

Changes to the QCT legislation

The following are changes to the QCT legislation under the *Education and Other Legislation Amendment Act 2016*

Amendments which commenced on 8 September 2016

- The requirement for the QCT to issue registration cards was removed. [Teachers are now able to retrieve an electronic copy of their registration certificates through myQCT as proof of registration.]
- The QCT has a broader power to suspend the registration or permission to teach of any teacher who poses an unacceptable risk of harm to children. New processes associated with this amendment include a requirement for the Queensland Civil and Administrative Tribunal (QCAT) to review the suspension. If QCAT continues the suspension, the QCT is required to either authorise an investigation or refer the matter to a disciplinary body.
- It was clarified that for an applicant's behaviour to negatively affect a determination about his or her suitability to teach, then the applicant must have behaved in a way that does not satisfy a standard of behaviour generally expected of a teacher, and that behaviour must show that the applicant is unfit to be granted registration or permission to teach.
- A ground for disciplinary action was amended so that the QCT may take disciplinary action against any teacher who behaves in a way, whether connected with the teaching profession or otherwise, that does not satisfy the standard of behaviour generally expected of a teacher.
- The QCT's power to request certain information from the Queensland Police Service (QPS) about an applicant's charge or conviction for an offence, was extended to include evidentiary material and any explanation as to why a charge was not proceeded with. This is in line with existing powers to request certain information from the Director of Public Prosecutions (DPP).
- The requirement for the QPS and DPP to notify the QCT about charges, prosecutions and convictions against teachers now includes notifying the QCT about the way in which a prosecution ends if the teacher was not convicted of the indictable offence.
- The requirements for the chairperson of the Board to preside at all meetings, and for the Board to keep minutes, were removed. These arrangements will be managed administratively.
- The QCT is now able to enter into an information sharing arrangement with the Non-State Schools Accreditation Board.
- There were several other amendments to clarify existing provisions in the Act.

Amendments which will come into effect on a date or dates yet to be proclaimed

- It will no longer be mandatory for the QCT to impose a returning to teaching condition if a teacher has not met the recency of practice requirements. The QCT will have greater flexibility to ensure teachers meet those requirements, including the ability to impose a condition under its general condition power.
- The requirement for the QCT to invite a teacher to show cause for a breach of a condition will be extended to apply to teachers holding full registration. This will avoid the need to take disciplinary action against teachers holding full registration who fail to comply with a condition.
- The QCT's Board will reduce in size from 17 to 15 members by removing the position for a teacher nominated by the Queensland Public Sector Union and by reducing the number of nominees of the Minister from two to one.
- The Minister and chief executive's nominees to the Board will be required to have the skills and experience relevant to the QCT's corporate, strategic or regulatory functions.
- The Professional Practice and Conduct Committee, which determines disciplinary matters where minor disciplinary action is believed to be appropriate, will be renamed the Professional Capacity and Teacher Conduct Committee.
- Other terminology changes will also come into effect: from 'disciplinary proceedings' to 'practice and conduct proceedings', 'disciplinary matters' to 'practice and conduct matters' and 'disciplinary body' to 'practice and conduct body'.
- The Professional Capacity and Teacher Conduct Committee will be able to consider health impairment as a cause of or contributing factor towards a teacher's conduct. It will have the power to order and consider a health assessment. Its membership will include a registered health practitioner when considering cases involving impairment.
- A teacher will be able to refuse to undergo a health assessment without penalty. If so, the matter will be dealt with as a minor practice and conduct matter.
- The QCT will establish and maintain a panel of registered health practitioners to conduct health assessments and to sit on the Professional Capacity and Teacher Conduct Committee.
- The Professional Capacity and Teacher Conduct Committee will have the power to impose conditions on a teacher's registration or permission to teach.
- The QCT will be able to enter into a voluntary practice and conduct agreement with a teacher about minor disciplinary action, except in matters involving teacher impairment.
- Employing authorities will need to notify the QCT as soon as they start dealing with any allegation of harm caused, or likely to be caused, to a child because of a teacher's conduct. This includes when referring an allegation to another investigating entity.
- New processes for the internal review committee will come into effect.
- Other amendments to clarify existing provisions in the Act will also come into effect.