



Queensland

Education Legislation Amendment Regulation (No. 3) 2012

Explanatory Notes for SL 2012 No. 230

made under the

Education (Accreditation of Non-State Schools) Act 2001

Education (General Provisions) Act 2006

Education (Queensland College of Teachers) Act 2005

General outline

Short title

Education Legislation Amendment Regulation (No. 3) 2012.

Authorising law

Section 9 of the *Education (Accreditation of Non-State Schools) Act 2001* provides that a regulation may prescribe criteria relevant to a school's accreditation.

Sections 365A(4) and 366A(5) of the *Education (General Provisions) Act 2006* provide that a regulation may prescribe the particulars that a report about likely sexual abuse must include.

Section 235(8) of the *Education (Queensland College of Teachers) Act 2005* defines National Professional Standards as the national professional standards prescribed under a regulation.

Policy objectives and the reasons for them

The Regulation amends the *Education (Accreditation of Non-State Schools) Regulation 2001* (Accreditation Regulation) and the *Education (General Provisions) Regulation 2006* (EGPR) to reflect the changes to mandatory reporting sections in the *Education (General Provisions) Act 2006* (EGPA) made by the *Education and Training Legislation Amendment Act 2011* (the Act).

The Act amends the EGPA by expanding obligations on school staff members in state and non-state schools in Queensland to report where they reasonably suspect a student is likely to be sexually abused by any person (new sections 365A and 366A).

The Accreditation Regulation prescribes the accreditation criteria relevant for a non-state school's accreditation. Section 10 of the Accreditation Regulation provides that a non-state school must have written processes about appropriate conduct of a non-state school's staff and students, that accord with legislation applying in the State about the care or protection of children. Section 10(5)(a) provides that these processes must include a process for reporting sexual abuse or suspected sexual abuse in compliance with section 366 of the EGPA. It is necessary to amend the Accreditation Regulation to also require the processes to include a process for reporting likely sexual abuse in accordance with the expanded reporting requirements under section 366A.

It is necessary to amend the EGPR to prescribe the matters that must be included in a report about likely sexual abuse.

The *Education Legislation Amendment Act 2012* amends the *Education (Queensland College of Teachers) Act 2005* (QCT Act) to enable the Queensland College of Teachers (QCT) to adopt the National Professional Standards for Teachers. National professional standards are defined by the QCT Act as national professional standards prescribed under a regulation. The Regulation amends the *Education (Queensland College of Teachers) Regulation 2005* (QCT Regulation) to prescribe the national professional standards as the National Professional Standards for Teachers published from time to time by the Australian Institute for Teaching and School Leadership Limited.

Achievement of the Objectives

The objectives are achieved by:

- amending section 10(5)(a) of the Accreditation Regulation to require non-state schools to have a process for reporting likely sexual abuse in accordance with section 366A of the EGPA;
- inserting a new section 68A into the EGPR to prescribe the requirements for reports about likely sexual abuse; and
- inserting a new section 36A into the QCT Regulation to define the national professional standards.

Consistency with policy objectives of authorising law

One of the objects of the EGPA is to make available to each Queensland child or young person a high-quality education that will (i) help maximise his or her educational potential; and (ii) enable him or her to become an effective and informed member of the community. The amendments to the EGPA to expand the reporting requirements are consistent with these objectives by enhancing the protection, safety and wellbeing of Queensland school students. The Regulation supports these amendments by prescribing the particulars required in reports about sexual abuse under the expanded requirements.

The objects of the *Education (Accreditation of Non-State Schools) Act 2001* include upholding the standards of education at non-state schools and maintaining public confidence in the operation of non-state schools. The Regulation is consistent with these objects by ensuring the criteria regarding safety and wellbeing of students aligns with the expanded reporting requirements.

The Regulation prescribes the national professional standards adopted by Queensland which will reduce red tape by improving the mobility of teachers throughout the nation and requiring the same standards to achieve teacher registration in all jurisdictions. This is consistent with the objects of the QCT Act which are to uphold the standards of the teaching profession; maintain public confidence in the teaching profession; and protect the public by ensuring education in schools is provided in a professional and competent way by approved teachers.

Consultation

The Non-State Schools Accreditation Board, the Queensland Catholic Education Commission, Independent Schools Queensland and the Queensland College of Teachers were consulted about the Regulation.

Benefits and Costs of implementation

The benefits and costs of implementation of the expanded mandatory reporting requirements are discussed in the Explanatory Notes that accompanied the *Education and Training Legislation Amendment Bill 2011*. There are no major costs of implementation of these regulatory amendments.

Consistency with fundamental legislative principles

This subordinate legislation is consistent with fundamental legislative principles.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Education, Training and Employment.