

**Legal Affairs, Police,
Corrective Services and
Emergency Services Committee**

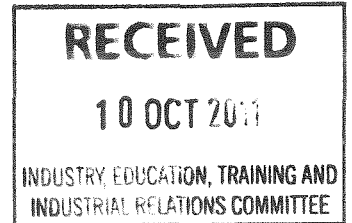
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Your Ref: 11.1 ETLAB

Our Ref: 11.2.11

6 October 2011

Mr Kerry Shine MP
Chair
Industry, Education, Training and Industrial Relations Committee
Parliament House
Brisbane QLD 4000



Dear Mr Shine

Education and Training Legislation Amendment Bill 2011

Further to the committee's letter of 5th September 2011, the committee has now considered the Education and Training Legislation Amendment Bill (the Bill) and provides its comments below.

Rather than replicate consideration of the Bill's policy already being undertaken by the Industry, Education, Training and Industrial Relations Committee (IETIRC), this committee has sought to focus on matters of legal principle and criminal justice.

The committee notes the Bill provides for automatic cancellation of teacher registration upon conviction of a serious offence, irrespective of whether the person was sentenced to imprisonment. The Bill also prohibits any person who has been convicted of a serious offence from applying for teacher registration. Further, the committee is aware of the Minister's intention to pursue proposed amendments at the consideration in detail stage, which would retrospectively apply the changes in the Bill to teachers who were convicted of serious offences before the commencement of the Bill.

The committee supports the automatic cancellation of teacher registration when a teacher is convicted of a serious offence. However, members of the committee had mixed views on the retrospective nature of the Minister's subsequent proposed amendments, with a majority (not on party lines) having reservations due to the adverse effects of retrospective obligations on the rights and liberties of individuals, including their right to work.

We note that the IETIRC has the benefit of directly hearing submissions and receiving departmental advice that will assist in determining whether sufficient regard has been given to the retrospective nature of the amendments. We also note that the Minister is concerned about a number of existing registered teachers who have convictions for serious offences who would not be caught by the proposed bill, particularly those who were sentenced to imprisonment for their crimes.

The committee respectfully invites the IETIRC to ensure that, in considering the proposed amendments, sufficient regard is paid to the retrospective nature of the amendments, given that teachers who may be affected by it have legitimate expectations about the current law.

The committee also agreed unanimously to express concern that the bill removes the administrative right of review of decisions of the Queensland College of Teachers to grant or refuse to grant an eligibility application, because this raises an issue of fundamental legislative principle, in that administrative power should be subject to review.

Thank you for the invitation to comment on selected aims of the Bill.

If you have any queries please contact the committee secretariat on (07) 3406 7230, or by email lapcsesc@parliament.qld.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dean Wells', with a stylized flourish at the end.

Hon Dean Wells MP
Acting Chair