



Queensland

Education and Other Legislation Amendment Act 2016

Act No. 46 of 2016

An Act to amend the Education (Accreditation of Non-State Schools) Act 2001, the Education (General Provisions) Act 2006, the Education (Queensland College of Teachers) Act 2005 and the Working with Children (Risk Management and Screening) Act 2000 for particular purposes

[Assented to 8 September 2016]



Queensland

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Education and Other Legislation Amendment Act 2016*.

2 Commencement

The following provisions commence on a day to be fixed by proclamation—

- (a) sections 4 and 6;
- (b) sections 11 to 13;
- (c) sections 24(1) and (3), 25, 28 to 32, 45, 46, 48, 49, 51(1), (3) and (4), 52 to 55, 57(1), (2), (4), (6) and (7), 59 to 69, 71 to 92 and 94 to 116, 120, 122, 125 to 127, 131, 133(1) to (4), 134 and 135;
- (d) section 137, other than to the extent it inserts new chapter 12, part 15 heading and new section 357 to 359;
- (e) section 138(1), other than to the extent it omits definitions *interstate information* and *registration card*;
- (f) section 138(2), other than to the extent it inserts new definitions *evidentiary material* and *interstate information*.

(db) the information is disclosed to a court for the purposes of the prosecution of a person for an offence in any jurisdiction; or

(2) Section 173(3)(da) to (e)—

renumber as section 173(3)(e) to (g).

(3) Section 173(5)—

insert—

law enforcement agency see the *Information Privacy Act 2009*, schedule 5, definition *law enforcement agency*, paragraph (a).

6 Amendment of sch 3 (Dictionary)

Schedule 3, definition *school survey data*—

omit, insert—

school survey data see section 166(2).

Part 3 Amendment of Education (General Provisions) Act 2006

7 Act amended

This part amends the *Education (General Provisions) Act 2006*.

8 Amendment of s 156 (Enrolment)

(1) Section 156(1), ‘subsections (2)’—

omit, insert—

subsections (1A), (2)

(2) Section 156—

insert—

[s 9]

- (1A) The principal must not enrol a child in year 1 of schooling at the school unless satisfied the child—
- (a) has undertaken a preparatory year at a State school or non-State school; or
 - (b) has undertaken education in another State or country that is equivalent to the preparatory year; or
 - (c) was registered, or provisionally registered, for home education in the year before the proposed year of the child's enrolment in year 1 of schooling at the school; or
 - (d) is otherwise ready to be enrolled in year 1 of schooling at the school, considering the child's attributes.

9 Insertion of new ch 8B

After section 175L—

insert—

Chapter 8B Enrolment at non-State schools

175M Enrolment—year 1

The principal of a non-State school must not enrol a child in year 1 of schooling at the school unless the principal is satisfied the child—

- (a) has undertaken a preparatory year at a State school or non-State school; or
- (b) has undertaken education in another State or country that is equivalent to the preparatory year; or

- (c) was registered, or provisionally registered, for home education in the year before the proposed year of the prospective student's enrolment in year 1 of schooling at the school; or
- (d) is otherwise ready to be enrolled in year 1 of schooling at the school, considering the child's attributes.

10 Replacement of s 206 (Who is eligible for provisional registration or registration)

Section 206—

omit, insert—

206 Who is eligible for provisional registration or registration

A child is eligible for provisional registration, or registration, for home education if—

- (a) the child will be at least 5 years and 6 months on 31 December in the year the provisional registration or registration takes effect; and
- (b) the child's compulsory participation phase has not ended.

11 Amendment of s 367 (Definitions for ch 13)

Section 367—

insert—

overpayment means an amount, or part of an amount, paid to the governing body of a non-State school under section 368(1)(b) to which the governing body was not entitled under an approved policy.

[s 12]

12 Amendment of s 368 (Provision of scholarships and payment of allowances)

Section 368(2)—

omit, insert—

- (2) An allowance paid to the governing body of a non-State school under subsection (1)(b) is subject to a condition that the governing body must repay an overpayment to the State in accordance with an approved policy.
- (2A) The Minister may pay an allowance under subsection (1)(b) on any other reasonable conditions the Minister considers appropriate.
- (2B) If an overpayment is made to a governing body, the amount of the overpayment is a debt owed by the governing body to the State and may be recovered from the governing body by the chief executive.

13 Amendment of s 369 (Minister's policy)

Section 369(1)—

insert—

- (d) how to deal with an amount the Minister considers is an overpayment, including—
 - (i) a thing required to be done by an overpaid governing body in relation to repaying the overpayment to the State; and
 - (ii) a process to be followed by the State to recover an overpayment from an overpaid governing body.

14 Insertion of new s 369A

Chapter 13, part 2—

insert—

369A Arrangements with funded entities

- (1) This section applies if—
 - (a) the Commonwealth Minister makes a determination under the Commonwealth Act, section 110(1)(a) that the State must pay to the Commonwealth a specified amount; and
 - (b) the Commonwealth Minister makes the determination mentioned in paragraph (a) as a result of—
 - (i) non-compliance or a breach mentioned in the Commonwealth Act, section 108 by a funded entity; or
 - (ii) a payment mentioned in the Commonwealth Act, section 109 made to the State for a funded entity.
- (2) The purpose of this section is to provide for an arrangement between the State and the funded entity for the purposes of the *Australian Education Regulation 2013* (Cwlth), section 11(2).
- (3) An arrangement is taken to be in place between the State and the funded entity providing that the amount mentioned in subsection (1)(a)—
 - (a) is a debt owing to the State by the funded entity; and
 - (b) may be recovered by the State from the funded entity as a debt.
- (4) In this section—

Commonwealth Act means the *Australian Education Act 2013* (Cwlth).

Commonwealth Minister means the Minister of the Commonwealth administering the

[s 15]

Commonwealth Act.

funded entity means an authority or body mentioned in the Commonwealth Act, section 108.

15 Insertion of new ch 20, pt 9

Chapter 20—

insert—

Part 9 **Transitional provision for Education and Other Legislation Amendment Act 2016**

542 Particular enrolments for year 1 of schooling

- (1) This section applies to—
 - (a) an application under section 155 to enrol a child in year 1 of schooling at a State school made before the commencement; or
 - (b) an application to enrol a child in year 1 of schooling at a non-State school made before the commencement.
- (2) The school's principal must deal with the application under the Act as in force immediately before the commencement.

16 Amendment of sch 4 (Dictionary)

Schedule 4—

attributes, of a child, means the child's—

- (a) aptitude and ability; and
- (b) social and emotional competence; and

- (c) physical development; and
- (d) level of knowledge and understanding.

Part 4

Amendment of Education (Queensland College of Teachers) Act 2005

17 Act amended

This part amends the *Education (Queensland College Of Teachers) Act 2005*.

18 Amendment of s 7 (Meaning of *harm*)

Section 7—

insert—

- (4) Harm can be caused by—
 - (a) a single act, omission or circumstance; or
 - (b) a series or combination of acts, omissions or circumstances.

19 Amendment of s 12 (Suitability to teach—other considerations)

Section 12(3), from ‘the person—’ —

omit, insert—

the person behaves in a way that—

- (a) does not satisfy a standard of behaviour generally expected of a teacher; and
- (b) shows the person is unfit to be granted registration or permission to teach.

20 Insertion of new s 15AA

After section 15—

insert—

15AA Obtaining other information from commissioner of police

- (1) This section applies if the college—
 - (a) becomes aware that an applicant for registration or permission to teach has been charged with or convicted of an offence; and
 - (b) reasonably believes information about the offence—
 - (i) may help the college in deciding whether the applicant is suitable to teach; and
 - (ii) is not, or is not likely to be, in the possession of control of an entity, other than the commissioner of police, from whom the college may request the information.
- (2) The college may, by notice, ask the commissioner of police for the following—
 - (a) a copy or written summary of evidentiary material about the offence;
 - (b) if a charge for the offence was not proceeded with—a written summary of the reasons why the charge was not proceeded with.
- (3) The college's request may include the following information—
 - (a) the applicant's name and any other name the college believes the applicant may use or have used;
 - (b) the applicant's gender and date and place of birth.

- (4) The commissioner of police may comply with a request under subsection (2) if the commissioner reasonably believes—
 - (a) the statement, copy or summary may help the college in deciding whether the applicant is suitable to teach; and
 - (b) the statement, copy or summary is not, or is not likely to be, in the possession or control of another entity from whom the college may request the information.
- (5) Without limiting subsection (4), the commissioner of police must not give the college a copy or written summary of evidentiary material about the offence that relates only to a person other than the applicant.
- (6) The commissioner of police must not give information, or a document containing information, to the college under this section if the commissioner is reasonably satisfied that giving the information may do any of the following—
 - (a) prejudice the investigation of a contravention or possible contravention of the law in a particular case;
 - (b) enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of the law, to be ascertained;
 - (c) endanger a person's life or physical safety;
 - (d) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law;
 - (e) prejudice a prosecution or another matter before a court.

[s 21]

Note—

See section 283 for restrictions on disclosing or giving access to information or documents obtained under this Act.

21 Amendment of s 15B (Obtaining information from director of public prosecutions)

Section 15B(8)—

omit.

22 Amendment of s 21 (Steps to be taken after college decides application)

(1) Section 21(1)(c)—

omit.

(2) Section 21(2)(b)(ii), ‘and a registration card for the relevant year’—

omit.

(3) Section 21(4), definition *relevant year*—

omit.

23 Amendment of s 25 (Steps to be taken after college decides application)

(1) Section 25(1)(a)(ii), ‘and a registration card for the rest of the relevant year’—

omit.

(2) Section 25(2), definition *relevant year*—

omit.

24 Amendment of s 29 (Requirements for renewal—full registration)

(1) Section 29(3) and (4)—

omit.

- (2) Section 29(5), ‘whether the person is suitable to teach,’—

omit, insert—

the person’s application for renewal

- (3) Section 29(5) to (6)—

renumber as section 29(3) to (5).

25 Amendment of s 32 (How college may decide application for renewal)

- (1) Section 32(1), note, ‘29(5A)’—

omit, insert—

29(4)

- (2) Section 32(2), from ‘31(2)(a)’—

omit, insert—

31(2)(a).

26 Amendment of s 33 (Steps to be taken after college decides application)

- (1) Section 33(1)(c)—

omit.

- (2) Section 33(3), definition *relevant year*—

omit.

27 Amendment of s 35 (Option to extend provisional registration)

- (1) Section 35(3)(b)—

omit, insert—

[s 28]

(b) as soon as practicable after receiving the notice, issue a certificate of registration to the holder.

(2) Section 35(5)—
omit.

28 Amendment of s 39 (Application for review of condition)

Section 39(1)(b), ‘disciplinary committee’—
omit, insert—
practice and conduct body

29 Amendment of s 43 (Cancellation of conditions)

Section 43(2)—
omit.

30 Amendment of s 45 (Application of div 2)

(1) Section 45(1)—
omit, insert—

(1) This division applies in relation to a person who holds one of the following that is subject to a condition (a *relevant condition*), other than a condition imposed under a practice and conduct order or a voluntary practice and conduct agreement—

- (a) full registration;
- (b) provisional registration;
- (c) permission to teach.

(2) Section 45(2)—
omit.

31 Amendment of s 46 (College to give show cause notice for failing to comply with condition)

Section 46, ‘or has failed to comply with a returning to teaching condition,’—

omit.

32 Amendment of s 47 (College power to suspend or cancel registration or permission to teach)

(1) Section 47(1), ‘or has not complied with a returning to teaching condition’—

omit.

(2) Section 47—

insert—

(3A) If the college makes an order cancelling or suspending the registration or permission to teach, the cancellation or suspension takes effect on the day the teacher is given an information notice about the order under subsection (3).

(3) Section 47(3A) and (4)—

renumber as section 47(4) and (5).

33 Amendment of s 49 (College’s power to suspend if approved teacher poses imminent risk of harm to children)

(1) Section 49, heading, ‘imminent’—

omit, insert—

unacceptable

(2) Section 49, from ‘believes—’—

omit, insert—

believes the teacher poses an unacceptable risk of harm to children.

[s 34]

34 Amendment of s 50 (Requirement to give notice of suspension)

Section 50(3)(c)—

omit, insert—

- (c) that QCAT will review the continuation of the suspension to decide whether the teacher poses an unacceptable risk of harm to children;
- (d) that if QCAT continues the suspension, the college will—
 - (i) authorise an investigation under section 98; or
 - (ii) refer a practice and conduct matter to a practice and conduct body, under section 97, about whether a ground for disciplinary action against the teacher is established.

35 Amendment of s 52 (When suspension ends)

Section 52—

insert—

- (c) if the college authorises an investigation under section 98 of the matter giving rise to a suspension under section 49—
 - (i) the investigator's report includes a finding that the matter does not raise a ground for disciplinary action against the approved teacher; and
 - (ii) the college is reasonably satisfied there is no ground for disciplinary action against the approved teacher.

36 Amendment of s 53 (Requirement to decide whether to continue suspension under s 48)

(1) Section 53, heading, after ‘s 48’—

insert—

or 49

(2) Section 53(1), ‘48.’—

omit, insert—

48 or 49.

(3) Section 53(3)—

omit, insert—

(3) QCAT must decide to continue the suspension unless satisfied—

(a) if the decision is about the suspension of an approved teacher under section 48—the matter is an exceptional case in which the best interests of children would not be harmed if the suspension were ended; or

(b) if the decision is about the suspension of an approved teacher under section 49—the teacher does not pose an unacceptable risk of harm to children.

37 Amendment of s 54 (QCAT to give notice inviting submissions to approved teacher)

Section 54(1)—

omit, insert—

(1) QCAT must give the approved teacher a notice inviting the teacher to show, within a stated time, why—

(a) if the notice relates to the review of the suspension of the approved teacher under section 48—the matter is an exceptional

[s 38]

case in which the best interests of children would not be harmed if the suspension of the teacher's registration or permission to teach were ended; or

- (b) if the notice relates to the review of the suspension of the approved teacher under section 49—the teacher does not pose an unacceptable risk of harm to children.

38 Amendment of s 55 (QCAT's decision about continuation of suspension)

- (1) Section 55(1) and (2)—

omit, insert—

- (1) After considering any submissions made by the approved teacher within the stated time under section 54, QCAT must decide—
 - (a) if the review is of the suspension of an approved teacher under section 48—whether it is an exceptional case in which the best interests of children would not be harmed if the suspension were ended; or
 - (b) if the review is of the suspension of an approved teacher under section 49—whether the teacher does not pose an unacceptable risk of harm to children.
- (2) QCAT must order the suspension be ended if—
 - (a) if the review is of the suspension of an approved teacher under section 48—QCAT is satisfied it is an exceptional case; or
 - (b) if the review is of the suspension of an approved teacher under section 49—QCAT is satisfied the teacher does not pose an unacceptable risk of harm to children.

(2) Section 55(6)(b), ‘case—that’—

omit, insert—

case or that the teacher poses an unacceptable risk to children—that

39 Insertion of new s 55A

Chapter 2, part 6, division 2—

insert—

55A Requirement for college to refer practice and conduct matter or authorise investigation

If QCAT continues the suspension of the approved teacher under section 49, the college must, as soon as practicable—

- (a) if the college reasonably believes the matter forming the basis of the suspension is a ground for disciplinary action against the approved teacher—refer a practice and conduct matter to the relevant practice and conduct body under section 97; or
- (b) otherwise—authorise an investigation of the matter forming the basis of the suspension under section 98.

40 Amendment of s 59 (Surrender of registration or permission to teach)

Section 59(a)—

omit, insert—

- (a) returning to the college the teacher’s certificate of registration or certificate of permission to teach; and

[s 41]

41 Amendment of s 62 (Requirements for registration card)

Section 62—

omit.

42 Amendment of s 63 (Replacing certificate of registration, registration card or certificate of permission to teach)

(1) Section 63, heading, ‘registration, registration card’—

omit, insert—

registration

(2) Section 63(1), ‘certificate, registration card,’—

omit, insert—

certificate

(3) Section 63(3), ‘or card’—

omit.

43 Amendment of s 64 (Requirement to return certificate of registration or permission to teach etc. on suspension or cancellation)

Section 64(2)—

omit, insert—

(2) The teacher must, unless the teacher has a reasonable excuse, return the teacher’s certificate of registration or permission to teach to the college within 14 days after receiving notice of the suspension or cancellation.

Maximum penalty—20 penalty units.

44 Amendment of s 66 (Payment of annual fee by approved teacher and issue of registration card to registered teacher)

(1) Section 66, heading, from ‘and’—

omit.

- (2) Section 66(2)—

omit.

45 Amendment of s 76 (Requirement for employing authority to notify college about particular investigations)

- (1) Section 76, heading, ‘investigations’—

omit, insert—

allegations

- (2) Section 76(1), ‘investigates’—

omit, insert—

deals with

- (3) Section 76(2), ‘the investigation starts, give notice to the college of the investigation.’—

omit, insert—

starting to deal with the allegation, give notice to the college of that fact.

- (4) Section 76(3)(c)—

omit, insert—

(c) the day the employing authority started dealing with the allegation;

- (5) Section 76(3)—

insert—

(e) details about what actions the employing authority has taken to deal with the allegation.

- (6) Section 76—

insert—

(4) For subsection (1), an employing authority deals with an allegation if the employing authority takes

[s 46]

action in relation to the allegation, including by—

- (a) investigating, inquiring into, or examining the allegation; or
- (b) referring the allegation to another entity to investigate, inquire into, examine or otherwise deal with.

46 Amendment of s 77 (Requirement for employing authority to notify college about outcome of particular investigations)

- (1) Section 77, heading, ‘investigations’—

omit, insert—

allegations

- (2) Section 77(1), ‘an investigation’—

omit, insert—

to deal with an allegation

- (3) Section 77(2), ‘the investigation ends for any reason, give notice to the college of the outcome of the investigation.’—

omit, insert—

the employing authority stops dealing with the allegation for any reason, give notice to the college of the outcome of the employing authority’s dealing with the allegation.

- (4) Section 77(3)(c)—

omit, insert—

- (c) the day the employing authority stopped dealing with the allegation;

- (5) Section 77(3)(f), ‘investigation’—

omit, insert—

employing authority’s dealing with the allegation

47 Amendment of s 80 (Requirement for prosecuting authority to notify college about committal, conviction etc.)

Section 80(4)—

insert—

- (e) the way in which the prosecution process ended under subsection (5).

48 Amendment of s 89 (Refusal to deal with complaint)

Section 89(5), ‘disciplinary committee’—

omit, insert—

practice and conduct body

49 Replacement of ch 5 hdg (Disciplinary action against teachers)

Chapter 5, heading—

omit, insert—

Chapter 5 Practice and conduct matters

50 Omission of s 91 (Definition for ch 5)

Section 91—

omit.

51 Amendment of s 92 (Grounds for disciplinary action)

- (1) Section 92(1)(c)—

omit.

- (2) Section 92(1)(h)—

omit, insert—

[s 51]

- (h) the person behaves in a way, whether connected with the teaching profession or otherwise, that does not satisfy the standard of behaviour generally expected of a teacher;
- (3) Section 92(1)(i), ‘disciplinary committee’—
omit, insert—
 - practice and conduct body
- (4) Section 92(1)(j)—
omit, insert—
 - (j) the teacher contravenes—
 - (i) an order made under this Act by the college or a practice and conduct body; or
 - (ii) a practice and conduct agreement.
- (5) Section 92(2) and (3)—
omit, insert—
 - (2) The ground for disciplinary action mentioned in subsection (1)(h) is taken to apply to a relevant teacher whose registration or permission to teach is suspended under section 48 if any of the following applies—
 - (a) the teacher has been charged with a serious offence and the charge has been dealt with;
 - (b) the teacher has been charged with a serious offence and the teacher is convicted of an offence other than an indictable offence;
 - (c) the teacher is or becomes subject to a temporary offender prohibition order or interim sexual offender order.
 - (3) The object of subsection (2) is to ensure the circumstances of the change are examined by a practice and conduct body.

52 Replacement of s 93 (Disciplinary matters)

Section 93—

omit, insert—

93 Practice and conduct matters

Each of the following is a *practice and conduct matter*—

- (a) a PC&TC matter;
- (b) a general matter.

53 Amendment of s 95 (PP&C matters)

- (1) Section 95, ‘PP&C’—

omit, insert—

PC&TC

- (2) Section 95(1)(a)(i), ‘disciplinary proceedings’—

omit, insert—

practice and conduct proceedings

- (3) Section 95(1)(a)(ii), ‘section 92(2)(a) or (b)’—

omit, insert—

section 92(2)

- (4) Section 95(1)(b), ‘98.’—

omit, insert—

98 and the investigator’s report includes a finding that there is 1 or more grounds for disciplinary action against the relevant teacher.

54 Amendment of s 96 (General matters)

Section 96, ‘PP&C’—

omit, insert—

PC&TC

[s 55]

55 Amendment of ch 5, pt 1, div 2 hdg (Starting disciplinary proceedings)

Chapter 5, part 1, division 2, heading, ‘disciplinary’—

omit, insert—

practice and conduct

56 Insertion of new s 96A

Chapter 5, part 1, division 2—

insert—

96A Meaning of *interstate information* for division

In this division—

interstate information does not include information disclosed by a person to the college as required under chapter 3, part 1 even if the information is also disclosed to the college by the commissioner of police or an interstate commissioner.

57 Amendment of s 97 (Requirement for college to start disciplinary proceedings)

(1) Section 97, heading, ‘disciplinary’—

omit, insert—

practice and conduct

(2) Section 97, ‘disciplinary body’—

omit, insert—

practice and conduct body

(3) Section 97(1), ‘on the basis of disciplinary information received by the college’—

omit, insert—

other than on the basis of interstate information

- (4) Section 97(2)(b), ‘PP&C’—

omit, insert—

PC&TC

- (5) Section 97(3)—

omit.

- (6) Section 97—

insert—

- (3) However, subsection (1) does not apply to a matter in relation to which the college and the relevant teacher have entered into a practice and conduct agreement.

- (7) Section 97(4), ‘disciplinary’—

omit, insert—

practice and conduct

58 Amendment of s 98 (College may authorise investigation)

- (1) Section 98(1), ‘on the basis of disciplinary information received by the college’—

omit, insert—

other than on the basis of interstate information

- (2) Section 98(5)(d) and (e)—

omit.

59 Amendment of s 99 (Proceedings for an offence not prevented by disciplinary proceedings)

Section 99, ‘disciplinary proceedings’—

omit, insert—

practice and conduct proceedings

60 Insertion of new ch 5, pt 2

Chapter 5—

insert—

Part 2 PC&TC matters dealt with by college

100 Application of part

- (1) This part applies if, in relation to a PC&TC matter, the college and the relevant teacher agree—
 - (a) a ground for disciplinary action against the teacher exists; and
 - (b) on the disciplinary action to be taken against the teacher in relation to the matter.
- (2) However, this part does not apply if the college reasonably believes the relevant teacher may have an impairment that may have caused, or contributed to, behaviour of the relevant teacher that is the basis for the practice and conduct proceedings.

101 College may enter into practice and conduct agreement with relevant teacher

- (1) The college may, if it considers it appropriate in the circumstances and with the written consent of the relevant teacher, enter into an agreement (a *practice and conduct agreement*) with the teacher to do 1 or more of the following—
 - (a) not take further action against the teacher;
 - (b) issue a warning or reprimand to the teacher;
 - (c) impose conditions on the teacher's registration or permission to teach.

-
- (2) In deciding whether it would be appropriate to enter into a practice and conduct agreement, the college must have regard to the following considerations—
 - (a) primarily, the welfare and best interests of children;
 - (b) the objects of this Act;
 - (c) the circumstances of the case and the seriousness of the matter.
 - (3) As soon as practicable after making its decision, the college must give the teacher notice of the decision and the reasons for it.
 - (4) A practice and conduct agreement is binding on the college and the relevant teacher.

61 Amendment of ch 5, pt 3 hdg (General matters and PP&C matters dealt with by QCAT)

Chapter 5, part 2, heading, ‘PP&C’—

omit, insert—

PC&TC

62 Amendment of s 105 (Application of pt 3)

Section 105(b), ‘PP&C’—

omit, insert—

PC&TC

63 Amendment of ch 5, pt 4 hdg (PP&C matters dealt with by PP&C committee)

Chapter 5, part 4, heading, ‘PP&C’—

omit, insert—

PC&TC

[s 64]

64 Amendment of s 108 (Application of pt 4)

(1) Section 108, ‘PP&C’—

omit, insert—

PC&TC

(2) Section 108(b), ‘disciplinary’—

omit, insert—

practice and conduct

65 Insertion of new s 108A

Chapter 5, part 4—

insert—

108APC&TC committee may take no further action

- (1) If, after considering an investigator’s report mentioned in section 108(b), the PC&TC committee reasonably believes no ground for disciplinary action against the relevant teacher has been established, the committee may decide to take no further action in relation to the matter.
- (2) If the committee decides to take no further action in relation to the matter, the committee must, as soon as practicable after making its decision, give notice of the decision and the reasons for it to—
 - (a) the teacher; and
 - (b) if the disciplinary matter originated from a complaint—the complainant.

66 Amendment of s 109 (PP&C committee may authorise investigation)

Section 109, ‘PP&C’—

omit, insert—

PC&TC

67 Amendment of s 110 (Notice to be given to college if PP&C committee authorises investigation)

Section 110, ‘PP&C’—

omit, insert—

PC&TC

68 Amendment of s 111 (Application of ch 6, pt 1, div 2)

Section 111, ‘PP&C’—

omit, insert—

PC&TC

69 Amendment of s 111A (PP&C committee may refer matter to QCAT)

Section 111A, ‘PP&C’—

omit, insert—

PC&TC

70 Amendment of s 112 (Reporting of offences)

Section 112(1), ‘disciplinary information or other’—

omit.

71 Replacement of ch 6 hdg (Disciplinary bodies)

Chapter 6, heading—

omit, insert—

**Chapter 6 Teacher practice and
conduct bodies**

[s 72]

72 Amendment of ch 6, pt 1 hdg (PP&C committee)

Chapter 6, part 1, heading, ‘PP&C’—

omit, insert—

PC&TC

73 Amendment of s 113 (Establishment)

Section 113, ‘Professional Practice and’—

omit, insert—

Professional Capacity and Teacher

74 Replacement of s 114 (Membership)

Section 114—

omit, insert—

114 Membership

- (1) Generally, the PC&TC committee must consist of 3 members of the board, of which—
 - (a) 2 must be registered teachers; and
 - (b) 1 must not be a registered teacher.
- (2) However, for the hearing of a practice and conduct matter involving an impairment of the relevant teacher, the committee must include an additional member who is—
 - (a) a registered health practitioner; and
 - (b) listed on the health practitioner panel.
- (3) The college must appoint 1 of the committee members to be the committee’s chairperson.

75 Amendment of s 115 (Functions of PP&C committee)

- (1) Section 115, ‘PP&C’—

omit, insert—

PC&TC

- (2) Section 115(1), ‘disciplinary’—

omit, insert—

practice and conduct

- (3) Section 115(1)—

insert—

(aa) to make an order, under division 2, for a relevant teacher to undergo a health assessment;

- (4) Section 115(1)(aa) to (c)—

renumber as section 115(1)(b) to (d).

- (5) Section 115(2), definition *relevant disciplinary matter*—

omit, insert—

relevant practice and conduct matter means a practice and conduct matter—

- (a) referred to the PC&TC committee by the college under section 97; or
- (b) for which the college authorised an investigation under section 98 and the investigator’s report has been given to the PC&TC committee.

76 Replacement of ch 6, pt 1, div 2 hdg (Disciplinary proceedings of PP&C committee)

Chapter 6, part 1, division 2, heading—

omit, insert—

Division 2 Practice and conduct proceedings of the PC&TC committee

[s 77]

77 Amendment of s 116 (PP&C committee may conduct disciplinary proceedings by hearing or on correspondence)

(1) Section 116, ‘PP&C’—

omit, insert—

PC&TC

(2) Section 116(1), ‘disciplinary’—

omit, insert—

practice and conduct

(3) Section 116—

insert—

(3) Also, if the committee has ordered that the relevant teacher undergo a health assessment under section 119A, the committee must not conduct the proceedings before the committee receives the health assessment report in relation to the assessment.

78 Amendment of s 117 (Procedure for hearing by PP&C committee)

(1) Section 117, ‘PP&C’—

omit, insert—

PC&TC

(2) Section 117(1), ‘disciplinary’—

omit, insert—

practice and conduct

79 Amendment of s 118 (Notice of intention to conduct disciplinary proceedings by correspondence)

(1) Section 118, ‘disciplinary proceedings’—

omit, insert—

practice and conduct proceedings

(2) Section 118(1), ‘PP&C’—

omit, insert—

PC&TC

80 Amendment of s 119 (Substituted service on relevant teacher or complainant)

Section 119(1), ‘PP&C’—

omit, insert—

PC&TC

81 Insertion of new ss 119A and 119B

Chapter 6, part 1, division 2—

insert—

119APC&TC committee may require health assessment

- (1) This section applies if, before or during practice and conduct proceedings—
 - (a) the PC&TC committee reasonably believes—
 - (i) the relevant teacher may have an impairment; and
 - (ii) the impairment may have caused or contributed to behaviour of the relevant teacher that is the basis for the practice and conduct proceedings; and
 - (b) the relevant teacher consents to undergoing a health assessment.
- (2) The committee may, by notice given to the teacher, require the teacher to undergo a health assessment conducted by a registered health practitioner at a reasonable time and place.

[s 81]

- (3) The committee may appoint a registered health practitioner to conduct the assessment only if—
 - (a) the practitioner is included on the health practitioner panel; and
 - (b) the practitioner is not a member of the committee; and
 - (c) the committee is reasonably satisfied the practitioner has the necessary qualifications, expertise or experience.
- (4) The notice must state each of the following—
 - (a) the reasons for the health assessment;
 - (b) the name and qualifications of the registered health practitioner appointed by the committee to conduct the assessment;
 - (c) the place where, and the day and time at which, the assessment is to be conducted.
- (5) The relevant teacher must not fail, without reasonable excuse—
 - (a) to attend as required by the notice; and
 - (b) to continue to attend as required by the registered health practitioner conducting the health assessment until excused from further attendance; and
 - (c) to cooperate with the registered health practitioner in the conduct of the health assessment.
- (6) The cost of the assessment must be met by the college.

119BHealth assessment report

- (1) A registered health practitioner conducting a health assessment of a relevant teacher must prepare a report about the assessment (a *health*

assessment report).

- (2) The health assessment report must include—
 - (a) the registered health practitioner’s findings as to whether the relevant teacher has an impairment; and
 - (b) if the registered health practitioner finds that the relevant teacher has an impairment—
 - (i) the nature, and extent of, the impairment; and
 - (ii) whether the impairment caused, or contributed to, behaviour that is the basis of the practice and conduct proceedings.
- (3) If the registered health practitioner finds that the relevant teacher has an impairment, the health assessment report may also include the practitioner’s assessment of any adverse impact the impairment has, or is likely to have, on the teacher’s ability to practise as a teacher.

82 Amendment of s 120 (PP&C committee may require other information)

- (1) Section 120, ‘PP&C’—

omit, insert—

PC&TC
- (2) Section 120(1), ‘disciplinary’—

omit, insert—

practice and conduct

83 Amendment of s 121 (Power of PP&C committee to continue disciplinary proceedings without receiving relevant teacher’s submission)

- (1) Section 121, ‘PP&C’—

[s 84]

omit, insert—

PC&TC

- (2) Section 121, ‘disciplinary proceedings’—

omit, insert—

practice and conduct proceedings

84 Insertion of new s 121A

After section 121—

insert—

**121A Power of PC&TC committee to continue
practice and conduct proceedings in absence
of relevant teacher**

At a hearing, a PC&TC committee may proceed in the absence of the relevant teacher the subject of the practice and conduct proceedings if the committee reasonably believes the relevant teacher has been given notice of the hearing.

**85 Amendment of s 122 (Offence for failing to give
information and protection against self-incrimination)**

Section 122, ‘PP&C’—

omit, insert—

PC&TC

**86 Amendment of s 123 (Disciplinary action by PP&C
committee)**

- (1) Section 123, heading, ‘PP&C’—

omit, insert—

PC&TC

- (2) Section 123(1)—

omit, insert—

-
- (1) This section applies if, after conducting practice and conduct proceedings by hearing or on correspondence, the PC&TC committee reasonably believes a ground for disciplinary action against the relevant teacher has been established.
- (3) Section 123(2)—
insert—
- (ca) impose conditions on, or amend or remove conditions imposed by the committee on, the teacher's registration or permission to teach;
- (4) Section 123(2)(ca) to (e)—
renumber as section 123(2)(d) to (f).
- (5) Section 123(3)—
insert—
- (d) if the committee ordered a health assessment of the relevant teacher—the health assessment report, including any recommendations in the report.
- (6) Section 123—
insert—
- (3A) For subsection (3)(c), the committee may only consider the issue of impairment of the relevant teacher if the committee ordered a health assessment of the teacher in the proceedings.
- (3B) Also, the committee may only make an order, under subsection (2)(d), that the committee considers appropriate because of an impairment of the relevant teacher if—
- (a) a health assessment report about the teacher has been given to the committee in the proceedings; and

[s 87]

(b) the health assessment report includes findings that—

(i) the relevant teacher has the impairment; and

(ii) the impairment caused, or contributed to, behaviour that is the basis of the proceeding.

(7) Section 123(4)(a), ‘(d) or (e)’—

omit, insert—

(d), (e) or (f)

(8) Section 123(4A) and (5), ‘disciplinary’—

omit, insert—

practice and conduct

87 Amendment of ch 6, pt 2 hdg (Disciplinary proceedings of QCAT)

Chapter 6, part 2, heading, ‘Disciplinary’—

omit, insert—

Practice and conduct

88 Amendment of ch 6, pt 2, div 1 hdg (Constitution of QCAT for disciplinary proceedings)

Chapter 6, part 2, division 1, heading, ‘disciplinary’—

omit, insert—

practice and conduct

89 Amendment of s 124 (Constitution of QCAT for disciplinary proceedings)

Section 124, ‘disciplinary’—

omit, insert—

practice and conduct

90 Amendment of s 125 (Presiding member of QCAT)

Section 125, ‘disciplinary’—

omit, insert—

practice and conduct

91 Amendment of ch 6, pt 2, div 2 hdg (Disciplinary proceedings conducted by QCAT)

Chapter 6, part 2, division 2, heading, ‘Disciplinary’—

omit, insert—

Practice and conduct

92 Amendment of s 130 (Application of div 2)

(1) Section 130, ‘disciplinary’—

omit, insert—

practice and conduct

(2) Section 130(b), ‘PP&C’—

omit, insert—

PC&TC

93 Amendment of s 133 (Notice of intention to conduct hearing)

Section 133(4)—

omit, insert—

(4) The time for the hearing stated in the notice must be at least 14 days after the day the teacher is given the notice.

[s 94]

94 Amendment of s 136 (QCAT may require health assessment)

Section 136(1)—

omit, insert—

- (1) This section applies if, before or during the hearing, QCAT reasonably believes—
 - (a) the relevant teacher may have an impairment; and
 - (b) the impairment may have caused or contributed to behaviour of the relevant teacher that is the basis for the practice and conduct proceedings.

95 Amendment of s 152 (Interim orders)

Section 152(4)(a), ‘disciplinary’—

omit, insert—

practice and conduct

96 Amendment of ch 6, pt 2, div 2, subdiv 3 hdg (Decision on completion of disciplinary proceedings)

Chapter 6, part 2, division 2, subdivision 3, heading, ‘disciplinary’—

omit, insert—

practice and conduct

97 Amendment of s 158 (Decision about whether ground for disciplinary action is established)

- (1) Section 158(2), ‘disciplinary committee’—

omit, insert—

practice and conduct body

- (2) Section 158(4), definition *disciplinary committee*—

omit.

(3) Section 158(4)—

insert—

practice and conduct body includes the former Teachers Disciplinary Committee and the former PP&C committee.

former PP&C committee means the PP&C committee under the Act as in force before the commencement.

98 Amendment of s 164 (College may notify other persons)

Section 164(1), ‘disciplinary’—

omit, insert—

practice and conduct

99 Amendment of s 165 (Requirement to notify particular interstate regulatory authorities about decision)

Section 165, ‘disciplinary’—

omit, insert—

practice and conduct

100 Amendment of s 166 (Publication of information about disciplinary proceedings by college)

Section 166, ‘disciplinary’—

omit, insert—

practice and conduct

101 Amendment of ch 6, pt 3 hdg (Miscellaneous provisions for disciplinary proceedings)

Chapter 6, part 3, heading, ‘disciplinary’—

[s 102]

omit, insert—

practice and conduct

102 Amendment of s 170 (Office to keep record of disciplinary proceedings)

(1) Section 170, ‘disciplinary’—

omit, insert—

practice and conduct

(2) Section 170, ‘PP&C’—

omit, insert—

PC&TC

103 Amendment of s 172 (Particular investigation may be carried out on college’s behalf by an employing authority)

Section 172, ‘disciplinary’—

omit, insert—

practice and conduct

104 Amendment of s 173 (Functions of investigator)

Section 173(2)(a), ‘disciplinary’—

omit, insert—

practice and conduct

105 Amendment of s 185 (Entry with consent)

Section 185(6)(a), ‘disciplinary’—

omit, insert—

practice and conduct

106 Amendment of s 189 (General powers after entering places)

- (1) Section 189(3)(f)(i), ‘disciplinary matter’—
omit, insert—
practice and conduct matter
- (2) Section 189(5), definition *relevant purpose*, paragraph (a), ‘disciplinary matter’—
omit, insert—
practice and conduct matter

107 Amendment of s 201 (Investigator’s report)

- (1) Section 201(1), ‘disciplinary’—
omit, insert—
practice and conduct
- (2) Section 201(2)(a) and (b)—
omit, insert—
- (a) for an investigation authorised by the college—
 - (i) if the report includes a finding that there is no ground for disciplinary action against the relevant teacher—the college; or
 - (ii) otherwise—the PC&TC committee; or
 - (b) for an investigation authorised by the PC&TC committee—the PC&TC committee; or
 - (c) for an investigation authorised by QCAT—QCAT.

108 Insertion of new ch 8, pt 1, div 1

Chapter 8, part 1, before section 209—

insert—

Division 1 Preliminary

208A Definitions for part

In this part—

college decision means an original decision other than a delegated decision.

delegated decision means an original decision made by a person under a power delegated to the person under section 264.

review decision means—

- (a) a decision of the review committee under section 210B(4); or
- (b) a decision of the college under section 212(1).

109 Insertion of new ch 8, pt 1, div 2 hdg

After section 208A, as inserted by this Act—

insert—

Division 2 Internal review process

110 Insertion of new ss 210A and 210B

After section 210—

insert—

210A Review committee

- (1) The application must be dealt with by a committee (a *review committee*) established by the college to conduct the review.
- (2) The review committee must consist of at least 3 persons, of whom—

- (a) 1 is to be appointed by the board as chairperson of the committee; and
 - (b) 1 is to be a board member who is a practising teacher; and
 - (c) 1 is to be a board member who is a representative of an employing authority for a school.
- (3) If the application relates to an original decision about a practice and conduct matter involving an impairment of a relevant teacher, the review committee must also include a registered health practitioner who is listed on the health practitioner panel.
- (4) The review committee may include any other person, whether or not the person is a member of the board.
- (5) However, if practicable, the review committee must not include a person who was involved in the making of the original decision the application relates to.

210B Review committee's review of delegated decision

- (1) This section applies to the review committee for dealing with an application for the review of a delegated decision.
- (2) The review committee must give the applicant a notice stating that the applicant may make oral or written submissions about the delegated decision to the committee within a stated period, of not less than 21 days, after the notice is given (the *submission period*).
- (3) The review committee must conduct the review on—

[s 111]

- (a) the material before the person who made the delegated decision that led to the delegated decision; and
 - (b) the reasons for the delegated decision; and
 - (c) any other relevant material the review committee allows including material in any submissions made before the end of the submission period.
- (4) After reviewing the delegated decision, the review committee must make a decision (a ***review decision***) to do any of the following—
- (a) confirm the delegated decision; or
 - (b) amend the delegated decision; or
 - (c) substitute another decision for the delegated decision.
- (5) For a review under part 2—
- (a) if the review decision confirms the original decision—the original decision is taken to be the review decision; or
 - (b) if the review decision amends the original decision—the original decision as amended is taken to be the review decision; or
 - (c) if the review decision substitutes another decision for the original decision—the substituted decision is taken to be the review decision.

111 Amendment of s 211 (Review committee)

- (1) Section 211, heading—

omit, insert—

211 Review committee's review of college decision

- (2) Section 211(1) to (3)—

omit, insert—

- (1) This section applies to the review committee for dealing with an application for the review of a college decision.
- (3) Section 211(4), after ‘days’—
insert—
 , or a longer period the committee considers reasonable,
- (4) Section 211(4) to (7)—
renumber as section 211(2) to (5).

112 Amendment of s 212 (College’s decision)

- (1) Section 212, before subsection (1)—
insert—
 (1AA) This section applies if the review committee makes a recommendation under section 211(4).
- (2) Section 212(1), ‘(a *review decision*)’—
omit, insert—
 (also a *review decision*)
- (3) Section 212(1AA) to (2)—
renumber as section 212(1) to (3).

113 Amendment of s 213 (Notice of review decision)

- (1) Section 213(1), ‘college’—
omit, insert—
 relevant decision maker for a review decision
- (2) Section 213(2) and (3), ‘college’—
omit, insert—
 relevant decision maker

[s 114]

(3) Section 213—

insert—

(4) In this section—

relevant decision maker, for a review decision, means—

- (a) for a review decision made under section 210B(4)—the review committee; or
- (b) for a review decision made under section 212(1)—the college.

114 Amendment of s 220 (Application of pt 1)

Section 220, ‘disciplinary’—

omit, insert—

practice and conduct

115 Amendment of s 231 (College’s discipline and enforcement functions)

(1) Section 231(d) and (e), ‘disciplinary’—

omit, insert—

practice and conduct

(2) Section 231—

insert—

- (ea) dealing with matters under chapter 5, part 2;
- (eb) giving effect to and monitoring compliance with practice and conduct agreements;
- (g) keeping a panel of registered health practitioners who are appropriately qualified to conduct health assessments of relevant teachers or be appointed to the PC&TC committee.

- (3) Section 231(ea) to (g)—
renumber as section 231(f) to (i).

116 Amendment of s 239 (Membership of board)

- (1) Section 239(1)(a), ‘Minister;’—
omit, insert—
Minister who has skills and experience relevant to the college’s corporate, strategic or regulatory functions;
- (2) Section 239(1)(b), ‘chief executive;’—
omit, insert—
chief executive who has skills and experience relevant to the college’s corporate, strategic or regulatory functions;
- (3) Section 239(1)(f)—
omit.
- (4) Section 239(1)(g)—
omit, insert—
(g) 1 person who is a practising teacher educator who is to be nominated jointly by the vice-chancellors of universities, established or recognised under an Act, that provide a preservice teacher education program approved under section 236;
- (5) Section 239(1)(h)(ii), ‘Queensland Independent Schools Parents Council Inc.’—
omit, insert—
Queensland Independent Schools Parents’
Network Ltd
- (6) Section 239(1)(k)—
omit.

[s 117]

(7) Section 239(3), definition *Higher Education Forum*—
omit.

117 Amendment of s 253 (Conduct of business)

Section 253, ‘254’—

omit, insert—

255

118 Omission of s 254 (Presiding at meetings)

Section 254—

omit.

119 Omission of s 258 (Minutes)

Section 258—

omit.

120 Amendment of s 264 (Delegation)

(1) Section 264(1), ‘powers’—

omit, insert—

functions

(2) Section 264(2), from ‘powers’—

omit, insert—

functions under this Act to any appropriately
qualified person.

(3) Section 264(3) and (4)—

omit, insert—

(3) In this section—

functions includes powers.

121 Replacement of ss 265 and 266

Sections 265 and 266—

omit, insert—

265 Application of particular Acts

- (1) The college is—
 - (a) a statutory body under the *Financial Accountability Act 2009*; and
 - (b) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the college's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

266 College represents the State

- (1) The college represents the State.
- (2) Without limiting subsection (1), the college has the status, privileges and immunities of the State.

122 Amendment of s 272 (Minister's power to give directions to college)

Section 272(3)(c), 'disciplinary'—

insert—

practice and conduct

123 Amendment of s 279 (Delegation by director)

Section 279(2)—

omit.

[s 124]

124 Amendment of s 280 (Acting director)

Section 280—

insert—

- (2) Subsection (1) does not limit the power, under the *Acts Interpretation Act 1954*, section 25(1)(b)(v) to appoint a person to act in the office.

125 Amendment of s 282 (Definition for pt 1)

Section 282, definition *relevant personal information*, paragraph (a)(vi), ‘29(5),’—

omit, insert—

29(3),

126 Amendment of s 283 (Confidentiality of particular information)

Section 283(3)(g), ‘disciplinary’—

omit, insert—

practice and conduct

127 Insertion of new s 284A

Chapter 11, part 1—

insert—

284A Use of health assessment report

- (1) A health assessment report is not admissible in any proceeding, and a person can not be compelled to produce the report or to give evidence about the report or its contents in any proceeding.
- (2) Subsection (1) does not apply in relation to—
 - (a) the practice and conduct proceeding in relation to which the report was prepared;

- (b) a review of the proceeding mentioned in paragraph (a) under chapter 8.
- (3) Also, subsection (1) does not apply if the report is admitted or produced, or evidence about the report or its contents is given, in a proceeding with the consent of—
 - (a) the registered health practitioner assessor who prepared the report; and
 - (b) the person to whom the report relates.
- (4) In this section—

health assessment report includes a copy of the report or a part of the report or copy.

128 Amendment of s 285 (College may give information about disciplinary action etc. against teachers to chief executive (employment screening) in particular circumstances)

- (1) Section 285(1)(a)—

omit, insert—

 - (a) a practice and conduct body makes a decision about practice and conduct proceedings against a relevant teacher; and
- (2) Section 285(1)(b), ‘children’s commissioner’—

omit, insert—

chief executive (employment screening)
- (3) Section 285(5)(a) and (b)—

omit, insert—

 - (a) when the grounds for the disciplinary action arose;
 - (b) the nature of the grounds for disciplinary action;
- (4) Section 285(6), from ‘(1)(a)(i),’ to ‘(1)(a)(ii),’—

[s 129]

omit, insert—

(1)(a)

(5) Section 285(7)—

omit, insert—

(7) If the college gives the chief executive (employment screening) a notice under subsection (5) about a decision mentioned in subsection (1)(a) and the decision is set aside on review or appeal, the college must notify the chief executive (employment screening) of the following—

- (a) that the decision has been set aside;
- (b) the reasons given by the entity that set the decision aside for setting it aside.

129 Insertion of new s 285AA

After section 285—

insert—

285AA College must give information about suspension of teacher's registration etc. under s 48 or 49 to chief executive (employment screening)

- (1) This section applies if an approved teacher's registration or permission to teach is suspended under section 48 or 49.
- (2) The college must give notice of the suspension to the chief executive (employment screening).
- (3) A notice under subsection (2) must state the following—
 - (a) the teacher's name and address;
 - (b) the teacher's date of birth;

- (c) that the teacher's registration or permission to teach has been suspended under section 48 or 49.
- (4) Subsection (5) applies if—
 - (a) the college gives the chief executive (employment screening) a notice, under subsection (2), about the suspension of an approved teacher's registration or permission to teach; and
 - (b) the chief executive (employment screening)—
 - (i) requests further information about the suspension of the approved teacher's registration or permission to teach; and
 - (ii) notifies the college that the approved teacher is an applicant for, or holder of, a prescribed notice or exemption notice under the Working with Children Act.
- (5) The college must give the chief executive (employment screening) a notice stating—
 - (a) when the conduct that led to the suspension happened; and
 - (b) the nature of the conduct that led to the suspension; and
 - (c) any other information the college considers may be relevant to employment screening under the Working with Children Act, chapter 8.
- (6) If a notice given under subsection (2) or (5) about a suspension mentioned in subsection (1) relates to a particular child, the notice must not contain information that identifies, or is likely to identify, the child.
- (7) If the college gives the chief executive (employment screening) information under

[s 130]

subsection (5) about a suspension mentioned in subsection (1) and the suspension is set aside on review or appeal, or ends under section 52(c), the college must notify the chief executive (employment screening) of the following—

- (a) that the suspension has been set aside or has ended;
- (b) if the suspension was set aside—the reasons given by the entity that set the suspension aside for setting it aside.

130 Amendment of s 285A (College must give information about the status of a teacher’s registration to chief executive (employment screening) in particular circumstances)

(1) Section 285A(1)(a)(ii), ‘provisional’—

omit.

(2) Section 285A(1)(a)(iii) and (iv)—

omit.

(3) Section 285A(1)(a)(v) and (vi)—

renumber as section 285A(1)(a)(iii) and (iv).

(4) Section 285A(3)(d), ‘(1)(a)(ii), (iii) or (v)’—

omit, insert—

(1)(a)(ii) or (iii)

(5) Section 285A(3)(e)—

omit.

(6) Section 285A(3)(f), ‘(1)(a)(vi)—that’—

omit, insert—

(1)(a)(iv)—that

(7) Section 285A(4), ‘(1)(a)(ii) to (v)’—

omit, insert—

(1)(a)(ii) or (iii)

(8) Section 285A(5)—

omit, insert—

(5) If, under this section, the college gives the chief executive (employment screening) information about a cancellation mentioned in subsection (1)(a)(ii) or (iii) and the cancellation is set aside on review or appeal, the college must notify the chief executive (employment screening) of the following—

- (a) that the cancellation has been set aside;
- (b) the reasons given by the entity that set the cancellation aside for setting it aside.

131 Amendment of s 286 (Information sharing arrangement with commissioner of police for information otherwise lawfully given)

Section 286(5), definition *criminal history information*, paragraph (c), ‘29(5),’—

omit, insert—

section 29(3),

132 Amendment of s 287 (Other information sharing agreements)

(1) Section 287(5), definition *relevant agency*—

insert—

(ba) the Non-State Schools Accreditation Board established under the *Education (Accreditation of Non-State Schools) Act 2001*;

(2) Section 287(5), definition *relevant agency*, paragraphs (ba) and (c)—

renumber as paragraphs (c) and (d).

[s 133]

133 Amendment of s 288 (Register of approved teachers to be kept)

- (1) Section 288(3)(m) and (n) and (5)(d), ‘disciplinary order’—
omit, insert—
practice and conduct order
- (2) Section 288(3)—
insert—
(na) details of any practice and conduct agreement entered into with the teacher, including the day the agreement was entered into and the ground for disciplinary action that resulted in the agreement;
- (3) Section 288(3)(na) to (p)—
renumber as section 283(3)(o) to (q).
- (4) Section 288(6), from ‘register’—
omit, insert—
register—
(a) if the person’s registration or permission to teach was cancelled under section 56—as soon as practicable after the person stops being an excluded person in relation to the cancellation under section 57(3); or
(b) if the person’s registration or permission to teach was cancelled under section 160 and the order prevents the person reapplying for registration or permission to teach for a stated period—the day on which the stated period ends.
- (5) Section 288—
insert—
(7) To avoid doubt, it is declared that an order of QCAT made under the QCAT Act, section 66(1)(c), does not prevent the college from

including the information mentioned in subsections (3) and (5) in the register.

134 Insertion of new ch 11, pt 2A

Chapter 11—

insert—

Part 2A Registered health practitioner panel

289A Panel of registered health professionals to be kept

- (1) The college must keep a panel of appropriately qualified registered health practitioners who may conduct health assessments of relevant teachers or be appointed to the PC&TC committee.
- (2) The panel may be kept in the way the college considers appropriate, including, for example, in electronic form.
- (3) The panel must contain the following for each registered health practitioner—
 - (a) the registered health practitioner's name;
 - (b) the registered health practitioner's business address.

135 Amendment of s 292 (Use of code of practice in disciplinary proceedings)

Section 292, 'disciplinary'—

omit, insert—

practice and conduct

[s 136]

136 Amendment of s 294 (Protection from liability)

(1) Section 294(1)(b) and (d)—

omit.

(2) Section 294(1)(c), ‘the board or’—

omit.

(3) Section 294—

insert—

(4) This section does not apply to a person who is a State employee within the meaning of the *Public Service Act 2008*, section 26B(4).

Note—

For protection from civil liability in relation to State employees—see the *Public Service Act 2008*, section 26C.

137 Insertion of new ch 12, pt 15

Chapter 12—

insert—

Part 15 Transitional provisions for Education and Other Legislation Amendment Act 2016

354 Definitions for part

In this part—

amended, in relation to a provision of the Act, means the provision as in force after the commencement.

disciplinary proceedings means disciplinary proceedings under the unamended Act.

previous, in relation to a provision, means the provision as in force before the commencement.

unamended Act means the Act as in force before the commencement.

355 Delegation of functions

- (1) Section 264(1) is taken to have always included a power of the board to delegate a function of the board under the Act to a person mentioned in section 264(1)(a) to (d).
- (2) Section 264(2) is taken to have always included a power of the chairperson of the board to delegate a function of the chairperson under the Act to an appropriately qualified person.

356 Current disciplinary orders taken to be practice and conduct order

- (1) From the commencement, a current disciplinary order is taken to be a practice and conduct order.
- (2) In this section—

current disciplinary order means a disciplinary order under the unamended Act that was in force immediately before the commencement.

357 References to practice and conduct proceedings includes disciplinary proceedings

From the commencement, a reference in the following sections to practice and conduct proceedings includes, if the context permits, disciplinary proceedings—

- (a) section 95(1)(a)(i);
- (b) section 164(1);

[s 137]

- (c) section 165;
- (d) section 166(1) and (2);
- (e) section 170;
- (f) section 285(1)(a).

358 Particular references to practice and conduct body

Until the commencement of the *Education and Other Legislation Amendment Act 2016*, section 138(2), definition *practice and conduct body*, a reference in the following sections to a practice and conduct body is taken to be a reference to a disciplinary committee—

- (a) section 50(3)(d)(ii);
- (b) section 55A(a);
- (c) section 92(3);
- (d) section 285(1)(a).

359 Particular references to practice and conduct matter

Until the commencement of the *Education and Other Legislation Amendment Act 2016*, section 138(2), definition *practice and conduct matter*, a reference in the following sections to a practice and conduct matter is taken to be a reference to a disciplinary matter—

- (a) section 50(3)(d)(ii);
- (b) section 55A.

360 References to former disciplinary committees

In an Act or document—

- (a) a reference to a disciplinary committee includes, if the context permits, a practice and conduct body; and
- (b) a reference to the former PP&C committee includes, if the context permits, the PC&TC committee.

361 References to PC&TC committee include former PP&C committee

From the commencement, a reference in section 170 to the PC&TC committee includes, if the context permits, the former PP&C committee.

362 Notice of referral to QCAT under s 50

- (1) This section applies if, before the commencement, the college gave a relevant teacher a notice under section 50(1) about a suspension under section 49.
- (2) A reference in the notice to—
 - (a) a disciplinary matter is taken to be a reference to a practice and conduct matter; and
 - (b) a disciplinary action is taken to be a reference to a practice and conduct matter.

363 Matters referred to former PP&C committee before commencement

- (1) This section applies to—
 - (a) a matter referred to the former PP&C committee under previous section 97(1); or
 - (b) a matter about which the college authorised an investigation under section 98 and the former PP&C has received the investigator's

[s 137]

report about the matter before the commencement.

- (2) From the commencement—
- (a) if, immediately before the commencement, the former PP&C committee had started disciplinary proceedings in relation to the matter—
- (i) the PC&TC committee is to continue to deal with the matter; and
- (ii) previous chapter 5, part 4 and previous chapter 6, part 1, division 2 apply to the PC&TC for continuing to deal with the matter as if a reference to the PP&C committee in those provisions were a reference to the PC&TC committee; or
- (b) otherwise—
- (i) the PC&TC committee is to continue to deal with the matter; and
- (ii) amended chapter 5, part 4 and amended chapter 6, part 1, division 2 apply to the PC&TC committee for dealing with the matter.
- (3) In this section—

disciplinary proceedings means disciplinary proceedings in relation to the matter under previous chapter 6, part 1, division 2, and includes the authorising of an investigation under previous section 109.

former PP&C committee means the PP&C committee under the unamended Act.

364 End of term of appointment of particular board members

- (1) This section applies to a person who, immediately

before the commencement, held an appointment as a member of the board under section 239(1)(f) or 239(1)(k).

- (2) On the commencement, the term of the person's appointment ends.
- (3) No compensation is payable to any person for anything done under this section.

365 Particular board members continue

- (1) A person who, immediately before the commencement, held an appointment as a member of the board other than under section 239(1)(f) or 239(1)(k) continues as a member of the board on the same conditions as the conditions of the person's appointment immediately before the commencement.
- (2) This section applies despite amended section 239.

138 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *disciplinary committees*, *disciplinary information*, *disciplinary matter*, *disciplinary order*, *disciplinary proceedings*, *interstate information*, *PP&C committee*, *PP&C matter*, *registration card*, *relevant disciplinary committee decision*, *returning to teaching condition* and *review decision*—

omit.

- (2) Schedule 3—

insert—

college decision, for chapter 8, part 1, see section 208A.

delegated decision, for chapter 8, part 1, see section 208A.

evidentiary material, about an offence, means

[s 138]

material compiled in the course of the investigation or prosecution of the offence, including, for example, the following—

- (a) a summary of the circumstances of the alleged offence prepared by a police officer;

Examples—

bench charge sheet, QP9

- (b) a witness statement;
- (c) an indictment;
- (d) a record of an interview or a transcript of a record of an interview;
- (e) a report by an expert about the applicant.

health assessment, of a relevant teacher, means a medical, physical, psychological or psychiatric examination or test of the relevant teacher by a registered health practitioner.

health assessment report see section 119B(1).

health practitioner panel means the panel of registered health practitioners kept under section 289A.

impairment means a physical or mental condition or disorder (including substance abuse or dependence).

interstate information—

- (a) means—
 - (i) a person's expanded interstate criminal history disclosed by the commissioner of police to the college under section 15, 65 or 75; or
 - (ii) any other information, that relates to a person's expanded interstate criminal history, disclosed by the commissioner of police under section 15, 65 or 75, or

an interstate commissioner of police
under section 15A or 65, to the college;
and

(b) for chapter 5, part 1, division 2—see section
96A.

PC&TC committee means the Professional
Capacity and Teacher Conduct Committee
established under section 113.

PC&TC matter see section 95(1).

practice and conduct agreement see section
101(1).

practice and conduct body means the PC&TC
committee or QCAT when undertaking
disciplinary action under this Act.

practice and conduct matter see section 93.

practice and conduct order means an order made
against a relevant teacher by a practice and
conduct body under chapter 5, part 4 or chapter 6,
part 2, division 2.

practice and conduct proceedings means
proceedings conducted by a practice and conduct
body in relation to a practice and conduct matter.

registered health practitioner means an
individual registered under the Health
Practitioner Regulation National Law
(Queensland) to practise a health profession, other
than as a student.

review decision, for chapter 8, part 1, see section
208A.

(3) Schedule 3, definition *disciplinary action*, ‘disciplinary
committee’—

omit, insert—

practice and conduct body

