

**Response to stakeholder submissions made to the Industry, Education, Training and Industrial Relations Committee inquiry into the Education and Training Legislation Amendment Bill 2011**

STAKEHOLDER	SUPPORT / NOT SUPPORT	COMMENTS	DEPARTMENT COMMENTS
<b>ISSUE 1: MANDATORY REPORTING OF SUSPECTED SEXUAL ABUSE</b>			
Independent Schools Queensland (ISQ)	Qualified support - mandatory reporting of 'risk of abuse'	<ul style="list-style-type: none"> <li>Strongly support improved protection for children but concerned with proposal to mandate reporting of a 'likelihood of sexual abuse'.</li> <li>ISQ is concerned that existing difficulties in recognising indicators of sexual abuse, reluctance in reporting, ignorance of the law and relevant procedures will be exacerbated and require school staff to predict what might happen in the future.</li> <li>ISQ raises the risk that either over-reporting or failing to report could result because of the difficulty in 'predicting' a likelihood of sexual abuse in the future.</li> </ul>	<ul style="list-style-type: none"> <li>The Bill is consistent with the Government's position in relation to reporting or sexual abuse.</li> <li>The Queensland Government is committed to creating safe and supportive learning environments in which the welfare and best interests of students are paramount.</li> <li>Strengthening the statutory reporting requirements sends a clear message to school staff in Queensland that they must remain vigilant in protecting students from sexual abuse.</li> <li>The new requirements will ensure consistency across all schooling sectors and align with existing state school policy and procedure.</li> <li>While there is no consistent legislative standard for the reporting of sexual abuse or risk of sexual abuse across Australia, most jurisdictions require mandatory reporting of harm and risk of harm which includes harm caused by sexual abuse.</li> <li>The amendments are supported by recommendations of a Queensland University of Technology report titled <i>Teachers reporting child sexual abuse: Towards evidence-based reform of</i></li> </ul>

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			<p><i>law, policy and practice.</i> The author of the QUT report, Associate Professor Ben Matthews, has made a submission to the Industry, Education, Training and Industrial Relations Committee (the Committee) supporting the amendments.</p> <p><u><i>Current requirements for non-state schools</i></u></p> <ul style="list-style-type: none"> <li>• Section 10 of the <i>Education (Accreditation of Non-State Schools) Regulation 2001</i> requires that non-state schools have policies regarding the health and safety of its students. This includes written processes covering the reporting of harm or a suspicion of harm, including harm caused by sexual abuse.</li> <li>• At common law, all schools owe a duty of care to students to take reasonable action to address all foreseeable risks of harm to students.</li> </ul> <p><u><i>Training</i></u></p> <ul style="list-style-type: none"> <li>• It is the responsibility of all schooling sectors to adequately inform and train their staff to be cognisant of their legal reporting requirements and procedures for reporting.</li> <li>• In the state sector, staff members are required to complete online student protection training upon commencing work.</li> <li>• It is proposed to make a fact sheet detailing the new</li> </ul>

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			<p>legislative requirement available to all employees via the Department's website.</p> <ul style="list-style-type: none"> <li>• DET has also signalled its intention to share its training resources with the non-state sectors.</li> </ul> <p><u>Concerns about reporting practices</u></p> <ul style="list-style-type: none"> <li>• These amendments provide a clear indication to all schooling sectors that school staff must be vigilant in reporting suspicions of sexual abuse, including a likelihood of sexual abuse.</li> <li>• The bar for reporting suspicions of future sexual abuse is set quite high. The requirement is to report where the staff member reasonably suspects a student is 'likely to be sexually abused'. This high test requires more than a concern that there is a risk of future sexual abuse.</li> <li>• It is acknowledged that forming a suspicion that there is a likelihood of future sexual abuse involves an objective consideration based on facts presented to the staff member and their level of knowledge of indicators of sexual abuse.</li> <li>• Adequate training will promote appropriate reporting practices.</li> <li>• In addition, to ensure reporting is sensible and appropriate, the Bill does not introduce criminal penalties for failing to report the risk of future</li> </ul>

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			sexual abuse. This is consistent with the approach adopted in New South Wales in relation to reporting risk of harm.
Queensland University of Technology Faculty of Law	Support	<ul style="list-style-type: none"> <li>• A modification is suggested to allow a teacher to make a report directly to the police or relevant child safety department with the Principal notified.</li> <li>• It is suggested that the legislation enable the teacher to report to the police if they are aware the principal has not.</li> <li>• The submission suggests this would reduce the risk of the report not being forwarded by the Principal.</li> </ul>	<ul style="list-style-type: none"> <li>• The Bill as drafted implements the Government's policy intention in relation to reporting of allegations of sexual abuse.</li> <li>• The Bill places an obligation on principals and their supervisors (or directors in the non-state sector) to pass reports about sexual abuse made by staff members directly to the police.</li> <li>• Reporting through the principal of the school ensures a coordinated approach to the reporting of allegations of sexual abuse of school students to the police.</li> <li>• Reporting through the principal allows the principal the opportunity to implement strategies to ensure that students as well as staff members making a report receive support as necessary</li> <li>• Concerns with non-reporting can be referred to appropriate officers within schooling systems or the police.</li> </ul>

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Queensland Council of Parents and Citizens' Associations (QCPCA)	Support	<ul style="list-style-type: none"> <li>Acknowledging and addressing the existence of abuse, providing children with personal development as a means of protection and defence, ensuring that policies promote child protection and supporting and protecting victims will assist in achieving QCPCAs policy objective that society must actively promote its most vulnerable members from all forms of abuse.</li> </ul>	<ul style="list-style-type: none"> <li>Stakeholder feedback noted</li> </ul>
Associated Christian Schools (ACS)	Support	<ul style="list-style-type: none"> <li>Expanding the reporting requirements acknowledges the profound damage caused by sexual abuse, improves alignment with other states and reinforces the duty of care schools have to report and prevent sexual abuse.</li> <li>ACS sought clarification about scope of the terms 'any person', 'sexual abuse' and 'likely'.</li> <li>ACS is concerned that that the statement extracted below from the Explanatory Notes could be relied upon in civil cases when considering the extent of the common law duty of</li> </ul>	<ul style="list-style-type: none"> <li>The terms 'any person' and 'likely' are not defined and will take their ordinary meaning. <u>'Sexual abuse'</u></li> <li>The Bill does not define the term 'sexual abuse' because of concerns that doing so could inadvertently narrow the scope the provision.</li> <li>The term is not defined in any other Queensland legislation where it is used, including the <i>Child Protection Act 1999</i> and the <i>Public health Act 1995</i>, nor in the existing education portfolio legislation.</li> <li>The term has not been defined in the child protection legislation of other jurisdiction or legislation of other jurisdictions where a mandatory reporting requirement has been imposed.</li> </ul>

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		<p>care owed by schools:</p> <p><i>‘A likelihood of sexual abuse is foreseeably a matter schools ought to be considering in development of any risk management strategies, policies or procedures aimed at ensuring their common law duties are met.’</i></p>	<ul style="list-style-type: none"> <li>The concern is that defining the term could inadvertently narrow the scope of matters reported.</li> <li>Staff members can be informed of their obligations through appropriate training and policy guidance as to what indicators or behaviours should be reported under the requirement.</li> </ul> <p><i>Explanatory Notes</i></p> <ul style="list-style-type: none"> <li>The intention of the statement in the Explanatory Notes referred to by ACS was to note that school policies and risk management strategies that provide for action to respond to concerns about a likelihood of sexual abuse would not be inconsistent with the common law duty. The statement was not intended to be an interpretation of, or advice on, the extent of the existing common law duty owed by schools to students.</li> </ul>
Queensland Catholic Education Commission (QCEC)	Not support - mandatory reporting of ‘risk of abuse’	<ul style="list-style-type: none"> <li>QCEC is concerned about the obligation being placed on all school staff, rather than just teachers. QCEC notes that imposing the obligation on all staff members is inconsistent with the approach adopted in other jurisdictions.</li> <li>QCEC advocates for a definition of the term ‘sexual abuse’. The</li> </ul>	<ul style="list-style-type: none"> <li>The Bill as drafted implements the Government’s policy intention in relation to reporting of allegations of sexual abuse.</li> </ul> <p><i>Extension of obligation to staff other than teachers</i></p> <ul style="list-style-type: none"> <li>The existing reporting requirement applies to all school staff. In the interests of child safety, the Bill applies the expanded requirement to all school staff as well.</li> <li>The obligation on staff members is to report when</li> </ul>

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		<p>submission notes that the lack of a definition creates considerable uncertainty and a potential for :</p> <ul style="list-style-type: none"> <li>- delay/neglect in reporting;</li> <li>- increased unnecessary reporting;</li> <li>- increased reporting of unsustainable allegations resulting in residual damage to reputations of innocent persons.</li> </ul> <ul style="list-style-type: none"> <li>• The QCEC proposes an alternative approach be adopted whereby non-state schools could be mandated to have policies dealing with risks of future sexual abuse.</li> <li>• The QCEC note non-state school stakeholders have previously unanimously opposed expanding the mandatory reporting obligations to include reporting of future sexual abuse.</li> </ul>	<p>the person ‘reasonably suspects’ a student has been or is likely to be sexually abused.</p> <ul style="list-style-type: none"> <li>• It is acknowledged that training of the expanded statutory requirements may need to be targeted towards the staff members having regard to the level of contact relevant staff may have with children and the opportunity to observe behaviour giving rise to suspicions of sexual abuse.</li> <li>• A Jurisdictional analysis of mandatory reporting provisions indicates that there is no consistent approach to who is required to report across all jurisdictions. However, the analysis confirms that teachers and non-teaching staff, including volunteers are required to report in some jurisdictions. This is supported in the QCEC analysis.</li> <li>• Most jurisdictions require all staff and non-teaching staff, including volunteers to report under policy, therefore in practice a reporting obligation in most jurisdictions already extends to all school staff.</li> </ul> <p><u>Defining ‘sexual abuse’</u></p> <ul style="list-style-type: none"> <li>• The Committee is referred to the response to the Australian Christian Schools above in relation to the issue of defining ‘sexual abuse’.</li> </ul>

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			<p><u>Concerns about over-reporting</u></p> <ul style="list-style-type: none"> <li>• The Committee is referred to the response to Independent Schools Queensland on this issue.</li> <li>• As indicated above, the bar for reporting suspicions of future sexual abuse is intentionally set high, i.e. to report where the staff member reasonably suspects a student is ‘likely to be sexually abused’.</li> <li>• This high threshold for reporting requires more than a concern that there is a risk of future sexual abuse.</li> </ul> <p><u>Alternative approach: mandate schools have policies to address risks of future sexual abuse rather than mandate reporting to police.</u></p> <ul style="list-style-type: none"> <li>• The introduction of statutory reporting requirements sends the strongest possible message to school staff about the expectation of the Government in relation to protecting children from sexual abuse.</li> <li>• The proposal would not address the state school system, where reporting of the risks of sexual abuse would remain a matter for policy.</li> <li>• Mandatory reporting to police ensures that appropriate qualified officers can investigate allegations. This could not be assured under policy.</li> <li>• The introduction of legislative requirement for reporting ensures consistency across all schools,</li> </ul>



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			state and non-state about what is to be reported and to whom it must be reported
Queensland Law Society	Not support –	<ul style="list-style-type: none"> <li>Whether there is a likelihood of sexual abuse will be difficult for school staff to assess.</li> <li>Under the <i>Legislative Standards Act 1992</i> legislation must be unambiguous and drafted in a sufficiently clear and precise way. The Queensland Law Society contends the legislation does not meet this requirement because no guidance is given to the term ‘likely sexual abuse’.</li> <li>Interstate experience shows that mandatory reporting is not working to protect children.</li> <li>Teachers are adequately reporting under existing Queensland law (including voluntary reporting under the <i>Child Protection Act 1999</i>. Mandatory requirements, especially with risk of criminal sanction will result in over-reporting.</li> <li>A policy driven approach would be more useful, whereby staff members</li> </ul>	<ul style="list-style-type: none"> <li>The Bill as drafted implements the Government’s policy intention in relation to reporting of allegations of sexual abuse.</li> <li>The proposed amendments implement recommendations from the QUT Report titled: Teachers reporting child sexual abuse: Towards evidenced based reform of law, policy and practice. The justification for the proposed reforms contained in the report have been summarised for the Committee in the submission by Associate Professor Matthews.</li> <li>The Committee is referred to the above responses in relation to issues raised about the scope of the term sexual abuse, training of staff and over-reporting.</li> </ul> <p><u>Requirement for legislation to be unambiguous</u></p> <ul style="list-style-type: none"> <li>The Explanatory Notes to the Bill provide the Government position in relation to the argument that the proposed mandatory reporting requirement is inconsistent with the <i>Legislative Standards Act 1992</i>.</li> </ul> <p><u>Interstate experience</u></p> <ul style="list-style-type: none"> <li>The Bill does not introduce a criminal penalty for falling to report suspicions that a student is likely to</li> </ul>

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		<p>are trained to recognise signs of sexual abuse and encourage reporting under the voluntary reporting under the <i>Child Protection Act 1999</i>.</p> <ul style="list-style-type: none"> <li>• <i>Child Protection Act 1999</i> affords the notifier confidentiality not provided under education legislation.</li> <li>• Concerns raised about livelihood, mental health and relationships of innocent persons against whom allegations are made.</li> <li>• The requirement could capture reporting of consensual relations between two students. The Queensland Law Society also raises concerns about the long term impact on young persons being charged with offences relating to consensual sexual relationships with another student under the age of 16.</li> <li>• The Queensland Law Society notes the requirement applies to non-teaching staff and notes that adequate training will be required to assist staff to exercise the function.</li> </ul>	<p>be sexually abused.</p> <ul style="list-style-type: none"> <li>• This aims to mitigate risks that a new penalty would increase over reporting of inappropriate low level concerns.</li> <li>• This aligns with one approach adopted in New South Wales to address concerns about over reporting, identified in the Report of the Special Commission of Inquiry into Child Protection Services in NSW.</li> <li>• The proposed amendments ensure that Queensland's standards for reporting sexual abuse in schools is equivalent to, or higher than, requirements in other jurisdictions.</li> </ul> <p><u><i>Impact on persons against whom allegations are made inappropriately</i></u></p> <ul style="list-style-type: none"> <li>• The protection of children from harm caused by sexual abuse is the primary concern of the proposed amendments.</li> <li>• The proposed amendments will provide a clear message that the Queensland Government is committed to protecting children and young people from sexual abuse.</li> <li>• Staff members of Queensland schools must be vigilant in ensuring the safety of students in our schools. As noted above, it is recognised that staff</li> </ul>

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			will need adequate training to understand their reporting and implement appropriate reporting responsibilities.
Commission for Children and Young People and Child Guardian	Support	<ul style="list-style-type: none"> <li>Potential over reporting is best managed and mitigated through training for school staff.</li> </ul>	<ul style="list-style-type: none"> <li>Submission noted</li> </ul>
<b>ISSUE 2: DELEGATION OF REPORTING RESPONSIBILITIES</b>			
Independent Schools Queensland (ISQ)	Not support	<ul style="list-style-type: none"> <li>Current requirement is clear, not onerous and the duty is appropriately placed with the principal or board member given the importance.</li> <li>The delegation could be to a variety of positions eg. chaplain, protection officer or counsellor resulting in a line of reporting which is less clear than is allowed currently.</li> <li>It is anticipated that the delegation would normally be to the principal but they are already required to report to police so this may narrow the opportunity for a staff member to</li> </ul>	<ul style="list-style-type: none"> <li>The Bill is consistent with the Government's position in relation to delegation of directors' functions to receive and make reports about suspected sexual abuse.</li> <li>The proposal to allow the director of a non-state school's governing body to delegate their function to receive reports about alleged sexual abuse and report the allegation to the police aims to promote the timely reporting of allegations of sexual abuse.</li> <li>As indicated in the Explanatory Notes to the Bill, this amendment is being made to enhance reporting processes, especially for sole directors of non-state school governing bodies, who may have significant other duties to those as the director. An example is</li> </ul>

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		report a matter of concern.	<p>the Archbishop of the Catholic Archdiocese of Brisbane.</p> <ul style="list-style-type: none"> <li>• Delegation is an option. Where reporting arrangements are working well to ensure child safety, there is no onus on the school to delegate.</li> <li>• To ensure appropriate and efficient reporting practices continue under a delegation, the Bill provides that the delegator remains liable if the delegate fails to meet their reporting obligations. The delegator must therefore ensure appropriate training is provided about the obligation and procedures for reporting.</li> <li>• It is noted that the Bill introduced into Parliament does not prohibit director delegating their function to the principal of the school. However, the Bill also does not prohibit a person reporting to the director despite a delegation being made. Accordingly, if a teacher had an allegation against a principal, they could still report to the director should the principal be the delegate.</li> </ul>
Associated Christian Schools	Not support	<ul style="list-style-type: none"> <li>• The submission raises concerns about the implications of the delegator remaining liable for a breach of the delegate's obligations.</li> <li>• In Associated Christian Schools, the principal would be the likely delegate.</li> </ul>	<ul style="list-style-type: none"> <li>• The Bill is consistent with the Government's position in relation to delegation of directors' functions to receive and make reports about suspected sexual abuse.</li> <li>• The liability of the delegator for the failure of the delegate to report aims to ensure appropriate and</li> </ul>

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			<p>efficient reporting practices continue under a delegation. The delegator must ensure appropriate training is provided about the obligation and procedures for reporting.</p> <ul style="list-style-type: none"> <li>As indicated above, amendments to prohibit the delegation of the responsibility to the principal or other staff member of the school are being considered in response to the concerns raised with the Department.</li> </ul>
Queensland Council of Parents and Citizens' Associations (QCPCA)	Support	<ul style="list-style-type: none"> <li>Supports the intent of the teacher registration provisions</li> </ul>	<ul style="list-style-type: none"> <li>Stakeholder feedback noted</li> </ul>
Queensland Catholic Education Commission (QCEC)	Support	<ul style="list-style-type: none"> <li>Amendment welcomed because they accurately reflect earlier discussions between QCEC and DET.</li> <li>QCEC noted their understanding that delegation would be to a governance position comparable to 'director' not to school staff including Principal.</li> </ul>	<ul style="list-style-type: none"> <li>Submission noted</li> </ul>

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<b>ISSUE 3: TEACHER REGISTRATION</b>			
Independent Schools Queensland	Support	<ul style="list-style-type: none"> <li>The submission indicates support for the amendments including provision of an ‘eligibility application’, and expansion to the Queensland Civil and Administrative Tribunal’s powers.</li> </ul>	<ul style="list-style-type: none"> <li>Submission noted</li> </ul>
Queensland Council for Civil Liberties	Not support.	<ul style="list-style-type: none"> <li>Amendments fail to adequately balance the need for rehabilitation against the need to protect the community.</li> <li>Current legislation provides for an appropriate balance.</li> <li>The submission raised particular concern that the Bill extends the prohibition on teaching to those merely charged with a serious offence.</li> <li>The submission notes the potential for the amendments to capture the ‘Romeo and Juliet’ scenario.</li> </ul>	<ul style="list-style-type: none"> <li>The Bill is consistent with and achieves the intended policy objectives. These amendments are proposed to uphold the high standard of, and maintain public confidence in, Queensland’s teaching profession.</li> <li>The Bill will provide for the automatic cancellation of a teacher’s registration, and will prohibit a person from applying for registration, if the person is convicted of a serious offence. The automatic cancellation of teacher registration provisions only operate where a person has been convicted of a serious offence.</li> <li>The Bill will also enable the Queensland Civil and Administrative Tribunal (QCAT) to make a disciplinary order prohibiting a teacher or former teacher from applying for registration for a stated period or for life. QCAT is currently limited to orders of up to five years.</li> </ul>

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			<ul style="list-style-type: none"> <li>• QCAT raised concerns about this limit on its power to make disciplinary orders following a matter where a former teacher was convicted of offences relating to the disposal of a body and making false statements. In that matter, QCAT prohibited the person from applying for registration for 5 years - the maximum time available, but commented that it would have increased the prohibition if it had the capacity to do so.</li> <li>• The Queensland College of Teachers can seek such disciplinary orders for a range of conduct, such as convictions for criminal offences and other matters relating to suitability to teach.</li> <li>• While QCAT will have the capacity to prohibit a person from applying for registration for life without the person being convicted of a serious offence, this decision is reviewable. The facts of the matter would need to support such a decision.</li> <li>• The eligibility declaration allows the ‘Romeo and Juliet’ scenario to be addressed.</li> </ul>
Associated Christian Schools	Support	<ul style="list-style-type: none"> <li>• Supports automatic cancellation provisions and extension to QCAT disciplinary orders.</li> </ul>	<ul style="list-style-type: none"> <li>• Submission noted</li> </ul>
Queensland Catholic Education	Support	<ul style="list-style-type: none"> <li>• Unqualified support</li> </ul>	<ul style="list-style-type: none"> <li>• Submission noted</li> </ul>

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Commission			
Queensland Law Society	Support intent	<ul style="list-style-type: none"> <li>The Society suggests that amendments could be improved by making the following suite of amendments.</li> <li>Enable a person to reapply for an eligibility declaration if there has been a substantial change in circumstances; their most recent application was deemed to be refused or where the previous application was based on incomplete or wrong information.</li> <li>Prescribe the test for issuing an eligibility declaration as follows: “the college may grant the eligibility declaration provided the college is satisfied that it is in the best interests of children”.</li> <li>Allow for internal review followed by avenue to appeal to QCAT in the interests of procedural fairness and natural justice and to limit the potential for inappropriate conduct of officials.</li> <li>Specify a time period for deciding the</li> </ul>	<p><u>Eligibility declaration</u></p> <ul style="list-style-type: none"> <li>For consistency across the criminal screening systems for working with children and people with a disability, the eligibility declaration process proposed in the Bill is modelled closely on the existing eligibility declaration processes prescribed in the Commission for Children and Young People and Child Guardian Act 2000 and the Disabilities Services Act 2006.</li> <li>Variation has been made to cater for the fact that the Bill lifts the bar for teacher registration to provide for cancellation for conviction for serious rather than disqualifying offences.</li> <li>Persons applying for an eligibility declaration will have been convicted of serious sexual, violent or drug related offences. The test proposed for issuing the eligibility declaration accords with the Government policy position. It is a strict test where by a declaration ought not be issued unless it would not harm the best interests of children to do so. The test aligns with the test for considering suitability to teach in section 11 of the Education (Queensland College of Teachers) Act 2005.</li> <li>The amendments are aimed at protecting the best interests of children, which is of paramount</li> </ul>



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		<p>eligibility declaration with provision for extending the time.</p> <ul style="list-style-type: none"> <li>• Allow for revoking the declaration upon conviction, not charge of a serious offence.</li> <li>• Grounds for deemed withdrawal should be deemed refusal because there are valid reasons why an applicant may be unable to satisfy the requests of the QCT within the time limits and this should not be taken to be a withdrawal from the process.</li> <li>• Allow for a review of the reasonableness of a request for information and/or the time allowed to respond during the eligibility declaration process.</li> <li>• Provide that a decision to cancel the registration of a person who successfully appeals a conviction for a serious offence is void to absolve the person of all wrong doing and negative consequences of the cancellation decision.</li> </ul>	<p>importance to the Government. Any negative impact on persons who fall subject to the provisions is outweighed by the need to implement the strongest possible protection to children.</p> <ul style="list-style-type: none"> <li>• The Explanatory Notes to the Bill provide the justification for not providing for a right of appeal from an eligibility declaration decision.</li> <li>• The proposed part 1A, division 3 (Withdrawal of eligibility application) provides for the withdrawal of an eligibility application in various circumstances. There are no limits or prohibitions on a person making a fresh application after the withdrawal of an application under this division. Conversely, if an application is refused, proposed section 12E(2) will prohibit the person making a new application for at least two years, unless the decision is base don wrong or incomplete information.</li> </ul> <p><u>Cancellation of teacher registration</u></p> <ul style="list-style-type: none"> <li>• Even if a person is no longer an excluded person, because their conviction is overturned, there may be other grounds for the Queensland College of teachers to seek disciplinary orders against them.</li> <li>• Further information on this process is outlined in the response to the submission by the Queensland Council for Civil Liberties at page 15 above.</li> </ul>

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Commission for Children and Young People and Child Guardian	The submission does not indicate whether or not the amendments are supported.	<ul style="list-style-type: none"> <li>Will not affect recent changes to reduce duplication between blue card and teacher registration criminal history checking.</li> </ul>	<ul style="list-style-type: none"> <li>Submission noted</li> </ul>
<b>ISSUE 4: UNIVERSITY TRUST LAND</b>			
University of Queensland	The submission does not indicate whether or not the amendments are supported.	<ul style="list-style-type: none"> <li>The University of Queensland proposes amendments to provisions dealing with trust land under the Land Act 1994 and the Statutory Bodies Financial Arrangements Act 1982 for consideration.</li> <li>The University of Queensland also proposes amendments to the Bill including for example: <ul style="list-style-type: none"> <li>clause 38 should be amended to provide that the purpose for use of trust land is taken to include anything that is consistent with or would facilitate or enhance the purpose of the dedication or grant.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The Bill implements measures aimed at reducing restrictions on Queensland Universities regarding the leasing of trust land (i.e. land dedicated as reserve or granted in trust under the <i>Land Act 1994</i>) and to provide clarity around the use of certain trust land. The amendments, as drafted implement the Government's intention. <u><i>Amendments proposed to the Land Act 1994 and the Statutory Bodies Financial Arrangements Act 1982</i></u></li> <li>Amendments have been sought to procedures for dealing with trust land in the <i>Land Act 1994</i> and the <i>Statutory Bodies Financial Arrangements Act 1982</i> regarding trust land. Amendments to these Acts fall outside the ambit of the Bill and the responsibilities of the Minister for Education and Training.</li> <li>It is noted that there is capacity under the <i>Land Act</i></li> </ul>

**Response to stakeholder submissions made to the Industry, Education, Training and Industrial Relations Committee inquiry into the Education and Training Legislation Amendment Bill 2011**

STAKEHOLDER	SUPPORT / NOT SUPPORT	COMMENTS	DEPARTMENT COMMENTS
		<ul style="list-style-type: none"> <li>- clause 38 of the Bill be expanded to refer to other purposes such as education, teaching and research.</li> <li>• The University is also seeking confirmation from the Department of Environment and Resource Management about land title records.</li> <li>• In particular, the University seeks confirmation that the terms university and college purposes will be used for future dedications or grants.</li> </ul>	<p><i>1994</i> for the holder of trust land to seek the agreement of the Minister responsible for administration of the <i>Land Act 1994</i> to be exempted from seeking approval to lease trust land (section 64). This is currently the Minister for Finance, Natural Resources and The Arts.</p> <ul style="list-style-type: none"> <li>• Amending the <i>Land Act 1994</i> as suggested by the University of Queensland would require a more extensive investigation of the impacts on bodies beyond universities. Many other bodies apart from universities (eg Local government) also hold state trust land.</li> <li>• Historically, land has been dedicated as reserve or granted in trust to universities for operational purposes, including for an educational institution, university and college purposes.</li> <li>• This is not current practice. Under the <i>Land Act 1994</i>, land is now dedicated or granted for community purposes, listed in schedule 1 of the Act (eg. Scenic and park purposes).</li> <li>• More recently, land has been given to universities as freehold tenure. Land is unlikely in the future to be dedicated or entrusted to universities for operational purposes that will need clarification or alignment with the universities' functions.</li> <li>• The amendments are aimed at addressing concerns</li> </ul>

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STAKEHOLDER	SUPPORT / NOT SUPPORT	COMMENTS	DEPARTMENT COMMENTS
			<p>raised by Universities that the sometimes narrow interpretation of the scope of the purpose for which trust land may be used has affected their ability to provide facilities for ancillary student services or to take advantage of joint ventures with external entities for commercial purposes.</p> <ul style="list-style-type: none"> <li>• These concerns were raised in relation to trust land held for general educational, university and college purposes. The amendments intentionally focus on trust land that has been dedicated or granted to universities for such purposes.</li> <li>• To achieve the Government's objectives, the Bill clarifies that where land has been granted in trust or dedicated as reserve for a purpose relating to educational institution, university or college purposes, the purpose is to include any purpose consistent with the functions of the university.</li> <li>• University functions are generally consistent across the university Acts and include the provision of ancillary services for the wellbeing of staff and students and the commercial exploitation of a facility or resource of the university, including, for example, study, research or knowledge, or the practical application of study, research or knowledge, belonging to the university, whether alone or with someone else.</li> </ul>

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STAKEHOLDER	SUPPORT / NOT SUPPORT	COMMENTS	DEPARTMENT COMMENTS
			<ul style="list-style-type: none"> <li>A search by the Department of the Land Titles Registry indicates that the University of Queensland holds trust land for various purposes, including ‘university’ and ‘university and college’ purposes, as well as ‘scenic’ and ‘medical school’ purposes.</li> <li>Accordingly, the amendment aligning the purpose with the functions focused on ‘university’ and ‘university and college’ purposes.</li> </ul>
Griffith University	Support	<ul style="list-style-type: none"> <li>Clauses give universities more flexibility in dealing with lands they hold in trust.</li> </ul>	<ul style="list-style-type: none"> <li>Submission noted</li> </ul>
Queensland University of Technology	The submission does not indicate whether or not the amendments are supported.	<ul style="list-style-type: none"> <li>No issues raised</li> </ul>	<ul style="list-style-type: none"> <li>Submission noted</li> </ul>
James Cook University	Support	<ul style="list-style-type: none"> <li>The submission indicates that the amendments will further enhance the ability of the University to provide world-class education facilities to the people of Far North Queensland and position the University as a hub for research and teaching on issues of</li> </ul>	<ul style="list-style-type: none"> <li>Submission noted</li> </ul>

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<b>STAKEHOLDER</b>	<b>SUPPORT / NOT SUPPORT</b>	<b>COMMENTS</b>	<b>DEPARTMENT COMMENTS</b>
		importance to the tropical world.	
<b>ISSUE 5: OVERSEAS RECOGNISED SCHOOLS</b>			
Chamber of Commerce and Industry Queensland (CCIQ)	Support	<ul style="list-style-type: none"> <li>CCIQ is supportive of the amendment and intention to maintain the integrity of the Queensland Certificate of Education.</li> </ul>	<ul style="list-style-type: none"> <li>Submission noted</li> </ul>