



# **Education and Other Legislation Amendment Bill 2016**





Queensland

# Education and Other Legislation Amendment Bill 2016

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# 2016

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## A Bill

for

**An Act to amend the *Education (Accreditation of Non-State Schools) Act 2001*, the *Education (General Provisions) Act 2006*, the *Education (Queensland College of Teachers) Act 2005* and the *Working with Children (Risk Management and Screening) Act 2000* for particular purposes**

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Education and Other Legislation  
Amendment Act 2016*. 4  
5

**Clause 2 Commencement** 6

The following provisions commence on a day to be fixed by  
proclamation— 7  
8

(a) sections 4 and 6; 9

(b) sections 11 to 13; 10

(c) sections 24(1) and (3), 25, 28 to 32, 45, 46, 48, 49,  
51(1), (3) and (4), 52 to 55, 57(1), (2), (4), (6) and (7),  
59 to 69, 71 to 92 and 94 to 116, 120, 122, 125 to 127,  
131, 133(1) to (4), 134 and 135; 11  
12  
13  
14

(d) section 137, other than to the extent it inserts new  
chapter 12, part 15 heading and new section 357 to 359; 15  
16

(e) section 138(1), other than to the extent it omits  
definitions *interstate information* and *registration card*; 17  
18

(f) section 138(2), other than to the extent it inserts new  
definitions *evidentiary material* and *interstate  
information*. 19  
20  
21

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<b>Part 2</b>	<b>Amendment of Education (Accreditation of Non-State Schools) Act 2001</b>	1 2 3
<b>Clause 3</b>	<b>Act amended</b>  This part amends the <i>Education (Accreditation of Non-State Schools) Act 2001</i> .	4 5 6
<b>Clause 4</b>	<b>Amendment of s 166 (School survey data)</b> (1) Section 166(2)— <i>omit, insert—</i> (2) The governing body must give the board details about the school prescribed under a regulation ( <i>school survey data</i> ). (2A) The school survey data must— (a) relate to the day prescribed by regulation (the <i>relevant day</i> ); and (b) be in the approved form. (2) Section 166(2A) and (3)— <i>renumber</i> as section 166(3) and (4).	7 8 9 10 11 12 13 14 15 16 17 18
<b>Clause 5</b>	<b>Amendment of s 173 (Confidentiality of information)</b> (1) Section 173(3)— <i>insert—</i> (da) the information is disclosed to a law enforcement agency and the person is reasonably satisfied the disclosure is necessary for the prevention, detection, investigation, prosecution or punishment of a criminal offence or a breach of a law imposing a penalty or sanction; or	19 20 21 22 23 24 25 26 27 28

[s 6]

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	(db) the information is disclosed to a court for the purposes of the prosecution of a person for an offence in any jurisdiction; or	1 2 3
(2)	Section 173(3)(da) to (e)— <i>renumber</i> as section 173(3)(e) to (g).	4 5
(3)	Section 173(5)— <i>insert</i> —  <i>law enforcement agency</i> see the <i>Information Privacy Act 2009</i> , schedule 5, definition <i>law enforcement agency</i> , paragraph (a).	6 7 8 9 10
<b>Clause 6</b>	<b>Amendment of sch 3 (Dictionary)</b>  Schedule 3, definition <i>school survey data</i> — <i>omit, insert</i> —  <i>school survey data</i> see section 166(2).	11 12 13 14
	<b>Part 3</b>	
	<b>Amendment of Education (General Provisions) Act 2006</b>	15 16
<b>Clause 7</b>	<b>Act amended</b>  This part amends the <i>Education (General Provisions) Act 2006</i> .	17 18 19
<b>Clause 8</b>	<b>Amendment of s 156 (Enrolment)</b>  (1) Section 156(1), ‘subsections (2)’— <i>omit, insert</i> —  subsections (1A), (2)  (2) Section 156— <i>insert</i> —	20 21 22 23 24 25

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(1A)	The principal must not enrol a child in year 1 of schooling at the school unless satisfied the child—	1 2 3
(a)	has undertaken a preparatory year at a State school or non-State school; or	4 5
(b)	has undertaken education in another State or country that is equivalent to the preparatory year; or	6 7 8
(c)	was registered, or provisionally registered, for home education in the year before the proposed year of the child’s enrolment in year 1 of schooling at the school; or	9 10 11 12
(d)	is otherwise ready to be enrolled in year 1 of schooling at the school, considering the child’s attributes.	13 14 15
<b>Clause 9</b>	<b>Insertion of new ch 8B</b>	16
	After section 175L—	17
	<i>insert—</i>	18
	<b>Chapter 8B Enrolment at non-State schools</b>	19 20
	<b>175M Enrolment—year 1</b>	21
	The principal of a non-State school must not enrol a child in year 1 of schooling at the school unless the principal is satisfied the child—	22 23 24
(a)	has undertaken a preparatory year at a State school or non-State school; or	25 26
(b)	has undertaken education in another State or country that is equivalent to the preparatory year; or	27 28 29

[s 10]

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	(c) was registered, or provisionally registered, for home education in the year before the proposed year of the prospective student's enrolment in year 1 of schooling at the school; or	1 2 3 4 5
	(d) is otherwise ready to be enrolled in year 1 of schooling at the school, considering the child's attributes.	6 7 8
<b>Clause 10</b>	<b>Replacement of s 206 (Who is eligible for provisional registration or registration)</b>	9 10
	Section 206—	11
	<i>omit, insert—</i>	12
	<b>206 Who is eligible for provisional registration or registration</b>	13 14
	A child is eligible for provisional registration, or registration, for home education if—	15 16
	(a) the child will be at least 5 years and 6 months on 31 December in the year the provisional registration or registration takes effect; and	17 18 19 20
	(b) the child's compulsory participation phase has not ended.	21 22
<b>Clause 11</b>	<b>Amendment of s 367 (Definitions for ch 13)</b>	23
	Section 367—	24
	<i>insert—</i>	25
	<b><i>overpayment</i></b> means an amount, or part of an amount, paid to the governing body of a non-State school under section 368(1)(b) to which the governing body was not entitled under an approved policy.	26 27 28 29 30



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<b>Clause 12</b>	<b>Amendment of s 368 (Provision of scholarships and payment of allowances)</b>	1
		2
	Section 368(2)—	3
	<i>omit, insert—</i>	4
	(2) An allowance paid to the governing body of a non-State school under subsection (1)(b) is subject to a condition that the governing body must repay an overpayment to the State in accordance with an approved policy.	5 6 7 8 9
	(2A) The Minister may pay an allowance under subsection (1)(b) on any other reasonable conditions the Minister considers appropriate.	10 11 12
	(2B) If an overpayment is made to a governing body, the amount of the overpayment is a debt owed by the governing body to the State and may be recovered from the governing body by the chief executive.	13 14 15 16 17
<b>Clause 13</b>	<b>Amendment of s 369 (Minister's policy)</b>	18
	Section 369(1)—	19
	<i>insert—</i>	20
	(d) how to deal with an amount the Minister considers is an overpayment, including—	21 22
	(i) a thing required to be done by an overpaid governing body in relation to repaying the overpayment to the State; and	23 24 25 26
	(ii) a process to be followed by the State to recover an overpayment from an overpaid governing body.	27 28 29
<b>Clause 14</b>	<b>Insertion of new s 369A</b>	30
	Chapter 13, part 2—	31

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[s 14]

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*insert—*

**369A Arrangements with funded entities**

- (1) This section applies if—
- (a) the Commonwealth Minister makes a determination under the Commonwealth Act, section 110(1)(a) that the State must pay to the Commonwealth a specified amount; and
  - (b) the Commonwealth Minister makes the determination mentioned in paragraph (a) as a result of—
    - (i) non-compliance or a breach mentioned in the Commonwealth Act, section 108 by a funded entity; or
    - (ii) a payment mentioned in the Commonwealth Act, section 109 made to the State for a funded entity.
- (2) The purpose of this section is to provide for an arrangement between the State and the funded entity for the purposes of the *Australian Education Regulation 2013* (Cwlth), section 11(2).
- (3) An arrangement is taken to be in place between the State and the funded entity providing that the amount mentioned in subsection (1)(a)—
- (a) is a debt owing to the State by the funded entity; and
  - (b) may be recovered by the State from the funded entity as a debt.
- (4) In this section—
- Commonwealth Act*** means the *Australian Education Act 2013* (Cwlth).
- Commonwealth Minister*** means the Minister of the Commonwealth administering the

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	Commonwealth Act.	1
	<i>funded entity</i> means an authority or body	2
	mentioned in the Commonwealth Act, section	3
	108.	4
<b>Clause 15</b>	<b>Insertion of new ch 20, pt 9</b>	5
	Chapter 20—	6
	<i>insert</i> —	7
	<b>Part 9</b>	8
	<b>Transitional provision</b>	9
	<b>for Education and</b>	10
	<b>Other Legislation</b>	11
	<b>Amendment Act 2016</b>	11
	<b>542 Particular enrolments for year 1 of schooling</b>	12
	(1) This section applies to—	13
	(a) an application under section 155 to enrol a	14
	child in year 1 of schooling at a State school	15
	made before the commencement; or	16
	(b) an application to enrol a child in year 1 of	17
	schooling at a non-State school made before	18
	the commencement.	19
	(2) The school’s principal must deal with the	20
	application under the Act as in force immediately	21
	before the commencement.	22
<b>Clause 16</b>	<b>Amendment of sch 4 (Dictionary)</b>	23
	Schedule 4—	24
	<i>attributes</i> , of a child, means the child’s—	25
	(a) aptitude and ability; and	26
	(b) social and emotional competence; and	27

[s 17]

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	(c) physical development; and	1
	(d) level of knowledge and understanding.	2
<b>Part 4</b>	<b>Amendment of Education (Queensland College of Teachers) Act 2005</b>	3 4 5
<b>Clause 17</b>	<b>Act amended</b>	6
	This part amends the <i>Education (Queensland College Of Teachers) Act 2005</i> .	7 8
<b>Clause 18</b>	<b>Amendment of s 7 (Meaning of <i>harm</i>)</b>	9
	Section 7—	10
	<i>insert</i> —	11
	(4) Harm can be caused by—	12
	(a) a single act, omission or circumstance; or	13
	(b) a series or combination of acts, omissions or circumstances.	14
<b>Clause 19</b>	<b>Amendment of s 12 (Suitability to teach—other considerations)</b>	15 16
	Section 12(3), from ‘the person—’ —	17
	<i>omit, insert</i> —	18
	the person behaves in a way that—	19
	(a) does not satisfy a standard of behaviour generally expected of a teacher; and	20 21
	(b) shows the person is unfit to be granted registration or permission to teach.	22 23

<b>Clause 20</b>	<b>Insertion of new s 15AA</b>	1
	After section 15—	2
	<i>insert—</i>	3
	<b>15AA Obtaining other information from commissioner of police</b>	4 5
	(1) This section applies if the college—	6
	(a) becomes aware that an applicant for registration or permission to teach has been charged with or convicted of an offence; and	7 8 9
	(b) reasonably believes information about the offence—	10 11
	(i) may help the college in deciding whether the applicant is suitable to teach; and	12 13 14
	(ii) is not, or is not likely to be, in the possession of control of an entity, other than the commissioner of police, from whom the college may request the information.	15 16 17 18 19
	(2) The college may, by notice, ask the commissioner of police for the following—	20 21
	(a) a copy or written summary of evidentiary material about the offence;	22 23
	(b) if a charge for the offence was not proceeded with—a written summary of the reasons why the charge was not proceeded with.	24 25 26 27
	(3) The college's request may include the following information—	28 29
	(a) the applicant's name and any other name the college believes the applicant may use or have used;	30 31 32
	(b) the applicant's gender and date and place of birth.	33 34

[s 20]

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- (4) The commissioner of police may comply with a request under subsection (2) if the commissioner reasonably believes—
- (a) the statement, copy or summary may help the college in deciding whether the applicant is suitable to teach; and
  - (b) the statement, copy or summary is not, or is not likely to be, in the possession or control of another entity from whom the college may request the information.
- (5) Without limiting subsection (4), the commissioner of police must not give the college a copy or written summary of evidentiary material about the offence that relates only to a person other than the applicant.
- (6) The commissioner of police must not give information, or a document containing information, to the college under this section if the commissioner is reasonably satisfied that giving the information may do any of the following—
- (a) prejudice the investigation of a contravention or possible contravention of the law in a particular case;
  - (b) enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of the law, to be ascertained;
  - (c) endanger a person’s life or physical safety;
  - (d) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law;
  - (e) prejudice a prosecution or another matter before a court.

---

	<i>Note—</i>	1
	See section 283 for restrictions on disclosing or giving access to information or documents obtained under this Act.	2 3 4
<b>Clause 21</b>	<b>Amendment of s 15B (Obtaining information from director of public prosecutions)</b>	5 6
	Section 15B(8)—	7
	<i>omit.</i>	8
<b>Clause 22</b>	<b>Amendment of s 21 (Steps to be taken after college decides application)</b>	9 10
	(1) Section 21(1)(c)—	11
	<i>omit.</i>	12
	(2) Section 21(2)(b)(ii), ‘and a registration card for the relevant year’—	13 14
	<i>omit.</i>	15
	(3) Section 21(4), definition <i>relevant year</i> —	16
	<i>omit.</i>	17
<b>Clause 23</b>	<b>Amendment of s 25 (Steps to be taken after college decides application)</b>	18 19
	(1) Section 25(1)(a)(ii), ‘and a registration card for the rest of the relevant year’—	20 21
	<i>omit.</i>	22
	(2) Section 25(2), definition <i>relevant year</i> —	23
	<i>omit.</i>	24
<b>Clause 24</b>	<b>Amendment of s 29 (Requirements for renewal—full registration)</b>	25 26
	(1) Section 29(3) and (4)—	27

[s 25]

---

*omit.* 1

(2) Section 29(5), ‘whether the person is suitable to teach,’— 2

*omit, insert—* 3

the person’s application for renewal 4

(3) Section 29(5) to (6)— 5

*renumber* as section 29(3) to (5). 6

**Clause 25 Amendment of s 32 (How college may decide application for renewal)** 7  
8

(1) Section 32(1), note, ‘29(5A)’— 9

*omit, insert—* 10

29(4) 11

(2) Section 32(2), from ‘31(2)(a)’— 12

*omit, insert—* 13

31(2)(a). 14

**Clause 26 Amendment of s 33 (Steps to be taken after college decides application)** 15  
16

(1) Section 33(1)(c)— 17

*omit.* 18

(2) Section 33(3), definition *relevant year*— 19

*omit.* 20

**Clause 27 Amendment of s 35 (Option to extend provisional registration)** 21  
22

(1) Section 35(3)(b)— 23

*omit, insert—* 24



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	(b) as soon as practicable after receiving the notice, issue a certificate of registration to the holder.	1 2 3
	(2) Section 35(5)— <i>omit.</i>	4 5
<b>Clause 28</b>	<b>Amendment of s 39 (Application for review of condition)</b> Section 39(1)(b), ‘disciplinary committee’— <i>omit, insert—</i> practice and conduct body	6 7 8 9
<b>Clause 29</b>	<b>Amendment of s 43 (Cancellation of conditions)</b> Section 43(2)— <i>omit.</i>	10 11 12
<b>Clause 30</b>	<b>Amendment of s 45 (Application of div 2)</b> (1) Section 45(1)— <i>omit, insert—</i> (1) This division applies in relation to a person who holds one of the following that is subject to a condition (a <i>relevant condition</i> ), other than a condition imposed under a practice and conduct order or a voluntary practice and conduct agreement— (a) full registration; (b) provisional registration; (c) permission to teach. (2) Section 45(2)— <i>omit.</i>	13 14 15 16 17 18 19 20 21 22 23 24 25 26

[s 31]

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<b>Clause 31</b>	<b>Amendment of s 46 (College to give show cause notice for failing to comply with condition)</b>	1 2
	Section 46, ‘or has failed to comply with a returning to teaching condition,’—	3 4
	<i>omit.</i>	5
<b>Clause 32</b>	<b>Amendment of s 47 (College power to suspend or cancel registration or permission to teach)</b>	6 7
	(1) Section 47(1), ‘or has not complied with a returning to teaching condition’—	8 9
	<i>omit.</i>	10
	(2) Section 47—	11
	<i>insert</i> —	12
	(3A) If the college makes an order cancelling or suspending the registration or permission to teach, the cancellation or suspension takes effect on the day the teacher is given an information notice about the order under subsection (3).	13 14 15 16 17
	(3) Section 47(3A) and (4)—	18
	<i>renumber</i> as section 47(4) and (5).	19
<b>Clause 33</b>	<b>Amendment of s 49 (College’s power to suspend if approved teacher poses imminent risk of harm to children)</b>	20 21 22
	(1) Section 49, heading, ‘imminent’—	23
	<i>omit, insert</i> —	24
	unacceptable	25
	(2) Section 49, from ‘believes—’—	26
	<i>omit, insert</i> —	27
	believes the teacher poses an unacceptable risk of harm to children.	28 29

---

<b>Clause 34</b>	<b>Amendment of s 50 (Requirement to give notice of suspension)</b>	1
		2
	Section 50(3)(c)—	3
	<i>omit, insert—</i>	4
	(c) that QCAT will review the continuation of the suspension to decide whether the teacher poses an unacceptable risk of harm to children;	5 6 7 8
	(d) that if QCAT continues the suspension, the college will—	9 10
	(i) authorise an investigation under section 98; or	11 12
	(ii) refer a practice and conduct matter to a practice and conduct body, under section 97, about whether a ground for disciplinary action against the teacher is established.	13 14 15 16 17
<b>Clause 35</b>	<b>Amendment of s 52 (When suspension ends)</b>	18
	Section 52—	19
	<i>insert—</i>	20
	(c) if the college authorises an investigation under section 98 of the matter giving rise to a suspension under section 49—	21 22 23
	(i) the investigator’s report includes a finding that the matter does not raise a ground for disciplinary action against the approved teacher; and	24 25 26 27
	(ii) the college is reasonably satisfied there is no ground for disciplinary action against the approved teacher.	28 29 30

[s 36]

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<b>Clause 36</b>	<b>Amendment of s 53 (Requirement to decide whether to continue suspension under s 48)</b>	1 2
(1)	Section 53, heading, after ‘s 48’— <i>insert</i> —	3 4
	<b>or 49</b>	5
(2)	Section 53(1), ‘48.’— <i>omit, insert</i> — 48 or 49.	6 7 8
(3)	Section 53(3)— <i>omit, insert</i> —	9 10
	(3) QCAT must decide to continue the suspension unless satisfied—	11 12
	(a) if the decision is about the suspension of an approved teacher under section 48—the matter is an exceptional case in which the best interests of children would not be harmed if the suspension were ended; or	13 14 15 16 17
	(b) if the decision is about the suspension of an approved teacher under section 49—the teacher does not pose an unacceptable risk of harm to children.	18 19 20 21
<b>Clause 37</b>	<b>Amendment of s 54 (QCAT to give notice inviting submissions to approved teacher)</b>	22 23
	Section 54(1)— <i>omit, insert</i> —	24 25
	(1) QCAT must give the approved teacher a notice inviting the teacher to show, within a stated time, why—	26 27 28
	(a) if the notice relates to the review of the suspension of the approved teacher under section 48—the matter is an exceptional	29 30 31

---

	case in which the best interests of children would not be harmed if the suspension of the teacher's registration or permission to teach were ended; or	1 2 3 4
	(b) if the notice relates to the review of the suspension of the approved teacher under section 49—the teacher does not pose an unacceptable risk of harm to children.	5 6 7 8
<b>Clause 38</b>	<b>Amendment of s 55 (QCAT's decision about continuation of suspension)</b>	9 10
	(1) Section 55(1) and (2)—	11
	<i>omit, insert—</i>	12
	(1) After considering any submissions made by the approved teacher within the stated time under section 54, QCAT must decide—	13 14 15
	(a) if the review is of the suspension of an approved teacher under section 48—whether it is an exceptional case in which the best interests of children would not be harmed if the suspension were ended; or	16 17 18 19 20 21
	(b) if the review is of the suspension of an approved teacher under section 49—whether the teacher does not pose an unacceptable risk of harm to children.	22 23 24 25
	(2) QCAT must order the suspension be ended if—	26
	(a) if the review is of the suspension of an approved teacher under section 48—QCAT is satisfied it is an exceptional case; or	27 28 29
	(b) if the review is of the suspension of an approved teacher under section 49—QCAT is satisfied the teacher does not pose an unacceptable risk of harm to children.	30 31 32 33

[s 39]

---

- (2) Section 55(6)(b), ‘case—that’— 1  
*omit, insert—* 2  
case or that the teacher poses an unacceptable risk 3  
to children—that 4

**Clause 39 Insertion of new s 55A** 5

Chapter 2, part 6, division 2— 6

*insert—* 7

**55A Requirement for college to refer practice and 8  
conduct matter or authorise investigation** 9

If QCAT continues the suspension of the 10  
approved teacher under section 49, the college 11  
must, as soon as practicable— 12

- (a) if the college reasonably believes the matter 13  
forming the basis of the suspension is a 14  
ground for disciplinary action against the 15  
approved teacher—refer a practice and 16  
conduct matter to the relevant practice and 17  
conduct body under section 97; or 18
- (b) otherwise—authorise an investigation of the 19  
matter forming the basis of the suspension 20  
under section 98. 21

**Clause 40 Amendment of s 59 (Surrender of registration or 22  
permission to teach)** 23

Section 59(a)— 24

*omit, insert—* 25

- (a) returning to the college the teacher’s 26  
certificate of registration or certificate of 27  
permission to teach; and 28

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<b>Clause 41</b>	<b>Amendment of s 62 (Requirements for registration card)</b>	1
	Section 62—	2
	<i>omit.</i>	3
<b>Clause 42</b>	<b>Amendment of s 63 (Replacing certificate of registration, registration card or certificate of permission to teach)</b>	4
	(1) Section 63, heading, ‘registration, registration card’—	5
	<i>omit, insert—</i>	6
	<b>registration</b>	7
	(2) Section 63(1), ‘certificate, registration card,’—	8
	<i>omit, insert—</i>	9
	certificate	10
	(3) Section 63(3), ‘or card’—	11
	<i>omit.</i>	12
		13
<b>Clause 43</b>	<b>Amendment of s 64 (Requirement to return certificate of registration or permission to teach etc. on suspension or cancellation)</b>	14
	Section 64(2)—	15
	<i>omit, insert—</i>	16
	(2) The teacher must, unless the teacher has a reasonable excuse, return the teacher’s certificate of registration or permission to teach to the college within 14 days after receiving notice of the suspension or cancellation.	17
	Maximum penalty—20 penalty units.	18
		19
		20
		21
		22
		23
		24
<b>Clause 44</b>	<b>Amendment of s 66 (Payment of annual fee by approved teacher and issue of registration card to registered teacher)</b>	25
	(1) Section 66, heading, from ‘and’—	26
		27
		28

---

[s 45]

---

*omit.* 1

(2) Section 66(2)— 2

*omit.* 3

**Clause 45 Amendment of s 76 (Requirement for employing authority to notify college about particular investigations)** 4  
5

(1) Section 76, heading, ‘investigations’— 6

*omit, insert—* 7

**allegations** 8

(2) Section 76(1), ‘investigates’— 9

*omit, insert—* 10

deals with 11

(3) Section 76(2), ‘the investigation starts, give notice to the college of the investigation.’— 12  
13

*omit, insert—* 14

starting to deal with the allegation, give notice to 15

the college of that fact. 16

(4) Section 76(3)(c)— 17

*omit, insert—* 18

(c) the day the employing authority started 19

dealing with the allegation; 20

(5) Section 76(3)— 21

*insert—* 22

(e) details about what actions the employing 23

authority has taken to deal with the 24

allegation. 25

(6) Section 76— 26

*insert—* 27

(4) For subsection (1), an employing authority deals 28  
with an allegation if the employing authority takes 29



---

	action in relation to the allegation, including by—	1
	(a) investigating, inquiring into, or examining the allegation; or	2 3
	(b) referring the allegation to another entity to investigate, inquire into, examine or otherwise deal with.	4 5 6
<b>Clause 46</b>	<b>Amendment of s 77 (Requirement for employing authority to notify college about outcome of particular investigations)</b>	7 8 9
(1)	Section 77, heading, ‘investigations’—	10
	<i>omit, insert—</i>	11
	<b>allegations</b>	12
(2)	Section 77(1), ‘an investigation’—	13
	<i>omit, insert—</i>	14
	to deal with an allegation	15
(3)	Section 77(2), ‘the investigation ends for any reason, give notice to the college of the outcome of the investigation.’—	16 17
	<i>omit, insert—</i>	18
	the employing authority stops dealing with the allegation for any reason, give notice to the college of the outcome of the employing authority’s dealing with the allegation.	19 20 21 22
(4)	Section 77(3)(c)—	23
	<i>omit, insert—</i>	24
	(c) the day the employing authority stopped dealing with the allegation;	25 26
(5)	Section 77(3)(f), ‘investigation’—	27
	<i>omit, insert—</i>	28
	employing authority’s dealing with the allegation	29

[s 47]

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<b>Clause 47</b>	<b>Amendment of s 80 (Requirement for prosecuting authority to notify college about committal, conviction etc.)</b>	1 2 3
	Section 80(4)—	4
	<i>insert</i> —	5
	(e) the way in which the prosecution process ended under subsection (5).	6 7
<b>Clause 48</b>	<b>Amendment of s 89 (Refusal to deal with complaint)</b>	8
	Section 89(5), ‘disciplinary committee’—	9
	<i>omit, insert</i> —	10
	practice and conduct body	11
<b>Clause 49</b>	<b>Replacement of ch 5 hdg (Disciplinary action against teachers)</b>	12 13
	Chapter 5, heading—	14
	<i>omit, insert</i> —	15
	<b>Chapter 5 Practice and conduct matters</b>	16 17
<b>Clause 50</b>	<b>Omission of s 91 (Definition for ch 5)</b>	18
	Section 91—	19
	<i>omit.</i>	20
<b>Clause 51</b>	<b>Amendment of s 92 (Grounds for disciplinary action)</b>	21
	(1) Section 92(1)(c)—	22
	<i>omit.</i>	23
	(2) Section 92(1)(h)—	24
	<i>omit, insert</i> —	25

- 
- (h) the person behaves in a way, whether  
connected with the teaching profession or  
otherwise, that does not satisfy the standard  
of behaviour generally expected of a  
teacher; 1  
2  
3  
4  
5
- (3) Section 92(1)(i), ‘disciplinary committee’— 6  
*omit, insert—* 7  
practice and conduct body 8
- (4) Section 92(1)(j)— 9  
*omit, insert—* 10
- (j) the teacher contravenes— 11
- (i) an order made under this Act by the 12  
college or a practice and conduct body; 13  
or 14
- (ii) a practice and conduct agreement. 15
- (5) Section 92(2) and (3)— 16  
*omit, insert—* 17
- (2) The ground for disciplinary action mentioned in 18  
subsection (1)(h) is taken to apply to a relevant 19  
teacher whose registration or permission to teach 20  
is suspended under section 48 if any of the 21  
following applies— 22
- (a) the teacher has been charged with a serious 23  
offence and the charge has been dealt with; 24
- (b) the teacher has been charged with a serious 25  
offence and the teacher is convicted of an 26  
offence other than an indictable offence; 27
- (c) the teacher is or becomes subject to a 28  
temporary offender prohibition order or 29  
interim sexual offender order. 30
- (3) The object of subsection (2) is to ensure the 31  
circumstances of the change are examined by a 32  
practice and conduct body. 33
-

[s 52]

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<b>Clause 52</b>	<b>Replacement of s 93 (Disciplinary matters)</b>	1
	Section 93—	2
	<i>omit, insert—</i>	3
	<b>93 Practice and conduct matters</b>	4
	Each of the following is a <i>practice and conduct matter</i> —	5
	(a) a PC&TC matter;	6
	(b) a general matter.	7
		8
<b>Clause 53</b>	<b>Amendment of s 95 (PP&amp;C matters)</b>	9
	(1) Section 95, ‘PP&C’—	10
	<i>omit, insert—</i>	11
	PC&TC	12
	(2) Section 95(1)(a)(i), ‘disciplinary proceedings’—	13
	<i>omit, insert—</i>	14
	practice and conduct proceedings	15
	(3) Section 95(1)(a)(ii), ‘section 92(2)(a) or (b)’—	16
	<i>omit, insert—</i>	17
	section 92(2)	18
	(4) Section 95(1)(b), ‘98.’—	19
	<i>omit, insert—</i>	20
	98 and the investigator’s report includes a finding	21
	that there is 1 or more grounds for disciplinary	22
	action against the relevant teacher.	23
<b>Clause 54</b>	<b>Amendment of s 96 (General matters)</b>	24
	Section 96, ‘PP&C’—	25
	<i>omit, insert—</i>	26
	PC&TC	27

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<b>Clause 55</b>	<b>Amendment of ch 5, pt 1, div 2 hdg (Starting disciplinary proceedings)</b>	1 2
	Chapter 5, part 1, division 2, heading, ‘disciplinary’—	3
	<i>omit, insert—</i>	4
	<b>practice and conduct</b>	5
<b>Clause 56</b>	<b>Insertion of new s 96A</b>	6
	Chapter 5, part 1, division 2—	7
	<i>insert—</i>	8
	<b>96A Meaning of <i>interstate information</i> for division</b>	9
	In this division—	10
	<i>interstate information</i> does not include information disclosed by a person to the college as required under chapter 3, part 1 even if the information is also disclosed to the college by the commissioner of police or an interstate commissioner.	11 12 13 14 15 16
<b>Clause 57</b>	<b>Amendment of s 97 (Requirement for college to start disciplinary proceedings)</b>	17 18
	(1) Section 97, heading, ‘disciplinary’—	19
	<i>omit, insert—</i>	20
	<b>practice and conduct</b>	21
	(2) Section 97, ‘disciplinary body’—	22
	<i>omit, insert—</i>	23
	practice and conduct body	24
	(3) Section 97(1), ‘on the basis of disciplinary information received by the college’—	25 26
	<i>omit, insert—</i>	27
	other than on the basis of interstate information	28

[s 58]

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- (4) Section 97(2)(b), ‘PP&C’— 1  
*omit, insert*— 2  
PC&TC 3
- (5) Section 97(3)— 4  
*omit.* 5
- (6) Section 97— 6  
*insert*— 7  
(3) However, subsection (1) does not apply to a 8  
matter in relation to which the college and the 9  
relevant teacher have entered into a practice and 10  
conduct agreement. 11
- (7) Section 97(4), ‘disciplinary’— 12  
*omit, insert*— 13  
practice and conduct 14

**Clause 58 Amendment of s 98 (College may authorise investigation)** 15

- (1) Section 98(1), ‘on the basis of disciplinary information 16  
received by the college’— 17  
*omit, insert*— 18  
other than on the basis of interstate information 19
- (2) Section 98(5)(d) and (e)— 20  
*omit.* 21

**Clause 59 Amendment of s 99 (Proceedings for an offence not 22  
prevented by disciplinary proceedings)** 23

- Section 99, ‘disciplinary proceedings’— 24  
*omit, insert*— 25  
practice and conduct proceedings 26

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<b>Clause 60</b>	<b>Insertion of new ch 5, pt 2</b>	1
	Chapter 5—	2
	<i>insert—</i>	3
	<b>Part 2</b>	4
	<b>PC&amp;TC matters dealt with by college</b>	5
	<b>100 Application of part</b>	6
	(1) This part applies if, in relation to a PC&TC matter, the college and the relevant teacher agree—	7 8 9
	(a) a ground for disciplinary action against the teacher exists; and	10 11
	(b) on the disciplinary action to be taken against the teacher in relation to the matter.	12 13
	(2) However, this part does not apply if the college reasonably believes the relevant teacher may have an impairment that may have caused, or contributed to, behaviour of the relevant teacher that is the basis for the practice and conduct proceedings.	14 15 16 17 18 19
	<b>101 College may enter into practice and conduct agreement with relevant teacher</b>	20 21
	(1) The college may, if it considers it appropriate in the circumstances and with the written consent of the relevant teacher, enter into an agreement (a <i>practice and conduct agreement</i> ) with the teacher to do 1 or more of the following—	22 23 24 25 26
	(a) not take further action against the teacher;	27
	(b) issue a warning or reprimand to the teacher;	28
	(c) impose conditions on the teacher's registration or permission to teach.	29 30

[s 61]

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	(2)	In deciding whether it would be appropriate to enter into a practice and conduct agreement, the college must have regard to the following considerations—	1 2 3 4
	(a)	primarily, the welfare and best interests of children;	5 6
	(b)	the objects of this Act;	7
	(c)	the circumstances of the case and the seriousness of the matter.	8 9
	(3)	As soon as practicable after making its decision, the college must give the teacher notice of the decision and the reasons for it.	10 11 12
	(4)	A practice and conduct agreement is binding on the college and the relevant teacher.	13 14
<b>Clause 61</b>		<b>Amendment of ch 5, pt 3 hdg (General matters and PP&amp;C matters dealt with by QCAT)</b>	15 16
		Chapter 5, part 2, heading, ‘PP&C’—	17
		<i>omit, insert—</i>	18
		PC&TC	19
<b>Clause 62</b>		<b>Amendment of s 105 (Application of pt 3)</b>	20
		Section 105(b), ‘PP&C’—	21
		<i>omit, insert—</i>	22
		PC&TC	23
<b>Clause 63</b>		<b>Amendment of ch 5, pt 4 hdg (PP&amp;C matters dealt with by PP&amp;C committee)</b>	24 25
		Chapter 5, part 4, heading, ‘PP&C’—	26
		<i>omit, insert—</i>	27
		PC&TC	28



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<b>Clause 64</b>	<b>Amendment of s 108 (Application of pt 4)</b>	1
	(1) Section 108, ‘PP&C’—	2
	<i>omit, insert—</i>	3
	PC&TC	4
	(2) Section 108(b), ‘disciplinary’—	5
	<i>omit, insert—</i>	6
	practice and conduct	7
<b>Clause 65</b>	<b>Insertion of new s 108A</b>	8
	Chapter 5, part 4—	9
	<i>insert—</i>	10
	<b>108APC&amp;TC committee may take no further action</b>	11
	(1) If, after considering an investigator’s report	12
	mentioned in section 108(b), the PC&TC	13
	committee reasonably believes no ground for	14
	disciplinary action against the relevant teacher	15
	has been established, the committee may decide	16
	to take no further action in relation to the matter.	17
	(2) If the committee decides to take no further action	18
	in relation to the matter, the committee must, as	19
	soon as practicable after making its decision, give	20
	notice of the decision and the reasons for it to—	21
	(a) the teacher; and	22
	(b) if the disciplinary matter originated from a	23
	complaint—the complainant.	24
<b>Clause 66</b>	<b>Amendment of s 109 (PP&amp;C committee may authorise investigation)</b>	25
	Section 109, ‘PP&C’—	26
	<i>omit, insert—</i>	27
	PC&TC	28
		29

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[s 67]

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<b>Clause 67</b>	<b>Amendment of s 110 (Notice to be given to college if PP&amp;C committee authorises investigation)</b>	1 2
	Section 110, ‘PP&C’—	3
	<i>omit, insert</i> —	4
	PC&TC	5
<b>Clause 68</b>	<b>Amendment of s 111 (Application of ch 6, pt 1, div 2)</b>	6
	Section 111, ‘PP&C’—	7
	<i>omit, insert</i> —	8
	PC&TC	9
<b>Clause 69</b>	<b>Amendment of s 111A (PP&amp;C committee may refer matter to QCAT)</b>	10 11
	Section 111A, ‘PP&C’—	12
	<i>omit, insert</i> —	13
	PC&TC	14
<b>Clause 70</b>	<b>Amendment of s 112 (Reporting of offences)</b>	15
	Section 112(1), ‘disciplinary information or other’—	16
	<i>omit.</i>	17
<b>Clause 71</b>	<b>Replacement of ch 6 hdg (Disciplinary bodies)</b>	18
	Chapter 6, heading—	19
	<i>omit, insert</i> —	20
	<b>Chapter 6 Teacher practice and conduct bodies</b>	21 22

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<b>Clause 72</b>	<b>Amendment of ch 6, pt 1 hdg (PP&amp;C committee)</b>	1
	Chapter 6, part 1, heading, ‘PP&C’—	2
	<i>omit, insert—</i>	3
	<b>PC&amp;TC</b>	4
<b>Clause 73</b>	<b>Amendment of s 113 (Establishment)</b>	5
	Section 113, ‘Professional Practice and’—	6
	<i>omit, insert—</i>	7
	Professional Capacity and Teacher	8
<b>Clause 74</b>	<b>Replacement of s 114 (Membership)</b>	9
	Section 114—	10
	<i>omit, insert—</i>	11
	<b>114 Membership</b>	12
	(1) Generally, the PC&TC committee must consist of	13
	3 members of the board, of which—	14
	(a) 2 must be registered teachers; and	15
	(b) 1 must not be a registered teacher.	16
	(2) However, for the hearing of a practice and conduct	17
	matter involving an impairment of the relevant	18
	teacher, the committee must include an additional	19
	member who is—	20
	(a) a registered health practitioner; and	21
	(b) listed on the health practitioner panel.	22
	(3) The college must appoint 1 of the committee	23
	members to be the committee’s chairperson.	24
<b>Clause 75</b>	<b>Amendment of s 115 (Functions of PP&amp;C committee)</b>	25
	(1) Section 115, ‘PP&C’—	26

[s 76]

---

<i>omit, insert—</i>	1
PC&TC	2
(2) Section 115(1), ‘disciplinary’—	3
<i>omit, insert—</i>	4
practice and conduct	5
(3) Section 115(1)—	6
<i>insert—</i>	7
(aa) to make an order, under division 2, for a relevant teacher to undergo a health assessment;	8 9 10
(4) Section 115(1)(aa) to (c)—	11
<i>renumber</i> as section 115(1)(b) to (d).	12
(5) Section 115(2), definition <i>relevant disciplinary matter</i> —	13
<i>omit, insert—</i>	14
<b><i>relevant practice and conduct matter</i></b> means a practice and conduct matter—	15 16
(a) referred to the PC&TC committee by the college under section 97; or	17 18
(b) for which the college authorised an investigation under section 98 and the investigator’s report has been given to the PC&TC committee.	19 20 21 22

<b>Clause 76</b>	<b>Replacement of ch 6, pt 1, div 2 hdg (Disciplinary proceedings of PP&amp;C committee)</b>	23 24	
	Chapter 6, part 1, division 2, heading—	25	
	<i>omit, insert—</i>	26	
	<b>Division 2</b>	<b>Practice and conduct</b>	27
		<b>proceedings of the PC&amp;TC committee</b>	28
			29

---

<b>Clause 77</b>	<b>Amendment of s 116 (PP&amp;C committee may conduct disciplinary proceedings by hearing or on correspondence)</b>	1 2 3
(1)	Section 116, ‘PP&C’— <i>omit, insert—</i> PC&TC	4 5 6
(2)	Section 116(1), ‘disciplinary’— <i>omit, insert—</i> practice and conduct	7 8 9
(3)	Section 116— <i>insert—</i> (3) Also, if the committee has ordered that the relevant teacher undergo a health assessment under section 119A, the committee must not conduct the proceedings before the committee receives the health assessment report in relation to the assessment.	10 11 12 13 14 15 16 17
<b>Clause 78</b>	<b>Amendment of s 117 (Procedure for hearing by PP&amp;C committee)</b>	18 19
(1)	Section 117, ‘PP&C’— <i>omit, insert—</i> PC&TC	20 21 22
(2)	Section 117(1), ‘disciplinary’— <i>omit, insert—</i> practice and conduct	23 24 25
<b>Clause 79</b>	<b>Amendment of s 118 (Notice of intention to conduct disciplinary proceedings by correspondence)</b>	26 27
(1)	Section 118, ‘disciplinary proceedings’— <i>omit, insert—</i>	28 29

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[s 80]

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	practice and conduct proceedings	1
(2)	Section 118(1), ‘PP&C’—	2
	<i>omit, insert—</i>	3
	PC&TC	4
<b>Clause 80</b>	<b>Amendment of s 119 (Substituted service on relevant teacher or complainant)</b>	5
	Section 119(1), ‘PP&C’—	6
	<i>omit, insert—</i>	7
	PC&TC	8
<b>Clause 81</b>	<b>Insertion of new ss 119A and 119B</b>	10
	Chapter 6, part 1, division 2—	11
	<i>insert—</i>	12
	<b>119APC&amp;TC committee may require health assessment</b>	13
		14
	(1) This section applies if, before or during practice and conduct proceedings—	15
		16
	(a) the PC&TC committee reasonably believes—	17
		18
	(i) the relevant teacher may have an impairment; and	19
		20
	(ii) the impairment may have caused or contributed to behaviour of the relevant teacher that is the basis for the practice and conduct proceedings; and	21
		22
		23
		24
	(b) the relevant teacher consents to undergoing a health assessment.	25
		26
	(2) The committee may, by notice given to the teacher, require the teacher to undergo a health assessment conducted by a registered health practitioner at a reasonable time and place.	27
		28
		29
		30

- 
- (3) The committee may appoint a registered health practitioner to conduct the assessment only if—
- (a) the practitioner is included on the health practitioner panel; and
  - (b) the practitioner is not a member of the committee; and
  - (c) the committee is reasonably satisfied the practitioner has the necessary qualifications, expertise or experience.
- (4) The notice must state each of the following—
- (a) the reasons for the health assessment;
  - (b) the name and qualifications of the registered health practitioner appointed by the committee to conduct the assessment;
  - (c) the place where, and the day and time at which, the assessment is to be conducted.
- (5) The relevant teacher must not fail, without reasonable excuse—
- (a) to attend as required by the notice; and
  - (b) to continue to attend as required by the registered health practitioner conducting the health assessment until excused from further attendance; and
  - (c) to cooperate with the registered health practitioner in the conduct of the health assessment.
- (6) The cost of the assessment must be met by the college.

### **119B Health assessment report**

- (1) A registered health practitioner conducting a health assessment of a relevant teacher must prepare a report about the assessment (a *health*

[s 82]

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	<i>assessment report</i> ).	1
	(2) The health assessment report must include—	2
	(a) the registered health practitioner’s findings as to whether the relevant teacher has an impairment; and	3 4 5
	(b) if the registered health practitioner finds that the relevant teacher has an impairment—	6 7
	(i) the nature, and extent of, the impairment; and	8 9
	(ii) whether the impairment caused, or contributed to, behaviour that is the basis of the practice and conduct proceedings.	10 11 12 13
	(3) If the registered health practitioner finds that the relevant teacher has an impairment, the health assessment report may also include the practitioner’s assessment of any adverse impact the impairment has, or is likely to have, on the teacher’s ability to practise as a teacher.	14 15 16 17 18 19
<b>Clause 82</b>	<b>Amendment of s 120 (PP&amp;C committee may require other information)</b>	20 21
	(1) Section 120, ‘PP&C’—	22
	<i>omit, insert</i> —	23
	PC&TC	24
	(2) Section 120(1), ‘disciplinary’—	25
	<i>omit, insert</i> —	26
	practice and conduct	27
<b>Clause 83</b>	<b>Amendment of s 121 (Power of PP&amp;C committee to continue disciplinary proceedings without receiving relevant teacher’s submission)</b>	28 29 30
	(1) Section 121, ‘PP&C’—	31



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	<i>omit, insert—</i>	1
	PC&TC	2
(2)	Section 121, ‘disciplinary proceedings’—	3
	<i>omit, insert—</i>	4
	practice and conduct proceedings	5
<b>Clause 84</b>	<b>Insertion of new s 121A</b>	6
	After section 121—	7
	<i>insert—</i>	8
	<b>121A Power of PC&amp;TC committee to continue practice and conduct proceedings in absence of relevant teacher</b>	9 10 11
	At a hearing, a PC&TC committee may proceed in the absence of the relevant teacher the subject of the practice and conduct proceedings if the committee reasonably believes the relevant teacher has been given notice of the hearing.	12 13 14 15 16
<b>Clause 85</b>	<b>Amendment of s 122 (Offence for failing to give information and protection against self-incrimination)</b>	17 18
	Section 122, ‘PP&C’—	19
	<i>omit, insert—</i>	20
	PC&TC	21
<b>Clause 86</b>	<b>Amendment of s 123 (Disciplinary action by PP&amp;C committee)</b>	22 23
(1)	Section 123, heading, ‘PP&C’—	24
	<i>omit, insert—</i>	25
	PC&TC	26
(2)	Section 123(1)—	27
	<i>omit, insert—</i>	28

[s 86]

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- (1) This section applies if, after conducting practice and conduct proceedings by hearing or on correspondence, the PC&TC committee reasonably believes a ground for disciplinary action against the relevant teacher has been established. 1  
2  
3  
4  
5  
6
- (3) Section 123(2)— 7  
*insert*— 8
- (ca) impose conditions on, or amend or remove conditions imposed by the committee on, the teacher’s registration or permission to teach; 9  
10  
11  
12
- (4) Section 123(2)(ca) to (e)— 13  
*renumber* as section 123(2)(d) to (f). 14
- (5) Section 123(3)— 15  
*insert*— 16
- (d) if the committee ordered a health assessment of the relevant teacher—the health assessment report, including any recommendations in the report. 17  
18  
19  
20
- (6) Section 123— 21  
*insert*— 22
- (3A) For subsection (3)(c), the committee may only consider the issue of impairment of the relevant teacher if the committee ordered a health assessment of the teacher in the proceedings. 23  
24  
25  
26
- (3B) Also, the committee may only make an order, under subsection (2)(d), that the committee considers appropriate because of an impairment of the relevant teacher if— 27  
28  
29  
30
- (a) a health assessment report about the teacher has been given to the committee in the proceedings; and 31  
32  
33

---

	(b) the health assessment report includes findings that—	1 2
	(i) the relevant teacher has the impairment; and	3 4
	(ii) the impairment caused, or contributed to, behaviour that is the basis of the proceeding.	5 6 7
	(7) Section 123(4)(a), ‘(d) or (e)’— <i>omit, insert—</i>	8 9
	(d), (e) or (f)	10
	(8) Section 123(4A) and (5), ‘disciplinary’— <i>omit, insert—</i>	11 12
	practice and conduct	13
<b>Clause 87</b>	<b>Amendment of ch 6, pt 2 hdg (Disciplinary proceedings of QCAT)</b>	14 15
	Chapter 6, part 2, heading, ‘Disciplinary’— <i>omit, insert—</i>	16 17
	<b>Practice and conduct</b>	18
<b>Clause 88</b>	<b>Amendment of ch 6, pt 2, div 1 hdg (Constitution of QCAT for disciplinary proceedings)</b>	19 20
	Chapter 6, part 2, division 1, heading, ‘disciplinary’— <i>omit, insert—</i>	21 22
	<b>practice and conduct</b>	23
<b>Clause 89</b>	<b>Amendment of s 124 (Constitution of QCAT for disciplinary proceedings)</b>	24 25
	Section 124, ‘disciplinary’— <i>omit, insert—</i>	26 27

[s 90]

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	practice and conduct	1
<b>Clause 90</b>	<b>Amendment of s 125 (Presiding member of QCAT)</b>	2
	Section 125, ‘disciplinary’—	3
	<i>omit, insert</i> —	4
	practice and conduct	5
<b>Clause 91</b>	<b>Amendment of ch 6, pt 2, div 2 hdg (Disciplinary proceedings conducted by QCAT)</b>	6 7
	Chapter 6, part 2, division 2, heading, ‘Disciplinary’—	8
	<i>omit, insert</i> —	9
	<b>Practice and conduct</b>	10
<b>Clause 92</b>	<b>Amendment of s 130 (Application of div 2)</b>	11
	(1) Section 130, ‘disciplinary’—	12
	<i>omit, insert</i> —	13
	practice and conduct	14
	(2) Section 130(b), ‘PP&C’—	15
	<i>omit, insert</i> —	16
	PC&TC	17
<b>Clause 93</b>	<b>Amendment of s 133 (Notice of intention to conduct hearing)</b>	18 19
	Section 133(4)—	20
	<i>omit, insert</i> —	21
	(4) The time for the hearing stated in the notice must be at least 14 days after the day the teacher is given the notice.	22 23 24

---

<b>Clause 94</b>	<b>Amendment of s 136 (QCAT may require health assessment)</b>	1 2
	Section 136(1)—	3
	<i>omit, insert—</i>	4
	(1) This section applies if, before or during the hearing, QCAT reasonably believes—	5 6
	(a) the relevant teacher may have an impairment; and	7 8
	(b) the impairment may have caused or contributed to behaviour of the relevant teacher that is the basis for the practice and conduct proceedings.	9 10 11 12
<b>Clause 95</b>	<b>Amendment of s 152 (Interim orders)</b>	13
	Section 152(4)(a), ‘disciplinary’—	14
	<i>omit, insert—</i>	15
	practice and conduct	16
<b>Clause 96</b>	<b>Amendment of ch 6, pt 2, div 2, subdiv 3 hdg (Decision on completion of disciplinary proceedings)</b>	17 18
	Chapter 6, part 2, division 2, subdivision 3, heading, ‘disciplinary’—	19 20
	<i>omit, insert—</i>	21
	<b>practice and conduct</b>	22
<b>Clause 97</b>	<b>Amendment of s 158 (Decision about whether ground for disciplinary action is established)</b>	23 24
	(1) Section 158(2), ‘disciplinary committee’—	25
	<i>omit, insert—</i>	26
	practice and conduct body	27
	(2) Section 158(4), definition <i>disciplinary committee</i> —	28

[s 98]

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*omit.* 1

(3) Section 158(4)— 2

*insert—* 3

*practice and conduct body* includes the former 4  
Teachers Disciplinary Committee and the former 5  
PP&C committee. 6

*former PP&C committee* means the PP&C 7  
committee under the Act as in force before the 8  
commencement. 9

**Clause 98 Amendment of s 164 (College may notify other persons)** 10

Section 164(1), ‘disciplinary’— 11

*omit, insert—* 12

practice and conduct 13

**Clause 99 Amendment of s 165 (Requirement to notify particular 14  
interstate regulatory authorities about decision)** 15

Section 165, ‘disciplinary’— 16

*omit, insert—* 17

practice and conduct 18

**Clause 100 Amendment of s 166 (Publication of information about 19  
disciplinary proceedings by college)** 20

Section 166, ‘disciplinary’— 21

*omit, insert—* 22

practice and conduct 23

**Clause 101 Amendment of ch 6, pt 3 hdg (Miscellaneous provisions 24  
for disciplinary proceedings)** 25

Chapter 6, part 3, heading, ‘disciplinary’— 26

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	<i>omit, insert—</i>	1
	<b>practice and conduct</b>	2
<b>Clause 102</b>	<b>Amendment of s 170 (Office to keep record of disciplinary proceedings)</b>	3
	(1) Section 170, ‘disciplinary’—	4
	<i>omit, insert—</i>	5
	<i>omit, insert—</i>	6
	practice and conduct	7
	(2) Section 170, ‘PP&C’—	8
	<i>omit, insert—</i>	9
	PC&TC	10
<b>Clause 103</b>	<b>Amendment of s 172 (Particular investigation may be carried out on college’s behalf by an employing authority)</b>	11
	Section 172, ‘disciplinary’—	12
	<i>omit, insert—</i>	13
	<i>omit, insert—</i>	14
	practice and conduct	15
<b>Clause 104</b>	<b>Amendment of s 173 (Functions of investigator)</b>	16
	Section 173(2)(a), ‘disciplinary’—	17
	<i>omit, insert—</i>	18
	<i>omit, insert—</i>	19
	practice and conduct	20
<b>Clause 105</b>	<b>Amendment of s 185 (Entry with consent)</b>	21
	Section 185(6)(a), ‘disciplinary’—	22
	<i>omit, insert—</i>	23
	<i>omit, insert—</i>	24
	practice and conduct	25

[s 106]

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<b>Clause 106</b>	<b>Amendment of s 189 (General powers after entering places)</b>	1
		2
(1)	Section 189(3)(f)(i), ‘disciplinary matter’—	3
	<i>omit, insert—</i>	4
	practice and conduct matter	5
(2)	Section 189(5), definition <i>relevant purpose</i> , paragraph (a), ‘disciplinary matter’—	6
	<i>omit, insert—</i>	7
	practice and conduct matter	8
		9
<b>Clause 107</b>	<b>Amendment of s 201 (Investigator’s report)</b>	10
(1)	Section 201(1), ‘disciplinary’—	11
	<i>omit, insert—</i>	12
	practice and conduct	13
(2)	Section 201(2)(a) and (b)—	14
	<i>omit, insert—</i>	15
	(a) for an investigation authorised by the college—	16
		17
	(i) if the report includes a finding that there is no ground for disciplinary action against the relevant teacher—the college; or	18
		19
		20
		21
	(ii) otherwise—the PC&TC committee; or	22
	(b) for an investigation authorised by the PC&TC committee—the PC&TC committee; or	23
		24
		25
	(c) for an investigation authorised by QCAT—QCAT.	26
		27
<b>Clause 108</b>	<b>Insertion of new ch 8, pt 1, div 1</b>	28
	Chapter 8, part 1, before section 209—	29



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*insert—*

**Division 1 Preliminary**

**208A Definitions for part**

In this part—

*college decision* means an original decision other than a delegated decision.

*delegated decision* means an original decision made by a person under a power delegated to the person under section 264.

*review decision* means—

(a) a decision of the review committee under section 210B(4); or

(b) a decision of the college under section 212(1).

**Clause 109 Insertion of new ch 8, pt 1, div 2 hdg**

After section 208A, as inserted by this Act—

*insert—*

**Division 2 Internal review process**

**Clause 110 Insertion of new ss 210A and 210B**

After section 210—

*insert—*

**210A Review committee**

(1) The application must be dealt with by a committee (a *review committee*) established by the college to conduct the review.

(2) The review committee must consist of at least 3 persons, of whom—

[s 110]

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- (a) 1 is to be appointed by the board as chairperson of the committee; and 1  
2
- (b) 1 is to be a board member who is a practising teacher; and 3  
4
- (c) 1 is to be a board member who is a representative of an employing authority for a school. 5  
6  
7
- (3) If the application relates to an original decision about a practice and conduct matter involving an impairment of a relevant teacher, the review committee must also include a registered health practitioner who is listed on the health practitioner panel. 8  
9  
10  
11  
12  
13
- (4) The review committee may include any other person, whether or not the person is a member of the board. 14  
15  
16
- (5) However, if practicable, the review committee must not include a person who was involved in the making of the original decision the application relates to. 17  
18  
19  
20
- 21B Review committee's review of delegated decision** 21  
22
- (1) This section applies to the review committee for dealing with an application for the review of a delegated decision. 23  
24  
25
- (2) The review committee must give the applicant a notice stating that the applicant may make oral or written submissions about the delegated decision to the committee within a stated period, of not less than 21 days, after the notice is given (the *submission period*). 26  
27  
28  
29  
30  
31
- (3) The review committee must conduct the review on— 32  
33

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(a)	the material before the person who made the delegated decision that led to the delegated decision; and	1 2 3
(b)	the reasons for the delegated decision; and	4
(c)	any other relevant material the review committee allows including material in any submissions made before the end of the submission period.	5 6 7 8
(4)	After reviewing the delegated decision, the review committee must make a decision ( <i>a review decision</i> ) to do any of the following—	9 10 11
(a)	confirm the delegated decision; or	12
(b)	amend the delegated decision; or	13
(c)	substitute another decision for the delegated decision.	14 15
(5)	For a review under part 2—	16
(a)	if the review decision confirms the original decision—the original decision is taken to be the review decision; or	17 18 19
(b)	if the review decision amends the original decision—the original decision as amended is taken to be the review decision; or	20 21 22
(c)	if the review decision substitutes another decision for the original decision—the substituted decision is taken to be the review decision.	23 24 25 26
<b>Clause 111</b>	<b>Amendment of s 211 (Review committee)</b>	27
(1)	Section 211, heading—	28
	<i>omit, insert—</i>	29
	<b>211 Review committee’s review of college decision</b>	30
(2)	Section 211(1) to (3)—	31

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[s 112]

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*omit, insert—*

- 1
- (1) This section applies to the review committee for  
2 dealing with an application for the review of a  
3 college decision.  
4
- (3) Section 211(4), after ‘days’—  
5  
*insert—* 6  
7 , or a longer period the committee considers  
8 reasonable,  
9
- (4) Section 211(4) to (7)—  
10  
*renumber* as section 211(2) to (5).

**Clause 112 Amendment of s 212 (College’s decision)**

- 11
- (1) Section 212, before subsection (1)—  
12  
*insert—* 13  
14 (1AA) This section applies if the review committee  
15 makes a recommendation under section 211(4).
- (2) Section 212(1), ‘(a *review decision*)’—  
16  
*omit, insert—* 17  
18 (also a *review decision*)  
19
- (3) Section 212(1AA) to (2)—  
20  
*renumber* as section 212(1) to (3).

**Clause 113 Amendment of s 213 (Notice of review decision)**

- 21
- (1) Section 213(1), ‘college’—  
22  
*omit, insert—* 23  
24 relevant decision maker for a review decision
- (2) Section 213(2) and (3), ‘college’—  
25  
*omit, insert—* 26  
27 relevant decision maker

---

(3)	Section 213—	1
	<i>insert</i> —	2
(4)	In this section—	3
	<i>relevant decision maker</i> , for a review decision, means—	4 5
(a)	for a review decision made under section 210B(4)—the review committee; or	6 7
(b)	for a review decision made under section 212(1)—the college.	8 9
<b>Clause 114</b>	<b>Amendment of s 220 (Application of pt 1)</b>	10
	Section 220, ‘disciplinary’—	11
	<i>omit, insert</i> —	12
	practice and conduct	13
<b>Clause 115</b>	<b>Amendment of s 231 (College’s discipline and enforcement functions)</b>	14 15
(1)	Section 231(d) and (e), ‘disciplinary’—	16
	<i>omit, insert</i> —	17
	practice and conduct	18
(2)	Section 231—	19
	<i>insert</i> —	20
	(ea) dealing with matters under chapter 5, part 2A;	21 22
	(eb) giving effect to and monitoring compliance with practice and conduct agreements;	23 24
	(g) keeping a panel of registered health practitioners who are appropriately qualified to conduct health assessments of relevant teachers or be appointed to the PC&TC committee.	25 26 27 28 29

[s 116]

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- (3) Section 231(ea) to (g)— 1  
*renumber* as section 231(f) to (i). 2

**Clause 116 Amendment of s 239 (Membership of board)** 3

- (1) Section 239(1)(a), ‘Minister;’— 4  
*omit, insert*— 5  
Minister who has skills and experience relevant to 6  
the college’s corporate, strategic or regulatory 7  
functions; 8
- (2) Section 239(1)(b), ‘chief executive;’— 9  
*omit, insert*— 10  
chief executive who has skills and experience 11  
relevant to the college’s corporate, strategic or 12  
regulatory functions; 13
- (3) Section 239(1)(f)— 14  
*omit.* 15
- (4) Section 239(1)(g)— 16  
*omit, insert*— 17  
(g) 1 person who is a practising teacher 18  
educator who is to be nominated jointly by 19  
the vice-chancellors of universities, 20  
established or recognised under an Act, that 21  
provide a preservice teacher education 22  
program approved under section 236; 23
- (5) Section 239(1)(h)(ii), ‘Queensland Independent Schools 24  
Parents Council Inc.’— 25  
*omit, insert*— 26  
Queensland Independent Schools Parents’ 27  
Network Ltd 28
- (6) Section 239(1)(k)— 29  
*omit.* 30

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(7)	Section 239(3), definition <i>Higher Education Forum</i> —	1
	<i>omit.</i>	2
<b>Clause 117</b>	<b>Amendment of s 253 (Conduct of business)</b>	3
	Section 253, ‘254’—	4
	<i>omit, insert</i> —	5
	255	6
<b>Clause 118</b>	<b>Omission of s 254 (Presiding at meetings)</b>	7
	Section 254—	8
	<i>omit.</i>	9
<b>Clause 119</b>	<b>Omission of s 258 (Minutes)</b>	10
	Section 258—	11
	<i>omit.</i>	12
<b>Clause 120</b>	<b>Amendment of s 264 (Delegation)</b>	13
(1)	Section 264(1), ‘powers’—	14
	<i>omit, insert</i> —	15
	functions	16
(2)	Section 264(2), from ‘powers’—	17
	<i>omit, insert</i> —	18
	functions under this Act to any appropriately qualified person.	19 20
(3)	Section 264(3) and (4)—	21
	<i>omit, insert</i> —	22
	(3) In this section—	23
	<i>functions</i> includes powers.	24

[s 121]

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<b>Clause 121</b>	<b>Replacement of ss 265 and 266</b>	1
	Sections 265 and 266—	2
	<i>omit, insert—</i>	3
	<b>265 Application of particular Acts</b>	4
	(1) The college is—	5
	(a) a statutory body under the <i>Financial Accountability Act 2009</i> ; and	6
	(b) a statutory body under the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	7
	(2) The <i>Statutory Bodies Financial Arrangements Act 1982</i> , part 2B sets out the way in which the college's powers under this Act are affected by the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	8
		9
		10
		11
		12
		13
		14
	<b>266 College represents the State</b>	15
	(1) The college represents the State.	16
	(2) Without limiting subsection (1), the college has the status, privileges and immunities of the State.	17
		18
<b>Clause 122</b>	<b>Amendment of s 272 (Minister's power to give directions to college)</b>	19
	Section 272(3)(c), 'disciplinary'—	20
	<i>insert—</i>	21
	practice and conduct	22
		23
<b>Clause 123</b>	<b>Amendment of s 279 (Delegation by director)</b>	24
	Section 279(2)—	25
	<i>omit.</i>	26



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<b>Clause 124</b>	<b>Amendment of s 280 (Acting director)</b>	1
	Section 280—	2
	<i>insert</i> —	3
	(2) Subsection (1) does not limit the power, under the	4
	<i>Acts Interpretation Act 1954</i> , section 25(1)(b)(v)	5
	to appoint a person to act in the office.	6
<b>Clause 125</b>	<b>Amendment of s 282 (Definition for pt 1)</b>	7
	Section 282, definition <i>relevant personal information</i> ,	8
	paragraph (a)(vi), ‘29(5),’—	9
	<i>omit, insert</i> —	10
	29(3),	11
<b>Clause 126</b>	<b>Amendment of s 283 (Confidentiality of particular information)</b>	12
	Section 283(3)(g), ‘disciplinary’—	13
	<i>omit, insert</i> —	14
	practice and conduct	15
<b>Clause 127</b>	<b>Insertion of new s 284A</b>	16
	Chapter 11, part 1—	17
	<i>insert</i> —	18
	<b>284A Use of health assessment report</b>	19
	(1) A health assessment report is not admissible in	20
	any proceeding, and a person can not be	21
	compelled to produce the report or to give	22
	evidence about the report or its contents in any	23
	proceeding.	24
	(2) Subsection (1) does not apply in relation to—	25
	(a) the practice and conduct proceeding in	26
	relation to which the report was prepared;	27
		28

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	(b) a review of the proceeding mentioned in paragraph (a) under chapter 8.	1 2
	(3) Also, subsection (1) does not apply if the report is admitted or produced, or evidence about the report or its contents is given, in a proceeding with the consent of—	3 4 5 6
	(a) the registered health practitioner assessor who prepared the report; and	7 8
	(b) the person to whom the report relates.	9
	(4) In this section—	10
	<i>health assessment report</i> includes a copy of the report or a part of the report or copy.	11 12
<b>Clause 128</b>	<b>Amendment of s 285 (College may give information about disciplinary action etc. against teachers to chief executive (employment screening) in particular circumstances)</b>	13 14 15 16
	(1) Section 285(1)(a)—	17
	<i>omit, insert—</i>	18
	(a) a practice and conduct body makes a decision about practice and conduct proceedings against a relevant teacher; and	19 20 21
	(2) Section 285(1)(b), ‘children’s commissioner’—	22
	<i>omit, insert—</i>	23
	chief executive (employment screening)	24
	(3) Section 285(5)(a) and (b)—	25
	<i>omit, insert—</i>	26
	(a) when the grounds for the disciplinary action arose;	27 28
	(b) the nature of the grounds for disciplinary action;	29 30
	(4) Section 285(6), from ‘(1)(a)(i),’ to ‘(1)(a)(ii),’—	31

---

*omit, insert—* 1

(1)(a) 2

(5) Section 285(7)— 3

*omit, insert—* 4

(7) If the college gives the chief executive 5  
(employment screening) a notice under 6  
subsection (5) about a decision mentioned in 7  
subsection (1)(a) and the decision is set aside on 8  
review or appeal, the college must notify the chief 9  
executive (employment screening) of the 10  
following— 11

(a) that the decision has been set aside; 12

(b) the reasons given by the entity that set the 13  
decision aside for setting it aside. 14

**Clause 129 Insertion of new s 285AA** 15

After section 285— 16

*insert—* 17

**285AA College must give information about 18  
suspension of teacher's registration etc. under 19  
s 48 or 49 to chief executive (employment 20  
screening) 21**

(1) This section applies if an approved teacher's 22  
registration or permission to teach is suspended 23  
under section 48 or 49. 24

(2) The college must give notice of the suspension to 25  
the chief executive (employment screening). 26

(3) A notice under subsection (2) must state the 27  
following— 28

(a) the teacher's name and address; 29

(b) the teacher's date of birth; 30

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- (c) that the teacher’s registration or permission to teach has been suspended under section 48 or 49. 1  
2  
3
- (4) Subsection (5) applies if— 4
  - (a) the college gives the chief executive (employment screening) a notice, under subsection (2), about the suspension of an approved teacher’s registration or permission to teach; and 5  
6  
7  
8  
9
  - (b) the chief executive (employment screening)— 10  
11
    - (i) requests further information about the suspension of the approved teacher’s registration or permission to teach; and 12  
13  
14
    - (ii) notifies the college that the approved teacher is an applicant for, or holder of, a prescribed notice or exemption notice under the Working with Children Act. 15  
16  
17  
18
- (5) The college must give the chief executive (employment screening) a notice stating— 19  
20
  - (a) when the conduct that led to the suspension happened; and 21  
22
  - (b) the nature of the conduct that led to the suspension; and 23  
24
  - (c) any other information the college considers may be relevant to employment screening under the Working with Children Act, chapter 8. 25  
26  
27  
28
- (6) If a notice given under subsection (2) or (5) about a suspension mentioned in subsection (1) relates to a particular child, the notice must not contain information that identifies, or is likely to identify, the child. 29  
30  
31  
32  
33
- (7) If the college gives the chief executive (employment screening) information under 34  
35

subsection (5) about a suspension mentioned in 1  
subsection (1) and the suspension is set aside on 2  
review or appeal, or ends under section 52(c), the 3  
college must notify the chief executive 4  
(employment screening) of the following— 5

(a) that the suspension has been set aside or has 6  
ended; 7

(b) if the suspension was set aside—the reasons 8  
given by the entity that set the suspension 9  
aside for setting it aside. 10

**Clause 130 Amendment of s 285A (College must give information 11  
about the status of a teacher’s registration to chief 12  
executive (employment screening) in particular 13  
circumstances) 14**

- (1) Section 285A(1)(a)(ii), ‘provisional’— 15  
*omit.* 16
- (2) Section 285A(1)(a)(iii) and (iv)— 17  
*omit.* 18
- (3) Section 285A(1)(a)(v) and (vi)— 19  
*renumber* as section 285A(1)(a)(iii) and (iv). 20
- (4) Section 285A(3)(d), ‘(1)(a)(ii), (iii) or (v)’— 21  
*omit, insert—* 22  
(1)(a)(ii) or (iii) 23
- (5) Section 285A(3)(e)— 24  
*omit.* 25
- (6) Section 285A(3)(f), ‘(1)(a)(vi)—that’— 26  
*omit, insert—* 27  
(1)(a)(iv)—that 28
- (7) Section 285A(4), ‘(1)(a)(ii) to (v)’— 29  
*omit, insert—* 30

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	(1)(a)(ii) or (iii)	1
(8)	Section 285A(5)—	2
	<i>omit, insert—</i>	3
(5)	If, under this section, the college gives the chief executive (employment screening) information about a cancellation mentioned in subsection (1)(a)(ii) or (iii) and the cancellation is set aside on review or appeal, the college must notify the chief executive (employment screening) of the following—	4 5 6 7 8 9 10
	(a) that the cancellation has been set aside;	11
	(b) the reasons given by the entity that set the cancellation aside for setting it aside.	12 13
<b>Clause 131</b>	<b>Amendment of s 286 (Information sharing arrangement with commissioner of police for information otherwise lawfully given)</b>	14 15 16
	Section 286(5), definition <i>criminal history information</i> , paragraph (c), ‘29(5),’—	17 18
	<i>omit, insert—</i>	19
	section 29(3),	20
<b>Clause 132</b>	<b>Amendment of s 287 (Other information sharing agreements)</b>	21 22
(1)	Section 287(5), definition <i>relevant agency</i> —	23
	<i>insert—</i>	24
	(ba) the Non-State Schools Accreditation Board established under the <i>Education (Accreditation of Non-State Schools) Act 2001</i> ;	25 26 27 28
(2)	Section 287(5), definition <i>relevant agency</i> , paragraphs (ba) and (c)—	29 30
	<i>renumber</i> as paragraphs (c) and (d).	31

<b>Clause 133</b>	<b>Amendment of s 288 (Register of approved teachers to be kept)</b>	1
		2
(1)	Section 288(3)(m) and (n) and (5)(d), ‘disciplinary order’—	3
	<i>omit, insert—</i>	4
	practice and conduct order	5
(2)	Section 288(3)—	6
	<i>insert—</i>	7
	(na) details of any practice and conduct	8
	agreement entered into with the teacher,	9
	including the day the agreement was entered	10
	into and the ground for disciplinary action	11
	that resulted in the agreement;	12
(3)	Section 288(3)(na) to (p)—	13
	<i>renumber</i> as section 283(3)(o) to (q).	14
(4)	Section 288(6), from ‘register’—	15
	<i>omit, insert—</i>	16
	register—	17
	(a) if the person’s registration was cancelled	18
	under section 56—as soon as practicable	19
	after the person stops being an excluded	20
	person in relation to the cancellation under	21
	section 57(3); or	22
	(b) if the person’s registration was cancelled	23
	under section 160 and the order prevents the	24
	person reapplying for registration or	25
	permission to teach for a stated period—the	26
	day on which the stated period ends.	27
(5)	Section 288—	28
	<i>insert—</i>	29
(7)	To avoid doubt, it is declared that an order of	30
	QCAT made under the QCAT Act, section	31
	66(1)(c), does not prevent the college from	32
	including the information mentioned in	33

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	subsections (3) and (5) in the register.	1
<b>Clause 134</b>	<b>Insertion of new ch 11, pt 2A</b>	2
	Chapter 11—	3
	<i>insert—</i>	4
	<b>Part 2A</b>	5
	<b>Registered health practitioner panel</b>	6
	<b>289A Panel of registered health professionals to be kept</b>	7
	(1) The college must keep a panel of appropriately qualified registered health practitioners who may conduct health assessments of relevant teachers or be appointed to the PC&TC committee.	8 9 10 11 12
	(2) The panel may be kept in the way the college considers appropriate, including, for example, in electronic form.	13 14 15
	(3) The panel must contain the following for each registered health practitioner—	16 17
	(a) the registered health practitioner’s name;	18
	(b) the registered health practitioner’s business address.	19 20
<b>Clause 135</b>	<b>Amendment of s 292 (Use of code of practice in disciplinary proceedings)</b>	21 22
	Section 292, ‘disciplinary’—	23
	<i>omit, insert—</i>	24
	practice and conduct	25
<b>Clause 136</b>	<b>Amendment of s 294 (Protection from liability)</b>	26
	(1) Section 294(1)(b) and (d)—	27



*omit.* 1

(2) Section 294(1)(c), ‘the board or’— 2

*omit.* 3

(3) Section 294— 4

*insert—* 5

(4) This section does not apply to a person who is a  
State employee within the meaning of the *Public  
Service Act 2008*, section 26B(4). 6  
7  
8

*Note—* 9

For protection from civil liability in relation to State  
employees—see the *Public Service Act 2008*, section  
26C. 10  
11  
12

**Clause 137 Insertion of new ch 12, pt 15** 13

Chapter 12— 14

*insert—* 15

**Part 15 Transitional provisions  
for Education and  
Other Legislation  
Amendment Act 2016** 16  
17  
18  
19

**354 Definitions for part** 20

In this part— 21

*amended*, in relation to a provision of the Act,  
means the provision as in force after the  
commencement. 22  
23  
24

*disciplinary proceedings* means disciplinary  
proceedings under the unamended Act. 25  
26

*previous*, in relation to a provision, means the  
provision as in force before the commencement. 27  
28

*unamended Act* means the Act as in force before 29

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the commencement.	1
<b>355 Delegation of functions</b>	2
(1) Section 264(1) is taken to have always included a power of the board to delegate a function of the board under the Act to a person mentioned in section 264(1)(a) to (d).	3 4 5 6
(2) Section 264(2) is taken to have always included a power of the chairperson of the board to delegate a function of the chairperson under the Act to an appropriately qualified person.	7 8 9 10
<b>356 Current disciplinary orders taken to be practice and conduct order</b>	11 12
(1) From the commencement, a current disciplinary order is taken to be a practice and conduct order.	13 14
(2) In this section—	15
<i>current disciplinary order</i> means a disciplinary order under the unamended Act that was in force immediately before the commencement.	16 17 18
<b>357 References to practice and conduct proceedings includes disciplinary proceedings</b>	19 20 21
From the commencement, a reference in the following sections to practice and conduct proceedings includes, if the context permits, disciplinary proceedings—	22 23 24 25
(a) section 95(1)(a)(i);	26
(b) section 164(1);	27
(c) section 165;	28
(d) section 166(1) and (2);	29
(e) section 170;	30

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(f) section 285(1)(a).	1
<b>358 Particular references to practice and conduct body</b>	2 3
Until the commencement of the <i>Education and Other Legislation Amendment Act 2016</i> , section 138(2), definition <i>practice and conduct body</i> , a reference in the following sections to a practice and conduct body is taken to be a reference to a disciplinary committee—	4 5 6 7 8 9
(a) section 50(3)(d)(ii);	10
(b) section 55A(a);	11
(c) section 92(3);	12
(d) section 285(1)(a).	13
<b>359 Particular references to practice and conduct matter</b>	14 15
Until the commencement of the <i>Education and Other Legislation Amendment Act 2016</i> , section 138(2), definition <i>practice and conduct matter</i> , a reference in the following sections to a practice and conduct matter is taken to be a reference to a disciplinary matter—	16 17 18 19 20 21
(a) section 50(3)(d)(ii);	22
(b) section 55A.	23
<b>360 References to former disciplinary committees</b>	24
In an Act or document—	25
(a) a reference to a disciplinary committee includes, if the context permits, a practice and conduct body; and	26 27 28

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(b) a reference to the former PP&C committee includes, if the context permits, the PC&TC committee.	1 2 3
<b>361 References to PC&amp;TC committee include former PP&amp;C committee</b>	4 5
From the commencement, a reference in section 170 to the PC&TC committee includes, if the context permits, the former PP&C committee.	6 7 8
<b>362 Notice of referral to QCAT under s 50</b>	9
(1) This section applies if, before the commencement, the college gave a relevant teacher a notice under section 50(1) about a suspension under section 49.	10 11 12 13
(2) A reference in the notice to—	14
(a) a disciplinary matter is taken to be a reference to a practice and conduct matter; and	15 16 17
(b) a disciplinary action is taken to be a reference to a practice and conduct matter.	18 19
<b>363 Matters referred to former PP&amp;C committee before commencement</b>	20 21
(1) This section applies to—	22
(a) a matter referred to the former PP&C committee under previous section 97(1); or	23 24
(b) a matter about which the college authorised an investigation under section 98 and the former PP&C has received the investigator's report about the matter before the commencement.	25 26 27 28 29
(2) From the commencement—	30

- 
- (a) if, immediately before the commencement, the former PP&C committee had started disciplinary proceedings in relation to the matter—
- (i) the PC&TC committee is to continue to deal with the matter; and
  - (ii) previous chapter 5, part 4 and previous chapter 6, part 1, division 2 apply to the PC&TC for continuing to deal with the matter as if a reference to the PP&C committee in those provisions were a reference to the PC&TC committee; or
- (b) otherwise—
- (i) the PC&TC committee is to continue to deal with the matter; and
  - (ii) amended chapter 5, part 4 and amended chapter 6, part 1, division 2 apply to the PC&TC committee for dealing with the matter.
- (3) In this section—
- disciplinary proceedings* means disciplinary proceedings in relation to the matter under previous chapter 6, part 1, division 2, and includes the authorising of an investigation under previous section 109.
- former PP&C committee* means the PP&C committee under the unamended Act.
- 364 End of term of appointment of particular board members**
- (1) This section applies to a person who, immediately before the commencement, held an appointment as a member of the board under section 239(1)(f) or 239(1)(k).
  - (2) On the commencement, the term of the person's

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	appointment ends.	1
(3)	No compensation is payable to any person for anything done under this section.	2 3
	<b>365 Particular board members continue</b>	4
(1)	A person who, immediately before the commencement, held an appointment as a member of the board other than under section 239(1)(f) or 239(1)(k) continues as a member of the board on the same conditions as the conditions of the person's appointment immediately before the commencement.	5 6 7 8 9 10 11
(2)	This section applies despite amended section 239.	12
<b>Clause 138</b>	<b>Amendment of sch 3 (Dictionary)</b>	13
(1)	Schedule 3, definitions <i>disciplinary committees</i> , <i>disciplinary information</i> , <i>disciplinary matter</i> , <i>disciplinary order</i> , <i>disciplinary proceedings</i> , <i>interstate information</i> , <i>PP&amp;C committee</i> , <i>PP&amp;C matter</i> , <i>registration card</i> , <i>relevant disciplinary committee decision</i> , <i>returning to teaching condition</i> and <i>review decision</i> —	14 15 16 17 18 19
	<i>omit.</i>	20
(2)	Schedule 3—	21
	<i>insert</i> —	22
	<i>college decision</i> , for chapter 8, part 1, see section 208A.	23 24
	<i>delegated decision</i> , for chapter 8, part 1, see section 208A.	25 26
	<i>evidentiary material</i> , about an offence, means material compiled in the course of the investigation or prosecution of the offence, including, for example, the following—	27 28 29 30

- 
- (a) a summary of the circumstances of the alleged offence prepared by a police officer; 1  
2  
*Examples—* 3  
bench charge sheet, QP9 4
- (b) a witness statement; 5
- (c) an indictment; 6
- (d) a record of an interview or a transcript of a record of an interview; 7  
8
- (e) a report by an expert about the applicant. 9
- health assessment***, of a relevant teacher, means a medical, physical, psychological or psychiatric examination or test of the relevant teacher by a registered health practitioner. 10  
11  
12  
13
- health assessment report*** see section 119B(1). 14
- health practitioner panel*** means the panel of registered health practitioners kept under section 289A. 15  
16  
17
- impairment*** means a physical or mental condition or disorder (including substance abuse or dependence). 18  
19  
20
- interstate information—*** 21
- (a) means— 22
- (i) a person’s expanded interstate criminal history disclosed by the commissioner of police to the college under section 15, 65 or 75; or 23  
24  
25  
26
- (ii) any other information, that relates to a person’s expanded interstate criminal history, disclosed by the commissioner of police under section 15, 65 or 75, or an interstate commissioner of police under section 15A or 65, to the college; 27  
28  
29  
30  
31  
32  
and 33

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- (b) for chapter 5, part 1, division 2—see section 1  
96A. 2
- PC&TC committee** means the Professional 3  
Capacity and Teacher Conduct Committee 4  
established under section 113. 5
- PC&TC matter** see section 95(1). 6
- practice and conduct agreement** see section 7  
101(1). 8
- practice and conduct body** means the PC&TC 9  
committee or QCAT when undertaking 10  
disciplinary action under this Act. 11
- practice and conduct matter** see section 93. 12
- practice and conduct order** means an order made 13  
against a relevant teacher by a practice and 14  
conduct body under chapter 5, part 4 or chapter 6, 15  
part 2, division 2. 16
- practice and conduct proceedings** means 17  
proceedings conducted by a practice and conduct 18  
body in relation to a practice and conduct matter. 19
- registered health practitioner** means an 20  
individual registered under the Health 21  
Practitioner Regulation National Law 22  
(Queensland) to practise a health profession, other 23  
than as a student. 24
- review decision**, for chapter 8, part 1, see section 25  
208A. 26
- (3) Schedule 3, definition *disciplinary action*, ‘disciplinary 27  
committee’— 28
- omit, insert*— 29
- practice and conduct body 30
- (4) Schedule 3, definition *excluded person*, paragraph (c) 31  
‘disciplinary’— 32
- omit, insert*— 33



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	practice and conduct	1
<b>Part 5</b>	<b>Amendment of Working with Children (Risk Management and Screening) Act 2000</b>	2
		3
		4
<b>Clause 139</b>	<b>Act amended</b>	5
	This part amends the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	6
		7
<b>Clause 140</b>	<b>Amendment of sch 7 (Dictionary)</b>	8
	Schedule 7, definition <i>disciplinary information</i> , paragraphs (f) and (g)—	9
	<i>omit, insert—</i>	10
	(f) under the <i>Education (Queensland College of Teachers) Act 2005</i> , section 285A in relation to a matter mentioned in subsection (1)(a)(ii) to (iv) of that section; or	11
		12
		13
		14
		15
	(g) under the <i>Education (Queensland College of Teachers) Act 2005</i> , section 285AA; or	16
		17
	(h) under the repealed <i>Health Practitioners (Disciplinary Proceedings) Act 1999</i> , section 384A.	18
		19
		20