members from harm and further disadvantage. PeakCare knows that the importance of children and young people having access to quality education every day, ensures future prosperity for all of our community.

Yours sincerely,



**Ms Kate Bjur**

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