Compliance management strategy

The Education (Queensland College of Teachers) Act 2005 (the Act) is the principal legislation for regulating the teaching profession in Queensland.

The main objectives of the 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.

The QCT Regulatory Compliance Framework (available on the Queensland College of Teachers (QCT) website) provides an overarching structure for the QCT to manage its obligations as the regulator of the teaching profession in Queensland. Individual QCT policies also outline how provisions of the Act apply, the requirements for compliance and the potential consequences of non-compliance with requirements.

The QCT Compliance management strategy details the way in which potential compliance matters are monitored and managed. The QCT values maintaining productive working relationships with stakeholders and developing a partnership approach to regulatory issues where appropriate.

The QCT monitors the compliance of individuals and agencies through activities such as:
- Receiving complaints about possible non-compliance and determining the appropriate level of action to take
- Requesting information from individuals and agencies which demonstrate their compliance with the Act and/or QCT policy
- Conducting audits of schools and employing authorities and on information provided to the QCT by applicants, teachers, principals, other authorised persons, employing authorities and higher education institutions
- Undertaking an annual census of teachers in Queensland schools
- Monitoring the application of conditions on a teacher’s registration
- Undertaking investigations

The investigation of suspected non-compliance with the Act can result in prosecution. Generally, the QCT would only undertake legal enforcement action on a compliance concern if there is potential for significant adverse impact on the regulatory function of the QCT, the profession, teaching standards, or the safety of children. The Act prescribes the maximum penalty that can be applied when a magistrate determines that the legislation has been breached. The current value of each penalty unit, as well as information regarding fines and special legislation, is available at [www.qld.gov.au/law/crime-and-police/types-of-crime/sentencing-fines-and-penalties-for-offences/](http://www.qld.gov.au/law/crime-and-police/types-of-crime/sentencing-fines-and-penalties-for-offences/).

The following tables outline the legislative and policy regulatory provisions, the management strategies used by the QCT to monitor and enforce compliance obligations of persons and agencies and the maximum penalty units prescribed under legislation if the matter is prosecuted.

<table>
<thead>
<tr>
<th>SECTION</th>
<th>DESCRIPTION</th>
<th>MANAGEMENT STRATEGY</th>
<th>MAXIMUM PENALTY UNITS IF PROSECUTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>44 (1)</td>
<td>Amending or replacing certificate of registration or certificate of permission to teach</td>
<td>Investigation and action to be pursued on a case by case basis</td>
<td>10</td>
</tr>
<tr>
<td>64 (2)</td>
<td>Requirement to return certificate of registration or permission to teach etc. on suspension or cancellation</td>
<td>Investigation and action to be pursued on a case by case basis</td>
<td>20</td>
</tr>
<tr>
<td>67(2)</td>
<td>Effect of suspension on registration or permission to teach</td>
<td>Investigation and action to be pursued on a case by case basis</td>
<td>100</td>
</tr>
<tr>
<td>70</td>
<td>Failure to disclose changes in criminal history</td>
<td>Investigation and action to be pursued on a case by case basis</td>
<td>100</td>
</tr>
</tbody>
</table>

www.qct.edu.au
<table>
<thead>
<tr>
<th>SECTION OF ACT</th>
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<th>MANAGEMENT STRATEGY</th>
<th>MAXIMUM PENALTY UNITS IF PROSECUTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>71(1)</td>
<td>Disclosure of other change in circumstances</td>
<td>Investigation and action to be pursued on a case by case basis</td>
<td>10</td>
</tr>
<tr>
<td>72(2)</td>
<td>Disclosure about particular changes in teaching status in another State</td>
<td>Annual Audit Investigation of a complaint on a case by case basis</td>
<td>40</td>
</tr>
<tr>
<td>76(2)</td>
<td>Requirement for employing authority to notify college about particular allegations</td>
<td>Annual Audit Investigation of a complaint on a case by case basis</td>
<td>40</td>
</tr>
<tr>
<td>77(2)</td>
<td>Requirement for employing authority to notify college about the outcome of the particular allegations</td>
<td>Annual Audit Investigation of a matter on a case by case basis Monitoring notices received under s76</td>
<td>40</td>
</tr>
<tr>
<td>78(2)</td>
<td>Requirement for employing authority to notify college about certain other dismissals</td>
<td>Annual Audit Investigation of a matter on a case by case basis</td>
<td>40</td>
</tr>
<tr>
<td>79(2)</td>
<td>College may request information from principal</td>
<td>Annual Audit Annual Census Management action on a case by case basis</td>
<td>20</td>
</tr>
<tr>
<td>82(1)</td>
<td>Only approved teachers may be employed as teachers</td>
<td>Annual Audit Annual Census Management action on a case by case basis</td>
<td>200</td>
</tr>
<tr>
<td>82(2)</td>
<td>The employing authority for a prescribed school must not allow an approved teacher to teach in the prescribed school if the person's registration or permission to teach is suspended by the College or the Queensland Civil and Administrative Tribunal.</td>
<td>Annual Audit Annual Census Management action on a case by case basis</td>
<td>200</td>
</tr>
<tr>
<td>83(1)</td>
<td>Requirement to hold registration or permission to teach to teach in schools</td>
<td>Annual Audit Annual Census Management action on a case by case basis</td>
<td>100</td>
</tr>
<tr>
<td>83(2)</td>
<td>A person who is not a registered teacher must not supervise, or assess the work of, a teacher or student teacher in a prescribed school.</td>
<td>Annual Audit Annual Census Management action on a case by case basis</td>
<td>100</td>
</tr>
<tr>
<td>84 (1)</td>
<td>Offence to misrepresent nature of registration or permission to teach</td>
<td>Investigation and action to be pursued on a case by case basis</td>
<td>100</td>
</tr>
<tr>
<td>84(2)</td>
<td>A person who holds permission to teach must not claim, or hold himself or herself out, to hold registration.</td>
<td>Investigation and action to be pursued on a case by case basis</td>
<td>100</td>
</tr>
<tr>
<td>84(3)</td>
<td>An approved teacher whose registration or permission to teach is subject to a condition must not claim, or hold himself or herself out, to hold registration or permission to teach that is not subject to conditions.</td>
<td>Management action on a case by case basis</td>
<td>100</td>
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<td>SECTION OF ACT</td>
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<tr>
<td>85(1)</td>
<td>False or misleading information</td>
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<td></td>
<td>A person must not give relevant information to the College that the person knows is false or misleading in a material particular.</td>
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<td>Management action on a case by case basis</td>
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<tr>
<td>86(1)</td>
<td>False, incomplete or misleading documents</td>
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<td>A person must not give to the College a document containing information the person knows is false, incomplete or misleading in a material particular.</td>
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<td>Investigation and action to be pursued on a case by case basis</td>
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<tr>
<td>122(1)</td>
<td>Offence for failing to give information and protection against self-incrimination</td>
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<td></td>
<td>A person given a notice under section 120 must not fail, without a reasonable excuse, to give the Professional Capacity and Teacher Conduct Committee (PC&amp;TCC Committee) the information the person is required to give by the notice.</td>
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<td></td>
<td>Professional Capacity and Teacher Conduct Committee to pursue on a case by case basis</td>
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<td>60</td>
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<tr>
<td>180</td>
<td>Return of identity card</td>
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<td></td>
<td>A person who ceases to be an investigator must return the person’s identity card to the College within 15 business days after ceasing to be an investigator, unless the person has a reasonable excuse.</td>
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<td></td>
<td>Relevant Executive Manager to pursue on cessation of an investigator</td>
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<tr>
<td>182(1)</td>
<td>Failure to give information</td>
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<td>A person required to give information to an investigator under section 181 must give the information as required by the notice, unless the person has a reasonable excuse.</td>
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<td></td>
<td>Investigator to action on a case by case basis</td>
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<tr>
<td>182(2)</td>
<td>Failure to attend as required</td>
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<td>A person given a notice to attend before an investigator under section 181 must, unless the person has a reasonable excuse, attend as required by the notice; and continue to attend as required by the investigator until excused from further attendance; and answer a question the person is required to answer by the investigator; and produce a thing the person is required to produce by the notice.</td>
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<td>Investigator to action on a case by case basis</td>
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<td>190(1)</td>
<td>Failure to help investigator</td>
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<td>A person required to give reasonable help under section 189(3)(e) must comply with the requirement, unless the person has a reasonable excuse.</td>
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<td>Investigator to action on a case by case basis</td>
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<tr>
<td>191(1)</td>
<td>Failure to give information</td>
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<td>A person of whom a requirement is made under section 189(3)(f) must comply with the requirement, unless the person has a reasonable excuse.</td>
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<td>Investigator to action on a case by case basis</td>
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<tr>
<td>195</td>
<td>Tampering with seized things</td>
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<td>If an investigator restricts access to a seized thing, a person must not tamper, or attempt to tamper, with the thing, or something restricting access to the thing, without the investigator’s approval.</td>
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<td>Investigation of a matter on a case by case basis</td>
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<tr>
<td>205</td>
<td>False or misleading information given to investigator</td>
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<td></td>
<td>A person must not state anything to an investigator the person knows is false or misleading in a material particular.</td>
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<tr>
<td>206(1)</td>
<td>False or misleading documents given to investigator</td>
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<td></td>
<td>A person must not give an investigator a document containing information the person knows is false or misleading in a material particular.</td>
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<tr>
<td>207(1)</td>
<td>Obstruction of investigator</td>
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<td>A person must not obstruct an investigator in the exercise of a power, unless the person has a reasonable excuse.</td>
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<td>Investigation of a matter on a case by case basis</td>
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<tr>
<td>208</td>
<td>Impersonation of investigator</td>
<td></td>
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<td></td>
<td>A person must not pretend to be an investigator.</td>
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<td></td>
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<td>50</td>
<td></td>
<td></td>
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<tr>
<td>228</td>
<td>Executive officers must ensure corporation complies with Act</td>
<td></td>
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<td></td>
<td>If a corporation commits an offence against a stated provision of this Act, each of the corporation’s executive officers also commits an offence, namely, the offence of failing to ensure the corporation complies with the provision.</td>
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<td>Annual Audit Investigation of a matter on a case by case basis</td>
<td></td>
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</tr>
<tr>
<td>249(1)</td>
<td>Requirements for Board members to disclose changes in criminal history</td>
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<td>If there is a change in the criminal history of a member of the board, the member must, unless the member has a reasonable excuse, immediately disclose the change to the Minister.</td>
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<td></td>
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<td></td>
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**For conditions on registration, continuing professional development (CPD), recency of practice and moving from provisional to full registration**

<table>
<thead>
<tr>
<th>COMPLIANCE REQUIREMENT</th>
<th>COMPLIANCE MANAGEMENT</th>
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<tbody>
<tr>
<td>College to give show cause notice for failing to comply with condition – If the College reasonably believes a person to whom [Division 2] applies is not complying with a relevant condition, or has failed to comply with a relevant condition the College must give the person a notice.</td>
<td>Action to be pursued on a case by case basis</td>
</tr>
</tbody>
</table>
| Conditions placed at point of initial registration – study condition, overseas criminal history | Identified and managed through:  
• Case management  
• Monitoring |
| Conditions placed on renewal – Returning to Teaching condition | Identified and managed through:  
• Annual Census  
• Five-yearly renewal  
• Advice of change in circumstances  
• In response to a complaint  
• Advice from an employing authority  
• Monitoring |
| Conditions as a result of disciplinary action | Identified and managed through:  
• Case management  
• Monitoring |
| Recency of practice is correctly declared on renewal or restoration | Identified and managed through:  
• Sampling of renewing teachers*  
• In response to a complaint |
| Fully registered teachers with recency of practice meet the QCT CPD requirements to renew/restore their registration | Identified and managed through:  
• Sampling of renewing teachers*  
• In response to a complaint |
| For moving from provisional to full registration | Identified and managed through:  
• Quality assurance checking  
• In response to a complaint |

For further information about the Queensland College of Teachers and the Act, visit [www.qct.edu.au](http://www.qct.edu.au)