

Education and Other Legislation Amendment Bill 2016

Explanatory Notes

Short title

The short title of the Bill is the Education and Other Legislation Amendment Bill 2016 (the Bill).

Policy objectives and the reasons for them

The primary policy objectives of the Bill are to:

- make the Preparatory Year (Prep) the compulsory first year of school education in Queensland;
- improve regulation of the teaching provision in Queensland, including by providing a contemporary and streamlined governance structure for the Queensland College of Teachers (the College) and improving the disciplinary framework and strengthening the ability of the College to protect the safety and wellbeing of Queensland students;
- introduce a statutory debt recovery mechanism to recover State and Commonwealth funding paid to non-state schools in excess of their entitlement; and
- strengthen oversight of non-state schools by enabling the Non-State Schools Accreditation Board (the Accreditation Board) to disclose relevant information with law enforcement agencies and reduce red-tape for non-state schools by reducing requirements for the provision of school survey data.

Compulsory Prep

In Queensland, there is no requirement for a child to undertake a Prep year before entering Year 1.

International evidence indicates that children who have participated in a high-quality Prep equivalent education program gain significant long-term benefits, including: higher levels of completed education; subsequent employment; greater stability in relationships; and lower rates of mental illness.

The Queensland Government wants all students to benefit from a Prep year before starting Year 1. On 24 January 2016, the Premier and the Minister for Education and Minister for Tourism and Major Events jointly announced that Prep is to become the compulsory first year of school education in Queensland from 2017.

Regulation of the teaching profession

The *Education (Queensland College of Teachers) Act 2005* (QCT Act) establishes the College as the regulatory body responsible for registration and regulation of the teaching profession in Queensland. The objectives of the QCT Act are to: uphold the standards of, and maintain public confidence in, the teaching profession; and protect the public by ensuring education in schools is provided in a professional and competent way. Anyone who wishes to teach in Queensland must be registered. The College maintains a register of over 100,000 teachers.

It is important to have a robust and responsive teacher registration system to protect Queensland students and maintain public confidence in the teaching profession. In 2014, the QCT Act was reviewed in anticipation of the 10 year anniversary of the operation of the QCT Act and at the request of the College. The review highlighted opportunities to improve the existing regulatory framework to:

- provide a contemporary and streamlined governance structure to improve the operation of the College;
- improve the teacher disciplinary framework by: removing unnecessary red tape; allowing teacher impairment to be considered in a supportive way when deciding minor disciplinary matters; allowing the College to enter into voluntary agreements for resolution of minor disciplinary matters and providing the College more flexibility to identify and respond to disciplinary matters; and
- improve other areas of regulation of the teaching profession by, for example, clarifying when schools must notify the College about allegations of child harm, and providing more flexibility to the College to ensure teachers meet recency of practice requirements.

It has also been identified that there are limitations in the College's capacity to take timely action to suspend a teacher's registration to protect the safety and wellbeing of students, in accordance with public expectation.

The College can suspend a teacher's registration under the QCT Act. Where a teacher has been charged with a serious offence, the College must suspend registration. Where the College reasonably believes there is an imminent risk of harm to children and there is a need to take immediate action, the College may suspend registration. Suspension of a teacher's registration ensures the person cannot work as a teacher until such time as a final disciplinary decision is made in relation to the conduct of the teacher.

The current threshold for suspending registration for an imminent risk of harm is too high. There are also procedural requirements under the QCT Act that may prevent the College from suspending teachers on the basis of risk of harm to children. Under current procedures, the College must, within 14 days of the teacher's registration being suspended, consider what final disciplinary action should be taken against a teacher. The College is required to have a high level of evidence to prove there is a ground for disciplinary action and to enable the Queensland Civil and Administrative Tribunal (QCAT) to decide the final disciplinary action to be taken against the teacher. This is difficult in such a short period.

Debt recovery arrangements for non-state school funding

Eligible non-state schools receive funding from both the State and Commonwealth Governments. In 2014, the Queensland Audit Office conducted a performance audit of the oversight of the state recurrent funding program for non-state schools and highlighted the lack of a formal mechanism to recover overpaid funding as a weakness of the funding program. It is proposed to formalise a statutory process for recovery of state recurrent funding paid to non-state schools in excess of their entitlement.

Under the Commonwealth *Australian Education Act 2013* (AEA), the Australian Government pays financial assistance to the State for Queensland non-state schools. The State must pass this funding on to eligible non-state schools. Funding under the AEA is subject to the State having debt recovery arrangements in place with each funded non-state school. Under the AEA, if a debt recovery arrangement is in place, the State can recover a debt owed by a non-state school (due to an overpayment or non-compliance with the AEA) or assign the right to recover the debt to the Australian Government. There are currently no arrangements in place with eligible non-state schools that meet the requirements of the AEA.

It is proposed to establish a statutory debt recovery process that meets the requirements of the AEA and enables the Queensland Government to assign the right to recover any debt owed by a non-state school to the Commonwealth.

Amendment to the strengthen oversight of non-state schools

The *Education (Accreditation of Non-State Schools) Act 2001* (Accreditation Act) regulates non-state schools in Queensland. Currently under the Accreditation Act, the Accreditation Board and its auditors are prevented from reporting any suspicions of criminal activity of a school's governing body to the Queensland Police Service. Examples of reportable activity could include fraud (e.g. over-claimed enrolments), use of school funds for non-educational purposes, or siphoning of funds outside of Australia. This limits the Accreditation Board's performance of its functions and, in particular, its ability to act on matters that may affect the financial viability of a non-state school.

The Accreditation Act also prescribes the data (school survey data) that non-state schools must provide annually to the Accreditation Board. This data is required to support the calculation of state recurrent funding paid to eligible non-state schools. Not all of the data currently provided is required for the oversight of non-state schools or the calculation of state recurrent funding. It is therefore proposed to remove the requirement for the provision of unnecessary school survey data to reduce red tape on non-state schools.

Achievement of policy objectives

Compulsory Prep

The Bill implements the government's commitment to make Prep the compulsory first year of school education in Queensland by amending the *Education (General Provisions) Act 2006* (EGPA) to provide that a state or non-state school principal must not enrol a child in Year 1 unless:

- the child has undertaken Prep in a state or non-state school;
- the child has undertaken education in another jurisdiction that is equivalent to Prep;
- the child was registered for home education in the year prior to enrolment in a state or non-state school; or

- the principal is satisfied the child is ready for schooling in Year 1 taking into account the child's attributes.

The term 'attributes' is defined to mean the child's aptitude and ability; social and emotional competence; physical development; and level of knowledge and understanding. The same assessment of the child's attributes is currently used by principals when considering a child's advancement to a year level of schooling above the child's age cohort.

The Bill does not change the age at which a child may be eligible for enrolment into Prep. In addition, the Bill does not alter the minimum compulsory school age (i.e. the minimum age at which a child must be enrolled and attending school) of 6 years and 6 months. This provides the important benefit of flexibility for parents to delay their child's entry into schooling until the child reaches the compulsory schooling age. In this way the amendments cater for children who may not be developmentally, behaviourally or emotionally ready to commence school based education at the age at which they may be enrolled in Prep. The amendments also take into account the choice a parent may make to delay entry into schooling in circumstances which require travelling long distances to school or where the child is to attend boarding school.

Home education

To complement the amendments to make Prep the compulsory first year of schooling, the Bill amends the age at which a child may be registered or provisionally registered for home education to 5 years and 6 months on 31 December in the proposed year of registration. This age reflects the standard age at which a child is eligible to be enrolled in Prep in a school.

Regulation of the teaching profession

Governance

The Bill reduces the size of the College's Board from 17 to 15 members by:

- removing one teacher, previously nominated by the Queensland Public Sector Union; and
- reducing the nominee of the Minister from two to one.

The Bill also requires the members nominated by the Minister and chief executive to have skills and expertise relevant to the College's corporate, strategic and/or regulatory functions.

The proposed changes balance retaining a representative board comprised of a majority teacher representation, with promoting the Board's corporate governance capacity.

Improving the disciplinary framework

Disciplinary information: the Bill allows the College to consider a broader range of information to decide if a ground for disciplinary action exists. The Bill removes the current restriction that the College can only commence disciplinary action based on 'disciplinary information' such as a formal complaint or notification by a school.

The amendments will not lower the threshold for when the College must act in response to teacher behaviour. The College must still have a reasonable belief that a ground for disciplinary action exists, or may exist, before taking disciplinary action against a teacher (through authorising an investigation or referring the matter to a disciplinary body).

Teacher impairment: the Bill allows teacher impairment to be considered by the College's internal disciplinary committee (renamed the Professional Capacity and Teacher Conduct

Committee – the PC&TC Committee) when deciding minor disciplinary matters. The amendments will not expand the role of the internal disciplinary committee – it will still only consider minor disciplinary matters. However, the amendments support the PC&TC Committee to take a more supportive, rather than a punitive approach to minor disciplinary matters, where the teacher’s behaviour is affected by impairment, for example a mental illness or substance abuse. QCAT currently has similar powers in relation to serious disciplinary matters.

The PC&TC Committee may require a person to undergo a health assessment, with the person’s consent, where: the person has been referred to the PC&TC Committee for a minor disciplinary matter; and the Committee reasonably considers the person has an impairment, which may have caused, or contributed to the behaviour that led to the disciplinary action. Any health assessment ordered must be taken into account when deciding what action should be taken against the teacher.

The Bill requires the College to maintain a panel of registered health practitioners who are appropriately qualified to complete health assessments and to pay for the cost of the health assessment. The PC&TC Committee must also include an appropriately qualified registered health practitioner as part of its membership when deciding minor disciplinary matters involving impairment.

As part of broader changes to the disciplinary framework, if the PC&TC Committee finds that a ground for disciplinary action exists, they can impose conditions on a teacher’s registration. For example, a condition for an impairment-related disciplinary matter could require the teacher to comply with a management plan developed by a registered health professional. As is currently the case, if the PC&TC Committee finds there is a ground for disciplinary action against the relevant teacher, the disciplinary order (not details of the impairment or health assessment) must be recorded by the College on the register of approved teachers.

The new title of the Committee reflects its ability to consider impairment in a supportive way as part of a minor disciplinary matter. Other terminology changes are also made as a result – such as: changing ‘disciplinary proceedings’ to ‘practice and conduct proceedings’; ‘disciplinary matters’ to ‘practice and conduct matters’ and ‘disciplinary body’ to ‘practice and conduct body’.

Practice and conduct agreements: the Bill facilitates the early resolution of minor disciplinary matters without having to go to the internal disciplinary committee for a full hearing. The College will be able to enter into a voluntary agreement (called a practice and conduct agreement) with a teacher about disciplinary action that should be implemented in relation to teacher behaviour that amounts to a minor disciplinary matter.

Voluntary agreements will not be available if the College reasonably believes the teacher may have an impairment that might have caused or contributed to the behaviour that led to the practice and conduct proceedings.

Improving the capacity for the College to protect the safety and wellbeing of children

The Bill strengthens the ability of the College to act in the best interests of children, to protect the safety and wellbeing of Queensland students, and to uphold the confidence in the teaching profession.

Suspension powers: the Bill enables the College to suspend a teacher’s registration where the College reasonably believes that the teacher poses an unacceptable risk of harm to children.

The term ‘harm’ is already defined in the QCT Act to mean significant harm. The new threshold for suspension of a teacher’s registration is lower than the current threshold of imminent risk of harm.

The new threshold for suspension of teacher registration is intended to strengthen the ability of the College to act in the best interests of children to protect the safety and wellbeing of Queensland students. The College needs a level of evidence to be reasonably satisfied there is an unacceptable risk of significant harm. Determining what is an unacceptable risk of harm depends on the particular case and evidence presented against the teacher. Considerations would include the number of allegations against the teacher, the type and severity of the harm being alleged, the nature and degree of the risk, and possible harm that would flow in a particular case. As is currently required under the QCT Act, in deciding whether to suspend registration, the College must make the welfare and best interests of children the primary consideration.

The Bill also changes current procedural requirements that may prevent early action by the College to protect the best interests of children. The Bill requires that if the teacher’s registration is suspended under the new threshold, the College must immediately refer the decision to suspend to QCAT for a full merits review. QCAT must continue the suspension if it considers the teacher poses an unacceptable risk of harm.

To address current procedural barriers, the QCT Act will no longer place time restrictions on when the College will be required to progress disciplinary action to QCAT when a teacher’s registration has been suspended because of concerns of harm to children. If QCAT continues the suspension, the College must also decide whether or not to take disciplinary action (either by authorising an investigation or referring the matter to the relevant practice and conduct body). This will allow some finality in the suspension, but it also gives the College time to investigate the behaviour of the teacher to determine whether there is a ground for discipline. It will enable the College to, where necessary, await the outcome of school or police investigations before progressing disciplinary action via QCAT to finalise the matter.

Notifications of child harm: the Bill amends the existing notification provision (section 76) to provide clarity and greater guidance to schools about when to notify the College about child harm matters. It clarifies that the College must be notified when the school has investigated, inquired into, or examined an allegation of harm; or when the school has referred the allegation to another entity, for example the police, to investigate or inquire into. A section 76 notification ensures the College is informed as early as possible about allegations of child harm against an approved teacher to allow the College to assess whether immediate action is required to protect the safety and wellbeing of children and whether registration action, such as suspension, is required.

Information sharing arrangements: the Bill allows the College to ask for more information from the prosecuting authority about how a prosecution ends if the approved teacher has been charged with an indictable offence. This will assist the College to decide whether further disciplinary action is required to be taken in relation to the teacher. The Bill also allows the College to access evidentiary material from the Queensland Police Service (QPS) for teacher applications and renewals (to align with what they can do with the Director of Public Prosecutions (DPP)). This is necessary where the Police are prosecuting an offence rather than DPP.

The Bill also expands the College’s ability to enter into information-sharing arrangements to allow the College and the Accreditation Board to exchange information relevant to the

College's and the Accreditation Board's functions.

Other reforms to the regulation of the profession

Recency of practice: the Bill removes the mandatory requirement for the College to impose a 'returning to teaching condition', which requires the teacher to undertake a professional development program within a specified period when the teacher has not met recency of practice requirements. Instead, the College will be able to impose an appropriate condition under its general condition power in the QCT Act to ensure teachers meet nationally agreed recency of practice requirements. This approach removes unnecessary restrictions on the College's registration decisions and allows flexibility in the conditions to be imposed to ensure the standards are met.

Show cause for breach of a condition of full registration: the Bill allows the College to initiate a show cause process to deal with a teacher holding full registration who breaches a condition of their registration. Currently, the College's powers to commence a show cause process are limited to breaches of a condition for provisional registration or permission to teach or a teacher holding full registration subject to a returning to teaching condition. Breaches of conditions of full registration must be dealt with as a disciplinary matter, and referred to a disciplinary body.

The Bill also makes minor or technical amendments to clarify the intent of particular provisions, reduce unnecessary regulatory burden and provide flexibility to the College in the registration and regulation of teachers. For example, the Bill clarifies the ground for discipline regarding suitability to teach and removes the requirement to issue a registration card.

Debt recovery arrangements for non-state school funding

The Bill amends the EGPA to formalise a statutory process for recovery of State and Commonwealth Government funding paid to non-state schools in excess of their entitlement.

For State Government funding, the Bill provides:

- a head of power for the Minister's policy to provide for the procedure for recovery of overpaid funding;
- that it is a condition of payment of the funding that overpayments are repaid to the State in accordance with the procedure prescribed in the policy; and
- if funding is overpaid to a non-state school, that the amount of the overpayment (as determined through the procedure prescribed in the policy) is a debt owed to the State.

For Commonwealth Government funding, the Bill amends the EGPA to implement a statutory debt recovery process that meets the requirements of the AEA and enables Queensland to assign the right to recover any debt owed by a non-state school to the Commonwealth Minister.

Amendment to the strengthen oversight of non-state schools

The Bill improves oversight of non-state schools by amending the Accreditation Act to allow the Accreditation Board to share information with law enforcement agencies and reduces red tape by ceasing the collection of unnecessary data from non-state schools.

Alternative ways of achieving policy objectives

To achieve the policy objective of making Prep compulsory, consideration was given to lowering the age of compulsory schooling. The primary reason this option was not pursued was because it removed parental choice around school commencement age and did not cater for the needs of families with legitimate reasons for delayed commencement into Prep such as regional isolation or children with developmental, behavioural, social or emotional issues.

An alternate method of implementing a debt recovery arrangement for State and Commonwealth funding to non-state schools is to enter into formal agreements with the governing body of each non-state school in Queensland. This option would be time consuming and administratively burdensome for both the non-state schools and government and was therefore not pursued.

There are no alternative ways of achieving the policy objectives regarding the other reforms other than the proposed Bill.

Estimated cost for government implementation

Compulsory prep

Financial implications of making Prep compulsory are anticipated to be minimal and any additional operational costs will be met within existing resources.

Home education

Additional resources required to meet any increased demand for registration of Prep-aged children in home education and development of resources to support families delivering Prep in a home setting will be absorbed within the Department's existing budget.

Regulation of the teaching profession

Noting that the College is self-funded by teacher registration fees, the proposed amendments are not expected to have financial implications for the Queensland Government.

Whether there will be additional costs for the College as a result of the reforms to the framework for the regulation of teachers and the amount of those costs is difficult to quantify. For example, there may be additional costs associated with the changes to the disciplinary process to allow consideration of teacher impairment and QCAT review of suspension decisions. However, it is not possible to estimate how many more suspensions may be made by the College under the new provision and therefore the number of reviews QCAT will need to undertake, at the College's cost. Also, advice from teacher registration bodies in other jurisdictions indicates that impairment matters are likely to be infrequent.

Any cost increases in relation to these reforms are likely to be offset to some extent by other changes to disciplinary processes which should reduce costs, such as allowing for voluntary agreements to be entered into, avoiding hearings by the PC&TC Committee. There will also be small savings in the cost of running the Accreditation Board with the reduction in members.

Any additional costs of the proposed reforms will be absorbed by the College within its existing resources. The reforms are not anticipated to result in any increase in registration fees, which would need to be made by Regulation and therefore approved by government in any event.

Consistency with fundamental legislative principles

Under section 4(2) of the *Legislative Standards Act 1992*, legislation must have sufficient regard to the rights and liberties of individuals. There are aspects of the Bill that may impact adversely on the rights and liberties of individuals and therefore potentially breach fundamental legislative principles (FLPs). However, for the reasons outlined below, the proposed reforms are considered justified and include appropriate safeguards to mitigate any concerns about potential breaches of FLPs.

Amendments to the QCT Act

Teacher impairment and health assessments (clauses 71-77, 81, 86)

The Bill allows the College's internal disciplinary committee (the PC&TC Committee) to consider the issue of teacher impairment when considering minor disciplinary matters. Overall, the purpose of the amendments is to take a more supportive, rather than a punitive approach to discipline, if the teacher's behaviour is affected by impairment.

The Bill adopts appropriate safeguards to protect the interests of affected teachers, including:

- impairment will only be considered as part of a disciplinary process (not registration);
- health assessments will only be conducted by appropriately qualified health practitioners, chosen from a publicly available panel of practitioners maintained by the College;
- there is no offence for a person refusing to attend a health assessment – in that case the disciplinary matter will be decided as an ordinary minor disciplinary matter without the benefit of the assessment;
- the PC&TC Committee must include an appropriately qualified registered health practitioner in their membership when considering minor disciplinary matters that involve impairment; and
- a teacher has a right of review to the Internal Review Committee (also comprising a health professional) and then QCAT for any decision of the PC&TC Committee involving impairment.

Also, amendments will not increase the scope of matters considered by the PC&TC Committee. The Committee will continue to only consider minor disciplinary matters. Behaviour, for which an appropriate disciplinary action would be suspension or cancellation of registration, will continue to be referred to QCAT

Broadening circumstances when the College can suspend registration (clauses 18, clauses 33-39, 51(5), 57(5), 93)

The Bill broadens the circumstances in which the College may suspend a teacher's registration – from 'imminent risk of harm' to 'an unacceptable risk of harm' to children. Any detrimental impact on the rights of teachers as a result of the exercise of this revised threshold for suspension of teacher registration is considered justified. The purpose of the amendment is to ensure that children within the schooling sectors are protected and that public confidence in the teaching profession is maintained.

Appropriate safeguards are put in place to balance the need to protect students and the individual rights of teachers:

- the College needs a reasonable belief there is an unacceptable risk of significant harm to children and therefore requires a sufficient level of evidence to satisfy the new threshold.

For example, considerations include the number of allegations against the teacher and the severity of the harm being alleged;

- ‘Harm’ by its definition must be significant harm;
- QCAT will review every decision by the College to suspend the teacher’s registration (full merits review); and
- if QCAT continues the suspension, the College must decide whether or not there is a ground for disciplinary action so that there will be finality to the suspension. The College must either investigate the matter to determine if there is a ground for disciplinary action or if it decides there is a ground for discipline, refer the matter to the appropriate practice and conduct body.

Show cause process for person’s holding full registration (clauses 30-32)

The Bill expands the powers of the College to suspend or cancel registration for failing to comply with a condition imposed by the College on a teacher’s registration to teachers with full registration. It allows the College, rather than a disciplinary body, to suspend or cancel the registration of a teacher with full registration for failure to comply with a condition of their registration. This amendment is considered justified as the change allows the person to take steps to address the matter, which is afforded through a show cause process, without having to go through disciplinary proceedings. The amendment allows for a more consistent approach for dealing with breaches of a condition of a teacher’s registration imposed by the College. Currently, the College’s powers to commence a show cause process are limited to breaches of a condition for provisional registration or permission to teach or a teacher holding full registration subject to a returning to teaching condition.

There are adequate legislative safeguards to ensure there is natural justice and the power is properly used. For example, the show cause notice must include: the grounds for the proposed action by the College and provide an opportunity for the teacher to show cause why the proposed action should not be taken. QCAT can also review a decision by the College to suspend or cancel a person’s registration under the show cause process. The new process will not apply to conditions imposed by disciplinary bodies.

Power for Professional Capacity and Teacher Conduct (PC&TC) Committee to continue practice and conduct proceedings in absence of relevant teacher (clause 84)

The Bill includes a provision which allows the PC&TC Committee to continue with a practice and conduct proceedings in the absence of the teacher if the Committee reasonably believes the teacher has been given notice of the hearing. It is arguable that this provision is inconsistent with natural justice particularly as it may impact on the right of the individual teacher to be heard and procedural fairness. However, any breach of this FLP is justified because the Committee has to have a reasonable belief that the teacher has been given the notice of the hearing. To form the reasonable belief the Committee would need evidence that the teacher has received the notice. Further decisions of the Committee are reviewable by QCAT. This provides an additional safeguard for an affected teacher. If the Committee was not able to proceed with its consideration of the disciplinary matter this may impact on the Committee’s role in regulating the teaching profession.

Removal of Board and committee members without compensation (clause 137, new sections 364 and 365)

The Bill reduces the membership of the Board of the College from 17 to 15 members. The new Board structure will commence on a date fixed by proclamation and government will be able to choose when to commence the new structure. Upon commencement, any member whose position is ceased will not be entitled to be compensated over and above that permitted under the terms and conditions of their appointment. If amendments commence prior to the members' statutory appointments expiring (31 December 2018), this could impact on individual rights. These amendments are justified given people appointed to statutory bodies or boards do not have a right to expect to remain in office and it is not expected that Board members will suffer severe financial hardship as a result of any early termination.

Obtaining criminal history information from the Queensland Police Service and expanding information sharing arrangements to include the Accreditation Board (clauses 20 and 131)

The Bill provides the College with the power to obtain certain further criminal history information from the QPS as part of the application and renewal process for registration. Under the new section, if the College becomes aware that an applicant has been charged with or convicted of an offence and believes that information may assist the College to decide whether the teacher is suitable to teach, the College may:

- request a copy of written summary of evidentiary material; and
- in the event the charge was not proceeded with, a written summary of the reasons why the charge was not proceeded with.

This section is modelled on the current provisions that allow the College to request the information from the DPP for charges or convictions in higher courts.

The overall purpose of the amendments is to protect the safety and well-being of students and uphold confidence in the teaching profession. There are also safeguards to prevent misuse of the information, including:

- information obtained can only be used for the purpose of registration to determine whether the person is suitable to teach;
- QPS is only required to provide this information if they reasonably believe the material may help the College in assessing whether an applicant is suitable to teach; and
- QPS can also refuse to provide the information in prescribed circumstances, for example, if it would prejudice an investigation or prosecution, or endanger the life of a person.

The Bill also expands the College's ability to enter into information-sharing arrangements to include the Accreditation Board. These amendments are considered justified as the capacity to obtain the information is essential to ensure the safety of children in schools and confidence in the teaching profession.

Appropriate safeguards on the provision and use of the information will apply, including:

- existing confidentiality provisions of the QCT Act and the College must have guidelines for dealing with personal information ; and
- only information relevant to the College's and the Accreditation Board's functions can be exchanged.

Clarifying when the employing authority must report to the College an allegation of a harm to a child by a teacher (clause 45)

The Bill clarifies when an employing authority must report child harm matters to the College under section 76 of the QCT Act. It is not considered this is an FLP issues as the policy intent is not to broaden this notification provision but to clarify what matters should be reported to the College. The Bill provides guidance to schools about when to notify the College under this section. The Bill clarifies that a notification should be given when the school has investigated, inquired into, or examined an allegation of harm; or when the school has referred the allegation to another entity, for example the police, to investigate or inquire into.

If amendments are considered to impact on the rights of individual teacher to privacy and natural justice, they are considered justified given the overall purpose of the provision is to protect children from harm and the intention of the amendments is to clarify the original policy intent of the section, not expand on reportable matters.

There are sufficient safeguards to protect misuse of the notification provision and protect individual rights, including:

- harm is defined to be significant harm so that only serious child harm matters should be reported to the College;
- there are threshold tests which the College must meet before they can take any registration action as a result of the notification (suspension of registration or referral to a practice and conduct body);
- any subsequent decision by the College to suspend registration to protect children is reviewed by QCAT;
- the College must maintain confidentiality of particular information, including personal information; and the College must develop guidelines about dealing with personal information.

Debt recovery arrangements – non-state schools

State funding (clauses 12 and 13)

The Bill establishes a statutory arrangement for the recovery of amounts of state funding paid to non-state schools. The amendments include a power for the Ministerial policy to prescribe the process for recovery of an overpayment (clause 13) and provide that it is a condition of funding that the school must repay an overpayment (clause 12). The provisions may apply to an overpayment of state recurrent funding paid to a non-state school prior to commencement, but detected after commencement. It is arguable that these amendments may breach the FLP that legislation should not impose obligations retrospectively and that rights and liberties, or obligations, should be dependent on administrative power only if the power is sufficiently defined and subject to appropriate review.

Any breach of the FLP that legislation should not impose obligations retrospectively is considered justified because the non-state school sector has advised that non-state schools: are aware of the formula used to calculate funding; do not expect to receive funding in excess of their entitlement; and would expect to be required to repay any money they were not entitled to.

The Ministerial policy will outline the process to be followed by the State to recover an overpayment and include processes for ensuring natural justice and resolving disputes about whether there is an overpayment and the amount of any overpayment. Providing this process in a policy rather than legislation potentially breaches the FLP that rights and liberties, or obligations, should be dependent on administrative power only if the power is sufficiently defined and subject to appropriate review. Any breach of this FLP is considered justified because such debt recovery procedures are too detailed for legislation and are more appropriately articulated in policy. In addition, the policy will be developed in consultation with the non-state sector and, as required by the EGPA, will be publicly available for inspection to non-state schools.

Commonwealth funding (clause 14)

The Bill provides statutory arrangements for recovery of Commonwealth recurrent funding and this could impact on the rights and obligations of non-state schools in receipt of Australian Government funding and has the potential to operate retrospectively to payments made prior to the amendments taking effect. However, the AEA mandates that such arrangements be put in place. Under section 24 of the AEA, such arrangements are a condition to the provision of the funding. Section 11 of the *Australian Education Regulation 2013* dictates what the arrangements must provide for. By prescribing the arrangements in statute the amendments reduced regulatory burden on both the state and non-state school governing bodies arising from individual contractual arrangements.

Consultation

Key education stakeholders were consulted in the development of the proposals and were provided a consultation version of the amendments in the Bill. These included: Independent Schools Queensland; Queensland Catholic Education Commission; the College; the Accreditation Board; unions; parent and guardian associations; non-state school teacher employer associations; principal associations; early childhood and kindergarten representatives and universities.

Consistency with legislation of other jurisdictions

The amendments proposed to implement a statutory debt recovery process for the recovery of Commonwealth funding to non-state schools meets the requirements of the AEA.

All other amendments in the Bill are specific to the State of Queensland and do not introduce uniform or complementary legislation.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the short title of the Act is the Education and Other Legislation Amendment Act 2016.

Clause 2 provides for the commencement of various provisions in the Act.

Part 2 Amendment of *Education (Accreditation of Non-State Schools) Act 2001*

Clause 3 specifies that part 2 amends the *Education (Accreditation of Non-State Schools) Act 2001* (Accreditation Act).

Clause 4 modifies section 166 of the Accreditation Act to reflect the removal of the definition of school survey data from the schedule 3, Dictionary. Under the amendments school survey data will be defined in section 166(2) of the Accreditation Act and a regulation will prescribe the details about the school that constitutes school survey data.

Clause 5 amends the confidentiality provisions contained in section 173 of the Accreditation Act to allow disclosure of confidential information to a law enforcement agency or a court.

Clause 6 amends the Dictionary definition of school survey data. This amendment streamlines the data collection requirements imposed on non-state schools by removing references in the Accreditation Act to data that is not required by the Board for the calculation of state recurrent funding or to oversee the accreditation of non-state schools.

Part 3 Amendment of *Education (General Provisions) Act 2006*

Clause 7 states that this part amends the *Education (General Provisions) Act 2006* (EGPA).

Clause 8 amends the enrolment provisions in section 156 to provide that a principal of a state school must not enrol a child in Year 1 of schooling unless the principal is satisfied the child:

- a) has undertaken Prep in Queensland; or
- b) has undertaken education in another State or country that is equivalent to Prep; 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.

Clause 9 inserts a new chapter 8B (Enrolment at non-state schools), which consists of new section 175M that provides that a non-state school principal must not enrol a child in Year 1 of schooling unless the principal is satisfied the child:

- a) has undertaken Prep in Queensland; or
- b) has undertaken education in another state or country that is equivalent to Prep; 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.

Clause 10 amends section 206 to enable a child to be eligible for provisional registration or registration for home education if the child will be at least 5 years and 6 months on 31 December in the year the registration takes effect.

Clause 11 inserts a definition of the term 'overpayment' for the purposes of chapter 13.

Clause 12 amends section 368 to provide that an allowance paid to a governing body under section 368(1)(b) is subject to the condition that the governing body must repay an overpayment to the State in accordance with an approved policy. Further, new section 368(2B) provides that the amount of the overpayment is a debt owed by the governing body to the State and may be recovered by the chief executive.

Clause 13 amends section 369 to provide that the Minister may approve a policy about how to deal with an amount the Minister considers an overpayment. The policy may include a thing required to be done by an overpaid governing body and a process to be followed by the State to recover an overpayment from an overpaid governing body.

Clause 14 inserts new section 369A to provide for a debt recovery arrangement between the State and the governing bodies of non-state schools for the purposes of the AEA.

Clause 15 inserts new chapter 20, part 9, section 542, which provides that any application for enrolment made before the commencement of the amendments that make Prep the compulsory first year of schooling will be dealt with under the EGPA as if the amendments had not been made.

Clause 16 inserts a definition of the term 'attributes' into the Dictionary in schedule 4.

Part 4 Amendment of *Education (Queensland College of Teachers) Act 2005*

Clause 17 states that this part amends the *Education (Queensland College of Teachers) Act 2005*.

Clause 18 amends the definition of 'harm' in section 7 to provide that harm can be caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances. This amendment better aligns the definition of harm with the definition of harm in the *Child Protection Act 1999*.

Clause 19 amends section 12(3) to clarify what is meant by not suitable to teach for the purpose of registration. Amendments are also proposed to clarify what is meant by not suitable to teach for the purpose of disciplinary action (see clause 51).

Clause 20 inserts a new section 15AA to allow the College to request from the QPS certain information about a charge or conviction for an offence about an applicant for registration or permission to teach (including evidentiary material). There is a similar power to request this information from the DPP under section 15B.

Clause 21 amends section 15B to remove the definition of 'evidentiary material', which is now in the dictionary (schedule 3).

Clause 22 amends section 21 to remove the requirement to issue a registration card for registered teachers to simplify administrative processes. The College maintains a register of approved teachers (section 288), which includes all current information about a teacher's registration. The register is the reference point for employing authorities to ensure a person is an approved teacher.

Clause 23 amends section 25 to remove the requirement to issue a registration card for a holder of provisional registration who has been granted full registration.

Clause 24 omits section 29(3) and (4) to remove the mandatory requirement for the College to impose a 'returning to teaching' condition upon renewal of a teacher's full registration. Instead, the College can impose an appropriate condition under its general condition power (section 32). The amendment provides greater flexibility and discretion for the College while ensuring national standards around recency of practice are met. An amendment is also made to allow the College to use the information gathered in sections 17-19 to decide renewal applications (not just limiting this information to decide suitability to teach).

Clause 25 makes consequential amendments to section 32 as a result of removing the requirement to have a 'returning to teaching' condition.

Clause 26 amends section 33 to remove the requirement to issue a registration card for renewals of full registration.

Clause 27 amends section 35 to remove the requirement to issue a registration card.

Clause 28 makes a consequential amendment to section 39 to reflect terminology changes.

Clause 29 makes a consequential amendment to section 43 as a result of removing the requirement to issue a 'returning to teaching' condition.

Clause 30 amends section 45 to allow the College to issue a show cause notice for a breach of a condition of full registration, as well as breaches of conditions of provisional registration or permission to teach imposed by the College. If a teacher breaches a condition imposed by a disciplinary (now practice and conduct) body, this is a ground for disciplinary action and the College must refer the teacher to the relevant practice and conduct body to deal with. A consequential amendment is also made to section 45 as a result of removing the requirement to have a 'returning to teaching' condition.

Clause 31 makes a consequential amendment to section 46 as a result of removing the requirement to have a 'returning to teaching' condition.

Clause 32 amends section 47 to clarify when an order made by the College to cancel or suspend registration or permission to teach takes effect. A consequential amendment is also made as a result of removing the requirement to have a 'returning to teaching' condition.

Clause 33 amends section 49 to lower the threshold (of 'imminent risk of harm') to allow the College to suspend a teacher's registration where the College reasonably believes that the teacher poses an 'unacceptable risk of harm to children'. Harm is defined in the Act (section 7) and must be of a significant nature on the child's physical, psychological or emotional well-being. The College needs a level of evidence to be reasonably satisfied there is an unacceptable risk of significant harm. Determining what is an unacceptable risk of harm depends on the particular case and evidence presented against the teacher. Considerations would include the number of allegations against the teacher, the type and severity of the harm being alleged, the nature and degree of the risk, and possible harm that would flow in a particular case.

As is currently required under the Act, in deciding whether to suspend registration, the College must make the welfare and best interests of children the primary consideration (section 233).

The main purpose of a section 49 suspension is to ensure children are protected while the College progresses disciplinary action to the relevant disciplinary (now practice and conduct) body, which will make the final decision in relation to the teacher's registration. The new threshold for suspension of teacher registration is intended to strengthen the ability of the College to act in the best interests of children to protect the safety and wellbeing of Queensland students.

Clause 34 amends the notice provisions in section 50 to provide that QCAT will review the continuation of the section 49 suspension and that if QCAT continues the suspension, the College will either authorise an investigation under section 98; or refer a practice and conduct matter to the relevant practice and conduct body under section 97.

Clause 35 amends section 52 to provide for a further circumstance when the suspension of a teacher's registration (under section 49) ends. Section 52 prescribes when the suspension of a teacher's registration ends. The clause provides that a suspension also ends where: the College authorises an investigation, under section 98, of the matter giving rise to a suspension under section 49; the investigator's report includes a finding that the matter did not raise a ground for disciplinary action against the teacher; and the College is reasonably satisfied there is no ground for disciplinary action.

Clause 36 amends section 53 to require QCAT to review the College's decision to suspend registration under section 49. QCAT must decide whether the teacher poses an unacceptable risk of harm to children and whether to continue a suspension under section 49. QCAT can already review a suspension under section 48 (suspensions for charges of a serious offence or the teacher is an excluded person).

Clause 37 amends section 54 to require QCAT to give notice to the relevant teacher about a section 49 suspension before QCAT reviews the decision to suspend. The notice must invite submissions as to why the teacher does not pose an unacceptable risk of harm to children.

Clause 38 amends section 55 to provide for how QCAT must review and decide whether to continue a suspension under section 49, including when to make the review decision and notice of its decision.

Clause 39 inserts a new section 55A to require the College to take further action where QCAT continues the suspension of an approved teacher under section 49. The College must either:

- a) refer the matter to the relevant disciplinary (now practice and conduct) body under section 97, if they believe a ground for disciplinary action exists; or
- b) authorise an investigation, under section 98, if they believe a ground for disciplinary action may exist.

This requirement ensures there is some finality to the suspension and that disciplinary decisions are made expeditiously as possible.

Clause 40 makes a consequential amendment to section 59 as a result of removing the requirement to issue registration cards.

Clause 41 omits section 62 as it is no longer necessary to issue a registration card.

Clauses 42 – 44 make consequential amendments as a result of removing the requirement to issue registration cards.

Clause 45 amends section 76 to clarify when an employing authority must notify the College about an allegation of harm caused, or likely to be caused, to a child by a teacher. The amendment provides that the employing authority must notify the College when they start to deal with an allegation, this includes referring the matter to another entity (for example the police) to investigate.

Clause 46 makes consequential amendments to section 77 as a result of the amendments made to section 76.

Clause 47 amends section 80 to require the prosecuting authority QPS or DPP to provide to the College details of way in which the prosecution process ended (under section 80(5)), where the approved teacher has been charged with an indictable offence but the prosecution process ends without the person being convicted.

Clause 48 makes a consequential amendment to section 89(5) to reflect terminology changes.

Clause 49 renames chapter 5 as ‘Practice and conduct matters’.

Clause 50 omits the definition of ‘disciplinary information’ as it is no longer necessary. The College will no longer be limited to using disciplinary information to trigger disciplinary proceedings and can now consider a broader range of information in deciding whether to authorise an investigation (under section 98) or refer the matter to the appropriate disciplinary (now practice and conduct) body (under section 97).

Clause 51 amends the grounds for discipline in section 92. The clause removes section 92(1)(c) as a ground for disciplinary action as it is no longer necessary - any breach of a condition, imposed by the College on a teacher’s registration or permission to teach will be dealt with by the College through a show cause process;

The clause amends section 92(1)(h) to clarify what is meant by ‘not suitable to teach’ as a ground for disciplinary action. The revised definition covers lower end behaviour (for example that may warrant a reprimand) through to significant misconduct (for example that may lead to suspension or cancellation);

The clause amends section 92(2) to no longer deem a section 49 suspension to be a specific ground for disciplinary action. The amendment is consequential to the changes to section 49 and revised procedural requirements for dealing with suspensions of registration under that section. Behaviour resulting in a section 49 suspension would fall within one of the other grounds for disciplinary action listed in section 92.

The clause also makes consequential amendments to change terminology in section 92.

Clause 52 makes a consequential amendment to section 93 as ‘disciplinary matters’ are now called ‘practice and conduct’ matters.

Clause 53 makes consequential amendments to section 95 as professional practice and conduct matters are now called ‘professional capacity and teacher conduct (PC&TC) matters’; and makes a consequential amendment to what is considered a PC&TC matter.

Clause 54 makes a consequential amendment to section 96 to change terminology.

Clause 55 makes a consequential amendment to heading in chapter 5, part 1, division 2 as ‘disciplinary proceedings’ are now called ‘practice and conduct’ proceedings.

Clause 56 inserts a new section 96A, which defines ‘interstate information’ for the purpose of the division. This is not a new definition and is made as a consequence to amendments to sections 91 and 97.

Clause 57 amends section 97 to remove the current restriction that the College can only commence disciplinary action based on ‘disciplinary information’, such as a formal complaint or notification by a school, and allows the College to consider a broader range of information in determining if a ground for disciplinary action exists. Consequential amendments are also made to confirm the College cannot use ‘interstate information’ to decide whether or not to commence disciplinary proceedings.

Consequential amendments are made to remove the requirement for the College to refer a suspension under section 49, as a disciplinary (now practice and conduct) matter, to QCAT, as a result of changes to section 49 and procedural requirements.

An amendment is also made to include a new section 97(3) to provide that the College does not have to refer a disciplinary (now practice and conduct) matter where the College and teacher have entered into a voluntary practice and conduct agreement for minor disciplinary matters.

Clause 58 amends section 98 to remove the requirement for the College to commence an investigation based on ‘disciplinary information’ and allows the College to consider a broader range of information in determining if a ground for disciplinary action may exist. A consequential amendment is also made to confirm the College cannot use ‘interstate information’ to decide whether to authorise an investigation.

Clause 59 makes a consequential amendment to section 99 to change terminology.

Clause 60 inserts a new chapter 5, part 2 to allow the College to enter into a voluntary practice and conduct agreement with the relevant teacher for a PC&TC matter, where minor disciplinary action may be required. However, the College cannot enter into a voluntary agreement where they reasonably believe the relevant teacher may have an impairment that may have caused, or contributed to, the teacher’s behaviour that has led to the practice and conduct proceedings. In this case, the matter is dealt with by the PC&TC Committee.

Clauses 61 and 62 make consequential amendments to change terminology.

Clause 63 makes a consequential amendment to heading in chapter 5, part 4 heading as Professional Practice and Conduct (PP&C) matters are now called Professional Capacity and Teacher Conduct (PC&TC) matters.

Clause 64 makes a consequential amendment to section 108 as ‘Professional Practice and Conduct’ (PP&C) matters are now called ‘Professional Capacity and Teacher Conduct’ (PC&TC) matters.

Clause 65 inserts new section 108A to provide for when the PC&TC Committee may take no further disciplinary action after they have received an investigator’s report, authorised by the College.

Clauses 66 – 68 make consequential amendments to change terminology.

Clause 69 makes a consequential amendment to section 111A to change the name of the ‘Professional Practice and Conduct (PP&C) Committee’ to ‘Professional Capacity and Teacher Conduct (PC&TC) Committee’.

Clause 70 makes a consequential amendment to section 112 as a result of removing the term

‘disciplinary information’.

Clause 71 makes a consequential amendment to the heading in chapter 6 to change the name of ‘disciplinary bodies’ to ‘teacher practice and conduct bodies’.

Clause 72 makes a consequential amendment to heading in chapter 6, part 1 heading to change the name of the ‘Professional Practice and Conduct (PP&C) Committee’ to ‘Professional Capacity and Teacher Conduct (PC&TC) Committee’.

Clause 73 amends section 113 to change the Professional Practice and Conduct Committee to the new Professional Capacity and Teacher Conduct Committee. The name change reflects the new function of the College’s internal disciplinary committee to consider impairment as part of minor disciplinary matters. The Committee’s jurisdiction, to consider only minor disciplinary actions, has not changed.

Clause 74 amends section 114 to prescribe the membership for the PC&TC Committee when hearing a minor disciplinary matter involving impairment of a relevant teacher. The College must have four members – three members must be from the College’s Board (two must be registered teachers and one not a registered teacher) and the fourth member must be a registered health practitioner chosen from the panel of registered health practitioners, required to be kept by the College.

Clause 75 amends section 115 to recognise a new function of the PC&TC Committee to order a health assessment to consider teacher impairment in minor disciplinary matters. Consequential amendments are also made to change terminology.

Clause 76 amends the heading in chapter 6, part 1, division 2 to reflect changes in terminology.

Clause 77 amends section 116 to state when the PC&TC Committee has ordered a health assessment, the Committee must not conduct the proceedings before they receive the health assessment report. Consequential amendments are also made to change terminology.

Clauses 78 – 80 make consequential amendments to change terminology.

Clause 81 inserts section 119A to provide when the PC&TC Committee can order a health assessment and prescribes notice requirements. If the relevant teacher does not consent to a health assessment, the PC&TC Committee hears the matters as an ordinary minor disciplinary matter, without the benefit of the health assessment.

The clause also inserts section 119B, which provides for the content of the health assessment report.

Clauses 82 and 83 make consequential amendments to change terminology.

Clause 84 inserts a new section 121A to clarify when the PC&TC Committee can conduct proceedings in the absence of a teacher.

Clause 85 makes a consequential amendment to section 122 to change terminology.

Clause 86 amends section 123 to allow the PC&TC Committee to impose conditions on a teacher’s registration, where the Committee reasonably believes a ground for disciplinary action against the relevant teacher has been established. If the PC&TC Committee imposes conditions, they must give the teacher an information notice about the decision, as the decision is subject to internal review by the College’s Internal Review Committee and external review by QCAT.

Amendments are also made to require the PC&TC Committee to consider the issue of teacher impairment only if the Committee ordered a health assessment. Also, the PC&TC Committee can impose a condition about the issue of teacher impairment where a health assessment has been given to the Committee and the health assessment includes findings that the teacher has an impairment and the impairment caused, contributed to the behaviour that is the basis of the proceedings.

Clauses 87 – 92 make consequential amendments to change terminology.

Clause 93 creates a new section 133(4) which removes the requirement for QCAT's notice of its intention to conduct a hearing to provide for a section 49 hearing within 14 days after the teacher has been suspended. Now the time for all QCAT hearings must be at least 14 days after the day the teacher is given the notice. This amendment aims to address procedural barriers to the College exercising its discretion to suspend a teacher's registration under section 49.

Clause 94 amends section 136 to clarify when QCAT can order a health assessment.

Clause 95 makes a consequential amendment to section 152 to change terminology.

Clause 96 makes a consequential amendment to heading in chapter 6, part 2, division 2, subdivision 3 to change terminology.

Clause 97 makes a consequential amendment to section 158 to change terminology and also recognises the former Professional Practice and Conduct Committee as a former disciplinary committee for the purpose of that section.

Clauses 98 – 106 make consequential amendments to change terminology.

Clause 107 makes an amendment to section 201 to provide that where the College has authorised an investigation and the investigator's report includes a finding that there is no ground for disciplinary action against the teacher, the report can be provided to the College (and not the PC&TC Committee).

Clause 108 inserts a new chapter 8, part 1, division 1 and includes relevant definitions for the purpose of chapter 8, part 1.

Clause 109 inserts a new division 2 which deals with and updates internal review processes of the College.

Clause 110 inserts new sections 210A and 210B to prescribe how the College's Internal Review Committee must deal with an application for review. The main changes to the existing process are to prescribe the membership of the Internal Review Committee and to allow the Internal Review Committee to make a binding internal review decision where the College has delegated the original decision. If the College makes the original decision, rather than a delegate, there is no change to the current process.

Clause 111 amends section 211 to allow the Internal Review Committee, when dealing with an application for review, to allow further time (beyond 21 days) for the applicant to provide written submissions about the original decision.

Clause 112 makes consequential amendments as a result of changes to the Internal Review Committee process.

Clause 113 makes consequential amendments to the notice provisions as a result of changes to the Internal Review Committee process.

Clause 114 makes a consequential amendment to section 220 to change terminology.

Clause 115 amends section 231 to reflect the additional new functions of the PC&TC Committee as a result of the Bill.

Clause 116 amends the membership of the College's Board, including reducing the size of the College's Board from 17 to 15 members by:

- removing one teacher, previously nominated by the Queensland Public Sector Union; and
- reducing the nominee of the Minister from two to one.

The clause also ensures the Minister and chief executive's nominees to the Board have the skills and experience relevant the College's corporate, strategic or regulatory functions.

Clause 117 makes a consequential amendment as a result of the amendments in clause 118.

Clause 118 omits section 254, which prescribed who should preside at meetings.

Clause 119 omits section 258 regarding the keeping minutes (this can be done administratively).

Clause 120 makes a technical amendment to section 264 to clarify that the College's Board can delegate their functions and powers.

Clause 121 inserts sections 265 and 266. Section 265 clarifies that the College is a statutory body for the purposes of the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*. Section 266 confirms that the College represents the State.

Clause 122 makes a consequential amendment to section 272 as a result of change to terminology.

Clause 123 makes a consequential amendment to section 279 to remove definition of 'appropriately qualified' which is defined in the *Acts Interpretation Act 1954*.

Clause 124 amends section 280 to make it clear that the section does not limit the powers of the Governor in Council under the *Acts Interpretation Act 1954* (section 25(1)(b)(v)).

Clause 125 makes a consequential amendment to section 282 to reflect a change to section numbering.

Clause 126 makes a consequential amendment to section 283 to change terminology.

Clause 127 inserts new section 284A to limit the use of health assessments (in addition to limits applied under the existing confidentiality provisions in section 283 of the QCT Act).

Clause 128 makes consequential amendments to section 285 as a result of insertion of a new section 285AA. It also makes a technical amendment to correct a reference to the chief executive (employment screening).

Clause 129 inserts a new clause 285AA to prescribes when and how the College must give notice of section 48 and section 49 suspensions to the chief executive (employment screening). The main change is to require the College to give notice of certain particulars of every section 48 and 49 suspension.

Clause 130 makes consequential amendments to section 285A as a result of insertion of new section 285AA.

Clause 131 makes a consequential amendment to section 286.

Clause 132 amends section 287 to allow the College to enter into an information sharing arrangement with the Accreditation Board.

Clause 133 amends section 288 to make the following changes:

- require the College to also include details of any (voluntary) practice and conduct agreement on the register of approved teachers;
- amend provisions around how long information about the cancellation of a person's teacher registration needs to be maintained on the register of approved teachers; and
- clarify the relationship with a non-publication order made under the *Queensland Civil and Administrative Tribunal Act 2009*.

Clause 134 inserts a new section 289A to require the College to keep a publicly available panel of registered health professionals.

Clause 135 amends section 292 to make a consequential amendment.

Clause 136 amends section 294 to clarify civil immunity provisions and relationship to provisions in the *Public Service Act 2008*.

Clause 137 inserts new chapter 12, part 15 for transitional provisions. The new chapter provides transitional provisions, including:

- that the delegations of functions under section 264 is taken to have always included a power for the Board to delegate a function of the Board and for the chairperson to delegate a power of the chairperson;
- that current disciplinary orders to be practice and conduct orders,
- that matters referred to the former PP&C Committee are dealt with under the Act as they were before the amendments took effect;
- changes to the Board membership; and
- for the interpretation of various sections, given the change in terminology.

Clause 138 amends the dictionary.

Part 5 Amendment of *Working with Children (Risk Management and Screening) Act 2009*

Clause 139 amends the *Working with Children (Risk Management and Screening) Act 2009*.

Clause 140 makes consequential amendments to *Working with Children (Risk Management and Screening) Act 2009* as a result of changes made to sections 285A and 285AA of the QCT Act.