



INDUSTRY, EDUCATION, TRAINING AND INDUSTRIAL RELATIONS COMMITTEE

Members present:

Mr K.G. Shine MP (Chair)
Mr S.L. Dickson MP
Dr B. Flegg MP
Mr S.A. Kilburn MP
Mrs D.C. Scott MP
Mrs J.A. Stuckey MP

Staff present:

Ms B. Watson (Research Director)
Mr P. Rogers (Principal Research Officer)

BRIEFING ON THE EDUCATION AND TRAINING LEGISLATION AMENDMENT BILL

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 24 AUGUST 2011

Brisbane

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Committee met at 11.34 am

BUSBY, Mr Stuart, Director, Legislative Services, Department of Education and Training

ELLIOTT, Ms Leigh, Manager, Office of Higher Education, Department of Education and Training

GRANTHAM, Ms Julie, Director-General, Department of Education and Training

O'CONNOR, Brett, Executive Director, Student Services, Department of Education and Training

PARSON, Ms Pat, Director, Non-State Schools Accreditation Board, Department of Education and Training

RYAN, Ms Kateena, Director, Strategic Policy and Research, Department of Education and Training

WHITEHEAD, Ms Annette, Associate Director-General and Chief Officer, Department of Education and Training

CHAIR: We will resume. We have additional people before us, which is good. You might be able to introduce them.

Ms Grantham: Can I thank the committee for the opportunity to brief it on the Education and Training Legislation Amendment Bill 2011. Being the first to work in this setting, we have some other visitors observing—seeing that it is our first time here before the committee. May I introduce at the front table starting from my right Pat Parsons, who is the Director of the Non-State Schools Accreditation Board. Then I have Brett O'Connor, who is the executive director for student services, and Stuart Busby, who is the Director of Legislative Services. Because of Stuart's role in the technical aspects of this bill Stuart will be very frequently, I would imagine, before this committee. You have met Annette. Can I also introduce Leigh Elliott, who is the Manager of the Office of Higher Education, and Kateena Ryan, who is the Director of Strategic Policy and Research. Kateena is here because of the process parts of the Queensland College of Teachers. As you know, this bill is looking at amendments to that act. So they are the people who are here.

Can I advise the committee that this is an omnibus bill that amends a number of acts within the Education and Training portfolio. The primary focus of this bill is to protect the welfare and the best interests of Queensland students by ensuring that our schools are safe and supportive learning environments. To this end, the bill introduces two key reforms. It strengthens the statutory requirements for the reporting of sexual abuse of Queensland students and introduces tougher laws regarding the cancelling of teacher registration.

The committee has indicated to us an interest in the consultation undertaken in relation to this bill and I would like to address those aspects now. Significant targeted consultation was undertaken with both non-government and government stakeholders during the development of the bill. This morning, I will provide you with a brief overview of the amendments and the consultation undertaken with external stakeholders in relation to each aspect of the bill. I understand—and Steve, I think this is the letter that you were referring to—the minister informed the committee yesterday about additional amendments that he proposes to make during consideration in detail to further strengthen the teacher registration requirements.

I will provide the committee with an overview of the proposed amendments. I turn in the first instance to the amendments proposed to the mandatory reporting requirement under the Education (General Provisions) Act 2006—the EGPA. There are already legislative and policy requirements that ensure the appropriate reporting of suspected child sexual abuse occurring within Queensland schools. Under the EGPA, school staff members in state and non-state schools are required to report suspicions that a student has been sexually abused by an employee of the school. Education Queensland policy further requires state school staff to report where they reasonably suspect a student has been harmed or is at risk of harm by any person—so not just an employee of the school. This includes harm caused by sexual abuse.

In the non-state schools they are required to have policies regarding student welfare to meet their accreditation criteria, including policies for reporting harm. This includes reporting harm or a suspicion of harm. A 2010 Queensland University of Technology report titled *Teachers reporting child sexual abuse: towards evidence-based reform of law, policy and practice* recommended that the statutory reporting obligations be strengthened to align with existing state school policy. The bill will enhance protection for Queensland school students by placing a statutory requirement on school staff members to report suspicions that a student has been or is likely to be sexually abused by any person. The bill will also promote the timely reporting of allegations of sexual abuse by allowing the director of a non-state schools governing body to delegate their function to receive reports about alleged sexual abuse and report the allegation to police. It will also place obligations on principals to report directly to the police.

Consultation on the QUT report's recommendations was undertaken in 2010 with Independent Schools Queensland, the Queensland Catholic Education Commission, the Queensland Teachers Union, the Queensland Association of State School Principals, the Queensland association of primary principals and the Australian Special Education Principals' Association. Consultation was also conducted during development of the proposed bill with Independent Schools Queensland, the Queensland Catholic Education Commission, the Queensland Teachers Union, the Queensland Independent Education Union and the Non-State Schools Accreditation Board.

In April 2011, these stakeholders were provided an extract of a draft bill regarding mandatory reporting and the delegation of director's duties together with a covering explanatory paper. Independent Schools Queensland and the Queensland Catholic Education Commission were subsequently provided with a verbal update on the policy position for mandatory reporting that is reflected in the bill introduced into parliament. Independent Schools Queensland and the Queensland Catholic Education Commission indicated support for the expansion of the reporting requirement to report sexual abuse or a suspicion of sexual abuse by any person. Independent Schools Queensland and the Queensland Catholic Education Commission raised matters relating to implementation costs, the training of non-professional staff and the potential for overreporting, particularly for reporting a likelihood of future sexual abuse. However, both stakeholders acknowledged that the majority of Australian jurisdictions required reporting of risk of future sexual abuse. Both stakeholders indicated that the omission of the penalty for reporting of risk of future sexual abuse would allay some concerns about teachers reporting inappropriate matters or low-level suspicions or concerns for fear of attracting a criminal sanction.

It is acknowledged that training on the enhanced statutory requirements will benefit all sectors. My department works very closely with the non-government organisations and state agencies to provide materials to assist staff to identify and respond to sexual behaviours in children and adolescents. The Queensland Catholic Education Commission and the Teachers Union raised concerns about the scope of the term 'sexual abuse'. The Teachers Union is opposed to amendments aimed at introducing a requirement to report risk of future sexual abuse. It proposes that if amendments are progressed, the test of when a report is required should be where it is highly likely to be a risk of future sexual abuse. In this regard, the bill proposes that staff members be required to report where they reasonably suspect a student is likely to be sexually abused. This sets a high test that would require more than a concern that there is a risk.

The principals associations were supportive of the current reporting policies as appropriate measures to protect vulnerable children. The Non-State Schools Accreditation Board supported the amendments to remove the current limitation of the provisions for sexual abuse perpetrated by an employee. Independent Schools Queensland, the Queensland Catholic Education Commission and the accreditation board supported the amendments relating to the delegation of a director's duties. However, Independent Schools Queensland was not convinced of the need for the amendments within the independent schooling system. Independent Schools Queensland raised concerns about allowing delegations to be made to the principal of a school. Their concern is how reports would be made when the allegation may be against the principal. In this regard, it is noted that the current reporting provisions and the proposed amendments do not prevent staff, students or parents from making a report of alleged sexual behaviour to the director of a governing body of a non-state school instead of the delegate where a principal may be the subject of the allegations.

I have completed to the point of the consultation in my words to the committee. I am just offering that I could stop there, if there are any points of clarification that the committee wishes to make.

CHAIR: How far do you have to go?.

Ms Grantham: Probably that same length again, but I can continue.

CHAIR: I think we are trying to probably wrap it up in about half an hour's time.

Ms Grantham: Okay. I will continue.

CHAIR: Continue, but if you could get to the salient points.

Ms Grantham: I will now turn to the teacher registration amendments. Currently, teacher registration is automatically cancelled where a teacher has been convicted of a disqualifying offence and the person is sentenced to a term of imprisonment. The bill introduced into the parliament and referred to the committee provides for the automatic cancellation of teacher registration if, after commencement, a teacher is convicted of a serious offence irrespective of whether the person was sentenced to imprisonment.

The bill also prohibits any person who, from commencement, has been convicted of a serious offence from applying for teacher registration in Queensland. Disqualifying offences are generally serious sexual offences committed against children. Serious offences include the same sexual offences as well as other violent and drug related offences. These offences are listed in the children's commission's legislation.

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 minister, therefore, proposes to introduce amendments during consideration in detail to cancel a teacher's registration if the person has a conviction for a serious offence irrespective of the date of the conviction. Any person convicted of a serious offence will be prohibited from applying for teacher registration irrespective of the date of conviction.

It is recognised that there may sometimes be mitigating circumstances surrounding a conviction, particularly for matters where the court has not imposed imprisonment. The bill, therefore, introduces an eligibility declaration process, which will give the College of Teachers the capacity in limited instances to consider whether there are exceptional circumstances in which it would not harm the best interests of children or the profession to consider an application for registration from a person with a conviction for a serious offence but were not imprisoned or subject to sexual offender reporting obligations. This process is intended to allow consideration of matters such as the Romeo and Juliet scenario where, for example, a 17-year-old male is convicted of unlawful carnal knowledge of his then 15-year-old girlfriend and at the time of the application for the eligibility declaration there is no evidence of further concerning offending. A number of existing teachers who will be affected by the proposed amendments to be made during the consideration in detail will be able to seek an eligibility declaration if they wish to remain in the profession. During this process, their suitability will be reassessed.

The bill also strengthens the Queensland Civil and Administrative Tribunal's ability to deal with teachers convicted of criminal offences that will not result in the automatic cancellation of their registration. The bill will enable the tribunal to make disciplinary orders to prohibit a person from applying for registration or permission to teach for life or for a stated period. The tribunal is currently limited to a maximum period of five years. These amendments have been driven by a recent matter considered by the tribunal where a former teacher was convicted of offences relating to the disposal of a body and making false statements. As these offences were not disqualifying offences or serious offences under the children's commission's legislation, the tribunal was limited to imposing the maximum five-year ban on applying for registration. However, the tribunal indicated that had it been able to, it would have imposed a life ban on this particular individual.

The Queensland College of Teachers, Independent Schools Queensland, the Queensland Catholic Education Commission, the Teachers Union and the accreditation board were consulted about the teacher registration amendments during the development of the bill. A draft bill provided to the stakeholders in April 2011 proposed the automatic cancellation of registration where a teacher has been convicted of a disqualifying offence regardless of whether the person was sentenced to a term of imprisonment. A person whose registration was cancelled under the proposed provision was to be prohibited from reapplying for registration for a period of five years. Apart from the accreditation board and the Teachers Union, stakeholders supported the amendments as proposed in the draft bill provided to them in April. The accreditation board offered no position on the amendments. Independent Schools Queensland and the Catholic Education Commission were provided with a verbal update on the policy position for teacher registration represented in the bill introduced into parliament. The amendments were not opposed.

The Teachers Union has subsequently written to us to reiterate its opposition to the automatic cancellation provisions. It does not support the amendments because a person falling subject to the provisions would not be afforded the opportunity to have their circumstances of their matter taken into account. The Teachers Union proposed that teacher registration should be cancelled unless the person seeks an order from QCAT that there are exceptional circumstances and that their registration ought not be cancelled. It is proposed to further consult with key stakeholders during the development of the amendments to be made during consideration in detail.

The bill also makes minor amendments to other education and training legislation. It amends the legislation regulating Queensland's public universities to permit the lease of trust or reserve land for a period of up to 100 years and to clarify the purpose for which trust land may be used. This aims to enhance the capacity of universities to enter into commercial arrangements to utilise their trust land, including to provide facilities for ancillary student services, such as banking or hairdressing services, or to take advantage of joint ventures for commercial purposes. Consultation was undertaken with the affected universities. The amendments were supported. The relevant universities acknowledged that the bill should support the more flexible use of the trust land.

The bill will strengthen consideration of overseas schools seeking to become a recognised school and therefore deliver Queensland secondary school qualifications. It will enable the minister to consider matters such as a school's financial position, legal structure and capacity to deliver an educational program when deciding the eligibility of an overseas school to become a recognised school.

The bill will also replace terminology in the Vocational Education, Training and Employment Act 2000 to put beyond doubt the intention that statutory TAFE institutes are not intended to operate as for-profit entities. No external consultation was undertaken on these minor amendments. I am pleased to offer assistance to the committee today with their inquiries. Thank you and, again, thank you for this opportunity to brief you.

CHAIR: Thank you. I think I should have given you the same little talk that I gave at the beginning. In its inquiry into this bill the task ahead of this committee is to consider the bill in terms of the policy intent to be achieved as well as the fundamental legislative principles of lawfulness and develop a report to parliament making recommendations for debate during the second reading stage. Today's briefing from the Department of Education and Training is the first public committee activity relating to the bill's inquiry. Concurrently, the committee has called for public submissions on the bill by 15 September. Depending on the submissions received, the committee may hold a public hearing and seek further departmental briefings before it finalises its report to parliament. That is probably likely after we view the submissions. Details of any public hearings will be made available on the committee's page of the Queensland parliament website.

The intent of today, from the committee's perspective, is to obtain some background information to the bill, including any consultation that has occurred to date, and the views expressed during that consultation and advice as to the policy intent of the bill. In the spirit of a transparent inquiry and opportunity for public input into the process, this briefing is open to the public. It will be recorded by Hansard and a transcript will be available on the website as a proceeding of parliament. Parliamentary privilege and contempt provisions of the Parliament of Queensland Act 2001 apply to all committee meetings and hearings. You are, however, able to request that any material information you provide be kept private or to object to particular questions. All of this is outlined in schedule A of the Legislative Assembly's standing orders, which I believe has been provided to you. Those is the preliminary words that I wanted to say.

In terms of what you have given us—and thank you for that—you gave the instance of the teacher and the disposal of the body. That occurred at Pittsworth, I think. In the normal course now, he might wish to apply for registration in five years time. Would there not be procedures involved in considering that application that would disqualify him now? Would not the body that determines whether his application for registration in five years time have criteria that would probably disqualify him from being employed at that later stage?

Mr Busby: That application would be considered by the Queensland College of Teachers. The Queensland College of Teachers would receive the application for registration should that gentleman apply after his disqualification period is over. In considering an application for registration, the QCT under its legislation is required to consider the suitability of teachers. His offences were not serious offences, but they would still be considered as part of that suitability assessment. But under the legislation, if a person is convicted of a serious offence—the offences are described in the children's commission's legislation—then there is a presumption in the act against that person's registration. The QCT can only grant registration if they consider there to be exceptional circumstances that would not harm the interests of children. Because his offences were not serious, there is no presumption against his registration and certainly those matters would be taken into account in determining his suitability.

CHAIR: We do not know what the outcome would be, but the current procedure would require an examination of his past in terms of his suitability to be reregistered.

Mr Busby: Absolutely.

CHAIR: What you are saying is that that has been tightened up and it is putting the onus on him to show exceptional circumstances as to why he should be re-engaged; is that right?

Mr Busby: The amendments proposed are that someone who has been convicted of a serious offence cannot apply for registration.

CHAIR: Cannot at all?

Mr Busby: They are an excluded person, unless they are able to seek an eligibility declaration and that is only available in limited circumstances where the person has not been sentenced to imprisonment—a conviction—and is not under sexual offender reporting obligations.

CHAIR: Those are the exceptional circumstances that they have to show.

Mr Busby: They would have to show exceptional circumstances through that eligibility declaration process and they would have to show it again through their registration process.

CHAIR: And who determines that?

Mr Busby: Again, it is the Queensland College of Teachers that would take responsibility.

CHAIR: No appeal to QCAT, or anyone else?

Mr Busby: There is no appeal proposed in the bill around a decision to refuse to grant an eligibility declaration. What the bill will provide is, in fact, that an eligibility declaration ought not be granted unless there are exceptional circumstances and the provisions for the eligibility declaration being drafted are based on existing information in the children's commission's legislation for the blue card scheme and the disability services legislation for people working with adults with disabilities and in both of those schemes there is no appeal to a decision on an eligibility declaration.

CHAIR: Apart from the case to which we have just referred, how many other instances have occurred such as would enliven the interest that has obviously been happening in this area? What is the justification for bringing in these amendments in terms of recent history—or not so recent history?

Mr Busby: I think that the government—I think we are heading into a bit of territory, I am sure, about answering in the committee process—

CHAIR: In terms of policy. I do not want to ask you the reasons. I just thought that if there were 20 or so offences that occurred in the past 12 months that the government is reacting—

Mr Busby: I cannot say that there has been a spate of recent offences. I think there has been a decision to tighten the regime.

Ms Grantham: If I can add to that? A number of cases have been highlighted in recent times. They are not necessarily recent cases but, given that, we undertook to look at the threshold right across all the jurisdictions and the policy intent is that there should be no less of a standard in Queensland than there is in other states. So this is looking to ensure that we are consistent with the very best and the highest standards in relation to protecting students and those people who are working with students in our schools.

CHAIR: You would recall that there was a high-profile case of multiple sexual offences against children in Toowoomba in the private non-government sector. It was reported but perhaps not reported to the correct person, body and so on. Are we trying to rectify that situation here?

Ms Grantham: That is exactly the amendment of delegation, yes.

CHAIR: Just tell me how that works? Delegation is to delegate to someone. It would not be a school principal but would be somebody in the education sector I take it, but they can delegate to them?

Mr Busby: The current arrangements in the non-state system are that a first report of someone who suspects a sexual abuse is required to report it to their principal or to the director of the school.

CHAIR: So that is the individual teacher?

Mr Busby: Yes, a teacher. If the principal is the first person to suspect a sexual abuse, they are to report directly to the director of the school's governing body. The issue that was highlighted in the case you referred to was that the report was made to a senior officer within the Catholic system but not the director of the school's governing body. The case highlighted the fact that where you have, particularly in the non-state system, a single director responsible for multiple schools plus other responsibilities within a church system—to ensure that reports can be made from those—the decision was made to enable that person to delegate that responsibility to an appropriate officer.

CHAIR: So all of the teachers would know who it was?

Mr Busby: Then it is up to the system to inform the teachers about who your appropriate reporting officer is. The officer who is delegated the responsibility could be the principal of a school. The legislation would not prevent that happening, but I guess the intention was that it would be someone appropriately qualified within the system. If the delegation is made to, say, the principal and someone is concerned about an action of the principal, they are not prevented from still going directly to the director and not the delegatee.

CHAIR: Just moving on, the likelihood of sexual abuse is sort of fairly imprecise I would have thought. Has this been conditionally defined in terms of what the obligations on teachers is? How will you be able to help them out in terms of what they have to do or not do?

Mr Busby: The legislation does not define the term 'sexual abuse'. In fact, there is no mandatory reporting legislation around Australia that includes reporting of likelihood of harm, including sexual abuse, that does attempt to define it. I think the concern around defining the term is that you can inadvertently limit the scope. The way that our system has assisted teachers under the state policy for reporting is to provide training and guidance through various resources about what it is that they should be looking for.

Mr O'Connor: In the state system we have an online student protection training package that all new employees undertake when they join the department as well as annual updates. In that particular training package we cover the various types of harm that teachers might come across in their work, including sexual abuse, and we put there a couple of indicators or a series of indicators that teachers might come across where they might suspect a particular type of harm is occurring. So we have indicators for sexual abuse, we have indicators for physical abuse and so on. Physical abuse is fairly easy where you are seeing obvious signs of bruising or something like that that would lead you to believe that the student is at risk of harm. Sexual abuse is probably a trickier or a greyer area, but still there are enough indicators I think for teachers to make a reasonable view that someone is at risk of harm.

CHAIR: But if a teacher fails or is alleged to have failed to comply with the act in this regard, will they be up on a charge?

Mr Busby: The act requires that staff members report the likelihood of sexual abuse, but there is no penalty imposed for failing to do so. The rationale behind that is it is a clear statement of expectation in both state and non-state systems about what reporting is required and that teachers should be vigilant in meeting that requirement, but to provide some level of comfort there is no penalty provided. So we will support teachers, as the non-state system will, with guidance and training materials about what they should be looking for and encourage them to be vigilant.

CHAIR: Finally, the notes that are supplied by the minister indicate that the reporting obligation applies to suspicions for children in the preparatory year of school, students under 18 years and students with a disability. Are there any other types of students in existence?

Mr Busby: You can have adult students in the state schooling system.

CHAIR: Can you, so it does not apply to them.

Mrs STUCKEY: I am mindful of time. I have one question. In the last parliament when I carried the shadow portfolio for child safety a number of incidents of child sexual abuse and/or exploitation being displayed by children on other children were brought to my attention and at the time it was considered that there was fairly unsatisfactory reaction to that. Will this bill encapsulate that as well? Will this bill address that teachers need to report children who are acting or exploiting or performing acts of sexual abuse on other children?

Ms Grantham: Currently in our policy we have reports to Child Safety immediately, and in the cases you are referring to all of those cases had been reported to the appropriate authorities—Child Safety as well as to the police. This bill is not about the child on child, but it is about the teacher reporting that as an instance of—

Mrs STUCKEY: And that is the question.

Ms Grantham: Yes.

Mr DICKSON: I have two questions, one relating to the land trust. What process will occur there, because a lot of the university land is owned by the state or the federal government? Will they have to go through the same process as normal private enterprise as far as an MCU process is concerned, or will they be exempt as state and federal authorities are?

Ms Elliott: Trust land is actually only a fairly small component of their landholdings. For most universities, a lot of their land is actually freehold. State trust land is only a small amount. Most universities are covered by community infrastructure designation under the Sustainable Planning and Assessment Act, the SPA Act. There is a process under that where the minister can be requested by the university to designate that land as community infrastructure and in that process they go through quite an extensive consultation process with adjoining landholders and relevant state government agencies. If the minister is satisfied, then he can grant a community infrastructure designation on that land which means that the university then does not have to go through the general planning requirements—the Integrated Development Assessment System (IDAS) requirements which is the process for assessing and deciding developments—where they have to put a submission into the council and so forth. But as part of that infrastructure designation they are supposed to present a master plan of what they are proposing to do on the university site, and that is included as part of the infrastructure designation. So they do not go through the usual local council planning processes.

Mr DICKSON: I will flag that as a great concern because you are going up against private enterprise. I will use the example of Sippy Downs on the Sunshine Coast. You have a university and you have a town centre that is going to jump up out of the ground at some time in the not-too-distant future and that will relate to the haves and the have-nots. It does not work. The other question I have is relating to the minister's letter that we got this morning. What percentage of teachers within the existing system, state and private, would be affected by this new amendment? Do you have any idea?

Mr Busby: We are advised by the Queensland College of Teachers that there are approximately 10 teachers in the system who would be affected by the amendments. A number of those were sentenced to imprisonment for their crimes.

Mr DICKSON: That is public and private?

Mr Busby: State and nonstate.

Ms Grantham: The Queensland College of Teachers registers all teachers in Queensland.

Mr DICKSON: Thank you very much for your time.

Ms Grantham: Can I just add that some of those teachers are not teaching. They are registered but not necessarily teaching.

Dr FLEGG: I have just a few things I would like to raise. I think you have made it clear in what has been said that we are talking about all under 18 students. With regard to the explanatory notes part I where it refers to a student as a child or a student with a disability, if you read that in isolation that might be a little clumsily worded or a little confusing. My initial reaction was that it did not encompass all children, but I think you have clarified that. In relation to the reporting of sexual abuse and at-risk kids—something we already brought in for doctors, and I have actually had that personal experience—in the jurisdictions where that already exists, are we dealing with large numbers of reports? Currently you are reporting a child if there is an incident with a teacher or a departmental officer. When you broaden that to any child who has an incident or is at risk, you indicated in some of the other jurisdictions—some of the other states—that this already existed. Are they getting large numbers of notifications?

Ms Grantham: I have not got the numbers with me, but this action of reporting sexual abuse and future risk of harm is already in policy in Queensland schools. So I would imagine it would be consistent

with what we have got. I am advised that we do not collate that sort of data because we do not actually receive the reports. The reports are—

Dr FLEGG: It goes to Child Safety.

Ms Grantham: Yes, and the Queensland Police Service. So in the statistics available from the Department of Communities for the year ending 31 March, there were 13,947 reports made by school staff across state and non-state schools. Of these reports, 2,993 met the threshold for further investigation and assessment by Child Safety and 853 were assessed as substantial.

Mr Busby: If I can just also add just to clarify, that is not reports of sexual abuse; that is reports of all forms of harm.

Ms Grantham: Yes.

Dr FLEGG: Thanks. I just make the observation in relation to that—and having seen it come into operation in the medical practice—that the numbers are probably very large, but they are very much focused in certain areas. I would not in any way be suggesting we would not support the measure—do not misread me—but it is going to be an enormous burden on teachers in Indigenous communities and low socioeconomic areas.

Ms Grantham: Remember that it already exists in state schools in policy. This puts it into the legislation. So in most of the communities you are talking about there are no non-state schools, so we would be pretty clear on the practice already.

Dr FLEGG: Okay. I would not ask you to comment, but the amendment that is foreshadowed by the minister I think has probably come out of the questioning in estimates in relation to existing teachers.

Ms Grantham: The minister would acknowledge that.

Dr FLEGG: Thanks. The issue relating to the university land, which I think Stuart spoke about, the intimation was it was a particular university. Did I draw that intimation correctly?

Mr Busby: There are a number of universities that hold trust land.

Dr FLEGG: Could you define what trust land for a university is?

Mr Busby: Yes. It is land that has been dedicated as reserve or granted in trust under the Land Act. It is an old form of land tenure which was used for universities that currently does not get used for new universities. Leigh, am I right that the Sunshine Coast University and James Cook are exempt?

Ms Elliott: On the Sunshine Coast it is all freehold. They actually do not have any trust land on the Sunshine Coast.

Dr FLEGG: So does this apply to the ones where land has been gifted like St Lucia campus or Pinjarra Hills land? Would it apply to that sort of property?

Mr Busby: It does apply to land for UQ. All the university acts that are amended in this bill indicate to you the universities that hold trust land. The other universities that are not affected here did not hold trust land. If I could add, trust land was dedicated under the old regime prior to 1994 for various purposes, operational and community—operational being like a university purpose. But now under the Land Act land is generally only dedicated for community purposes such as parks and scenic purposes. So it is an old form of tenure, but what this bill tries to do is just to facilitate easier use of that land in accordance with university functions.

Dr FLEGG: Again, I am not necessarily indicating any opposition. I just note that the University of Queensland is doing a master plan currently in particular for that very large site at Pinjarra Hills, which will probably be developed in partnership with some sort of commercial developer. I do not know if you are in a position to say whether that is one of the things that has instigated this change at this point in time.

Mr Busby: I am unable to answer that question.

Ms Elliott: No. It is not, actually. A number of state departments as well are trying to promote public-private sector partnership arrangements with universities in terms of setting up research facilities or whatever where there is not enough public funding around, so they are trying to encourage—

Dr FLEGG: It would apply to accommodation, for example, as well, would it not?

Ms Elliott: It can do. Yes, it can.

Dr FLEGG: Again, I might not have picked this up correctly, but was there a suggestion there that the QTU's opposition to automatic cancellation might be taken up in a further amendment that is yet to be flagged? Did I misunderstand you there?

Ms Grantham: We just noted their opposition.

Mr KILBURN: I do not quite understand the process for registration. I take it that not everyone who becomes a teacher goes straight from school to uni and becomes a teacher. A number of people go to uni later on. Is the process currently that you apply for teacher registration at the end of the university process?

Ms Grantham: Once you have received the qualification or in the last semester. I will get Kateena to correct me if I am wrong. Students who are about to graduate can apply for their registration and before Brisbane

that full registration is granted they can actually teach in certain circumstances. Kateena might like to add more.

Ms Ryan: Yes. New graduates generally apply for provisional registration and after a year of teaching experience will apply for full registration. Persons who may have experience from other areas can apply for full registration but that is fairly rare. It is not necessary to apply for teacher registration immediately you graduate, but you must have your qualifications as one of the eligibility requirements to become a registered teacher.

Mr KILBURN: I suppose what I am thinking about is that, given that we are now going to hold things against people forever for making a mistake at any point in their life, I understand, surely there should be some process. If someone decides at 50 that they are going to be a teacher and they did something when they were 20, it is a shame for them to go through a number of years of university to be told at the end, 'By the way, you made a mistake when you were 20 years old. You're out.' There probably needs to be some process at the start to stop people wasting years of their life studying to do something that they are never, ever going to be allowed to do.

Mr Busby: If I may respond to that, the bill introduces the eligibility declaration process. There is no requirement for a person to hold qualifications at the point that they seek that. So, if someone had committed an offence, a serious offence, that prevents them or excludes them or prohibits them from applying for registration, they could go and seek their eligibility declaration—it does not have a closing date on it—and undertake their studies if they were to obtain it.

Mr KILBURN: I accept that, but I also accept that a lot of people outside of this precinct and who do not work in government do not have an in-depth knowledge of every bill that has ever been passed and therefore would not necessarily be aware, unless there was some education process at the start when they first went to the university that said, 'By the way, here is something you might want to have a think about before you enrol in this process. If you have ever done anything wrong, don't bother because you are not going to get it. Or if you have done something wrong, it might be an idea to go and get an eligibility check first before you enrol in this process.' That is an administrative thing.

Ms Grantham: Particularly in this instance it is about very serious offences and terms of imprisonment. So people, I would imagine—I would hope—who have been through that would think about whether they were suitable to teach children. But I take your point.

Mr KILBURN: I would also say that someone who did something when they were 20 and has 30 years of being a good, upstanding citizen probably thinks they are not going to be punished again for something they did a long time ago.

Dr FLEGG: The current arrangement is that they are automatically allowed to reapply for registration after five years—and presumably in the case of very serious offences the QCT probably would not register them after that five years. Is there an appeal process there by which the QCT's decision might be overturned under the current arrangements?

Mr Busby: If you are refused registration you can appeal to QCAT under the current legislation, and that would apply. I should clarify, though, that there are certain classes of people, even under the current legislation, who would never be able to apply for registration again, and they are people who have been convicted of disqualifying offences and sentenced to imprisonment and people who are under special offender reporting obligations. So they are excluded. Five years is the maximum prohibition period that the Queensland Civil and Administrative Tribunal can order. At the end of that five years someone could apply. If they were refused registration, they could appeal to QCAT.

Dr FLEGG: So, in effect, the change that would occur under this legislation would remove that risk of a successful appeal after five years.

Mr Busby: For people who have serious offences—

Dr FLEGG: Yes, for the serious ones.

Mr Busby: That is right. They will be prohibited unless they are able to apply for and obtain an eligibility declaration, which gives the college the capacity to consider their suitability.

Mr KILBURN: Can you explain why we have to have specific mention of people with disabilities? Why are students with disabilities mentioned separately?

Mr Busby: In the reporting requirements?

Mr KILBURN: Yes, in the reporting requirements.

Mr Busby: I guess there could be students with disabilities who are adults. I think we are trying to distinguish—there is no reporting about adults unless you are a student who is an adult who has a disability, and then there may be additional requirements on schools to report about the sexual abuse of those people and protecting that vulnerable group.

Ms Grantham: In some special schools students are over 18.

CHAIR: You mentioned the position of people who have been guilty of disqualifying offences and who have served in prison. It is 'and served in prison', not 'or served in prison'. You could serve a sentence for a non-serious offence, couldn't you, like fraud?

Ms Grantham: Yes.

CHAIR: I do happen to know a good teacher who used to be a lawyer who defaulted on his trust account et cetera. He would not be covered by this.

Mr Busby: No. That would not be a disqualifying offence. They are serious sexual, violent and drug related offences. The current requirement is that you are convicted of a disqualifying offence, which are the serious sexual offences involving children, and you are sentenced to imprisonment for that conviction or subject to an order of imprisonment—you may not have actually served time.

Dr FLEGG: So currently the disqualifying offence would be a sexual offence against a child. This bill seeks to extend that then to violent offences and drug related offences.

Mr Busby: It is the same sexual offences but they may be committed either against a child or an adult, as well as those other violent and drug related offences.

CHAIR: I think time is up. Thank you very much, Julie, and your officers for giving us the benefit of your knowledge and wisdom today. I think we will be calling on it frequently in the future as well.

Ms Grantham: I thank the committee for their involvement today.

Committee adjourned at 12.24 pm