

Short-Statement Impact Analysis Statements

Education Legislation Amendment Bill 2025

Details

Lead department	Department of Education
Names of the proposals	<ol style="list-style-type: none"> 1. Amendments to eKindy eligibility 2. Amendment to enrolment processes in State special schools 3. Delegation processes for telling a student of a suspension in State schools 4. Technical amendments
Submission type	Short-Statement IAS
Title of related legislative or regulatory instrument	<i>Education (General Provisions) Act 2006 (EGPA)</i> <i>Child Protection Act 1999</i>
Date of issue	7 February 2025
<p><i>The following proposals are machinery in nature and do not result in a substantive change to regulatory policy or new impacts on business, government or the community. The objectives of the proposals are to provide for more contemporary legislation to underpin the provision of education services within Queensland and more accurately reflect a more modern, inclusive, fair and empathetic society. It is also important that legislation is correct and that any ambiguities in legislation are rectified.</i></p>	

1. *Education (General Provisions) Act 2006*

Delegation processes for telling a student of a suspension in State schools

Proposal type	Details
Minor and machinery in nature	<p>The ability for principals and the Department of Education (DoE) to manage enrolment and behaviour of students in state schools is important to ensuring an effective, functioning state school system. To be effective, there needs to be an appropriate balance of disciplinary options for principals and staff and opportunities for students to maintain schooling. Principals (and, in some circumstances, the chief executive, who usually delegates to particular officers in DoE) have responsibility for disciplinary decisions.</p> <p>Chapter 12 of the EGPA provides for the good order and management of state schools, including requirements in relation to suspension, exclusion and cancellation of enrolment. The DoE has policies and procedures for suspension, exclusion and cancellation of enrolment.</p> <p>Suspension allows for a student to be temporarily prevented from attending the school for a period of up to 10 school days for short suspensions, or from 11 to 20 school days for long suspensions or for an indeterminate period if the suspension is related to a charge.</p> <p>Principals have a significant level of administrative burden in managing schools. Currently the EGPA requires that they must make all suspension, exclusion and cancellation of enrolment decisions, and they must tell the student and/or their parents of this decision. While it is important that the principal remain responsible for the decision, once the decision is made, the ability to tell the student and/or parents could be done effectively by another senior teacher in the school, such as a deputy principal.</p>

	<p>For this reason, to reduce regulatory burden, an amendment is proposed to allow a principal to delegate the telling of a student and/or parents of the issue of a suspension (not the decision) to a deputy principal or another staff member with a leadership role at the school.</p> <p>This amendment does not change the role of decision maker, but allows more flexible communication processes, in relation to suspensions.</p>
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2. *Education (General Provisions) Act 2006*

Amendments for state special schools

Proposal type	Details
Minor and machinery in nature	<p>A number of minor issues have been identified with enrolment policies and policy making in special education. These issues are addressed by minor amendments to streamline the transfer of students between state special schools.</p> <p>Amendments to special education will allow a principal for a state special school to enrol a student who is transferring from another special school (in Queensland) without referring the transfer enrolment application to the chief executive or their delegate.</p> <p>The benefits will mean more streamlined enrolment processes. Students who access special schools will benefit from these improvements.</p>

3. *Education (General Provisions) Act 2006*

Amendments to eKindy eligibility

Proposal type	Details
Minor and machinery in nature	<p>The proposal includes minor amendments to the EGPA, section 419F, which sets out the eligibility requirements for registration in eKindy. To improve access to, and participation in eKindy, the amendments will clarify the eligibility requirements regarding distance to a particular service and medical considerations by changing the:</p> <ul style="list-style-type: none"> • 16km distance criteria to be from the child's principal place of residence to a centre-based service delivering an approved kindergarten program or state delivered kindergarten (instead of a centre-based service catering to kindergarten aged children); and • medical eligibility requirements to provide that the child can be absent from a kindergarten at least 10 cumulative weeks (instead of consecutive weeks) to cater for the child's health care needs or where medical care is intermittent. <p>The proposed amendments facilitate greater access to an eKindy distance education program for children and families with unique and complex needs that would otherwise not be able to access eKindy.</p>

4. *Education (General Provisions) Act 2006 & Child Protection Act 1999*Technical and clarifying amendments

Proposal type	Details
<p>Minor and machinery in nature</p>	<p>The EGPA (sections 180 and 251AB) currently provides that the chief executive may ask the principal of a non-state school about the enrolment or attendance of a student or decisions about exemption from compulsory attendance or participation in school. However, the Act does not explicitly set out for the principal to provide the requested information, nor does it recognise that the governing body for the non-state school may also hold the requested information (as a requirement of the Act for the governing body to keep records about decisions for exemption).</p> <p>Therefore, amendments to sections 180 and 251AB are proposed to clarify that the chief executive may ask either the principal, or governing body of the school, for information as prescribed in those sections and that the principal or governing body must provide the information. This amendment was requested by the non-state school sector.</p> <p>In addition, minor or technical amendments replace two references in Schedule 4 (Dictionary) to the 'VETE Act' (<i>Vocational Education, Training and Employment Act 2000</i>) with the <i>Further Education and Training Act 2014</i>, to reflect that the VETE Act was repealed and replaced by the <i>Further Education and Training Act 2014</i>.</p> <p>A technical amendment is also made to the <i>Child Protection Act 1999</i> section 159M(e) to replace a reference to the now repealed <i>Education (Accreditation of Non-state Schools) Act 2001</i> with its replacement Act, the <i>Education (Accreditation of Non-state Schools) Act 2017</i>.</p>

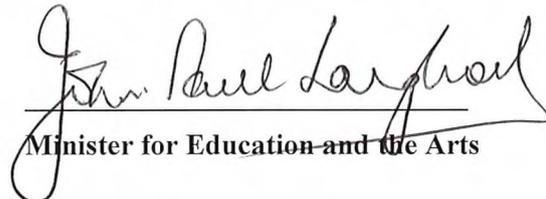
SIGNED



Acting Director-General
Department of Education

Date: 7/2/25

SIGNED



Minister for Education and the Arts

Date: 10.2.2025

Summary Impact Analysis Statements

Education (General Provisions) Amendment Bill 2025

Details

Lead department	Department of Education
Submission type	Summary IAS
Names of the proposals	5. Amendments to transfer note requirements 6. Amendments providing for approved online services 7. Amendments to parents and citizens' associations 8. Amendments to home education age eligibility
Title of related legislative or regulatory instrument	<i>Education (General Provisions) Act 2006</i> (EGPA)
Date of issue	7 February 2025

5. *Education (General Provisions) Act 2006*

Approved online services

What is the nature, size and scope of the problem? What are the objectives of government action?
<p>Summary</p> <p>The proposed amendments streamline processes for managing consent for the use of approved online services in state schools.</p> <p>Current legislative frameworks</p> <p>Section 426 of the EGPA imposes prescriptive confidentiality requirements on how persons acting in various capacities, including school and departmental employees, may record, use and disclose a student's personal information. Under these requirements, a person must not record, use or disclose a student's personal information they have gained or have access to in that capacity, other than:</p> <ul style="list-style-type: none"> • for a purpose of the Act (section 426(4)(a)); • with the consent of the student (or if the student is unable to consent, their parent) (section 426(4)(e)(b)); • in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal (section 426(4)(c)); • as permitted or required under another Act (section 426(4)(d)); or • with the written consent of the chief executive (or delegate), if the chief executive (or delegate) is satisfied the recording, use or disclosure is necessary to assist in averting a serious risk to the life, health and safety of a person, is in the public interest, or necessary for research or the compilation or analysis of statistics (section 426(4)(e) (i) – (iii)). <p>The <i>Information Privacy Act 2009</i> (IP Act) obliges DoE to comply with the Information Privacy Principles (IPP) which prescribe requirements on how personal information can be collected, stored, used and disclosed. Section 12 of the IP Act defines personal information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained from the information or opinion. Section 33 of the IP Act prescribes the limits that apply for the transfer of personal information outside of Australia.</p> <p>Identification of the problem and justification for proposed amendments</p> <p>The current operation of Queensland state schools is supported by technology solutions that have been privately developed. Examples include: enterprise-wide software packages such as Office 365 applications and Blackboard; smaller curriculum-aligned online services (e.g. Athletics); and school-specific</p>

What is the nature, size and scope of the problem? What are the objectives of government action?

administrative solutions (e.g. library databases, timetabling applications) which may be used by individual schools.

Online services collect information about students to enable students, parents and schools to assess educational outcomes and support the student in the school. Information can include name, date of birth, achievement data, email addresses, teacher name and school data.

Use of enterprise-wide applications does not require parent / carer consent, as DoE manages these applications centrally and, where they are delivered by a third party, negotiates particular privacy protections with the providers at a corporate level.

However, individual state schools are also using a variety of smaller online services to support teaching and learning and, at any one time, a state school may be using up to 250 or more online services across their student cohort.

Due to section 426 of the EGPA, use of these online services requires a state school to manage the consent process, ensuring that parent / carer consent is current and actively seeking additional consent as new online services are proposed to be used. To provide informed consent, parents are expected to review information provided by the school (e.g. data that needs to be disclosed and the purpose of using the service).

The current parameters of section 426 of the EGPA do not adequately provide a practical process for the increasing use of online services by state schools within a digital learning environment. In an increasingly digital environment, it is essential to balance the provision of online services with measures to protect students and reduce the risk to the Department of Education of information mismanagement.

What options were considered?

Two options were considered, which are outlined in more detail in section 4.

Option 1 – Maintain the status quo – no legislative change required.

Option 2 – Make the legislative and non-legislative changes outlined in section 1.

What are the impacts?

Option 1 – Maintain the status quo – no legislative change required.

No legislative amendment is made to the EGPA and existing arrangements for the use of online services within state schools remain unchanged. This option maintains the current constraints, where individual state schools are required to obtain and maintain parent/carer consent for every online service used, with the exception of enterprise-wide applications (e.g., Microsoft 365). Maintaining the status quo would not address those matters identified in section 1 that can be effectively addressed under Option 2. This option does not reduce the increasing administrative burden and impracticalities of obtaining parent/carer consent for the use of every online service at a state school.

It is in the interests of Government to ensure the EGPA provides a more transparent process for the recording, use and disclosure of personal student information to approved online services.

Option 2 – amend the EGPA to enable personal information about a student that is relevant to the set-up and use of an online service to be recorded, used and disclosed by a public service employee of the department to a third-party online service that has been approved by the chief executive.

It is proposed to amend the EGPA to enable personal information about a student that is relevant to the set-up and use of an online service to be recorded, used and disclosed by a public service employee of the department to a third-party online service that has been approved by the chief executive.

It is proposed that relevant information about a student of a state school, for this purpose, means personal information (as defined in the EGPA), other than sensitive information (as defined in the IP Act), about the student that is relevant to the provision, or use, of an approved online service.

It is proposed that the chief executive may approve, as an approved online service, an online service that requires disclosure, recording or use of personal information about a student of a state school if the chief executive is reasonably satisfied:

What is the nature, size and scope of the problem? What are the objectives of government action?

1. a contract or other arrangement entered into with the entity that provides, or is to provide, the online service is a service arrangement (IP Act, section 34) and the entity is a bound contracted service provider (IP Act, schedule 5) in relation to the contract or arrangement; and
2. an appropriately qualified public service employee employed in the department has assessed the online service according to a framework for assessing the matters mentioned in point 3 and 4 below; and
3. the online service is suitable to protect the privacy and online security of relevant information about the student that may be disclosed to, or recorded or used by, the entity providing the service; and
4. the entity that provides, or is to provide, the online service does not, for the purpose of providing the service, require the disclosure to, or recording or use by, the entity of sensitive information about the student; and
5. the online service is required for either or both of the following purposes—
 - o for providing services for the education or educational support of students of State schools;
 - o for the effective management of State schools.

To ensure transparency to parents and students, the chief executive must also ensure a list of all approved online services is made available for public inspection, without charge.

Parents and students will have the ability to opt out of the disclosing, recording or using of the student's personal information for the purpose of using an approved online service. This will be administratively managed by schools. For online services that require sensitive information about a student or that are not approved online services, parent or student consent will continue to be required.

This option will streamline the processes for student access to and use of approved online services, while ensuring appropriate privacy safeguards. It is anticipated these amendments will significantly reduce the administrative burden currently faced by schools and parents/carers in maintaining parent/carer consent for online services, while maintaining transparency of the online services used by individual schools and increasing protections for personal information of students. The amendments will provide benefits to the community and government. While the amendments will result in providers of online services being required to undergo an assessment by DoE and enter into a service arrangement with DoE to be an approved service, it does not prevent a school using the service if it is not an approved service (it will just mean the school will be required to obtain parent/carer consent for students of the school to use the service).

Who was consulted?

DoE consulted on this amendment with stakeholders including, unions, principal and parent associations (state and non-state), disability and advocacy organisations, legal entities, home education organisations and parents, as well as a range of government departments and statutory agencies on the review of the EGPA including the proposals outlined in **Option 2** in this impact assessment. Feedback from stakeholders was considered by DoE to formulate final policy positions. Overall, the majority of stakeholders supported the intent of the proposals, however one stakeholder was of the view that the requirement for parent or student consent should be retained.

The proposed amendments mean that parental consent will not be required to disclose student personal information for the purpose of using **only** the online services assessed and approved by the Chief Executive. Parental consent is still required by schools for the disclosure of student personal information to an online service that requires collection of sensitive information or that is not an approved online service. Parents and students, as relevant, will still be able to opt out of providing consent should they choose to do so. In such cases, state schools will work with individual students to support their learning outcomes.

What is the recommended option and why?

Option 2 is the recommended option because it will provide a more efficient and safeguarded process for facilitating student access to approved online services to support digital learning and their engagement with a school. In an increasingly digital environment, it is essential to balance the provision of online services with measures to protect students and reduce the risk to DoE of information mismanagement.

The amendments will also reduce administrative burden associated with managing consent, including for parents and students, while ensuring privacy protections for student information in the ways outlined above.

Impact assessment

	First full year	First 10 years**
Direct costs – Compliance costs*	This will result in a reduction in costs to schools through streamlined management of consent, that cannot be quantitatively assessed	This will result in a reduction in costs to schools through streamlined management of consent, that cannot be quantitatively assessed
Direct costs – Government costs	This will result in a reduction in costs to schools through streamlined management of consent, that cannot be quantitatively assessed	This will result in a reduction in costs to schools through streamlined management of consent, that cannot be quantitatively assessed

6. Education (General Provisions) Act 2006

Amendments for age eligibility for home education registration

What is the nature, size and scope of the problem? What are the objectives of government action?
<p>Summary</p> <p>It is proposed to extend the age eligibility for registration by one year, enabling registration to 31 December in the year the young person turns 18 years, instead of 17 years.</p> <p>Current legislative frameworks</p> <p>In 2008, the EGPA was amended to increase the start of the compulsory school age to at least 6 years and 6 months, and less than 16 years (section 9 of the EGPA). This subsequently means students may be turning 18 years (rather than 17 years) during the year they undertake Year 12. However, the age eligibility for provisional registration or registration for home education (sections 206(b) and 229A) means a child is ineligible to continue to be registered for home education as soon as they turn 18 years. While the student may continue to be home educated, the child will no longer be registered, which means they will be ineligible to receive student discounts or access to educational resources.</p>
What options were considered?
<p>Two options have been considered:</p> <p>Option 1 – Maintain status quo – no action required.</p> <p>Option 2 – Make amendments to the legislation to respond to the issues identified in section 2 and in the way proposed in section 2.</p>
What are the impacts?
<p>Although a young person who is 18 years is not prevented from being home educated to complete their final year of senior schooling if they haven't already, maintaining the status quo will mean the young person cannot be registered for home education at this age and this may mean they are ineligible to receive student discounts or access to educational resources during their final year of senior schooling.</p>
Who was consulted?
<p>The DoE undertook targeted consultation with stakeholders including, unions, principal and parent associations (state and non-state), disability advocacy organisations, home education organisations and a range of government departments and statutory agencies on the review of the EGPA. The DoE also undertook targeted consultation with over 5000 parents who have a child or children registered or provisionally registered for home education in relation to the regulation of home education.</p> <p>The proposal to extend the age eligibility for home education registration by one year was strongly supported by stakeholders.</p>

What is the recommended option and why?
The preferred option is Option 2 because it enables young people who turn 18 in their final year of senior schooling to be registered for home education and eligible for student discounts or access to educational resources that may not otherwise be available.

Impact assessment

	First full year	First 10 years**
Direct costs – Compliance costs*	Zero additional costs	Zero additional costs
Direct costs – Government costs	Zero additional costs	Zero additional costs

7. Education (General Provisions) Act 2006

Amendments to provide for Parents and Citizens' Associations

What is the nature, size and scope of the problem? What are the objectives of government action?
<p>Summary</p> <p>The proposed amendments arise from the consultation paper for Parents and Citizens' Associations (P&Cs), which aims to help P&Cs to continue to work efficiently and effectively in partnership with their school principal and community to promote the interests of the school and facilitate its development and further improvement, to achieve the best outcomes for the students; and provide increased clarity about the role and purpose of P&Cs.</p> <p>Current legislative frameworks</p> <p>Chapter 7 of the EGPA provides for the formation, objectives and functions of P&Cs for state instructional institutions in the way prescribed under a regulation. Part 6 of the <i>Education (General Provisions) Regulation 2017</i> (EGPR) provides for the prescription of P&Cs. The current P&C provisions of the EGPA and EGPR have remained substantively unchanged since their introduction.</p> <p>1) Forming separate P&Cs for schools with multiple campuses</p> <p>Section 118 of the EGPA provides for only one P&C to be formed for each state instructional institution (that is, school, environmental education centre, outdoor education centres). However, some schools have multiple campuses which are geographically dispersed, with entirely differently local communities and interests. For these schools, a single P&C representing all campuses may not be appropriate or effective. For example, Tagai State College (Tagai SC) has 17 campuses located throughout the Torres Strait Islands in remote Far North Queensland, stretching some 48,000 square kilometres. Each Tagai SC campus has its own unique community and significant travel would be required for P&C members to physically meet.</p> <p>While there is not a great number of schools operating across multiple campuses with significant distance between them, another example is Western Cape College (Western CC) which has two campuses, Mapoon and Weipa campuses. Distance, different local issues and interests, and possible concern about fair allocation of P&C funds between campuses could be a major disincentive to parents becoming members of a single combined P&C.</p> <p>It is proposed to allow for a principal to provide for the formation of a separate P&C for each campus of a school where the communities of each campus are distinct and geographically dispersed.</p> <p>2) Enabling donations between P&Cs</p> <p>The EGPA currently does not enable a P&C to donate funds to another P&C and/or school for philanthropic reasons, given funds raised by a P&C may only be used to support the school community for which the P&C is formed to represent. Section 121(1)(e) of the EGPA provides that the functions of an association include giving, or assisting in the giving of, financial or other resources or services for the benefit of persons who receive educational instruction at the State instructional institution for which it is formed.</p>

Sections 120 and 121(1)(e) preclude a P&C from offering direct support, funding or resources to other associations or schools in need (for example, those that have experienced a natural disaster or fire), despite the express wishes of a P&C and its school community.

Following a natural disaster (for example, flooding and/or storms, and bush fires), neighbouring communities' schools, or sister schools (across the state and inter-state), have sought to rapidly respond by providing stationery, books and equipment such as photocopiers to ensure the affected school can resume classes as quickly as possible.

It is proposed to amend the EGPA to enable a P&C to donate funds or goods to another school or P&C, in Queensland or inter-state, that may be affected by an adverse event (for example, natural disaster); and the decision to be made by the full P&C meeting (not the executive).

3) Precluding person convicted of an indictable offence from being a P&C Executive Committee or subcommittee member

An indictable offence is a serious criminal offence which may be prosecuted before certain courts (for example, the Supreme or District Court) by indictment in the name of the Attorney-General or other authorised officer. Such offences can be associated with bodily harm to others, fraud and/or theft. Under the EGPA, there may be an executive P&C committee and also a P&C subcommittee.

It is proposed to amend the EGPA to preclude persons convicted of an indictable offence, other than a spent offence, from being a P&C Executive Committee or subcommittee member, in recognition of the additional responsibilities of persons appointed to these roles beyond expectation of an ordinary members, and the potential for those members to become involved in the financial operations of the association.

There is a similar power in section 93 of the EGPA establishes that a person cannot become, or continue as, a member of a school council if the person has been convicted of an indictable offence, unless the Minister approves the person's membership. However, there is no similar provision precluding a person who has been convicted of an indictable offence from becoming, or continuing to be, a member or executive officer of a P&C.

The objectives of the proposals are to help P&Cs to continue to work efficiently and effectively in partnership with their school principal and community to promote the interests of the school and facilitate its development and further improvement to achieve the best outcomes for the students; and provide increased clarity about the role and purpose of P&Cs.

What options were considered?

Option 1 – Maintain status quo – no legislative action taken.

Option 2 – Amend the EGPA in accordance with the proposals outlined in section 1 to help P&Cs to continue to work efficiently and effectively and provide clarity about the role and purpose of P&Cs.

What are the impacts?

Option 1 – Maintain the status quo – no legislative action taken.

This option will not require any legislative amendments. Schools with multiple campuses will continue not to have a legislative framework to support formation of separate P&Cs to cater for geographically dispersed and diverse communities. Further, while the DoE does not keep a record of all P&Cs across all state schools, the department is aware that some schools currently have multiple P&Cs in response to their diverse community needs.

P&Cs will continue to be prohibited from donating funds or goods to another or P&C that may be affected by an adverse event (for example, natural disaster), and against the wishes of their school communities.

A person who has committed an indictable offence may continue to be eligible to a member of P&Cs' Executive committee or subcommittee, roles within P&Cs that have additional responsibilities such as involvement in financial operations of P&Cs.

The impact of option 1 will be that the school community and P&C will continue to operate in an ineffective manner, though recognising that this is not a significant impact.

Option 2 – Make the proposed amendments to help P&Cs to continue to work efficiently and effectively and provide clarity about the role and purpose of P&Cs.

This option will require minor legislation amendments developed in consultation with targeted education portfolio stakeholders. All schools with geographically dispersed campuses will be able to consider and establish multiple P&Cs to provide local representation. This supports greater engagement by parents/carers, knowing their involvement directly supports their child's campus and community.

The proposed amendments will enable P&Cs to be able to donate funds or goods to another school or P&C that may be affected by an adverse event (for example, natural disaster).

The proposed amendments will provide P&Cs with additional safeguards to prevent a person who has previously been convicted of an indictable offence from becoming a member of the P&C Executive Committee or subcommittee;

This option will improve the operations of P&Cs and have positive impacts on the school community and P&Cs.

Who was consulted?

The DoE undertook targeted consultation with stakeholders including, unions, principal and parent associations (state and non-state), advocacy and legal organisations, home education organisations and a range of government departments and agencies. Feedback from stakeholders were considered by the DoE to formulate final policy positions. The majority of stakeholders who provided a response supported the proposals.

What is the recommended option and why?

While it is considered the current regulatory framework for P&C's is generally working well, it is considered timely as the EGPA is being reviewed for those amendments be made to:

- help P&Cs to continue to work efficiently and effectively in partnership with their school principal and community to promote the interests of the school and facilitate its development and further improvement, to achieve the best outcomes for the students; and
- provide increased clarity about the role and purpose of P&Cs.

For these reasons, **Option 2** is considered the best option. This will allow for targeted, focused amendments to the legislation to address issues that have been identified.

Option 1 will not address the current identified issues.

Impact assessment

	First full year	First 10 years**
Direct costs – <i>Compliance costs*</i>	Zero	Zero
Direct costs – <i>Government costs</i>	Minimal. Supporting guidelines will be developed	Minimal. Supporting guidelines will be developed

8. Education (General Provisions) Act 2006

Transfer Notes

What is the nature, size and scope of the problem? What are the objectives of government action?

Summary

The proposals provide for the mandatory sharing of student personal information between schools when a student transfers from one Queensland school to another. The sharing of information under the EGPA in relation to student transfers has been considered in light of:

What is the nature, size and scope of the problem? What are the objectives of government action?

- recommendations from the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), which call for student information to be exchanged in a manner that is proportionate, proactive and cross-sectoral;
- stakeholder feedback suggesting that existing levels of information sharing are variable, with some principals reluctant to share information due to perceived privacy issues and concerns; and
- existing national work on cross-jurisdictional student data transfer, which seeks to develop a new national information exchange based on relevant Royal Commission recommendations.

Against this background, DoE reviewed the appropriateness of existing legislative frameworks, including whether these support decisions about proportionate information sharing, i.e. determining the balance between student safety and wellbeing, and privacy and confidentiality; and the potential for more proactive information sharing.

Current legislative frameworks and processes

The EGPA provides the primary legislative authority under which DoE staff and relevant non-state schools can collect, record, use and disclose student information between state and non-state Queensland schools, as well as with parents/guardians and other government agencies.

Transfer notes for student transfers between Queensland schools

Chapter 14 of the EGPA makes specific provision for sharing of student information through a transfer note where a student is moving from one Queensland state or non-state school to another. A transfer note may be provided on request from:

- a student's parent (or the student themselves) at the time the student's enrolment is ceased (section 386); or
- the principal of a student's new school when an application for enrolment has been made (section 387) - where this occurs, the principal must notify the student's parents (or in some cases, the student) that a transfer note has been requested and, if requested by the parents / student, provide them with a copy of the transfer note and any documents referred to in the transfer note.

Parent / student consent is not required for a principal to complete or obtain a transfer note. On receiving a request, the principal of the previous school must provide a transfer note (and copies of any document mentioned in the transfer note relating to the student) as soon as practicable (for requests by students / parents) or within 10 school days (for requests by the principal of the student's new school).

The EGPA provides that information included in a transfer note must be factual, succinct and objective, and may include assessment results or behavioural issues identified during the student's attendance at the school (section 384), and additional information prescribed in the *Education (General Provisions) Regulation 2017* (EGPR). Section 25 of the EGPR prescribes the type of information that will be contained in a transfer note, which includes:

- student-identifying information, medical details, school details, level of schooling and allocation of state education;
- school attendance and educational performance;
- educational support and behavioural issues; and
- orders under State, Commonwealth or international law about the person with whom a student is to live, e.g., custody, residence or guardianship orders.

These types of information are in turn reflected in a prescribed Student Transfer Note Form.

Additional information not included in the transfer note may be sought by the principal of the student's new school either from the parent / student, or from the previous school's principal, with the consent of the parent / student. Persons who obtain personal information through a transfer note are subject to the general confidentiality restrictions outlined in section 426 of the EGPA.

What is the nature, size and scope of the problem? What are the objectives of government action?

In practice, the transfer note provisions in Chapter 14 of the EGPA are used where students move between state and non-state school sectors in Queensland. For students moving from one state school to another, DoE's OneSchool system provides the principal and authorised staff at a student's new school with viewing access to a range of student information that has been entered into the system by the previous school.

Defining the problem

The existing transfer note provisions under the EGPA provide that the use of transfer notes is optional (being instigated only upon a parent/student or principal's choice to request it), not proactive.

The Final Report of the Royal Commission (Volume 8) recommended state and territory governments enable proportionate and proactive information sharing when a student transfers between schools, to ensure their safety and wellbeing and that of students, staff or others at their new school. The Royal Commission found that the transfer of a student's relevant information is one of the most significant factors in successful transition to a new school, and may be particularly necessary where the student has:

- engaged in harmful sexual behaviours and, as a consequence, may pose risks to other students – the Royal Commission noted that children with harmful sexual behaviours make up a significant proportion (around 20 per cent) of reported incidents of child sexual abuse, with educational settings representing the second most common institutional setting for such incidents (after out-of-home care); or
- experienced sexual abuse and as a consequence had particular educational and support needs – the Royal Commission emphasised the importance of ensuring schools are able to address the educational and support needs of students who have been victims of sexual abuse, noting associated negative effects on academic achievement, learning ability, cognitive function, concentration, educational engagement and school completion rates.

The Royal Commission also acknowledged the need to ensure appropriate safeguards for transfer of sensitive information about students with harmful sexual behaviours, and students with particular needs due to their own experiences of sexual abuse. This reflected a recognition of potential unintended consequences where sensitive information is shared unnecessarily, disproportionately or too broadly, which may include re-victimisation, stigma and / or discrimination.

In considering Queensland legislation, the Truth, Justice and Healing Council of the Royal Commission found that use of transfer notes 'is not consistently implemented in Queensland', and that 'transfer notes provided do not necessarily raise or identify detailed information around behaviours of concern'.

Current transfer note arrangements are implemented manually at the local school level, and specific data is not available regarding their use. However, feedback from Queensland's state and non-state schooling sectors also suggests that existing practice is variable, with some principals reluctant to share information due to perceived privacy issues and concerns. Analysis of this issue suggests this likely reflects current features of the existing legislative framework in the EGPA / EGPR, i.e.:

- 1) broad references to types of information to be shared that may not support decisions on whether information sharing is proportionate, i.e., balances student safety and welfare and privacy and confidentiality; and
- 2) limitations on the ability to share information proactively, rather than on request.

Each of these contributing factors is addressed further below, together with the proposals to address them.

1) *Clarifying the types of information to be shared*

Section 385 of the EGPA currently states that the purpose of a transfer note is to provide information that will help the principal of a state or non-state school ensure continuity of the student's educational program; and meet the principal's duty of care obligations in relation to the student and the school community.

Beyond this general statement of purpose, the types of information to be included in a transfer note – as set out in section 384 of the EGPA and section 25 of the EGPR – include only broad references to 'educational support' and 'behavioural issues'. There is no further explicit reference in the EGPA or EGPR that the

What is the nature, size and scope of the problem? What are the objectives of government action?

transfer notes should include information required to ensure child safety and welfare, and the safety of others in the school community.

At an administrative level, the prescribed form for the Student Transfer Note provides a more specific reference to child safety and welfare considerations through a stipulation that information on ‘behavioural issues’ must include consideration of whether the student been suspended or excluded from school in the last 12 months.

If the answer is yes, the number of incidents against each of the grounds listed must be advised, and any relevant disciplinary decision letters (e.g., suspension and exclusion notices) must be attached. Listed incident grounds include: conduct that adversely affects, or is likely to adversely affect, other students; and the student’s attendance at the school posed an unacceptable risk to the safety or wellbeing of other students.

DoE’s current *Enrolment in state primary, secondary and special schools’ procedure* outlines the relevant legislative provisions and administrative procedures relating to the Student Transfer Note. However, no specific guidance is provided as to the type of information sharing that is proportionate to what is needed by a new school to address student’s safety and wellbeing needs.

Proposed changes – Legislative proposals

The objective of government action is to enable proactive sharing of information between Queensland schools (both state and non-state schools) about a student when the student transfers from one school to another, to support continuity of the student’s educational program and the safety and wellbeing of the student and the school community. To provide for this outcome, it is proposed make the following amendments to the EGPA in relation to transfer notes for students moving between Queensland schools:

- require the principal of a student’s new school, once the student has been enrolled, to request a transfer note from the student’s previous school within 90 days from when the student has enrolled at the new school;
- require the principal of the student’s previous school to provide a transfer note within 10 days, regardless of whether the request for the transfer note is made by another principal or the student (or the student’s parent);
- provide that the principal of the student’s new school may request a transfer note to any school the student attended in the 12-month period prior to enrolment at the new school; and
- amending the EGPA to require the principal of the student’s previous school to include information in the transfer note about the student that they reasonably believe is necessary to help the principal of the new school protect the safety and wellbeing of the student or members of the school community.

Proposed changes – Non-legislative proposals

To further support proactive information sharing for student transfers, it is also proposed to implement the following non-legislative changes:

- develop related departmental policy guidelines with more guidance on the level and type of information-sharing that is proportionate in assisting a receiving school to meet a student’s safety and wellbeing needs, and those of the school community;
- amend current state school enrolment form to mandate inclusion of a student’s previous school; and
- support the non-state sectors with implementation.

What options were considered?

The following options were considered:

Option 1 – Maintain status quo - no legislative or policy / guideline amendments.

Option 2 – Make the legislative and non-legislative changes, outlined in section 1, for improvements in processes for sharing of information about students transferring schools.

What is the nature, size and scope of the problem? What are the objectives of government action?

What are the impacts?

Option 1 – Maintain status quo - no legislative or policy / guideline amendments.

The status quo is maintained, with no legislative or administrative amendments required. Student transfer note processes remain unchanged under this option. While student transfer notes will still be operational and a parent / student or principal of a new school may request a transfer note from the principal of the previous school, the issues relating to the process will not be addressed, including the significant finding and recommendations of the Royal Commission regarding the sharing of child safety and welfare.

That is, there will continue to be inconsistency in the use of transfer notes in Queensland, and transfer notes will not necessarily raise or identify proportionate information around behaviours of concern or matters relating to the safety and welfare of the transferring student or the student's new school community. It will also continue to limit proactive sharing of information between schools and does not address community parent and student concerns about transfer notes being used for enrolment screening purposes.

Maintaining the status quo would have minimal impact on community, Government and business but will not address those issues identified in section 1 and that can be appropriately addressed under Option 2.

Option 2 – Make the legislative and non-legislative changes, outlined in section 1, for improvements in processes for sharing of information about students transferring schools.

This option involves making legislative amendments to the EGPA, supported by non-legislative administrative and policy changes, as outlined in section 1, for improvements in processes for sharing of information about students transferring schools.

The proposed changes under **Option 2** are:

- amending the EGPA to require the principal of a student's new school to request a transfer note from the student's previous school within 90 days from when the student has enrolled at the new school;
- amending the EGPA to require the principal of the student's previous school to provide a transfer note within 10 days, regardless of whether the request for the transfer note is made by another principal or the student (or the student's parent);
- amending the EGPA to provide that the principal of the student's new school may request a transfer note to any school the student attended in the 12-month period prior to enrolment at the new school; and
- amending the EGPA to require the principal of the student's previous school to include information in the transfer note about the student that they reasonably believe is necessary to help the principal of the new school protect the safety and wellbeing of the student or members of the school community.

To further support proactive information sharing for student transfers, it is also proposed to:

- develop related departmental policy guidelines with more guidance on the level and type of information-sharing that is proportionate in assisting a receiving school to meet a student's safety and wellbeing needs, and those of other students at the school;
- amend current state school enrolment form to mandate inclusion of a student's previous school; and
- support the non-state sectors with implementation.

Importantly, these changes address the findings and recommendations of the Royal Commission. They provide for proactive, proportionate, consistent and timely information sharing while balancing the administrative requirements for schools.

The amendments under **Option 2** will provide benefits to the community and government, and no impacts on business.

What is the nature, size and scope of the problem? What are the objectives of government action?**Who was consulted?**

The DoE undertook targeted consultation with stakeholders including, unions, principal and parent associations (state and non-state), disability advocacy organisations, legal entities, home education organisations and parents and a range of government departments and statutory agencies on the review of the EGPA including proposals in relation to sharing of information when a student transfers schools, (as outlined in option 2). Feedback from stakeholders were considered by the DoE to formulate final policy positions.

Proportionate information

The proposed reforms support the sharing of proportionate and relevant information to support students and schools, where students transfer between Queensland schools. Stakeholders broadly supported the reforms but recommended that specific guidance be provided for principals about what information should be included in a transfer note relating to student safety and wellbeing needs

For example, OneSchool is the DoE's software suite that state schools use to run safe, secure, sustainable and consistent reporting and administrative processes. OneSchool supports teachers, administrators and students in: student management; curriculum and assessment management; finance and asset management; resource management; and performance, reporting and analysis.

Each Queensland state school student has a secure profile within OneSchool. Individual student information is used by the school to meet its duty of care to all students, and to administer and plan for providing appropriate education and support services.

Non-state schools also currently seek and obtain information about students transferring to or between non-state schools. The proposed reform seeks to ensure that this process occurs consistently rather than on an ad hoc basis.

The department will prepare a guideline to support principals to implement the changes, including determining the proportionate information that should be included in a transfer note and when they should be requested. This will be developed in consultation with principal associations from both the state and non-state school sectors.

Proactive sharing

Stakeholders generally supported the rationale for proactive information sharing. Stakeholders noted:

- the 90-days being attached to 'enrolment', particularly where students are enrolled well in advance of commencing at a school but also recommended that transfer notes should be able to be requested within a period of 90 days before a student's commencement at a new school
- the period of time should be shorter than 90 days with the request for a transfer note to be automated
- why the time period is set in calendar days not school days
- the administrative burden of mandating transfer notes and included recommendations about implementation to reduce administrative burden and ensure secure data sharing between schools

One stakeholder did not support transfer notes and recommended students and parents should be permitted to access and review any information held and shared between Queensland schools, and to request corrections to information that is inaccurate or request that the student's perspective and voice is also captured in any information about the student.

Setting the timeframe at 90 days rather than 90 school days ensures that if the timeframe coincides with one or more holiday periods that the timeframe is not extended by those holiday periods.

While it is acknowledged that requiring proactive information sharing via transfer notes will increase administrative burden for schools, this is balanced by the critical outcome of strengthening protections for students and school communities, consistent with the Royal Commission recommendations, and supporting continuity of education.

What is the nature, size and scope of the problem? What are the objectives of government action?

The department will also consider leveraging systems and processes for secure and efficient information sharing arising from the ongoing national work to support information sharing for interstate student transfers and unique student identifier.

It is proposed that these amendments commence by proclamation up to 12 months after the passage of a Bill (subject to Parliamentary consideration) to allow for implementation.

The EGPA currently requires information in a transfer note to be succinct, factual and objective. The EGPA does not provide a right for a student or parent to prevent the giving of a transfer note, or to redact or review information in a transfer note before it is shared with the student's new school.

A parent or student will continue to be notified when a transfer note is requested by the principal of the student's new school and must be given a copy, if the student or parent requests a copy. This provides students or parents the opportunity to see the information contained in the transfer note for the student and to discuss the information, or provide further context or information, with the student's new school.

What is the recommended option and why?

The Royal Commission found that the transfer of a student's relevant information is one of the most significant factors in successful transition to a new school. While the sharing of information between Queensland schools is provided for under the EGPA via the transfer note provisions, it has been identified by the Royal Commission that the current provisions are not meeting community expectations and legislative amendments are needed to facilitate more proactive and proportionate sharing of information.

For these reasons, **Option 2** is considered the most appropriate option. This will allow for targeted, focused amendments to the legislation to address the particular issues that have been identified. These amendments can be included in a Bill that is being prepared as part of a broader review of the EGPA.

Option 1 will not address the current identified issues.

Impact assessment

	First full year	First 10 years**
Direct costs – Compliance costs*	Transfer notes are already employed by state schools, no additional costs likely	Transfer notes are already employed by state schools, no additional costs likely
Direct costs – Government costs	Transfer notes are already employed by state schools, no additional costs likely	Transfer notes are already employed by state schools, no additional costs likely

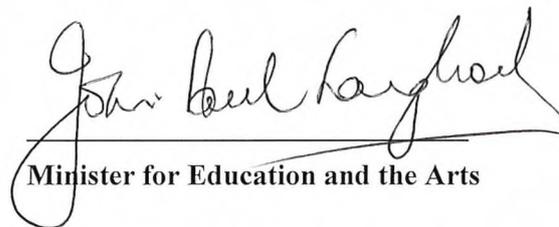
SIGNED

SIGNED



Acting Director-General
Department of Education

Date: 7/2/25



Minister for Education and the Arts

Date: 10.2.2025