



Speech by

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MEMBER FOR BUNDAMBA

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EDUCATION AND OTHER LEGISLATION [STUDENT PROTECTION] AMENDMENT BILL

Mrs MILLER (Bundamba—ALP) (3.14 p.m.): I have pleasure in rising to support the Education and Other Legislation (Student Protection) Amendment Bill 2003. This is another example of how this government and this minister are putting children in this state first. This government has education as the centrepiece of its agenda. Not only are we moving to ensure that children in our schools receive a relevant education that will provide them with better job opportunities, we are also ensuring through the passage of this bill the protection of their rights, their interests and their wellbeing. In response to *The report of the board of inquiry into past handling of complaints of sexual abuse in the Anglican Church Diocese in Brisbane* brought down in May this year, the Premier established a ministerial task force chaired by the Minister for Education, Anna Bligh, to develop a response.

The bill amends three acts—the Education (Teacher Registration) Act 1988, the Education (General Provisions) Act 1989 and the Commission for Children and Young People Act 2000. What effect will the proposed amendments have? While the Board of Teacher Registration has had the power to access a person's criminal history since 1998, this bill will give the BTR the power to undertake the task of checking all 62,000 teachers currently registered in Queensland. This will not be at the expense of existing teachers, with the cost being met by the BTR itself. The bill also enhances the Board of Teacher Registration's powers to respond to any imminent risk of harm to children by a registered teacher by giving it the power to suspend registration while it conducts an inquiry. The bill mandates that a person's registration must be cancelled upon that person being convicted of a serious offence unless there are unusual and exceptional circumstances. Importantly, it also enhances the board's ability to notify its decision to a number of other relevant bodies relevant to teacher registration, including interstate and overseas registration authorities. This of course will prevent a deregistered teacher simply moving from state to state and continuing to offend.

Given these extended powers and the fact that the board will have access to a much wider range of information about a person, it is also important to ensure that there are stringent controls governing the confidentiality of the information supplied to the board, and that is what this bill does in proposed section 74A, which makes it an offence for persons to disclose information obtained about an applicant other than in specified circumstances. The maximum penalty is proposed to be \$1,500. Proposed new sections 42D to 42F apply to the board's use of criminal history reports and other police information obtained under the BTR act. These controls require the board to, firstly, use the information only for the purpose of determining whether a person is or continues to be of good character for registration; secondly, determine the relevance of the information to teaching duties and any mitigating circumstances; and, thirdly, give the applicant the opportunity to respond to the information.

There will be a new section 52 of the BTR act which appropriately changes the composition of the Board of Teacher Registration Committee. Given the need for the observance of natural justice and procedural fairness and the need to assess properly the probity of evidence placed before the committee, it is important that the bill requires the chair of the committee to be a lawyer. The committee will present a balance between the interests of the teaching profession and the community, comprising a legal practitioner as chair, two practising teachers and a person who is neither a legal practitioner nor a registered teacher. The bill also proposes that, where a staff member of a school becomes aware or reasonably suspects a student has been sexually abused by another employee, it must be reported by the staff member to the school's principal or the principal's supervisor, who must then pass it on to the police.

Finally, the bill ensures that the Commission for Children and Young People is able to consider the decision of the BTR when determining the suitability of a person to work with children and to receive a blue card. Importantly, it also ensures the providers of programs or alternative education arrangements for students outside schools are also required to apply for a blue card. This bill represents further support for students in Queensland schools. In the minister's second reading speech, she said—

... 'the welfare and interests of children' must be our primary considerations.

I say amen to that and commend the bill to the House.