

# Education (Queensland College of Teachers) Regulation 2016

Explanatory notes for SL 2016 No. 199

made under the

*Education (Queensland College of Teachers) Act 2005*

*Statutory Instruments Act 1992*

*Transport Operations (Marine Safety) Act 1994*

## General Outline

### Short title

*Education (Queensland College of Teachers) Regulation 2016*

### Authorising law

Section 298 of the *Education (Queensland College of Teachers) Act 2005*

Section 59 of the *Statutory Instruments Act 1992*

Section 207 of the *Transport Operations (Marine Safety) Act 1994*

### Policy objectives and the reasons for them

The *Education (Queensland College of Teacher) Act 2005* (QCT Act) commenced on 1 January 2006 and establishes the Queensland College of Teachers (the College) as an independent statutory body responsible for the regulation of the teaching profession in Queensland.

The main objects of the QCT Act 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.

To achieve these objects, the QCT Act prescribes the functions and powers of the College including granting registration or permission to teach to persons; taking or referring disciplinary actions against approved teachers; and monitoring compliance with the QCT Act.

The current Regulation was due to expire on the 1 September 2016 under the *Statutory Instruments Act 1992*. The current Regulation was exempted from expiry until 31 August

2017 under *Statutory Instruments Amendments Regulation (No.1) 2016* to allow for completion of the review of the legislative scheme.

The review of the current Regulation identified reforms around voting. The main change between the proposed *Education (Queensland College of Teachers) Regulation 2016* (the Regulation) and the current Regulation is to allow flexibility for the conduct of elections for practicing teachers to the board of the College, which will enable elections to be conducted electronically.

Voting is currently required to be carried out by paper ballot, with voting papers mailed by the director of the Office of the College to all electors. Traditionally, voting by this method generates a lower than desired response rate from electors. It is proposed to allow elections to be conducted electronically. The introduction of the option of an electronic ballot provides for cost and time efficiencies, and has potential to increase the number of teachers who participate in the election process.

*The Education and Other Legislation Amendment Act 2016* amends the QCT Act to, among other reforms, provide more flexibility to the College to ensure teachers meet recency of practice requirements, and to remove the requirement for teachers to have a registration card. Consequential amendments are incorporated into the new Regulation to reflect these reforms.

## **Achievement of policy objectives**

The Regulation achieves its policy objectives by repealing the current Regulation and prescribing the following matters relevant to the QCT Act:

- eligibility requirements and qualifications required for full and provisional registration and permission to teach;
- requirements for renewal of full registration;
- requirements for the elections of elected members to the board of the College;
- changes in circumstances about which an approved teacher must notify the College;
- national professional standards; and
- applicable fees.

The Regulation also reflects recent amendments made to the QCT Act by *the Education and Other Legislation Amendment Act 2016*. The Regulation therefore does not prescribe matters relating to the mandatory returning to teaching condition and registration cards.

The Regulation also makes consequential and technical amendments to other regulations.

## **Consistency with policy objectives of authorising law**

The Regulation is consistent with the authorising Act.

## **Inconsistency with policy objectives of other legislation**

The Regulation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The Regulation will not result in any additional costs to Government. Allowing for electronic voting may have cost savings for the College.

## **Alternative ways of achieving policy objectives**

There are no alternative means of achieving the purpose of the Regulation.

## **Consistency with fundamental legislative principles**

The Regulation raises no issues with regard to fundamental legislative principles.

## **Consultation**

The College, Independent Schools Queensland, the Queensland Catholic Education Commission have been consulted and support the Regulation.

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