

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* 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/.

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.

SECTION OF ACT	DESCRIPTION	MANAGEMENT STRATEGY	MAXIMUM PENALTY UNITS IF PROSECUTED
44 (1)	Amending or replacing certificate of registration or certificate of permission to teach An approved teacher who receives a relevant notice must, unless the teacher has a reasonable excuse, return the teacher's certificate of registration or certificate of permission to teach to the College within 21 days after receiving the notice.	Investigation and action to be pursued on a case by case basis	10
64 (2)	Requirement to return certificate of registration or permission to teach etc. on suspension or cancellation The teacher must, unless the teacher has a reasonable excuse, return the teacher's certificate of registration or permission to teach to the college within 14 days after receiving notice of the suspension or cancellation.	Investigation and action to be pursued on a case by case basis	20
67(2)	Effect of suspension on registration or permission to teach During the suspension, the person must not start or continue to teach in a prescribed school.	Investigation and action to be pursued on a case by case basis	100
70	Failure to disclose changes in criminal history An approved teacher must not fail to give the College a disclosure required under section 68(1), unless the teacher has a reasonable excuse.	Investigation and action to be pursued on a case by case basis	100

Compliance management strategy (continued)

SECTION OF ACT	DESCRIPTION	MANAGEMENT STRATEGY	MAXIMUM PENALTY UNITS IF PROSECUTED
71(1)	Disclosure of other change in circumstances An approved teacher must, within 20 business days after a prescribed change in circumstances, give notice to the College stating details of the change in circumstances.	Investigation and action to be pursued on a case by case basis	10
72(2)	Disclosure about particular changes in teaching status in another State The person must give notice of the event to the College within 7 days after the event happens.	Annual Audit Investigation of a complaint on a case by case basis	40
76(2)	Requirement for employing authority to notify college about particular investigations If the employing authority for a prescribed school investigates an allegation of harm caused, or likely to be caused, to a child because of the conduct of a relevant teacher of the prescribed school the employing authority must, as soon as practicable after the investigation starts, give notice to the College of the investigation.	Annual Audit Investigation of a complaint on a case by case basis	40
77(2)	Requirement for employing authority to notify college about particular terminations of employment If the employing authority for a prescribed school starts an investigation mentioned under section 76(1) the employing authority must as soon as practicable after the investigation ends for any reason give notice to the College of the outcome of the investigation.	Annual Audit Investigation of a matter on a case by case basis Monitoring notices received under s76	40
78(2)	Requirement for employing authority to notify college about certain other dismissals If an employing authority for a prescribed school dismisses a relevant teacher of the prescribed school in circumstances that, in the opinion of the employing authority, call into question the teacher's competency to be employed as a teacher; and the employing authority is not required to give notice to the College about the dismissal under section 77, the employing authority must, within 14 days after the day notice of the dismissal was given to the teacher, give notice of the dismissal to the College.	Annual Audit Investigation of a matter on a case by case basis	40
79(2)	College may request information from principal The College may, by notice, require the principal of a prescribed school to give the College reports and returns, in the approved form, about approved teachers teaching at the prescribed school. The principal must comply with the notice.	Annual Audit Annual Census Management action on a case by case basis	20
82(1)	Only approved teachers may be employed as teachers The employing authority for a prescribed school must not employ a person as a teacher in the prescribed school unless the person is an approved teacher.	Annual Audit Annual Census Management action on a case by case basis	200
82(2)	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.	Annual Audit Annual Census Management action on a case by case basis	200
83(1)	Requirement to hold registration or permission to teach to teach in schools A person who is not an approved teacher must not teach in a prescribed school.	Annual Audit Annual Census Management action on a case by case basis	100
83(2)	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.	Annual Audit Annual Census Management action on a case by case basis	100
84 (1)	Offence to misrepresent nature of registration or permission to teach A person who holds provisional registration must not claim, or hold himself or herself out, to hold full registration.	Investigation and action to be pursued on a case by case basis	100
84(2)	A person who holds permission to teach must not claim, or hold himself or herself out, to hold registration.	Investigation and action to be pursued on a case by case basis	100
84(3)	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.	Management action on a case by case basis	100

SECTION OF ACT	DESCRIPTION	MANAGEMENT STRATEGY	MAXIMUM PENALTY UNITS IF PROSECUTED
85(1)	False or misleading information A person must not give relevant information to the College that the person knows is false or misleading in a material particular.	Management action on a case by case basis	50
86(1)	False, incomplete or misleading documents A person must not give to the College a document containing information the person knows is false, incomplete or misleading in a material particular.	Investigation and action to be pursued on a case by case basis	50
122(1)	Offence for failing to give information and protection against self-incrimination A person given a notice under section 120 must not fail, without a reasonable excuse, to give the Professional Practice and Conduct committee (PP&C committee) the information the person is required to give by the notice.	Professional Practice and Conduct committee to pursue on a case by case basis	60
180	Return of identity card 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.	Relevant Executive Manager to pursue on cessation of an investigator	10
182(1)	Failure to give information 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.	Investigator to action on a case by case basis	50
182(2)	Failure to attend as required 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.	Investigator to action on a case by case basis	50
190(1)	Failure to help investigator A person required to give reasonable help under section 189(3)(e) must comply with the requirement, unless the person has a reasonable excuse.	Investigator to action on a case by case basis	50
191(1)	Failure to give information 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.	Investigator to action on a case by case basis	50
195	Tampering with seized things 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.	Investigation of a matter on a case by case basis	50
205	False or misleading information given to investigator A person must not state anything to an investigator the person knows is false or misleading in a material particular.	Investigation of a matter on a case by case basis	50
206 (1)	False or misleading documents given to investigator A person must not give an investigator a document containing information the person knows is false or misleading in a material particular.	Investigation of a matter on a case by case basis	50
207 (1)	Obstruction of investigator A person must not obstruct an investigator in the exercise of a power, unless the person has a reasonable excuse.	Investigation of a matter on a case by case basis	100
208	Impersonation of investigator A person must not pretend to be an investigator.	Investigation of a matter on a case by case basis	50
228	Executive officers must ensure corporation complies with Act 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.	Annual Audit Investigation of a matter on a case by case basis	
249(1)	Requirements for Board members to disclose changes in criminal history 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.	Investigation of a matter on a case by case basis	100

Compliance management strategy (continued)

SECTION OF ACT	DESCRIPTION	MANAGEMENT STRATEGY	MAXIMUM PENALTY UNITS IF PROSECUTED
283(2)	Confidentiality of particular information A person who, in performing functions under this Act, has acquired information about another person, including relevant personal information must not disclose the information to anyone else, unless the disclosure is permitted under sections 283(2)(3) or 283(2)(3A).	Investigation of a matter on a case by case basis	40
293	Higher education entities must not misrepresent approval of preservice teacher education programs A higher education entity offering a preservice teacher education program that has not been approved by the College under this Act must not claim or represent to another person that the program has been approved by the college under this Act.	Investigation of a matter on a case by case basis	20

For conditions on registration, continuing professional development (CPD), recency of practice and moving from provisional to full registration

COMPLIANCE REQUIREMENT	COMPLIANCE MANAGEMENT
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.	Action to be pursued on a case by case basis
Conditions placed at point of initial registration – study condition, overseas criminal history	Identified and managed through: <ul style="list-style-type: none"> • Case management • Monitoring
Conditions placed on renewal – Returning to Teaching condition	Identified and managed through: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • Case management • Monitoring
Recency of practice is correctly declared on renewal or restoration	Identified and managed through: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • Sampling of renewing teachers* • In response to a complaint
For moving from provisional to full registration	Identified and managed through: <ul style="list-style-type: none"> • 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