



QUEENSLAND COUNCIL FOR CIVIL LIBERTIES

G P O B o x 2 2 8 1 B r i s b a n e 4 0 0 1

visit us at www.qccl.org.au

The Chair
Education, Training and Industrial Relations Committee

By Email: ietlrc@parliament.qld.gov.au

Dear Sir

Enquiry into the Education and Training Legislation Amendment Bill 2011

This submission is directed to the provisions of the Legislation which:-

1. Provide for the automatic cancellation of teacher registration when a teacher is convicted of a serious offence, irrespective of whether they are sentenced or imprisoned;
2. Prohibition of any person who has been convicted of a serious offence when applying for teacher registration in Queensland;
3. Provides for the making of Orders prohibiting a person from applying for registration or permission to teach for life.

This Council has long accepted in the context of Blue Card Legislation, the prohibition of convicted paedophiles working in positions where they deal with children. We have consistently opposed the extension of such laws as is the case here, to those who have been merely charged with an offence. This violates the golden thread of our law, the presumption of innocence.

Generally the Council has always favoured a position which promotes rehabilitation of offenders. This legislation in our view unjustly prohibits categories of offenders from becoming teachers and thereby being rehabilitated.

It is the Council's view that the research on the risk of reoffending by these offenders does not justify the blanket bans which are imposed. We note the complete absence from the public debate about this legislation of any example of a person permitted by the QCAT to work as a teacher who subsequently committed another serious offence.

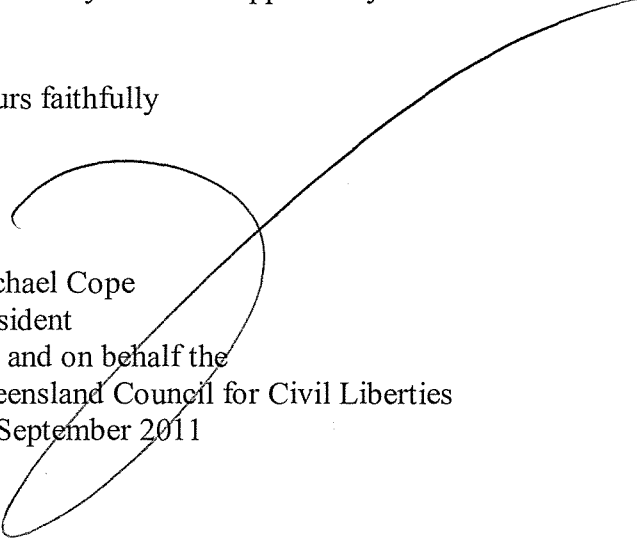
The proposed legislation fails to adequately balance the need for rehabilitation against the need to protect the community. The classical example would be a young 20-something teacher who has a consensual affair with a year 12 student. In our view there is no justification for such a person being prohibited for the whole of their life from becoming a teacher. What if he or she married the year 12 student and never offended again?

It is our view that the current legislation provides for an appropriate balance between the right of an offender to be rehabilitated and the interest of the community in protecting children by allowing the QCAT to assess each individual on a case by case basis.

The Council opposes these amendments.

We thank you for the opportunity to make this submission.

Yours faithfully



Michael Cope
President
For and on behalf the
Queensland Council for Civil Liberties
14 September 2011