



Queensland

Education and Training Legislation Amendment Bill 2011



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2011

A Bill

for

An Act to amend the *Central Queensland University Act 1998*, the *Education (General Provisions) Act 2006*, the *Education (Queensland College of Teachers) Act 2005*, the *Griffith University Act 1998*, the *James Cook University Act 1997*, the *Queensland University of Technology Act 1998*, the *University of Queensland Act 1998*, the *University of Southern Queensland Act 1998* and the *Vocational Education, Training and Employment Act 2000* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Education and Training
Legislation Amendment Act 2011*. 4
5

Clause 2 Commencement 6

This Act, other than parts 2 and 5 to 10, commences on a day
to be fixed by proclamation. 7
8

**Part 2 Amendment of Central
Queensland University Act
1998** 9
10
11

Clause 3 Act amended 12

This part amends the *Central Queensland University Act
1998*. 13
14

Clause 4 Amendment of s 49 (Application of Land Act 1994) 15

Section 49(3)— 16

omit, insert— 17

‘(3) Despite the *Land Act 1994*, a trustee lease or sublease for land
under that Act that is subject to an operational reserve may be
for up to 100 years. 18
19
20

- ‘(4) Subsection (5) applies if the purpose for which a reserve was dedicated under the *Land Act 1994* includes a reference to—
- (a) ‘educational institution’; or
 - (b) ‘university’.
- ‘(5) The purpose is taken to include anything that is consistent with the university’s functions under section 5.
- ‘(6) Subsections (4) and (5) apply whether the reserve was dedicated before or after the commencement of this section.
- ‘(7) In this section—
operational reserve see the *Land Act 1994*, schedule 6.’.

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

Clause 5 Act amended

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

Clause 6 Amendment of s 47E (Decision on application)

Section 47E(2)—
insert—

‘(e) the governing body of the school is complying with the agreement mentioned in paragraph (d).’.

Clause 7 Amendment of s 364 (Definition for pt 11)

(1) Section 364, heading, ‘Definition for pt 11’—
omit, insert—

‘Definitions for pt 10’.

[s 8]

- (2) Section 364— 1
insert— 2
‘director, of a non-State school’s governing body, means— 3
(a) if the governing body is a company under the 4
Corporations Act—a person appointed as a director of 5
the governing body; or 6
(b) otherwise—a person who is, or is a member of, the 7
executive or management entity, by whatever name 8
called, of the governing body.’. 9
(3) Section 364, definition *employee*, ‘non-State school or’— 10
omit. 11

Clause 8 **Amendment of s 365 (Obligation to report sexual abuse** 12
of person under 18 years at State school) 13

- (1) Section 365(1), ‘that any of the following have been sexually 14
abused by another person who is an employee of the 15
school’— 16
omit, insert— 17
‘in the course of the staff member’s employment at the school, 18
that any of the following has been sexually abused by another 19
person’. 20
(2) Section 365— 21
insert— 22
(2A) However, if the first person is the school’s principal, the 23
principal must give a written report about the abuse, or 24
suspected abuse, to a police officer— 25
(a) immediately; and 26
(b) if a regulation is in force under subsection (3), as 27
provided under the regulation. 28
Maximum penalty—20 penalty units.’. 29
(3) Section 365(4), ‘a person nominated by the chief executive for 30
the purpose (the **chief executive’s nominee**)’— 31

omit, insert— 1

‘a police officer’. 2

(4) Section 365(5)— 3

omit. 4

(5) Section 365— 5

insert— 6

‘(4A) Subsection (5) applies if the report is about abuse by an
employee of a State school. 7
8

‘(5) The principal or principal’s supervisor must also immediately
give a copy of the report to a person nominated by the chief
executive for the purpose (the *chief executive’s nominee*). 9
10
11

Maximum penalty—20 penalty units.’. 12

(6) Section 365(6), ‘subsection (2)’— 13

omit, insert— 14

‘subsection (2) or (2A)’. 15

Clause 9 Insertion of new s 365A 16

After section 365— 17

insert— 18

**‘365A Obligation to report likely sexual abuse of person
under 18 years at State school** 19
20

‘(1) Subsection (2) applies if a staff member of a State school (the
first person) reasonably suspects, in the course of the staff
member’s employment at the school, that any of the following
is likely to be sexually abused by another person— 21
22
23
24

(a) a student under 18 years attending the school; 25

(b) a pre-preparatory age child registered in a
pre-preparatory learning program at the school; 26
27

(c) a person with a disability who— 28

(i) under section 420(2), is being provided with
special education at the school; and 29
30

[s 9]

- (ii) is not enrolled in the preparatory year at the school. 1
- ‘(2) The first person must give a written report about the first 2
person’s suspicion to the school’s principal or the principal’s 3
supervisor— 4
- (a) immediately; and 5
- (b) if a regulation is in force under subsection (4), as 6
provided under the regulation. 7
- ‘(3) However, if the first person is the school’s principal, the 8
principal must give a written report about the suspicion to a 9
police officer— 10
- (a) immediately; and 11
- (b) if a regulation is in force under subsection (4), as 12
provided under the regulation. 13
- ‘(4) A regulation may prescribe the particulars the report must 14
include. 15
- ‘(5) A State school’s principal or a principal’s supervisor must 16
immediately give a copy of a report given to the principal or 17
supervisor under subsection (2) to a police officer. 18
- ‘(6) Subsection (7) applies if the report is about a suspicion of 19
likely abuse by an employee of a State school. 20
- ‘(7) The principal or principal’s supervisor must also immediately 21
give a copy of the report to a person nominated by the chief 22
executive for the purpose (the *chief executive’s nominee*). 23
- ‘(8) A person who makes a report under subsection (2) or (3), or 24
gives a copy of a report under subsection (5) or (7), is not 25
liable, civilly, criminally or under an administrative process, 26
for giving the information contained in the report to someone 27
else. 28
- ‘(9) Without limiting subsection (8)— 29
- (a) in a proceeding for defamation, the person has a defence 30
of absolute privilege for publishing the information; and 31
- (b) if the person would otherwise be required to maintain 32
confidentiality about the given information under an 33

Act, oath, rule of law or practice—the person does not
contravene the requirement by giving the information.’. 1
2

- Clause 10 Amendment of s 366 (Obligation to report sexual abuse
of person under 18 years at non-State school)** 3
4
- (1) Section 366(1), ‘that any of the following have been sexually
abused by another person who is an employee of the
school’— 5
6
7
omit, insert— 8
‘in the course of the staff member’s employment at the school,
that any of the following has been sexually abused by another
person’. 9
10
11
- (2) Section 366— 12
insert— 13
- ‘(2A) However, if the first person is the school’s principal, the
principal must give a written report about the abuse, or
suspected abuse, to a police officer— 14
15
16
(a) immediately; and 17
(b) if a regulation is in force under subsection (3), as
provided under the regulation. 18
19
Maximum penalty—20 penalty units. 20
- ‘(2B) If subsection (2A) applies, the principal must also
immediately give a copy of the report to a director of the
school’s governing body. 21
22
23
Maximum penalty—20 penalty units.’. 24
- (3) Section 366(5), ‘subsection (2), or gives a copy of a report
under subsection (4)’— 25
26
omit, insert— 27
‘subsection (2) or (2A), or gives a copy of a report under
subsection (2B) or (4)’. 28
29
- (4) Section 366(7)— 30
omit. 31

[s 11]

Clause 11	Insertion of new ss 366A and 366B	1
	Chapter 12, part 10—	2
	<i>insert—</i>	3
	‘366A Obligation to report likely sexual abuse of person under 18 years at non-State school	4
		5
	‘(1) Subsection (2) applies if a staff member of a non-State school (the <i>first person</i>) reasonably suspects, in the course of the staff member’s employment at the school, that any of the following is likely to be sexually abused by another person—	6
		7
		8
		9
	(a) a student under 18 years attending the school;	10
	(b) a pre-preparatory age child registered in a pre-preparatory learning program at the school;	11
		12
	(c) a person with a disability who—	13
	(i) under section 420(2), is being provided with special education at the school; and	14
		15
	(ii) is not enrolled in the preparatory year at the school.	16
	‘(2) The first person must give a written report about the first person’s suspicion to the school’s principal or a director of the school’s governing body—	17
		18
		19
	(a) immediately; and	20
	(b) if a regulation is in force under subsection (5), as provided under the regulation.	21
		22
	‘(3) However, if the first person is the school’s principal, the principal must give a written report about the suspicion to a police officer—	23
		24
		25
	(a) immediately; and	26
	(b) if a regulation is in force under subsection (5), as provided under the regulation.	27
		28
	‘(4) If subsection (3) applies, the principal must also immediately give a copy of the report to a director of the school’s governing body.	29
		30
		31

‘(5) A regulation may prescribe the particulars the report must include.	1 2
‘(6) A non-State school’s principal or a director of a non-State school’s governing body must immediately give a copy of a report given to the principal or director under subsection (2) to a police officer.	3 4 5 6
‘(7) A person who makes a report under subsection (2) or (3), or gives a copy of a report under subsection (4) or (6), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.	7 8 9 10 11
‘(8) Without limiting subsection (7)—	12
(a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and	13 14
(b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice—the person does not contravene the requirement by giving the information.	15 16 17 18
‘366B Delegation of director’s reporting function under s 366 or 366A	19 20
‘(1) Subsection (2) applies if a non-State school’s governing body has only one director.	21 22
‘(2) The director may delegate, to an appropriately qualified individual, the director’s function.	23 24
‘(3) Subsection (4) applies if a non-State school’s governing body has more than one director.	25 26
‘(4) All of the directors may, by unanimous resolution, delegate the directors’ function to an appropriately qualified individual.	27 28 29
‘(5) If a delegate commits an offence against section 366(4), the delegator also commits the offence.	30 31

[s 12]

- ‘(6) However, it is a defence for the delegator to prove the delegator took all reasonable steps to ensure the delegate complied with the section. 1
2
3
- ‘(7) In this section— 4
appropriately qualified, to perform a director’s function, 5
means having the qualifications, experience or standing 6
appropriate to perform the function. 7
function, of a director of a non-State school’s governing body, 8
means the director’s function of receiving a report and giving 9
a copy of the report to a police officer under section 366 or 10
366A.’. 11

- Clause 12 Amendment of sch 4 (Dictionary) 12**
Schedule 4— 13
insert— 14
‘*director*, for chapter 12, part 10, see section 364.’. 15

Part 4 Amendment of Education 16
(Queensland College of 17
Teachers) Act 2005 18

- Clause 13 Act amended 19**
This part amends the *Education (Queensland College of 20*
Teachers) Act 2005. 21

- Clause 14 Amendment of s 9 (Eligibility for provisional registration) 22**
Section 9(3), ‘and’— 23
omit, insert— 24
‘to’. 25

Clause 15	Insertion of new ch 2, pt 1A	1	
	Chapter 2—	2	
	<i>insert—</i>	3	
	‘Part 1A	Eligibility declarations	4
	‘Division 1	Preliminary	5
	‘12B	Purpose of pt 1A	6
	‘The purpose of this part is to allow a person who is an	7	
	eligibility applicant to apply to the college for a declaration	8	
	(<i>eligibility declaration</i>) that the person is not an excluded	9	
	person and is eligible to apply for registration or permission to	10	
	teach under this chapter.	11	
	‘12C	Application of part 1A	12
	‘This part applies to a person despite anything in the <i>Criminal</i>	13	
	<i>Law (Rehabilitation of Offenders) Act 1986</i> .	14	
	‘12D	Definitions for pt 1A	15
	‘In this part—	16	
	<i>eligibility applicant</i> means a person who—	17	
	(a) is, after the relevant commencement, convicted of a	18	
	serious offence, other than a person whose conviction	19	
	for the offence is overturned on appeal; and	20	
	(b) is not subject to an imprisonment order for the offence;	21	
	and	22	
	(c) is not a relevant excluded person.	23	

[s 15]

‘Division 2	Eligibility application	1
‘12E	Application for eligibility declaration	2
‘(1)	An eligibility applicant may make an application (<i>eligibility application</i>) to the college for an eligibility declaration.	3 4
‘(2)	However, the applicant can not make an eligibility application within 2 years after making a previous eligibility application that has been refused, unless the decision to refuse the previous eligibility application was based on wrong or incomplete information.	5 6 7 8 9
‘(3)	The eligibility application must be—	10
	(a) in the approved form; and	11
	(b) signed by the applicant; and	12
	(c) accompanied by each of the following—	13
	(i) the prescribed fee;	14
	(ii) the criminal history check fee;	15
	(iii) other documents or information, identified in the approved form, reasonably required by the college to decide the application.	16 17 18
‘(4)	The approved form—	19
	(a) must include provision for—	20
	(i) identifying information about the applicant; and	21
	(ii) certification by a prescribed person that the prescribed person has sighted the applicant’s proof of identity documents; and	22 23 24
	(b) may require disclosure of police information about the applicant.	25 26
‘(5)	Information contained in or accompanying the application must, if required by the college, be verified by statutory declaration.	27 28 29
‘(6)	In this section—	30

<i>commissioner for declarations</i> means commissioner for declarations under the <i>Justices of the Peace and Commissioners for Declarations Act 1991</i> .	1 2 3
<i>criminal history check fee</i> means the criminal history check fee prescribed under a regulation.	4 5
<i>identifying information</i> , about an applicant, means information that identifies the applicant.	6 7
<i>prescribed person</i> means a justice, commissioner for declarations, lawyer or police officer.	8 9
<i>proof of identity documents</i> , for an eligibility applicant, means the documents, relating to proof of the identity of the applicant, prescribed under a regulation.	10 11 12

‘12F Decision on eligibility application	13
‘(1) The college must refuse to grant the eligibility application unless the college is satisfied it is an exceptional case in which it would not harm the best interests of children to issue the eligibility declaration.	14 15 16 17
‘(2) The college may obtain information about the applicant under sections 14 to 15D as if the application were an application for registration or permission to teach.	18 19 20
‘(3) In deciding whether there is an exceptional case, the college must have regard to the information mentioned in subsection (2).	21 22 23
‘(4) In having regard to the criminal history of the applicant, the college must consider the following matters relating to information about the commission, or alleged or possible commission, of an offence by the applicant—	24 25 26 27
(a) when the offence was committed, is alleged to have been committed or may possibly have been committed;	28 29
(b) the nature of the offence and its relevance to the duties of a teacher;	30 31
(c) any penalty imposed by the court and the court’s reasons for the penalty.	32 33

[s 15]

- ‘(5) Also, in deciding whether there is an exceptional case, the college must have regard to the following—
- (a) documents or information contained in the applicant’s eligibility application;
 - (b) if the applicant has been refused registration in another jurisdiction or has held registration in another jurisdiction that has been suspended or cancelled—
 - (i) the reason for the refusal, suspension or cancellation; and
 - (ii) the way in which the refusal, suspension or cancellation relates to the applicant’s suitability to teach;
 - (c) if the applicant has had the applicant’s employment terminated by an employing authority for a school for a reason relating to the applicant’s suitability to teach—the reason for the termination;
 - (d) anything else the college considers relevant in deciding whether an exceptional case exists.
- Example of an exceptional case—*
- The eligibility applicant was convicted, at 17 years, of unlawful carnal knowledge of his 15 year girlfriend and has not been convicted of a further serious offence.

‘12G Grant or refusal to grant eligibility application

- ‘(1) If the eligibility application is granted, the college must issue an eligibility declaration to the eligibility applicant.
- ‘(2) If the application is refused, the college must give the applicant a notice stating the reasons for the refusal.
- ‘(3) If the college considers the applicant has not been convicted of a serious offence, the college must give notice to the applicant stating the following—
- (a) the college may issue an eligibility declaration only if the applicant has been convicted of a serious offence;

-
- (b) the college does not consider the applicant has been convicted of a serious offence and, for that reason, the college can not issue an eligibility declaration to the applicant;
- (c) that, if the applicant is not an excluded person for another reason, the applicant may apply for registration or permission to teach;
- (d) that the application will not be further dealt with by the college.
- ‘(4) There is no review or appeal under this Act in relation to a decision of the college under this section to refuse to grant an eligibility application.

‘Division 3 Withdrawal of eligibility application 13

‘12H Withdrawal by notice 14

- ‘(1) An eligibility applicant may, by notice, withdraw the applicant’s eligibility application at any time before the college—
- (a) issues an eligibility declaration; or
- (b) gives the applicant a notice, relating to the application, under section 12G(2) or (3).
- ‘(2) The notice must be—
- (a) signed by the eligibility applicant; and
- (b) given to the college.

‘12I Deemed withdrawal—identity of eligibility applicant not established 24 25

- ‘An eligibility applicant is taken to have withdrawn the applicant’s eligibility application if—
- (a) the college gives the applicant a notice—

[s 15]

- (i) asking the applicant to provide, within a reasonable stated time, stated information that the college reasonably needs to establish the applicant's identity; and
- (ii) warning the applicant that, if the applicant does not comply with the notice, the applicant's application may be taken to have been withdrawn; and
- (b) the applicant does not comply with the notice within the stated time; and
- (c) the college can not establish with certainty the applicant's identity; and
- (d) the college gives the applicant a notice stating that the applicant is taken to have withdrawn the application.

'12J Deemed withdrawal—notice not complied with

'An eligibility applicant is taken to have withdrawn the applicant's eligibility application if—

- (a) the college gives the applicant a notice asking the applicant to provide, within a reasonable stated time—
 - (i) stated information, including by way of a submission, about a stated matter that the college reasonably believes is relevant to the application; or
 - (ii) a consent that the college reasonably believes is relevant to the application; and
- (b) the notice includes a warning that, if the applicant does not comply with the notice, the applicant's application may be taken to have been withdrawn; and
- (c) the applicant does not comply with the notice within the stated time; and
- (d) the college gives the applicant a notice stating that the applicant is taken to have withdrawn the application.

‘12K	Deemed withdrawal—other circumstances	1
	‘An eligibility applicant is taken to have withdrawn the applicant’s eligibility application if the applicant—	2
		3
	(a) is charged with a serious offence; or	4
	(b) becomes an excluded person.	5
‘Division 4	Miscellaneous	6
‘12L	Revocation of decision to refuse eligibility declaration	7
	‘(1) The college may revoke a decision to refuse an eligibility application and issue an eligibility declaration if—	8
		9
	(a) the college is satisfied the decision on the application was based on wrong or incomplete information; and	10
		11
	(b) based on the correct or complete information, the college decides under section 12F that the college may issue the eligibility declaration.	12
		13
		14
	‘(2) The college may exercise the power under subsection (1) on—	15
	(a) the college’s own initiative; or	16
	(b) application by the eligibility applicant whose eligibility application was refused.	17
		18
‘12M	Automatic revocation of eligibility declaration	19
	‘An eligibility declaration issued to an eligibility applicant is automatically revoked if, after it is issued, the applicant—	20
		21
	(a) is charged with a serious offence; or	22
	(b) becomes an excluded person.’.	23
Clause 16	Amendment of s 48 (Effect of charge for disqualifying offence, temporary offender prohibition order or interim sexual offender order)	24
		25
		26
	(1) Section 48, heading, after ‘disqualifying’—	27

[s 17]

insert— 1

‘or serious’. 2

(2) Section 48(1), ‘after the commencement of this section’— 3

omit, insert— 4

‘during the relevant period’. 5

(3) Section 48— 6

insert— 7

‘(1A) Also, this section applies if, after the commencement of this 8

subsection, an approved teacher is charged with a serious 9

offence.’. 10

(4) Section 48(2), ‘This section also’— 11

omit, insert— 12

‘In addition, this section’. 13

(5) Section 48(1), ‘Editor’s note’— 14

omit, insert— 15

‘*Note*’. 16

Clause 17 Amendment of ch 2, pt 6, div 3 (Cancellation) 17

After chapter 2, part 6, division 3, heading— 18

insert— 19

‘Subdivision 1 Conviction, obligations or order 20

within relevant period’. 21

Clause 18 Amendment of s 56 (Cancellation in particular 22

circumstances) 23

(1) Section 56(1), ‘after the commencement of this section’— 24

omit, insert— 25

‘during the relevant period’. 26

(2) Section 56(2), after ‘This section also applies if’— 27

insert— 1
, during the relevant period,’ 2
(3) Section 56(3), ‘as mentioned in subsection (2)’— 3
omit. 4

Clause 19 Omission of ch 2, pt 6, div 4, hdg 5
Chapter 2, part 6, division 4, heading— 6
omit. 7

Clause 20 Amendment of s 58 (Disqualification order) 8
Section 58(1), after ‘This section applies if’— 9
insert— 10
, during the relevant period,’ 11

Clause 21 Insertion of new ch 2, pt 6, div 3, sdiv 2 12
Chapter 2, part 6, division 3— 13
insert— 14

‘Subdivision 2 Conviction after relevant commencement 15
16

‘58A Cancellation for conviction for serious offence 17
(1) This section applies if, after the relevant commencement, an 18
approved teacher— 19
(a) is convicted of a serious offence; or 20
(b) is or becomes a relevant excluded person because the 21
teacher is or becomes subject to— 22
(i) offender reporting obligations; or 23
(ii) a final offender prohibition order; or 24
(iii) a CPOPOA disqualification order; or 25

[s 21]

- (iv) a final sexual offender order. 1
- ‘(2) The college must, as soon as practicable after it becomes 2
aware of the conviction or that the teacher is or has become a 3
relevant excluded person, cancel the teacher’s registration or 4
permission to teach. 5
- ‘(3) The college must immediately give notice to the teacher of the 6
cancellation. 7
- ‘(4) The notice must— 8
- (a) state— 9
- (i) there is no appeal under this Act or the QCAT Act 10
in relation to the cancellation of the teacher’s 11
registration or permission to teach; and 12
- (ii) unless subsection (5) applies, the teacher can never 13
be granted registration or permission to teach; and 14
- (b) include the information mentioned in subsection (5). 15
- ‘(5) For subsection (4)(b), the information is that the teacher can 16
apply for registration or permission to teach if— 17
- (a) the decision to cancel the teacher’s registration or 18
permission to teach was made under this section; and 19
- (b) either— 20
- (i) the conviction in relation to which the teacher’s 21
registration or permission to teach was cancelled is 22
overturned on appeal; or 23
- (ii) the decision or order in relation to which the 24
teacher’s registration or permission to teach was 25
cancelled— 26
- (A) is overturned on appeal; and 27
- (B) was not made in relation to a conviction for a 28
serious offence. 29
- ‘(6) A copy of the notice must be given to the employing authority 30
for, and the principal of, each school at which the teacher is 31
employed. 32

-
- ‘(7) There is no appeal under this Act or the QCAT Act against the cancellation under this section of the teacher’s registration or permission to teach. 1
2
3
- ‘(8) In this section— 4
appeal includes review. 5

‘58B Effect of appeal on cancellation 6

- ‘(1) This section applies if— 7
- (a) the registration or permission to teach of an approved teacher is cancelled by the college under section 58A; and 8
9
10
- (b) any of the following is appealed— 11
- (i) the conviction of the teacher for the serious offence; 12
13
- (ii) the decision of the court resulting in the teacher being subject to the offender reporting obligations; 14
15
- (iii) the making of the offender prohibition order, CPOPOA disqualification order or sexual offender order. 16
17
18
- ‘(2) The cancellation remains in effect during the appeal. 19
- ‘(3) The person is no longer an excluded person in relation to the cancellation if— 20
21
- (a) the conviction is overturned on appeal; or 22
- (b) the decision or order— 23
- (i) is overturned on appeal; and 24
- (ii) was not made in relation to a conviction for a serious offence.’. 25
26

Clause 22 Amendment of s 92 (Grounds for disciplinary action) 27

- (1) Section 92(1)(a), after ‘the relevant teacher has’— 28
insert— 29

[s 23]

‘, during the relevant period,’ 1

(2) Section 92(1)(a), note, after ‘section 56’— 2

insert— 3

‘or 58A’. 4

(3) Section 92(1)(b), note, after ‘section 56’— 5

insert— 6

‘or 58A’. 7

(4) Section 92(2)(a)(i) and (ii) and (5), after ‘disqualifying
offence’— 8
9

insert— 10

‘or serious offence’. 11

Clause 23 Amendment of s 95 (PP&C matters) 12

Section 95(1)(a)(ii), ‘, (b) or (c)’— 13

omit, insert— 14

‘or (b)’. 15

Clause 24 Amendment of s 101 (QCAT to give show cause notice) 16

(1) Section 101(2), definition *specified order*, paragraph (a)(ii),
‘teach for a stated period that is not more than 5 years; or’— 17
18

omit, insert— 19

‘teach— 20

(A) if the grounds for the specified order arose 21
during the relevant period—for a stated 22
period that is not more than 5 years from the 23
day the order is made; or 24

(B) if the grounds for the specified order arose 25
after the relevant commencement—for a 26
stated period from the day the order is made 27
or indefinitely; or’. 28

-
- (2) Section 101(2), definition *specified order*, paragraph (b),
‘teach for a stated period that is not more than 5 years.’— 1
2
omit, insert— 3
‘teach— 4
- (i) if the grounds for the specified order arose during 5
the relevant period—for a stated period that is not 6
more than 5 years from the day the order is made; 7
or 8
 - (ii) if the grounds for the specified order arose after the 9
relevant commencement— 10
 - (A) for a stated period from the day the order is 11
made; or 12
 - (B) indefinitely.’. 13

- Clause 25 Amendment of s 102 (Disciplinary action by QCAT—approved teachers)** 14
15
- Section 102(4), ‘teach for not more than 5 years from the day 16
the order is made.’— 17
- omit, insert—* 18
‘teach— 19
- (a) if the grounds for the order arose during the relevant 20
period—for a stated period that is not more than 5 years 21
from the day the order is made; or 22
 - (b) if the grounds for the order arose after the relevant 23
commencement— 24
 - (i) for a stated period from the day the order is made; 25
or 26
 - (ii) indefinitely.’. 27

[s 26]

Clause 26	Amendment of s 160 (Decision about disciplinary action against approved teacher)	1 2
	Section 160(2)(j), ‘teach for not more than 5 years from the day the order is made;’—	3 4
	<i>omit, insert—</i>	5
	‘teach—	6
	(i) if the grounds for the order arose during the relevant period—for a stated period that is not more than 5 years from the day the order is made; or	7 8 9 10
	(ii) if the grounds for the order arose after the relevant commencement—	11 12
	(A) for a stated period from the day the order is made; or	13 14
	(B) indefinitely;’.	15
Clause 27	Amendment of s 161 (Decision about disciplinary action against former approved teacher)	16 17
	Section 161(2)(c), ‘teach for not more than 5 years from the day the order is made;’—	18 19
	<i>omit, insert—</i>	20
	‘teach—	21
	(i) if the grounds for the order arose during the relevant period—for a stated period that is not more than 5 years from the day the order is made; or	22 23 24 25
	(ii) if the grounds for the order arose after the relevant commencement—	26 27
	(A) for a stated period from the day the order is made; or	28 29
	(B) indefinitely;’.	30

Clause 28	Amendment of s 285A (College must give information about the status of a teacher’s registration to children’s commissioner in particular circumstances)	1 2 3
	Section 285A(1)(a)(v), after ‘section 56,’—	4
	<i>insert—</i>	5
	‘58A.’	6
Clause 29	Insertion of new ch 12, pt 13	7
	After section 341—	8
	<i>insert—</i>	9
‘Part 13	Transitional provisions for Education and Training Legislation Amendment Act 2011	10 11 12 13
‘342	Existing applications by new excluded persons	14
	‘(1) This section applies if—	15
	(a) before the relevant commencement, a person applied to the college for—	16 17
	(i) full or provisional registration or permission to teach; or	18 19
	(ii) the renewal of full registration or permission to teach; or	20 21
	(iii) the restoration of the person’s full registration that has ended; and	22 23
	(b) the application has not been decided or withdrawn as at the relevant commencement; and	24 25
	(c) the person is a new excluded person.	26
	‘(2) The application must be dealt with under the Act as in force immediately before the relevant commencement.	27 28

[s 30]

‘(3) In this section— 1
new excluded person means a person who was not an 2
excluded person immediately before the relevant 3
commencement but is an excluded person immediately after 4
the relevant commencement. 5

**‘343 QCAT show cause notice given before relevant 6
commencement 7**

‘(1) This section applies to a notice given under section 101 8
immediately before the relevant commencement. 9

‘(2) Chapter 5, part 2 as in force immediately before the relevant 10
commencement continues to apply in relation to the notice.’. 11

Clause 30 Amendment of sch 3 (Dictionary) 12

(1) Schedule 3— 13
insert— 14

‘*eligibility applicant*, for chapter 2, part 1A, see section 12D. 15

eligibility application, for chapter 2, part 1A, see section 16
12E(1). 17

eligibility declaration, for chapter 2, part 1A, see section 12B. 18

relevant commencement means the commencement of the 19
Education and Training Legislation Amendment Act 2011, 20
part 4. 21

relevant period means the period starting on 1 January 2006 22
and ending immediately before the relevant commencement.’. 23

(2) Schedule 3, definition *excluded person*, paragraph (a), after 24
‘section 57(3)’— 25

insert— 26

‘or 58B(3)’ . 27

(3) Schedule 3, definition *excluded person*, paragraph (d)(ii), ‘on 28
or after 1 January 2006’— 29

<i>omit, insert—</i>	1
‘during the relevant period’.	2
(4) Schedule 3, definition <i>excluded person—</i>	3
<i>insert—</i>	4
‘(e) who is, after the relevant commencement, convicted of a serious offence, other than a person mentioned in section 58B(3).’.	5 6 7
(5) Schedule 3, definition <i>serious offence</i> , ‘ <i>Commission for Children and Young People and Child Guardian Act 2000</i> ’—	8 9
<i>omit, insert—</i>	10
‘Commissioner’s Act’.	11

Part 5	Amendment of Griffith University Act 1998	12 13
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Clause 31	Act amended	14
	This part amends the <i>Griffith University Act 1998</i> .	15
Clause 32	Amendment of s 53 (Application of Land Act 1994)	16
	Section 53(3)—	17
	<i>omit, insert—</i>	18
‘(3)	Despite the <i>Land Act 1994</i> , a trustee lease or sublease for land under that Act that is subject to an operational deed of grant in trust may be for up to 100 years.	19 20 21
‘(4)	Subsection (5) applies if the purpose for which land was granted in trust under the <i>Land Act 1994</i> includes a reference to ‘university’.	22 23 24
‘(5)	The purpose is taken to include anything that is consistent with the university’s functions under section 5.	25 26

[s 33]

- ‘(6) Subsections (4) and (5) apply whether the land was granted in trust before or after the commencement of this section. 1
2
- ‘(7) In this section— 3
operational deed of grant in trust see the *Land Act 1994*, 4
section 61(6).’ 5

Part 6 **Amendment of James Cook University Act 1997** 6 7

Clause 33 Act amended 8
This part amends the *James Cook University Act 1997*. 9

Clause 34 Amendment of s 49 (Application of Land Act 1994) 10
Section 49(3)— 11
omit, insert— 12

‘(3) Despite the *Land Act 1994*, a trustee lease or sublease for land 13
under that Act that is subject to an operational reserve or 14
operational deed of grant in trust may be for up to 100 years. 15

‘(4) Subsection (5) applies if the purpose for which a reserve was 16
dedicated or for which land was granted in trust under the 17
Land Act 1994 includes a reference to— 18

(a) ‘university’; or 19
(b) ‘university and college’. 20

‘(5) The purpose is taken to include anything that is consistent 21
with the university’s functions under section 5. 22

‘(6) Subsections (4) and (5) apply whether the reserve was 23
dedicated or the land was granted in trust before or after the 24
commencement of this section. 25

‘(7) In this section— 26

<i>operational deed of grant in trust</i> see the <i>Land Act 1994</i> , section 61(6).	1 2
<i>operational reserve</i> see the <i>Land Act 1994</i> , schedule 6.’.	3

Part 7	Amendment of Queensland University of Technology Act 1998	4 5 6
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Clause 35	Act amended	7
	This part amends the <i>Queensland University of Technology Act 1998</i> .	8 9
Clause 36	Amendment of s 48 (Application of Land Act 1994)	10
	Section 48(3)—	11
	<i>omit, insert</i> —	12
	‘(3) Despite the <i>Land Act 1994</i> , a trustee lease or sublease for land under that Act that is subject to an operational reserve or operational deed of grant in trust may be for up to 100 years.	13 14 15
	‘(4) Subsection (5) applies if the purpose for which a reserve was dedicated or for which land was granted in trust under the <i>Land Act 1994</i> includes a reference to—	16 17 18
	(a) ‘educational institution’; or	19
	(b) ‘technical college’.	20
	‘(5) The purpose is taken to include anything that is consistent with the university’s functions under section 5.	21 22
	‘(6) Subsections (4) and (5) apply whether the reserve was dedicated or the land was granted in trust before or after the commencement of this section.	23 24 25
	‘(7) In this section—	26

[s 37]

operational deed of grant in trust see the *Land Act 1994*,
section 61(6). 1
2

operational reserve see the *Land Act 1994*, schedule 6.’. 3

Part 8 **Amendment of University of Queensland Act 1998** 4 5

Clause 37 Act amended 6

This part amends the *University of Queensland Act 1998*. 7

Clause 38 Amendment of s 44 (Application of Land Act 1994) 8

Section 44(3)— 9

omit, insert— 10

‘(3) Despite the *Land Act 1994*, a trustee lease or sublease for land
under that Act that is subject to an operational reserve or
operational deed of grant in trust may be for up to 100 years. 11
12
13

‘(4) Subsection (5) applies if the purpose for which a reserve was
dedicated or for which land was granted in trust under the
Land Act 1994 includes a reference to— 14
15
16

(a) ‘university’; or 17

(b) ‘university and college’. 18

‘(5) The purpose is taken to include anything that is consistent
with the university’s functions under section 5. 19
20

‘(6) Subsections (4) and (5) apply whether the reserve was
dedicated or the land was granted in trust before or after the
commencement of this section. 21
22
23

‘(7) In this section— 24

operational deed of grant in trust see the *Land Act 1994*,
section 61(6). 1
2

operational reserve see the *Land Act 1994*, schedule 6.’. 3

Part 9 **Amendment of University of Southern Queensland Act 1998** 4 5

Clause 39 Act amended 6

This part amends the *University of Southern Queensland Act 1998*. 7
8

Clause 40 Amendment of s 48 (Application of Land Act 1994) 9

Section 48(3)— 10

omit, insert— 11

‘(3) Despite the *Land Act 1994*, a trustee lease or sublease for land
under that Act that is subject to an operational reserve may be
for up to 100 years. 12
13
14

‘(4) Subsection (5) applies if the purpose for which a reserve was
dedicated under the *Land Act 1994* includes a reference to
‘university’. 15
16
17

‘(5) The purpose is taken to include anything that is consistent
with the university’s functions under section 5. 18
19

‘(6) Subsections (4) and (5) apply whether the reserve was
dedicated before or after the commencement of this section. 20
21

‘(7) In this section— 22

operational reserve see the *Land Act 1994*, schedule 6.’. 23

[s 41]

Part 10	Amendment of Vocational Education, Training and Employment Act 2000	1 2 3
Clause 41	Act amended	4
	This part amends the <i>Vocational Education, Training and Employment Act 2000</i> .	5 6
Clause 42	Amendment of s 218E (Functions of a statutory TAFE institute)	7 8
	Section 218E(3)	9
	<i>omit, insert—</i>	10
	‘(3) In performing its functions, the principal objective of a statutory TAFE institute is to be efficient and effective in providing vocational education and training services, including vocational education and training services provided—	11 12 13 14 15
	(a) under an agreement with the chief executive under section 218S; or	16 17
	(b) as community service obligations.	18
	‘(3A) It is also an objective of a statutory TAFE institute to be commercially successful in carrying on its activities.’.	19 20
Clause 43	Amendment of ch 6A, pt 3, div 4 hdg	21
	Chapter 6A, part 3, division 4, heading, ‘Dividends’—	22
	<i>omit, insert—</i>	23
	‘Returns’.	24
Clause 44	Amendment of s 218W (Payment of dividends)	25
	(1) Section 218W, heading, ‘dividends’—	26
	<i>omit, insert—</i>	27

‘returns’.

(2) Section 218W(3), (5)(b), (6) and (7), ‘dividend’—

omit, insert—

‘return’.

(3) Section 218W(6), ‘profits’—

omit, insert—

‘surpluses’.

Clause 45 Amendment of s 218X (Interim dividends)

(1) Section 218X, heading, ‘dividends’—

omit, insert—

‘returns’.

(2) Section 218X(1) and (3)(b), ‘dividend’—

omit, insert—

‘return’.

(3) Section 218X(4), ‘profit’—

omit, insert—

‘surplus’.

Clause 46 Amendment of s 218Y (Dividend payment for financial year in which TAFE institute becomes a statutory TAFE institute)

(1) Section 218Y, heading, ‘Dividend’—

omit, insert—

‘Return’.

(2) Section 218Y, ‘dividend’—

omit, insert—

‘return’.

[s 47]

Clause 47	Amendment of s 218Z (Interim dividend for financial year in which TAFE institute becomes a statutory TAFE institute)	1 2 3
	Section 218Z, ‘dividend’—	4
	<i>omit, insert</i> —	5
	‘return’.	6
Clause 48	Amendment of s 219B (Notice of suspected insolvency because of notice or direction)	7 8
	(1) Section 219B, heading, ‘suspected insolvency’—	9
	<i>omit, insert</i> —	10
	‘ concern about financial viability ’.	11
	(2) Section 219B(1)(b), ‘suspects that it will or may become insolvent’—	12 13
	<i>omit, insert</i> —	14
	‘is concerned about its financial viability’.	15
	(3) Section 219B(1)(c), ‘the suspected insolvency’—	16
	<i>omit, insert</i> —	17
	‘its concern’.	18
	(4) Section 219B(2), (4)(a)(i) and (5), ‘suspicion’—	19
	<i>omit, insert</i> —	20
	‘concern’.	21
Clause 49	Amendment of sch 3 (Dictionary)	22
	Schedule 3—	23
	<i>insert</i> —	24
	‘ return , for a surplus of a statutory TAFE institute, means a part of the institute’s surplus.’.	25 26