

**REVIEW** of the  
**POWERS AND FUNCTIONS**  
of the **BOARD OF TEACHER**  
**REGISTRATION**

Marilyn McMeniman  
Griffith University



**Professor Marilyn McMeniman AM**  
*Pro-Vice Chancellor (Arts and Education)*

Mt Gravatt Campus, Griffith University  
NATHAN, Queensland 4111, Australia

Telephone +61 (0)7 3875 5710  
Facsimile +61 (0)7 3875 5717

[m.mcmeniman@griffith.edu.au](mailto:m.mcmeniman@griffith.edu.au)  
[www.griffith.edu.au](http://www.griffith.edu.au)

5 October 2004

The Hon Anna Bligh MP  
Minister for Education and Minister for the Arts  
Floor 22, Education House  
30 Mary Street  
**BRISBANE QLD 4000**

Dear Minister

I have pleasure in presenting to you the Report of the Review of the Powers and Functions of the Board of Teacher Registration.

I would like to acknowledge the support given to me by members of the Review Reference Group who provided important input into the development of the Discussion Paper and also facilitated my interactions with the major stakeholders.

In particular, I would like to express my appreciation of the significant contribution made by the Review Secretariat which was coordinated by Brian Rout. Brian was assisted by Secretariat members Greg Thurlow, Shayna Smith, Richard Dunlop and Vicki Hope. Preliminary work undertaken by both Ainslie Kirkegaard and Kathryn Mahoney also provided valuable input into the Review process.

I found my role as the independent reviewer to be professionally stimulating, and I would like to express my appreciation to all those throughout Queensland and elsewhere who gave their valuable time and expertise to provide input into the Review.

Yours sincerely

A handwritten signature in black ink that reads "Marilyn McMeniman".

Professor Marilyn McMeniman  
**Pro-Vice Chancellor (Arts and Education)**

# **Report of the Review of the Powers and Functions of the Board of Teacher Registration**

**November 2004**

# Table of contents

<b>Foreword</b>	<b>5</b>
<b>The changing face of education and regulation of the teaching profession</b>	<b>5</b>
<b>Summary of recommendations</b>	<b>7</b>
Purpose of registration	7
Functions	7
Professional standards	8
Criteria for registration	9
Renewal of registration	10
Categories of registration	11
Imposing conditions on registration	11
Criminal history checks	11
Investigations and complaints	11
Disciplinary functions	12
Disciplinary sanctions	14
Appeals	14
The Register	15
Certification	15
Membership of the Board	15
<b>Chapter 1: Background</b>	<b>17</b>
<b>Introduction</b>	<b>17</b>
<b>Terms of reference</b>	<b>17</b>
<b>The review process</b>	<b>18</b>
<b>Historical perspective</b>	<b>19</b>
<b>Changes in education and the teaching profession</b>	<b>19</b>
<b>Relevant recent studies</b>	<b>22</b>
<b>Regulation of teaching in Australia</b>	<b>23</b>
<b>Regulation of teaching internationally</b>	<b>24</b>
<b>Regulation of other professions in Queensland</b>	<b>28</b>
<b>Chapter 2: Purpose and Functions</b>	<b>30</b>
<b>Introduction</b>	<b>30</b>
<b>Consultation data</b>	<b>31</b>
<b>Discussion of issues</b>	<b>32</b>
Statement of functions	34
Restriction on practice	35
Scope of registration	36
Registrants working in non-school settings	37

<b>Recommendations</b>	<b>38</b>
Purpose of registration	38
Functions	38
<b>Chapter 3: Entry into the Teaching Profession</b>	<b>40</b>
<b>Introduction</b>	<b>40</b>
Current provisions	41
<b>Consultation data</b>	<b>42</b>
<b>Discussion of issues</b>	<b>44</b>
Pre-service teacher education	44
Criteria for registration	47
Professional standards	48
<b>Recommendations</b>	<b>50</b>
Professional standards	50
Criteria for registration	51
<b>Chapter 4: Registration Processes</b>	<b>53</b>
<b>Introduction</b>	<b>53</b>
<b>Consultation data</b>	<b>54</b>
<b>Discussion of issues</b>	<b>56</b>
Categories of registration and powers to impose conditions	56
Renewal of registration	58
Continuing professional learning and recency of practice	59
Criminal history checks	63
<b>Recommendations</b>	<b>64</b>
Renewal of registration	64
Categories of registration	65
Imposing conditions on registration	65
Criminal history checks	65
<b>Chapter 5: Investigative and Disciplinary Functions and Appeal Processes</b>	<b>66</b>
<b>Introduction</b>	<b>66</b>
<b>Consultation data</b>	<b>68</b>
<b>Discussion of issues</b>	<b>69</b>
Powers of investigation	69
Disciplinary processes	72
The nature of proceedings	74
Sanctions available to disciplinary bodies	75
Appeals	77
<b>Recommendations</b>	<b>78</b>
Investigations and complaints	78
Disciplinary functions	79

Disciplinary sanctions _____	80
Appeals _____	81
<b>Chapter 6: The Nature of the Register and Certification _____</b>	<b>82</b>
<b>Introduction _____</b>	<b>82</b>
<b>Consultation data _____</b>	<b>82</b>
<b>Discussion of issues _____</b>	<b>83</b>
The nature of the Register _____	83
The certificate _____	84
Protection of title _____	85
<b>Recommendations _____</b>	<b>85</b>
The Register _____	85
Certification _____	86
<b>Chapter 7: Membership and Composition of the Board _____</b>	<b>87</b>
<b>Introduction _____</b>	<b>87</b>
<b>Consultation data _____</b>	<b>88</b>
<b>Discussion of issues _____</b>	<b>88</b>
Composition and size of the regulatory authority _____	88
Methods of determining membership _____	89
Board committees and sub-committees _____	90
The name of the regulatory authority _____	91
<b>Recommendations _____</b>	<b>91</b>
<b>References _____</b>	<b>93</b>
<b>Appendix A _____</b>	<b>95</b>
<b>Membership of Reference Group _____</b>	<b>95</b>
<b>Appendix B _____</b>	<b>97</b>
<b>Consultation Meetings BTR Review _____</b>	<b>97</b>
<b>Appendix C _____</b>	<b>98</b>
<b>Overview of feedback/submissions received _____</b>	<b>98</b>
<b>Appendix D _____</b>	<b>99</b>
<b>Acknowledged respondents to the Review _____</b>	<b>99</b>
<b>Appendix E _____</b>	<b>102</b>
<b>Acronyms _____</b>	<b>102</b>

# Foreword

## The changing face of education and regulation of the teaching profession

One powerful indicator of any society's social, economic and sustainable well-being is the quality of the educational level its members attain. Governments, business leaders and educators are focusing increasingly on educational implications of the knowledge or learning society and the emergence of the 'creative class'. Of particular interest is the importance of critical and imaginative thinking, lifelong learning (centred on handing control of learning to learners themselves), and the powerful role of technologies in supporting learning. In addition conceptions of teacher, student and classroom have undergone major change.

Although only approximately one third of what we learn throughout life occurs in formal educational settings such as schools, TAFEs and universities, formal learning has the capacity to significantly alter the quality of learning engagement and outcomes in non-formal contexts. Not unexpectedly then, the learning society and the learning organisations within it are a major focus of government policies globally. The demand for teachers with a wide range of knowledge and skills appropriate for a creative society of knowledge workers, coupled with the fact that more people are considering a career change to teaching after years of success in another vocation or career, have implications for the composition of the teaching profession and the prior knowledge, skills and attributes of those who seek entry to the profession.

What do we mean, though, by a profession, and why do governments and the communities they represent seek to regulate them? One of the most enduring and defining characteristics of a profession is the distinctive body of knowledge and skills shared by its practitioners and scholars. Implicit in this definition is the acceptance by professionals of the need to update their knowledge and skill base in line with developments and best practice in their area of professional expertise. In many professions, reaccreditation and/or renewal of registration are dependent on continuing professional learning. Community expectations of members of a profession relate to standards of conduct, competence, knowledge, skill, judgement and care, and aspirants are admitted to the profession after they have satisfied rigorous entry requirements, including accredited qualifications and other conditions such as checks of good character and suitability to practise.

Governments typically establish regulatory authorities for three main reasons: to promote high standards of practice; to protect the public and to maintain public confidence in the profession. The authority is accountable to the profession and to the public, and the regulation of a profession means licensing its members, usually for a period of time. A licence to practise protects the profession and the public from unqualified and, in some cases, 'unsuitable' persons seeking to practise.

The formal education of children and young adults is a complex professional partnership of teachers, students, parents, community and education managers, including government. The personal, intellectual and social development of individual students and the needs, expectations and aspirations of the society itself constitute two overarching goals of schooling and the

teachers who take carriage of this important undertaking. Society has great expectations of our education system. Queensland blazed the trail of mandatory teacher registration by becoming the first state to make registration compulsory for employment as a teacher in any school in 1975. Subsequently, the current Board of Teacher Registration (BTR) was established in 1989 as a statutory authority responsible for the registration of teachers in Queensland.

Other Australian states (with the exception of South Australia) were more tardy in mandating teacher registration, but with the emergence of significant child protection issues in the mid-to-late 1990s, and a press for a nationally-endorsed set of standards and guidelines for the teaching profession, regulatory authorities have recently been established in Tasmania and Victoria, while Western Australia, New South Wales and the Northern Territory should have their regulatory systems operational from 2005.

This Review of the powers and functions of the BTR has a focus on both its professional oversight role as well as the regulatory role. The Review occurs in a context which is indexed by major changes to traditional understandings of formal education such as those outlined briefly above, especially the ways in which students learn, where they learn and how they make their choices among the myriad pathways to work, tertiary study and lifelong learning opportunities. The need is for a regulatory authority that fosters the highest levels of professionalism, is responsive to societal change, and safeguards the public and the profession. Briefly, the purpose of registration can be stated as twofold: enabling a vital and effective profession, and maintaining public confidence in the profession.

In the context of how other Australian states in more recent times have approached the drafting of legislation for the regulation of the teaching profession, as well as an overview of how professions other than teaching operate, there are a number of key issues addressed in this Review of the BTR. These relate, among other things, to the nature of knowledge, skills and qualifications and the responsiveness and flexibility of processes needed for entry to the profession now and in the future; the role of continuing professional learning for registrants; the role of professional standards and guidelines for the profession; the categories of registration and conditions applying to different categories of registration; the role of internships and induction programs; the nature of 'good character', 'competence' and 'suitability to teach' checks; the nature and accessibility of the register; the nature of investigative, disciplinary and appeals processes involving complaints against registrants; the role of employers; the role of universities; and the membership of the BTR.

Teaching is a highly sought-after profession and education graduates from Australian universities enjoy very high employment rates in the profession for which they are trained. In the 2003 statistics from the Graduate Careers Council of Australia, 87.7% of graduates were likely to be employed as teachers, with 93.4% employed at a professional level. Education had higher rates than the professions of health, medicine, dentistry, engineering, architecture and law.

Queensland has a high-quality teaching profession with the longest history in Australia of mandated registration. The challenge is to ensure that we have a regulatory authority that has the powers and functions to respond quickly and effectively to changing professional and societal needs into the future, and that supports the expectations of teachers, students, parents, community and education managers, including government. Informed by submissions from a large number of stakeholders, this Review puts forward a number of recommendations to meet that challenge.

# Summary of recommendations

It is recommended that:

## **Purpose of registration**

- 2.1 The purpose of registration be:
- enabling a vital and effective profession
  - maintaining public confidence in the profession.

## **Functions**

- 2.2 The primary focus of the functions of the Board of Teacher Registration be:
- upholding the standards of the profession
  - maintaining public confidence in the profession
  - protecting the public.
- 2.3 ‘The welfare and best interests of children’ continue to be primary considerations of the Board in performing its functions relating to the registration of persons as teachers.
- 2.4 The functions of the Board include the following:

### **Registration and professional oversight functions**

- determining the requirements for registration
- approving and monitoring pre-service teacher education programs
- assessing applications for registration
- registering applicants who satisfy requirements for registration
- monitoring and assessing registrants’ compliance with any conditions on registration
- keeping a register of, and records relating to, registrants
- ensuring registrants continue to meet requirements for registration
- determining the requirements for programs for registrants returning to teach in schools, and approving or endorsing such programs
- determining the forms of continuing professional learning acceptable for renewal of registration
- developing and applying professional standards for full and provisional registration
- developing and promoting ethical standards for the profession
- undertaking research relevant to the regulation of the profession
- collecting and providing data about registrants
- general promotion of the profession.

### **Investigative and disciplinary functions**

- receiving and assessing complaints
- conducting investigations about the conduct or practice of registrants – either on its own initiative or in response to complaints received

- bringing disciplinary proceedings about registrants before an adjudicative body
- monitoring compliance with conditions imposed or other disciplinary action taken under the *Education (Teacher Registration) Act 1988* (the Act).

### **Monitoring and enforcement functions**

- monitoring compliance with the Act
- investigating alleged breaches of the Act
- prosecuting persons or entities who fail to comply with the Act.

### **Other public protection functions**

- conferring and cooperating with intrastate bodies or authorities such as employing authorities and the Commission for Children and Young People and Child Guardian (CCYPCG)
- conferring and cooperating with interstate regulatory authorities
- informing registrants and the general public about the operation of the Act
- examining, and advising the Minister about, the operation of the Act.

- 2.5 Further investigation be undertaken with respect to the Board playing a broader role in the regulation of non-teaching professional employees directly supporting teaching and learning in schools.
- 2.6 The definition of ‘teacher’ in the Act be reviewed in line with the approaches currently being adopted in other states such as Victoria and Western Australia, with the flexibility inherent in the current definition of ‘school’ in the Act being retained.

## **Professional standards**

- 3.1 A set of professional standards (‘Professional Standards for Graduate Teachers’) be used as the basis for the approval of pre-service courses to determine entry to provisional registration. A second set of standards (‘Professional Standards for Registered Teachers’) be used as the basis for the probationary report of the principal/supervisor to determine entry to full registration.
- 3.2 The ‘Professional Standards for Graduate Teachers’ and the ‘Professional Standards for Registered Teachers’ articulate closely with the *National Framework for Professional Standards for Teaching* developed by the Teacher Quality and Educational Leadership Taskforce of Ministerial Council for Education, Employment, Training and Youth Affairs (MCEETYA).
- 3.3 The Board create a Professional Standards Committee with responsibility for:
- overseeing the development, application and monitoring of the ‘Professional Standards for Graduate Teachers’ and the ‘Professional Standards for Registered Teachers’
  - dealing with applications from persons with non-standard qualifications
  - recommending to the Board approval or non-approval of pre-service teacher education courses
  - recommending to the Board requisite continuing professional learning leading to renewal of registration.

## Criteria for registration

3.4 The obligatory requirements for full registration as a teacher be:

- a qualification that is appropriate for entry to teaching and approved by the Board, or a qualification which is determined by the Board to be equivalent to an approved qualification
- evidence that the applicant meets the ‘suitability to teach’ criteria outlined below
- an adequate level of proficiency in the English language to be able to teach in a school
- evidence that the applicant has achieved the Board’s ‘Professional Standards for Registered Teachers’
- evidence that the applicant has successfully completed one year of teaching service or its equivalent.

3.5 The obligatory requirements for provisional registration as a teacher be:

- a qualification that is appropriate for entry to teaching and approved by the Board, or a qualification which is determined by the Board to be equivalent to an approved qualification
- evidence that the applicant meets the ‘suitability to teach’ criteria outlined below
- an adequate level of proficiency in the English language to be able to teach in a school
- evidence that the applicant has achieved the Board’s ‘Professional Standards for Graduate Teachers’.

3.6 ‘Suitability to teach’ criteria include the current ‘good character’ requirements, namely:

- the applicant’s full criminal history i.e. all convictions and charges
- any police investigative information about the possible commission by the applicant of a serious offence
- the applicant’s suitability to work in a child-related field
- the applicant’s current or previous registration status in any jurisdiction
- whether the applicant has behaved (a) in a way that does not satisfy a standard of behaviour generally expected of a teacher; or (b) in a disgraceful or improper way that shows the applicant is unfit for registration.

3.7 ‘Suitability to teach’ criteria include, in addition:

- whether the applicant has been convicted of or charged with an offence against the Act, or corresponding legislation in another jurisdiction, or other legislation relevant to the teaching profession
- if the applicant is relying on a qualification obtained some time before applying for registration, the nature, extent and period of practice since obtaining the qualification
- whether the applicant has been refused registration by an interstate or overseas teacher registration authority and the circumstances surrounding this
- whether the applicant has been dismissed by a school employing authority for reasons relevant to their competency to teach
- any other issue relevant to the applicant’s ability to teach competently and safely.

3.8 The existing flexibility in the Board’s By-Law (viz. ‘The board considers the person’s education, abilities, experience and contribution to education are of sufficient merit to warrant full/provisional registration’) be retained and strengthened by the inclusion of relevant examples and explicit guidelines.

- 3.9 The current two-year professional studies requirement for postgraduate pre-service teacher education leading to registration be reduced to one year, in keeping with all other Australian states and territories.
- 3.10 Internships be recognised as contributing to the minimum professional experience component of a pre-service program.

## **Renewal of registration**

- 4.1 Renewal of registration occur every five years.
- 4.2 Registrants apply for renewal on the basis of a signed Statutory Declaration relating to professional practice and continuing professional learning.
- 4.3 The Board conduct random audits of a small sample of applications for renewal.
- 4.4 Recency of practice be a consideration for the renewal process, with different requirements for:
- those registrants with at least the minimum requirements for professional practice prior to renewal
  - those registrants with less than the minimum requirements.
- 4.5 The minimum practice requirements be expressed as:  
'Has been teaching, whether or not on a full-time basis, for at least one year within the five years preceding the application for renewal.'
- 4.6 Those registrants with less than the minimum requirements for professional practice to have their registration renewed, subject to a satisfactory criminal history check, with the condition 'subject to successful completion of a "Returning to Teach" professional learning program prior to or within the first 12 months of returning to teaching in a school'
- 4.7 The 'Returning to Teach' professional learning program:
- consist of both professional practice and professional learning elements
  - be based on the 'Professional Standards for Registered Teachers'
  - be prescribed under regulation and/or guidelines.
- 4.8 Successful completion of a 'Returning to Teach' program be certified by the registrant's supervisor or principal.
- 4.9 Continuing Professional Learning (CPL) be a prerequisite for renewal for those teachers meeting minimum practice requirements and be defined as including:
- individual studies (related to registrant's area of professional practice)
  - conferences, seminars and external workshops
  - school-based in-service (including pupil-free days), moderation meetings, Queensland Studies Authority (QSA) in-service, etc.
  - relevant professional practice in non-school settings
  - mentoring of student teachers, interns, early-career teachers or returning-to-teach registrants.

## **Categories of registration**

- 4.10 The categories of registration continue to be 'Full Registration' and 'Provisional Registration'.
- 4.11 Employing authorities put in place formal induction programs for beginning teachers within the framework of the 'Professional Standards for Registered Teachers'.
- 4.12 A 'Permission to Teach' provision, which focuses on the teacher and not the employer, be introduced to replace the current 'authorisation' process.
- 4.13 'Permission to Teach' be for a period not exceeding two years, with provision for renewal.
- 4.14 Applicants for 'Permission to Teach' meet the 'suitability to teach' criteria for registration, and have their application endorsed by their potential employer indicating why it has not been possible to fill the particular vacancy with a registered teacher.

## **Imposing conditions on registration**

- 4.15 The Board be able to impose conditions on both categories of registration, and on the 'Permission to Teach' provision, and that these conditions be recorded on relevant Board certification.

## **Criminal history checks**

- 4.16 Criminal history checks continue to be a requirement for all applicants for registration.
- 4.17 Criminal history checks form part of the five-year renewal process and apply to all registrants seeking renewal.

## **Investigations and complaints**

- 5.1 The Board be provided with investigative powers to enable it to undertake investigations to determine whether a disciplinary inquiry should be conducted. The Board to have the power also to initiate its own investigations without receipt of a formal complaint.
- 5.2 The investigative powers available to the Board be at least the equivalent of the standard powers of investigation appropriate to statutory bodies.
- 5.3 The Board have the power to investigate only those complaints relevant to the registration status of a teacher or teachers, and where the complaint or other information indicates that there may be grounds for disciplinary action.
- 5.4 The Board not be required to deal with complaints which could, in the opinion of the Board, be dealt with more appropriately by another person or authority, or which are seen to be vexatious, trivial, unreasonable or without substance.
- 5.5 The Board's investigative powers include the powers to conduct investigations and inspections to enforce compliance with all aspects of its legislation.

- 5.6 The Board have the power to delegate investigations to employers where appropriate. As a general rule, the Board should not duplicate investigations being conducted by employers and other appropriate investigative bodies, provided the Board is satisfied with the process being undertaken and is able to receive a copy of the investigative report.
- 5.7 The Board develop a Memorandum of Understanding with appropriate employing authorities to establish protocols and procedures relating to its delegation of investigations to employers.
- 5.8 The current reporting obligations of employing authorities to the Board be extended to include:
- the requirement for an employing authority to advise the Board of any dismissals of registered teachers on the grounds of serious incompetence
  - the requirement for an employing authority to advise the Board of any investigation being undertaken into allegations of harm (as defined in the *Child Protection Act 1999*) caused, or likely to be caused, to a student because of the conduct of a registered teacher at the school, and subsequently the outcomes of such an investigation.

## **Disciplinary functions**

- 5.9 A two-tiered disciplinary structure be introduced which allows less serious matters to be adjudicated by the Board and more serious matters that could lead to suspension, cancellation or fines to be referred to a separate, independent Disciplinary Committee.
- 5.10 A special sub-committee of the Board (the Professional Practice and Conduct Committee) be constituted to:
- receive complaints against registrants and determine whether they require investigation
  - refer or delegate the investigation of a complaint to an employing authority if appropriate
  - arrange, if necessary, an investigation of a complaint by an independent investigator, a staff member of the Office of the Board, or by a small committee of Board members
  - receive the report of the investigation
  - determine whether or not the registrant has a case to answer:
    - If the registrant has a case to answer:
      - refer the matter immediately to the Disciplinary Committee if the matter is a serious one that could lead to major disciplinary sanctions being applied
      - for less serious matters, recommend to the Board an appropriate low-level disciplinary sanction to be applied.
    - If the registrant has no case to answer, recommend to the Board that no further disciplinary action be taken.
- 5.11 The Chair of the Board have the delegated power to approve low-level disciplinary sanctions or to determine that no further disciplinary action be taken, based on recommendations from the Professional Practice and Conduct Committee.
- 5.12 Membership of the Professional Practice and Conduct Committee consist of three Board members, with one being a non-registrant.

- 5.13 A staff member from the Office of the Board be appointed as an ex-officio Secretary to the Professional Practice and Conduct Committee. This staff member should also provide a referral point within the Office for receiving external complaints, and identifying those that need to be referred to the Committee.
- 5.14 The Disciplinary Committee have the functions of adjudicating on a disciplinary issue, and also determining the nature and extent of any subsequent sanctions.
- 5.15 The Disciplinary Committee be constituted as a separate committee, independent of the Board, with a legal practitioner familiar with school environments and nominated by the Minister as Chair, and four other members (two registrants and two parent/community representatives) who are not Board members.
- 5.16 The 'four other members' of the Disciplinary Committee be nominated by the Minister from a shortlist submitted by the Chair of the Board.
- 5.17 Disciplinary hearings be conducted by a panel of three, comprising the Chair and two other members of the Disciplinary Committee, one a registrant and one a parent/community representative. It is the responsibility of the Chair of the Disciplinary Committee to select the other two members of the panel to hear a particular matter.
- 5.18 The Disciplinary Committee retain all the existing powers and protections currently available to the BTR's Committee of Inquiry, as well as being able to order psychological and/or medical assessments of a registrant to support the Committee in its deliberations.
- 5.19 Cases where a registrant has been found guilty or convicted of an indictable offence be referred immediately to the Disciplinary Committee without prior consideration by the Professional Practice and Conduct Committee, with the Disciplinary Committee able to consider such cases through a 'show cause' provision, based on a submission from the registrant, rather than through a full inquiry.
- 5.20 The respondent registrant be able to make a submission to the Disciplinary Committee that the inquiry be closed, but the decision to close all or part of the inquiry be left to the Committee.
- 5.21 Information pertaining to a disciplinary inquiry be able to be disseminated by the Board to government agencies or entities if relevant to their functions and operations. Such agencies or entities include the Queensland Police, the Director of Public Prosecutions, the Department of Child Safety, the Commission for Children and Young People and Child Guardian, the Crime and Misconduct Commission, the Department of Communities and the Department of Education and the Arts.
- 5.22 The Disciplinary Committee have the power to restrict the publication of information concerning its proceedings, particularly the identity of affected people.
- 5.23 Disciplinary inquiries and sanctions apply to former registrants, but only with respect to events which occurred while the teacher was registered.
- 5.24 Details of any disciplinary sanctions imposed on a registrant be included on the Register.

## **Disciplinary sanctions**

- 5.25 The current provisions in the Act relating to the immediate suspension of registration be retained.
- 5.26 The range of minor disciplinary sanctions currently available to the Board be expanded to include a provision to set conditions on full registration, and to formulate undertakings with the respondent teacher. The Disciplinary Committee to have access to the full range of sanctions available to the Board, as well as the major sanctions of cancellation or suspension of registration, imposing a fine or ordering the payment of costs.
- 5.27 The level of penalties currently associated with acts of non-compliance with the requirements of the Act be reviewed in the light of the current penalty regimes in other statutory regulatory bodies. In addition, the Act to include a provision for penalties to apply to all instances of non-compliance with the legislation.
- 5.28 A registrant found guilty or convicted of a serious sexual offence involving a child, in Queensland or elsewhere, have their registration or 'Permission to Teach' provision automatically cancelled.
- 5.29 A registrant charged with a serious sexual offence involving a child, in Queensland or elsewhere, have their registration or 'Permission to Teach' provision automatically suspended, pending a hearing by the Disciplinary Committee.
- 5.30 The Board be given the power to make an order, following cancellation of a teacher's registration as a result of disciplinary proceedings, prohibiting that person from reapplying for registration within a certain specified period of time.

## **Appeals**

- 5.31 The Board have an Appeals Committee to hear appeals relating to the approval of pre-service courses, applications for registration or for the renewal of registration, as well as appeals against the imposition of minor disciplinary sanctions imposed by the Board.
- 5.32 The members of the Appeals Committee be different from the members of the committee or entity which made the original decision being appealed.
- 5.33 The Appeals Committee either endorse a previous decision of the Board, or recommend to the Board that it reconsider its decision.
- 5.34 Subsequent appeals against the decision of the Board be made through the District Court.
- 5.35 Appeals against the decisions of the Disciplinary Committee be made through the District Court.
- 5.36 The Board, as well as the registrant, have the right to appeal the decisions of the Disciplinary Committee.

## **The Register**

- 6.1 The Board maintain a Register containing all the details of registrants required for the Board to carry out its functions effectively and efficiently. The Register to be in the form of an electronic, internal database.
- 6.2 The details on the Register that are accessible to the public be restricted to: name, teacher registration number, category of registration, and any cancellation or suspension of registration.
- 6.3 The Board authorise specific persons or entities to have access to additional details on the Register. These details to include: person's former names (if any), date of birth, address, qualifications and experience (if any), the date of initial registration, most recent date of renewal, any conditions attached to the registration, and details of any disciplinary sanctions applied.
- 6.4 The Register to be accessed electronically, with only the details accessible to the public available through the Board website.
- 6.5 The Board investigate the feasibility of allowing those authorised to access additional details on the Register to do so electronically through password access to a secure site.

## **Certification**

- 6.6 Documentary evidence of registration be provided through a 'Certificate of Teacher Registration', issued on initial entry into full registration, and subsequently on renewal every five years, or if there are changes to the conditions attached to registration. A separate 'Certificate of Provisional Teacher Registration' be issued to provisional registrants.
- 6.7 The certificate to show name, teacher registration number, qualifications, any conditions attached to registration, initial date of registration and expiry date of current registration.
- 6.8 An annual 'Registration Card' be issued on payment of the annual registration fee, to be used by registrants as proof of the currency of their registration.
- 6.9 The Act require the return of the Certificate and the Registration Card if registration is suspended or cancelled.
- 6.10 The Act make it an offence for a person who is not registered to claim to be registered, or for a person in a certain category of registration to claim to be in another category.

## **Membership of the Board**

- 7.1 The Board consist of 17 members, comprising:
  - the Chair, and one additional member, nominated by the Minister
  - three elected practising teachers (two State, one non-State)
  - twelve nominated members comprising representation of the following:
    - employers – three representatives, one from each of EQ, QCEC, and AISQ
    - unions – three representatives who must be practising teachers, one from each of QTU, QIEU and QPSU

- deans of education – one representative
- parents – two representatives (one State, one non-State)
- practising teachers (two State, one non-State).

- 7.2 Individual membership of the Board be determined through:
- nominations by relevant bodies or by the Minister
  - elections by Registered Teachers, who would need to self-identify as ‘State’ or ‘non-State’.
- 7.3 The Board investigate the feasibility of conducting the elections of the three practising teachers electronically.
- 7.4 An Audit, Finance and Administration Committee of the Board be established to oversee the effectiveness and efficiency of the Board’s operations. This Committee to include at least three Board members, of whom one should be a parent representative, as well as appropriate co-opted staff from the Office of the Board, and an external community representative with high-level financial or audit expertise.
- 7.5 Consideration be given to renaming the BTR ‘The Queensland College of Teachers’.

# Chapter 1: Background

## Introduction

In September 2003 the Queensland Government endorsed a series of recommendations developed by the Ministerial Taskforce on Sexual Abuse in Schools. These recommendations focused largely on child protection measures, of which a major outcome was the enactment of amendments to the *Education (Teacher Registration) Act 1988* (the Act) which enhanced the capacity of the BTR (BTR or the Board) to screen, monitor and make decisions about a person's suitability to work in a child-related field.

In addition the Taskforce made related policy proposals to increase the capacity of the Commission for Children and Young People and Child Guardian (CCYPCG) to screen, monitor and make decisions on the suitability of non-teaching staff in schools to work with children. The Taskforce also acknowledged that the legislative measures it was proposing did not deal with the full range of issues that had been identified regarding the BTR's present structures and its power to conduct investigations and respond to complaints. Importantly, it foreshadowed the need for a more comprehensive review of the Board's professional oversight and disciplinary functions.

The Government's Education and Training Reforms for the Future (ETRF) announced in 2003 are expected to result in much greater diversity in the kind of settings where education occurs, and in the scope of knowledge and experience required by teachers. Attempts to broaden the range of people involved in teaching by attracting other professionals are being met by claims that the current entry path into teaching is too restrictive, with subsequent calls for more flexible registration options.

In March 2004 the Government responded to these various concerns by announcing that a comprehensive review of the powers and functions of the BTR would be conducted, investigating both its regulatory and professional oversight roles. Professor Marilyn McMeniman, Pro-Vice Chancellor (Arts and Education), Griffith University was appointed to undertake the Review.

## Terms of reference

The following Terms of Reference were endorsed for the Review:

*To undertake a review of the powers and functions of the Board of Teacher Registration, and to provide a report to the Minister for Education containing recommendations on any changes necessary to ensure that the Board has investigative, disciplinary and assessment powers consistent with best practice in regulated professions.*

*The review should include an overview of the investigative, disciplinary and assessment powers in other regulated professions and in other jurisdictions. Particular matters to be addressed in the review should include:*

- *the purpose of registration and the primary focus and range of functions of the BTR*
- *the categories of registration available*
- *the criteria for registration*

- *the nature and extent of the Board's powers regarding professional standards and professional competence*
- *the capacity of the Board to recognise non-standard qualifications*
- *the conditions which may be attached to registration*
- *the processes for initial registration and renewal of registration*
- *the need for periodic criminal history checks of registered teachers*
- *the certification of registration and the nature of the register*
- *the creation of an investigative function and the Board's role in responding to complaints*
- *the location of any disciplinary functions relative to the Board's other functions*
- *the penalty regime for offences under the Act and the appeal processes available*
- *the implications for registrants working as teachers in non-school settings*
- *the membership of the BTR.*

## The review process

This Review comprised four key elements:

1. A series of reference group meetings of representatives of major stakeholders (identified in Appendix A) who critiqued and contributed to the Discussion Paper prepared for the consultation phase of the Review.
2. Development and distribution of the 50-page Discussion Paper detailing: (i) key focus areas; (ii) the current teacher registration systems in Queensland, other states/territories and overseas jurisdictions; (iii) the regulation of other professions in Queensland; and (iv) important issues for resolution. Major stakeholders on the reference group played a key role in critiquing preliminary drafts of the paper and in ensuring that the Discussion Paper was free of value judgements and preferred options. In addition, there was a strong emphasis on ensuring that the Paper provided adequate background information to enable respondents to make informed comments on the issues and questions raised in the paper.
3. A consultation and feedback process involving public meetings in 13 locations across Queensland (see Appendix B); meetings with major stakeholder groups; meetings or teleconferences with representatives of jurisdictions in Victoria, Western Australia and Scotland; and the opportunity for individuals or groups to make submissions to the Review.
4. Development of this Report that summarises the deliberations of the complete review process and presents recommendations by the independent reviewer in relation to the 14 Terms of Reference.

Nearly 3000 copies of the Discussion Paper were distributed to stakeholders, with every State and non-State school receiving a copy. Overall, a total of 441 submissions or responses to the Discussion Paper were received by the Review. An overview of these is shown in Appendix C. A full listing of all respondents who agreed to be identified is included as Appendix D and all responses were analysed by the Review team. Detailed submissions were received from all of the major stakeholders represented on the reference group, and from a range of other significant stakeholders including a number of government departments and agencies and educational associations. Relevant issues identified in their feedback are included where appropriate throughout this report.

## Historical perspective

Queensland was the first state in Australia to mandate teacher registration. The Board of Teacher Education (BTE) was established in 1971 to oversee standards and practices in teacher education and to develop and maintain a register of teachers. From 1973 registration was voluntary. With unions, employers and teachers recognising the benefits of teacher registration, Queensland became the first state to make registration compulsory for employment as a teacher in any school in 1975.

In February 1989 the current Board of Teacher Registration replaced the BTE as the body responsible for the registration of teachers in Queensland. It was constituted as a statutory authority with its powers and functions defined by the *Education (Teacher Registration) Act 1988* (the Act).

During the 1990s in Australia there was a move to scrutinise the regulation of professions such as law, health and teaching, in line with National Competition Policy (National Competition Council, 2001). The *Hilmer Report* (Hilmer, Rayner and Taperell, 1993) set out the broad direction of national competition policy and its underlying principles. Agreement on the policy directions by the three levels of government, federal, state and local, resulted in vigorous scrutiny of the licensing of professions to remove anti-competitive practices. Entry to the profession in some states was more rigorous than in others and with the competition policy rule that entry to a profession in one state should enable recognition across Australia, as well as the introduction of mutual recognition legislation (refer Sections 16 and 17 of Queensland's *Mutual Recognition Act 1992*), there was a trend to remove regulatory regimes altogether.

With the emergence of child protection issues in the mid-to-late 1990s, regulation of the teaching profession was seen as not just desirable but absolutely necessary. Tasmania, Victoria, Western Australia, the Northern Territory and New South Wales have passed legislation to establish regulatory authorities. Tasmania established the Teachers Registration Board in 2001. Victoria established the Victorian Institute of Teaching in 2002. The Western Australian College of Teaching, the Northern Territory's Teacher Registration Board and the New South Wales Institute of Teachers will be fully operational in 2005.

The trend to regulate the teaching profession is not confined to Australia. For example Scotland and New Zealand have required teachers to be registered since the mid-1960s. During the 1990s other jurisdictions such as some provinces of Canada (for example Ontario and British Columbia), England, Wales and Northern Ireland, South Africa and Hong Kong, as well as states of the USA such as Hawaii and Oregon have introduced regulatory regimes and established registering authorities with generally similar powers and functions.

## Changes in education and the teaching profession

As acknowledged above, Queensland has been a pioneer and leading innovator in the area of teacher registration both in Australia and internationally. The scope of legislative change over time, however, has been concerned largely with disciplinary powers and the need to introduce tighter controls in relation to child protection, rather than legislative change relating to the regulation of professional practice and professional standards.

This current Review of the powers and functions of the Board occurs in a context indexed by major changes to traditional understandings of formal education. Since the early 1970s in Australia and globally, there have been major changes to the nature of schooling, curriculum and pedagogy as well as much greater diversity in the kind of settings where education occurs and the scope of teachers' knowledge and experience. The information age and the knowledge economy and the impact of the rise of the 'creative class' (Florida, 2003) have placed new demands on schooling and teaching. The student has been reconceptualised as a strategic, self-determining and creative learner who knows how to learn and who can exert control over their learning processes. The teacher's role is to provide curricular experiences including a responsive class climate, and to interact with students to ensure quality learning outcomes. Quality of learning, in its turn, has been redefined in terms of conceptual learning, problem-solving and originality or creativity of thought.

Learning technologies in particular have challenged conventional approaches to the ways in which students access information and how they interact with that information to acquire and comprehend new concepts. Information, though, is not the problem – the lack of knowledge is, and we need to become 'knowledge driven rather than information driven' (Williams, quoting Theobald, 1999:1). We need to recognise, of course, that computer- and web-assisted learning occurs in many contexts other than primary, secondary and tertiary classrooms, and that learning needs to be quality learning. The cynical slogan says it all: The good news about the web is that everything's out there; the bad news about the web is that everything's out there. As the Ministerial Advisory Committee for Educational Renewal (MACER) has stated:

*The highest priority for teachers and their employers is to recognise that they too are part of an emergent 'Creative Class' within a global knowledge economy. If they don't know what's going on in the electronically savvy, educated, globally aware world that teenagers apparently find so normal, they won't be able to model and guide the kind of creative, innovative, adaptive, networked behaviour that drives success in that world. (Queensland Government MACER, 2004[a]: 14).*

Further, there has been a blurring of boundaries between levels and sectors of formal education with primary and secondary students studying in vertical curricular structures and, in some cases, undertaking university studies. The increasing number of students studying Vocational Education and Training (VET) courses while at school is further evidence of the more responsive and flexible approach taken by P-12 curriculum planners and educational policy managers. These trends are cited in national and state documents such as the Queensland Government's white paper *Education and Training Reforms for the Future* (2003), and the Australian Government reports *Taking Schools to the Next Level: the National Education Framework for Schools* (2004) and *Australia's Teachers: Australia's Future – Advancing Innovation, Science, Technology and Mathematics* (2003).

Queensland's Smart State agenda and its recently instigated Education and Training Reforms for the Future (ETRF) reflect the wider changes occurring in Queensland society in general and in education and training in particular. These reforms will see children and young people engaged in a diverse range of flexible pathways to learning that involve teachers with different knowledge and experience from that traditionally expected, and different teaching approaches from those used in traditional classrooms. The reforms involve action in the early years of education including introduction of a compulsory Prep Year by 2007, a renewed focus on the middle years of schooling and detailed monitoring of students' 'earning or learning' for 16-19-year-olds.

The calls for reform to Queensland education in general are often linked with calls for changes to teaching, supported by appropriate opportunities for professional learning and development. For example the *Queensland School Reform Longitudinal Study* (Queensland Department of Education, 2000) made several key recommendations in relation to teaching practice (pedagogy) and teacher professional development. The MACER *Report on The Middle Phase of Learning* recommended that the Minister for Education advocate to all employing authorities '... a high priority on the immediate and systematic professional learning and development of teachers and principals that recognises and supports their strategic role in delivering the desired outcomes from the middle phase of learning' and referred the Deans of Education to '... the need for reconsideration of pre-service teacher education programs' (Queensland Government MACER, 2003: 6–7).

More emphatically the Indigenous Education Sub-Committee of MACER stressed the importance of quality teacher education to desired student learning outcomes for Indigenous learners, 'Central to the provision of quality education for Indigenous children is the provision of quality learning and development opportunities for teachers' (Queensland Government MACER, 2004 [b]).

At the national level, the Commonwealth Government's Discussion Paper, *Taking Schools to the Next Level: the National Education Framework for Schools*, calls for reforms to the teaching profession, 'The public needs assurance that these professional standards are met, through high quality teacher training courses, teacher registration and continuing professional development' (Department of Education, Science and Technology (DEST), 2004: 1).

The future needs of our society and the changes to schooling and teaching that they require bring into question some of the important assumptions about the teaching profession that underpin the current regulatory regime. For example, current teacher registration focuses attention on only one professional role involved in teaching, and that is the role of teacher. It assumes that teaching will occur only in schools, with responsibility for students resting with registered teachers.

It also assumes that registration should be based on an entry assessment that is sufficient to maintain currency of registration for the entirety of a teacher's career. Under the present model, teachers need only to continue to pay the annual renewal fee to maintain registration for life. This contrasts with legislation in other jurisdictions, where there is periodic renewal of registration (for example, five-yearly in Victoria, Western Australia and New Zealand) based on applicants meeting and continuing to meet explicit professional practice standards.

A scan of the arrangements for teacher registration in other jurisdictions reveals that the current investigative and disciplinary provisions available to the BTR are not as comprehensive as those available to teacher registration authorities in some other states, or those applying to other regulated professions in Queensland. For example, the present Act provides:

- no explicit processes for dealing with complaints
- no specification of the Board's powers to conduct investigations or processes for doing so
- limited separation of the Board's capacity to determine if there is a case to answer, conduct of the subsequent inquiry and adjudication of the outcome
- a limited range of sanctions or conditions that the Board may impose on registrants if their registration is to continue.

## Relevant recent studies

Since the late 1990s teacher registration has been a focus of attention of the governments of New South Wales, Tasmania, Victoria, Western Australia and the Northern Territory as well as the Commonwealth. All of the reforms have led to the introduction of regulation of the teaching profession of some kind, with the Commonwealth also in the process of establishing the National Institute of Quality Teaching and School Leadership in 2004.

In the case of New South Wales, the Ramsey report, *Quality Matters: Revitalising teaching: Critical times, Critical choices* was released in November 2000. Ramsey found that the teaching profession in New South Wales fell short of standards in other professions due to a lack of agreed standards of practice, the lack of any requirement for ongoing professional development, an inadequate system of practical training and mentoring, and a lack of an internal system for self-regulation. The report called for the establishment of an Institute of Teachers to develop explicit standards of practice, to accredit teachers against these standards, to endorse the quality of teacher education and professional development programs, to accredit schools for the provision of teacher education, and to advise the Government on teacher quality issues (Ramsey, 2000).

Around the same time, the NSW Teachers Federation and the Federation of P&C Associations of NSW also commissioned a review of public education, conducted by Professor Tony Vinson. In its findings on teacher registration the report *Inquiry into the Provision of Public Education in NSW: first report May 2002* echoed many of the findings of the Ramsey report. While identifying many positive features of public education in New South Wales, it also found that the teaching profession 'needed revitalisation' in a changing world where 'in most jobs ongoing evidence of competence and upgrading of skills is required'. It suggested that 'the community demanded tangible evidence concerning the quality of teaching', and that 'it was no longer acceptable for teachers to proclaim effectiveness without evidence' (Vinson, 2002).

Similar views have been expressed in the documents published by other Australian states (Western Australian Government 1999, Tasmanian Government 2000, Victorian Government MACVIT 2001, and Northern Territory Government 2003). Importantly, the report of the Commonwealth review into teaching and teacher education, *Australia's Teachers: Australia's Future – Advancing Innovation, Science, Technology and Mathematics*, (Australian Government, DEST, 2003) calls for national action on these matters. The review team, led by Professor Kwong Lee Dow, cites the need for action on national professional standards for beginning teachers and for various stages of a teacher's career, as well as opportunities for career progression and increased remuneration for those accomplished teachers working at levels of advanced professional standards.

In July 2003, the *National Framework for Professional Standards for Teaching* was endorsed by the state, territory and federal Education Ministers at the MCEETYA meeting. The aim of the Framework is to '... achieve national consistency and a common approach to recognising quality, as well as to facilitate a national co-operative approach in supporting teacher quality ... and mutual recognition'.

## Regulation of teaching in Australia

Regulation of the teaching profession is not new in Australia, but it is only recently that the majority of Australian states and territories have required all teachers working in schools to be registered. Queensland and South Australia established regulatory authorities during the 1970s. As discussed earlier, Tasmanian and Victorian legislation establishing a mandatory regulatory regime was passed in 2000 and 2001 respectively. Similarly, parliaments in Western Australia, the Northern Territory and New South Wales have passed legislation in 2004 that will establish or has established a mandatory regulatory regime in those jurisdictions. There is no current requirement for teacher registration in the Australian Capital Territory.

Jurisdictions in Australia have both a regulatory function, that is, the capacity to register teachers and to undertake disciplinary action or legal proceedings for offences, as well as a professional oversight function, that is, the capacity to promote high standards and professionalism. The emphasis placed on these two functions varies across jurisdictions. For example, the Board of Teacher Registration in Queensland has limited or indirect capacity for promoting the profession and facilitating professional development activities, whereas the Western Australian College of Teaching has very clear and distinct capacity for these functions.

All jurisdictions have the authority to approve or endorse pre-service teacher education programs for the purpose of registration. Some have developed professional practice standards or similar statements, which attempt to describe comprehensively the abilities of a competent beginning teacher. These standards can then be used for assessment in situations where applicants do not possess the usual eligibility requirements. All jurisdictions accept a four-year undergraduate tertiary qualification in education as eligibility for teacher registration, and all except Queensland accept a one-year end-on postgraduate education qualification.

Most jurisdictions make provision for full and provisional registration. The latter category of registration is used primarily for graduate teachers who have yet to demonstrate sufficient satisfactory practical experience but who would otherwise qualify for full registration. Western Australia is unique in offering associate membership of its College of Teaching. This category of registration is designed for teachers who are not working in schools or educators who might not qualify for registration but who wish to identify with the profession.

Some jurisdictions have introduced the capacity to impose conditions or limitations to practice at the point of registration. In general this type of provision is not available in Queensland. This represents a significant difference to the imposition of conditions as a result of disciplinary processes, which is possible in most jurisdictions.

Situations where employers are unable to engage registered teachers are practical realities that require some form of flexibility. In Queensland provision has been made to 'authorise' an employer to engage an unregistered teacher under certain circumstances. The Northern Territory has a similar provision. South Australia, Tasmania, Victoria and Western Australia have adopted a different approach where the registering authority grants 'permission to teach' to the unregistered teacher whom the employer wishes to engage. New South Wales has also adopted a variation of this approach.

South Australia and Tasmania have a three-year period for registration. Victoria and Western Australia have a five-year period. After this period, a registered teacher has to demonstrate either some form of recency of practice and/or professional learning to renew registration. Currently,

jurisdictions with renewal provisions do not require another criminal history check. These arrangements differ considerably from Queensland where renewal of registration is annual but subject only to the payment of a re-registration fee. This situation will also exist in New South Wales.

Where a period of registration has been introduced, regulatory authorities usually issue a certificate of registration providing substantial detail of the teacher's registration status, and a separate 'licence' that is briefer in terms of detail but issued annually. Public access to registration information is permitted in all jurisdictions. However, the scope of information available to the public is usually limited for privacy reasons. Some jurisdictions provide registration details online to employers via password access so that accurate up-to-date information is available for employment decisions.

Victoria and the Northern Territory have a provision for automatic cancellation of registration if the teacher is convicted of a sexual offence. Western Australia has adopted a similar provision for offences involving a child. Other jurisdictions have provisions for conducting disciplinary procedures that could lead to cancellation of registration in these circumstances. Queensland has provision for immediate suspension of registration in instances where a teacher's continued practice could result in harm to children.

All jurisdictions have some capacity for dealing with formal complaints about a registered teacher. Some jurisdictions have capacity to undertake preliminary investigations of the complaint before referring it to a disciplinary body. Currently, Queensland does not have this capacity and the regulatory authority must instigate a formal inquiry to deal with the matter.

Victoria has established a two-tiered approach to disciplinary matters. The Victorian Institute of Teaching (VIT) deals with minor misconduct and more serious matters are referred to formal hearings conducted by panels that must be chaired by a member of the Council of VIT. The panel adjudicates and determines the appropriate sanction independently of the Council. This approach is very different from other authorities such as Queensland, South Australia and Tasmania where the governing body of the regulatory authority can perform both the prosecution and adjudicative roles. These jurisdictions do have capacity to form a separate committee of inquiry that is independent of the governing body. However, this committee can make recommendations only to the governing body.

Victoria has included provisions to allow for reviews of disciplinary decisions. All other jurisdictions have provisions for an appeal to a higher authority, usually at the level of a district court, by the affected registrant. In Victoria, appeals are referred to the Victorian Civil and Administrative Tribunal.

## **Regulation of teaching internationally**

This overview focuses on the characteristics of the regulatory authorities in New Zealand, Ontario, Scotland and England. These systems represent some of the most long-standing, and some of the most recent or innovative systems in the world. For example, Scotland established the General Teaching Council for Scotland (GTCS) and New Zealand established the New Zealand Teachers Council (NZTC) in the 1960s, while Ontario established the Ontario College of Teachers (OCT) in 1996 and England established the General Teaching Council for England (GTCE) in 1998.

These four systems also highlight many of the salient differences among a range of international models.

Similarities exist across different jurisdictions, and most regulatory authorities have the power to:

- approve or endorse pre-service teacher education courses for the purpose of registration
- register teachers with full or provisional, probationary or similar status
- grant some form of permission or authority to teach in particular circumstances where it is difficult to employ a registered teacher
- impose conditions on registration that limit the teacher's practice in some way
- issue certificates or make information available concerning the registration status of a teacher
- investigate complaints about a registered teacher
- take disciplinary action against a teacher.

Although there are many similarities, there are also several differences, and some of these significant differences are detailed below.

- Emphasis placed on the regulatory or the professional oversight roles

While all authorities have a clear regulatory role some have a fairly limited role in relation to professional oversight. The OCT and GTCS are two examples of regulatory authorities that place a strong emphasis on the professional oversight role. Both authorities have the power to accredit teacher professional development courses, while the OCT has the power to develop and deliver courses. In some jurisdictions other authorities have been established to perform some of the functions associated with a professional oversight role. For example, England has established the Teacher Training Authority (TTA) and therefore the roles of the GTCE are more limited to regulation.

- Legal status of the regulatory authority and its independence from government

Most authorities are responsible to the government of the day through the relevant minister. Most are established as government agencies, statutory authorities or government-owned corporations. Some, however, are very independent of government. For example, the GTCS is not an agency of the government nor does it represent the government. Similarly, the GTCE is responsible to its members and not to the government.

- Distinctions between being registered and holding a licence to teach

Most jurisdictions make a distinction between being registered and holding a licence, practising certificate or certificate of qualification that allows the teacher to teach. For example registration with the GTCS and GTCE is for life or until some action to de-register eventuates, while registration with the NZTC and OCT requires conditions for renewal to be met if the teacher wishes to remain registered.

- Use of tests and concepts such as suitability or fitness in determining eligibility for registration

The GTCE has defined professional standards for Qualified Teacher Status (QTS) that all trainee teachers must possess to be eligible for registration. The standards include skills tests in literacy, numeracy and the use of information and communication technology. Once a teacher

possesses the QTS, he or she does not have to demonstrate achievement of its standards again. Similarly, Ontario has introduced the Ontario Teacher Qualifying Test (OTQT), which all teachers must pass within one year of certification as a teacher by the OCT. The test focuses on professional practice as well as understanding of the legislative framework for education in Ontario.

Many states in the USA have introduced test requirements for eligibility to become registered. Other jurisdictions such as New Zealand and Scotland have established professional standards or similar outcomes statements to define the knowledge, skills and attitudes that beginning teachers should be able to demonstrate to become registered.

Eligibility requirements related to good character often assume that the applicant is of good character unless criminal records or other evidence suggest otherwise. Testimonials or character references are seldom required. More recently though, the concept of fitness or suitability to teach has evolved to incorporate a wider set of characteristics than those limited to good character. Fitness or suitability to teach often includes references to knowledge, skills and physical, mental or emotional capacity to perform teaching duties competently.

- Use of a single registration category or a range of categories

In essence most jurisdictions use only one category of registration often unofficially called 'full registration'. Other legislated categories are predominantly distinctions based on temporary circumstances, for example provisional or probationary registration, or registration subject to confirmation. Importantly, registration status is not granted to a person who might be allowed to teach when attempts to employ a registered teacher have failed. Terms such as 'limited authority to teach' and 'permission to teach' are used in these circumstances and although these terms do not relate to a category of registration the full weight of the legislation impacts on the teacher.

Although most jurisdictions offer just one long-term category of registration, some do recognise areas of specialisation such as early childhood, middle years, deaf education or technology studies. The OCT is one regulatory authority that requests this type of information.

Another related issue is the scope of the definition of registered teacher. Most jurisdictions confine the scope of the teaching profession to those teachers working with school-aged children. Teachers working in vocational education and training, higher education or day-care settings are usually not eligible for registration. As an example of the exceptions to this generalisation, teachers working in child-care or early childhood centres in New Zealand are required to be registered with the NZTC.

- Use of requirements to demonstrate competence or currency of professional knowledge when renewing registration

Jurisdictions that offer 'registration for life' and those where registration is for a specific period of time may have requirements for renewal or re-issue of the licence to teach. Aside from obvious requirements of no misconduct or no evidence of unprofessional practice, renewal requirements can include evidence of recent satisfactory practice, continued professional learning, which is usually broadly defined, or a combination of both.

Recency of practice is often signed off by a report from a school principal, senior teacher or someone with supervisory responsibility for the teacher. If the authority has established professional practice standards, the requested report may refer to those standards as a means of describing satisfactory practice. New Zealand has established this kind of requirement for renewal of registration.

Continuing professional learning (CPL) or continuing professional development is also a key issue in relation to renewal of registration. CPL can take many forms including completion of academic courses, participation in professional development activities conducted by employers, or involvement in school-based initiatives or projects where teachers reflect on practice. Ontario has had one of the most formal requirements for CPL for the purpose of renewal. It required registered teachers to complete seven units of professional development in both content knowledge (curriculum or teaching specialisation) and general knowledge of teaching and learning (curriculum and pedagogy) over the five-year period of registration. This requirement has recently been revoked as a condition for renewal of registration. New Zealand also requires evidence of CPL within the previous three years for renewal of registration but not for re-issuing a practising certificate to teachers who can satisfy recency of practice requirements.

- Use of multi-level or tiered structures for investigative and disciplinary procedures and the independence of these structures

Most regulatory authorities have established structures and processes for dealing with complaints, allegations and evidence of unprofessional conduct by registered teachers. The GTCS, NZTC, OCT and the GTCE have multiple structures for administering these processes. For example, the GTCS has the Professional Conduct Committee as well as an Investigating Sub-committee and a Disciplinary Sub-committee. The GTCE has an Investigating Committee, a Professional Conduct Committee and a Professional Competence Committee. The multi-level approach is an attempt to address the seriousness of allegations against a teacher with appropriate levels of formality and rigour.

In most cases disciplinary structures are much smaller in composition than the governing body of the regulatory authority and membership is separate from other disciplinary structures to ensure independence of the roles of prosecutor and adjudicator. For example, members of any one of the GTCE disciplinary committees cannot be members of any other disciplinary committee. They must, however, be members of the Council. Similarly, any member of the Investigation Committee, the Discipline Committee or the Fitness to Practice Committee of the OCT cannot be a member of any other disciplinary committee. Membership of disciplinary committees is often derived from membership of the governing body of the regulatory authority.

- Size and composition of the governing body of the regulatory authority

There is a great deal of variation in the size and composition of the governing bodies of regulatory authorities. For example, the GTCE comprises 64 members, the GTCS has 50 members, the OCT has 31 members and the NZTC has 11 members. Representation on these bodies includes registered teachers, employing authorities, unions or professional advocacy bodies, parents of school-aged children and providers of teacher education courses. Regulatory authorities with large governing bodies include further representation by professional associations, other government authorities with responsibilities for children, and business, industry or the broader community.

There does not appear to be one definitive rationale for determining the size of the regulatory authority's governing body. Factors such as the size of the registered teacher population, the number of stakeholders and interest groups involved in the profession, the scope of functions of the authority and the desired balance of representation from stakeholders inside and outside the profession could influence the decisions on composition and membership. It does appear however, that most regulatory authorities comprise a majority or near majority of registered teachers. For example the GTCE has a minimum of 25 registered teachers, the GTCS has 26, the OCT has 17 and the NZTC has a minimum of four. Selection of individual members is determined by either nomination from a represented organisation, appointment by the relevant government minister or higher authority, or election by registered teachers.

## Regulation of other professions in Queensland

Most of the regulatory authorities for professions other than teaching perform a regulatory role only. This is most likely due to the existence of a separate professional association which performs an advocacy and professional oversight role. Boards for professional engineers, architects and health professionals are examples of authorities that perform mainly regulatory functions such as registration or licensing to practise and disciplinary processes for unprofessional conduct. The Queensland Nursing Council (QNC) is one example of an authority that performs both a regulatory and professional oversight role.

Most regulatory authorities for professions other than teaching accredit or approve tertiary or higher education courses for the purpose of registration. Architects refer to national organisations for this accreditation function. Most have codes of conduct or codes of practice but published professional practice standards are not common.

Usually there is only one category of registration that corresponds with 'full' registration for teachers. The QNC has the power to impose conditions on registration at the time of registration (for example, restricting practice to specialised areas of nursing such as mental health or midwifery), whereas other regulatory authorities usually have the power to impose conditions only as a result of disciplinary processes.

One of the most significant differences in the criteria for registration occurs for health professionals and nurses where the regulatory authority can request evidence that the applicant is 'fit to practice'. This criterion can require a medical or health assessment to demonstrate adequate physical and mental health to perform duties competently. These regulatory authorities also require evidence of English language proficiency for applicants from some overseas nations. Criminal history checks or evidence of 'good character' are also becoming more prevalent in the criteria for registration of other professions in Queensland.

Renewal of registration for many professions requires only the payment of a re-registration fee, provided of course that no evidence of unprofessional conduct exists. Health professionals and nurses are examples of professions where renewal is linked to either recency of practice or continuing professional learning. Health professionals such as general practitioners, obstetricians and gynaecologists are required to provide evidence of a minimum level of CPL over a previous period of time, say annually or over three years, and a points system for CPL activities is used. Significantly, however, the association responsible for the professional oversight role, not the regulatory authority, administers this requirement. A similar situation exists for actuaries who are expected to undertake a minimum of 70 hours of professional development activities annually.

On the other hand, the QNC does administer the CPL requirements for renewal of registration of nurses. It is not as specific in terms of a stated minimum, and not as explicit, since renewal requires affirmation that the nurse continues to improve knowledge, skills and judgement to ensure practice is safe and competent. Undertaking any professional improvement activities in the last 12 months is one form of satisfactory evidence for such an affirmation.

There is growing support for a CPL requirement linked to renewal of registration in many professions. Professional associations representing engineers, legal practitioners, information and communication professionals, accountants, surveyors and mining professionals have established programs for continued professional learning as well as those already mentioned for nurses, other health professionals and actuaries. The next step of linking a requirement for CPL to renewal of registration is being considered in these professions, but again through the body responsible for professional oversight not the regulatory authority.

Probably the most significant difference between the regulatory systems for other professions and that for teachers in Queensland is the provision for investigations and disciplinary processes. Regulatory authorities for nurses, other health professionals, engineers, architects, legal practitioners, veterinary surgeons and surveyors have substantial powers to conduct investigations. Most use a two-tiered system for disciplinary processes where different disciplinary bodies deal with different levels of unprofessional conduct and with different levels of formality and rigour. A three-tiered system is used for health professionals. Most disciplinary bodies are independent from the governing body of the regulatory authority, often with no common membership of either body. They also have the power to impose sanctions rather than make recommendations for disciplinary action back to the governing body of the regulatory authority.

Finally, membership and composition of the regulatory authorities for professions other than teaching are similar to the extent that each body comprises a majority, or substantial proportion, of registrants and relevant stakeholder groups are represented. Representation by a lawyer with experience in law relating to the profession is common to regulatory authorities for professions other than teaching.

The major difference, however, is the smaller size of the regulatory authority. For example, the Board of Architects and the Board of Professional Engineers have seven members each, the Medical Board has between six and ten members and the QNC has 13 members.

# Chapter 2: Purpose and Functions

## Terms of reference:

- The purpose of registration and the primary focus and range of functions of the Board of Teacher Registration
- The implications for registrants working in non-school settings

## Introduction

Governments typically establish regulatory authorities for three main reasons: to promote and ensure high standards of practice; to protect the public; and to maintain public confidence in the profession. The process of registration is central to these objectives and serves as a means of identifying those professionals who have satisfied the requisite standards for entry to and ongoing practice in a specific profession. The overarching role of a registration body is twofold: (i) professional oversight; and (ii) regulation, where professional oversight is concerned with enabling and promoting a vital and effective profession, and regulation is about ensuring adherence to a high standard of professional practice and conduct by registrants and a system of disciplinary measures for professional misconduct and gross incompetence.

Registration bodies established by governments as statutory authorities are therefore accountable to both the profession and to the public. Community expectations of members of a profession relate to standards of conduct, competence, knowledge, skill, judgement and care, and aspirants are admitted to the profession after they have satisfied rigorous entry requirements, including accredited qualifications and other conditions such as checks of good character and suitability to practise.

A statutory authority is a legal entity established by an Act of Parliament. It has the power to make decisions or take action independently of the Government. However, it must follow the framework of Government policies and standards, including annual reporting of its activities. It is fully accountable to the relevant Government Minister, the Parliament and the public.

The Board of Teacher Registration has been established as one such statutory authority, with its powers and functions defined by legislation, the *Education (Teacher Registration) Act 1988*. This Act is reasonably comprehensive in defining the role of the BTR as a professional oversight body. The present definition includes:

- responsibility for registering teachers
- continuous review of teacher registration
- advising the Minister on standards of courses of teacher education
- appointing committees as it sees fit
- undertaking reviews and research projects
- making recommendations with respect to special projects
- preparing an annual report.

Although these points cover the current professional oversight role of the BTR, the Act does not refer specifically to the Board's regulatory role when defining its functions and powers. This is despite other sections of the Act requiring the Board to fulfil this role.

Under the current Act, all persons employed as teachers in Queensland schools are required to be registered. The Act defines a teacher as 'a person who is, or is eligible to be, part of the educational staff of a school'. A 'practising teacher' is defined as 'a registered teacher who is part of the educational staff of a school'. 'Registered teachers' are defined as including those with provisional registration. 'School' is defined to include 'a kindergarten or preschool centre that purports to offer educational programs for children in the year prior to enrolment in Year 1', primary schools, secondary schools and special schools, as well as other institutions or places 'so designated by the Minister'.

## Consultation data

Overall, there was clear support from key stakeholders for a regulatory authority that would monitor the profession in the public interest. In addition to being a prominent advocate for the profession and facilitating an environment in which members of the profession may carry out their duties with effectiveness and public support, key stakeholders perceived the Board, ideally, as having a range of functions directed towards:

- protecting the public, and in particular, children and young people from foreseeable physical and/or psychological harm
- advancing professional standards
- maintaining public confidence in the profession.

The majority of the key stakeholders, including the unions, the current Board and its staff, employing authorities and parent bodies endorsed the current work of the BTR, with some reservations. There was no argument for curtailing the current powers of the regulatory authority. On the contrary, submissions revealed either a preference for the status quo or a strengthening of the Board's functions to enable the organisation to fulfil the purposes expected of such regulatory systems in a variety of professions.

A range of specific changes to the legislation were proposed from the staff of the Board who argued from a position of familiarity with current legislative shortcomings. In addition to an extensive listing of functions, one union asserted the need for research on a series of matters related to registration and the advancement of professional standards including research on teacher supply and demand, the alignment between professional qualifications and the teaching posts registrants secured, and the effectiveness of the professional development experiences of teachers.

It was possible to categorise the functions outlined by key stakeholders in terms of registration functions, investigative and disciplinary functions, monitoring and enforcement functions, professional oversight functions and public protection functions.

Examples of the registration functions proposed by various stakeholders included:

- determining the requirements for, and categories of, registration
- maintaining a register of sufficiently full records of registrants to fulfil all of the functions of the regulatory authority

- determining whether prospective registrants satisfy the requirements for registration
- promoting high standards of practice by registrants

Examples of investigative and disciplinary functions included:

- assessing complaints about registrants
- conducting investigations, where appropriate, related to the reported misconduct of registrants
- dealing with disciplinary matters related to registrants, and where necessary, bringing matters before an adjudicative body.

Examples of the monitoring and enforcement functions included:

- monitoring registrants' compliance with the relevant Act
- prosecuting persons in violation of the Act.

Examples of the professional oversight functions included:

- endorsing programs of pre-service and continuing professional development
- undertaking research relevant to the regulation of the profession
- promoting the profession
- engaging with the National Standards Framework and establishing benchmarks for the profession
- conducting research relevant to the regulation of registrants and their future professional needs.

Examples of the public protection functions included:

- providing information to, and receiving information from, agencies charged with child protection responsibilities
- informing registrants and the public about the operation, and in particular, the benefits of the Act.

As one would expect, the support expressed for the creation of new functions tended to be consistent with other proposals being submitted. For example, the Department of Education and the Arts, and Education Queensland (EQ) concurred on the need for the Board to play a broader role in the support for and registration of 'professional employee cohorts that directly support teaching and learning', including 'community teaching assistants, teacher aides, trainers, tutors/ study coaches, etc.' The Department of Education and the Arts also proposed the need for an additional function for the Board, whereby the regulatory authority should be enabled to investigate allegations of non-registered staff employed as teachers.

## **Discussion of issues**

A consistent response to the Review across all major stakeholders, and reflected at all the consultation meetings, was recognition of the value of teacher registration, both to the public and to the profession. The Review believes these views can be encapsulated in the following statement of the dual purpose of registration: enabling a vital and effective profession, and maintaining public confidence in the profession.

Strong support was also evident for a statutory authority such as the Board to have overall responsibility for regulating the teaching profession and to perform this registration function.

There was recognition that locating the functions with a statutory authority enables them to be applied in a consistent manner across the profession, and in particular across the State and non-State sectors. The Review found strong support for the functions of the Board to be focused on delivering the following three broad objectives: upholding the standards of the profession; maintaining public confidence in the profession; and protecting the public.

On the basis of this support for continuing with a statutory regulatory authority for the teaching profession, the range of functions to be delivered by such an authority needs to be defined. Current practice is for the legislation to include a clear statement of the authority's functions, as distinct from its powers. The functions provision in the legislation needs to describe comprehensively the authority's role in relation to the profession. The authority's powers should then be based on what is necessary to enable the authority to perform its functions.

The Discussion Paper included a listing of possible functions that could be undertaken by a regulatory body for the teaching profession in the areas of: registration; other professional oversight functions; investigation of complaints and discipline; monitoring and enforcing compliance with the Act; and other functions consistent with a role of protecting the public. It was noted that where some functions are not the responsibility of a statutory authority, they may be undertaken by bodies such as professional associations or by employers. Alternatively these functions may not be the acknowledged responsibility of any specific group or entity, effectively resulting in ad hoc approaches to addressing particular issues as they arise.

Feedback to the Review indicated general support for the range of functions identified in the Discussion Paper, and in particular those functions related to the various roles the Board was currently seen to be performing. Concerns were expressed about the possible inclusion of functions relating to the development of training programs or programs of continuing professional education, with the general consensus being that the role of the Board in these areas should be limited to the endorsement of any such programs developed and delivered by other providers.

Most stakeholders indicated general support for both the professional oversight and regulatory functions to sit with the one body, although the Australian Council for Education Leaders (QLD) (ACEL) suggested that many of the professional oversight functions (such as setting professional standards) could be better left in the hands of the profession itself, through the establishment of a body such as a College of Teachers. While acknowledging the potential of such a proposal to promote the professionalism of teachers, the Review believes that the link between professional standards and entry to, and continuation in, the profession needs to be strengthened, which can be best achieved as the focus of a single body.

A number of respondents warned against creating a large bureaucracy through adding functions not directly related to the regulatory and professional oversight roles of the Board. The Queensland Secondary Principals' Association stressed the need to 'exercise great caution if considering additional functions (for example, undertaking research, supporting networking, promotion of profession) ... We feel this could create a large bureaucracy – unnecessary and costly'. The Review acknowledges these concerns and proposes that any research undertaken by the Board be closely related to regulating the profession. A number of other bodies already undertake research on a range of educational issues, and the Board should access these reports rather than initiate its own research on the same or similar issues.

## **Statement of functions**

It is clear that the current statement of functions in the Act does not encompass the full range of roles performed by the Board. The Review supports a clear statement in the legislation of the functions to be performed by the Board in addressing both its professional oversight and regulatory roles, and proposes that these functions include the following:

### **Registration and professional oversight functions**

- determining the requirements for registration
- approving and monitoring pre-service teacher education programs
- assessing applications for registration
- registering applicants who satisfy requirements for registration
- monitoring and assessing registrants' compliance with any conditions on registration
- keeping a register of, and records relating to, registrants
- ensuring registrants continue to meet requirements for registration
- determining the requirements for programs for registrants returning to teach in schools, and approving or endorsing such programs
- determining the forms of continuing professional learning acceptable for renewal of registration
- developing and applying professional standards for full and provisional registration
- developing and promoting ethical standards for the profession
- undertaking research relevant to the regulation of the profession
- collecting and providing data about registrants
- general promotion of the profession

### **Investigative and disciplinary functions**

- receiving and assessing complaints
- conducting investigations about the conduct or practice of registrants – either on its own initiative or in response to complaints received
- bringing disciplinary proceedings about registrants before an adjudicative body
- monitoring compliance with conditions imposed or other disciplinary action taken under the Act

### **Monitoring and enforcement functions**

- monitoring compliance with the Act
- investigating alleged breaches of the Act
- prosecuting persons or entities who fail to comply with the Act

### **Other public protection functions**

- conferring and cooperating with intrastate bodies or authorities such as employing authorities and the Commission for Children and Young People and Child Guardian
- conferring and cooperating with interstate regulatory authorities
- informing registrants and the general public about the operation of the Act
- examining, and advising the Minister about, the operation of the Act

The Review notes that Section 5A of the current Act provides strong guidance to the Board when performing its functions relating to registration by its statement that ‘the welfare and best interests of children’ are to be the primary considerations of the Board. Such a statement emphasises the ‘public protection’ role of the Board, and the Review strongly supports its retention in the legislation.

## **Restriction on practice**

In clarifying the powers and functions of a regulatory body such as the BTR, it is also critical to define the boundaries and set the parameters for the jurisdiction of the governing legislation. In doing so, it is important to distinguish between the legislative requirements relating to where and when a person is required to be a registered teacher, and the obligations on registered teachers irrespective of their employment status.

The current Act stipulates the requirement that a person employed as a teacher in a school must be a registered teacher. The boundaries of this requirement are established by the definitions of ‘school’ and ‘teacher’, as outlined in the Introduction to this chapter. The definition of ‘school’ incorporates all the standard settings of primary, secondary and special schools (both State and non-State), and also includes kindergartens and pre-school centres offering a pre-school program. In practice, the obligation to employ registered teachers extends to childcare centres offering pre-school programs, youth detention centres and the three Senior Colleges currently established within TAFE institutes.

The Act allows for the inclusion of such settings by reference in the definition of a school to ‘any other institution or place or part thereof designated by the Minister ... as a school for the purpose of this section’. The Review believes such a provision facilitates flexibility in the interpretation of what is meant by a ‘school’, which may become increasingly useful in the context of the implementation of the Queensland Government’s ETRF agenda.

The definition of ‘teacher’ in the Act is very general, with the only requirement being that the person ‘is, or is eligible to be, part of the educational staff of a school’. In the absence of any further clarification of what is meant by ‘educational staff of a school’, this definition could be open to a number of interpretations, given the range of non-teacher school employees who might, in the current schooling context, identify themselves as being part of the ‘educational staff’ of a school.

By comparison, the legislation in other states such as Victoria and Western Australia is more specific in the definitions of ‘teacher’ or ‘teaching’. The Victorian legislation defines teacher as ‘a person who in a school, undertakes duties that include the delivery of an educational program or the assessment of student participation in an educational program’, and includes in the definition a person employed as the principal or the head of the school provided that person has been previously employed as a teacher. The definition stipulates that ‘a teacher’s aide, a teacher’s assistant or a student-teacher’ are not covered by the definition. The definition of ‘school’ is restricted to State schools, or schools registered under the *Victorian Education Act 1958*.

The *Western Australian College of Teaching Act 2004* does not include the definition of a school, but includes a definition of ‘teaching’ as follows:

*“teaching” means undertaking duties in a school that include –*

- (a) *the delivery of an educational programme designed to implement the curriculum framework approved under the Curriculum Council Act 1997 and the assessment of student participation in such an educational programme; or*
- (b) *the administration of any such educational programme,*

*but does not include duties of the kind undertaken by –*

- (c) *a teacher's aide, a teacher's assistant or a student teacher; or*
- (d) *an unpaid volunteer, unless the volunteer is undertaking duties in a school of a kind, or to an extent, prescribed by the regulations for the purposes of this paragraph.*

While it may not be appropriate in Queensland to specify the implementation of a particular curriculum framework (as occurs in Western Australia), the Review believes that greater clarity of the scope of the registration requirements in Queensland could be achieved through defining either 'teacher' or 'teaching' in the Act along the lines adopted by these other states. It would also be another step towards achieving greater national consistency in the registration of teachers.

The following definition of 'teacher' is suggested as a basis for further discussion on this issue:

A 'teacher' means a person who undertakes, or is eligible to undertake, duties in a school that include:

- the delivery of an educational program and/or the assessment of student participation in such an educational program; or
- the administration of any such educational program

but do not include the kind of duties undertaken by a teacher's aide, a teacher's assistant or a student teacher.

## **Scope of registration**

Fundamental to the concept of a registration body for teachers is the context in which registrants will be operating, namely schools. Many of the 'good character' requirements tied to the registration of teachers are based on ensuring the registrant is a fit and proper person to work with children and young people. 'Duty of care' and 'in loco parentis' are concepts which are intrinsic to the role of a school teacher; they are not, however, significant to people often referred to as teachers, but working in the more adult-focused educational environments such as TAFE institutes, registered training organisations, adult community education, universities or other such contexts.

A number of submissions noted the absence of a regulatory system covering 'teachers' in these settings and suggested that the role of the Board could be extended to encompass these professionals. The Department of Employment and Training, however, did not support such an extension of the Board's role, stating that it did not see 'any advantage for vocational education and training to require Board registration', while acknowledging that it did require teacher registration 'for the small minority of TAFE teachers' who 'teach QSA curriculum at three of the fifteen Queensland TAFE institutes'.

Other submissions noted the range of para-professionals and other educational support staff currently working in schools, or likely to be employed by schools in the future, and questioned whether such staff should also be regulated through the Board. EQ in its submission noted that:

*As the rollout of the ETRF senior schooling and the Partners for Success agendas progress, there will be the need for a new range of employee cohorts operating for Education Queensland and out of Education Queensland school sites. Having a single point of registration for these key cohorts would acknowledge the changing models of service delivery, an emerging career progression and ensure a quality and capable workforce.*

The current focus of the Board is teachers in schools. Some would envisage the Board's role expanding to cover people undertaking teaching duties irrespective of the site or the age cohort with whom they are dealing. Others see the Board's role expanding to cover all those undertaking educational duties in schools, and not just teachers. The current criteria for registration focus on educational qualifications and good character, including suitability to work with children. The Board's policies and procedures are based on an appreciation of the age cohort that registrants teach. If the role of the Board were to be expanded to include others working in the 'education industry' it is believed that the focus should remain on the school context.

Accordingly the Review does not support expanding the regulatory powers of the Board to include the whole range of educators working in non-school settings. However, there is value in investigating further whether the Board's role could be expanded to include para-professionals and other educational support staff working in schools as discussed above.

Such an expanded role would involve the Board establishing a separate registration process for such people. While the educational qualifications and associated standards would be different from those required for teachers, there could be a considerable degree of commonality in the approach taken to assessing 'good character'. Clearly this approach would not see paraprofessionals and others being registered as 'teachers'. A separate title, or range of titles, would need to be introduced to encompass the new group.

## **Registrants working in non-school settings**

As discussed earlier, the Act places a restriction on practice through its requirements relating to where and when a person is required to be a registered teacher. In addition, however, the Act also places a number of obligations on registered teachers irrespective of their employment status. These include the requirement for a registered teacher to advise the Board of any change in their criminal history, which applies to all registered teachers, practising and non-practising. The Review believes such obligations should continue to rest with all registered teachers, since they relate to the fundamental issue of a person's suitability to teach children.

There are other registration issues that are specific to situations in which registered teachers work in non-school settings. These issues relate to any obligations that might be placed on the employers of such registrants, and the extent to which experience gained in such settings might contribute to a person's teaching experience for the purpose of moving from provisional to full registration, or for any subsequent renewal of registration. The second of these issues appears to be adequately addressed through current Board policy as outlined in the Foreword to its document *Professional Standards for Graduates and Guidelines for Preservice Teacher Education Programs*. It states: 'While teacher registration is not compulsory for teachers in other institutions such as child care centres or TAFE colleges, teachers working in those areas are eligible for registration if their teaching qualifications and experience are accepted by the Board as including an adequate preparation for employment in a teaching role within the sectors for which registration is compulsory' (Board of Teacher Registration Queensland, 2002: 1). The Review believes this approach could also be applied to 'recency of practice' if this were a requirement for renewal of registration.

Obligations on the employers of registrants were introduced in late 2003, subsequent to the deliberations of the Ministerial Taskforce on Sexual Abuse in Schools. Subsequent amendments to the Act placed requirements on the 'employing authority for a school' to notify the Board if a teacher is dismissed or resigns following investigations into allegations of harm caused to a child because of the conduct of the teacher (Section 44A).

Because of the specific reference to 'employing authority for a school' (defined as 'the person or entity responsible for the appointment of teachers to the educational staff of the school'), the implications of this requirement for registered teachers working in non-school settings have been raised. The fundamental issue is the nature of the work being undertaken by the teacher. If the work involves the delivery of an educational program to school-aged students for which the employer was obliged to employ a registered teacher, then the reporting obligations relating to registered teachers should also apply to that employer.

The current obligations on teachers in Senior Colleges and Detention Centres and those delivering pre-school programs in child care centres to be registered implies such places are included under the current definition of 'school' in the Act. Accordingly it could be expected that employers of teachers in such settings are included in the reporting obligation. It is suggested that legislative advice be obtained to clarify the reporting obligations of employers of registered teachers in non-school settings under Section 44A of the Act. If necessary, Section 44A should be amended to ensure that, if there is an obligation on an employer to employ a registered teacher, that employer has the same reporting obligations as employers of teachers in school settings.

## Recommendations

It is recommended that:

### Purpose of registration

- 2.1 The purpose of registration be:
- enabling a vital and effective profession
  - maintaining public confidence in the profession.

### Functions

- 2.2 The primary focus of the functions of the Board of Teacher Registration be:
- upholding the standards of the profession
  - maintaining public confidence in the profession
  - protecting the public.
- 2.3 'The welfare and best interests of children' continue to be primary considerations of the Board in performing its functions relating to the registration of persons as teachers.
- 2.4 The functions of the Board include the following:

#### Registration and professional oversight functions

- determining the requirements for registration

- approving and monitoring pre-service teacher education programs
- assessing applications for registration
- registering applicants who satisfy requirements for registration
- monitoring and assessing registrants' compliance with any conditions on registration
- keeping a register of, and records relating to, registrants
- ensuring registrants continue to meet requirements for registration
- determining the requirements for programs for registrants returning to teach in schools, and approving or endorsing such programs
- determining the forms of continuing professional learning acceptable for renewal of registration
- developing and applying professional standards for full and provisional registration
- developing and promoting ethical standards for the profession
- undertaking research relevant to the regulation of the profession
- collecting and providing data about registrants
- general promotion of the profession.

### **Investigative and disciplinary functions**

- receiving and assessing complaints
- conducting investigations about the conduct or practice of registrants – either on its own initiative or in response to complaints received
- bringing disciplinary proceedings about registrants before an adjudicative body
- monitoring compliance with conditions imposed or other disciplinary action taken under the Act.

### **Monitoring and enforcement functions**

- monitoring compliance with the Act
- investigating alleged breaches of the Act
- prosecuting persons or entities who fail to comply with the Act.

### **Other public protection functions**

- conferring and cooperating with intrastate bodies or authorities such as employing authorities and the Commission for Children and Young People and Child Guardian
- conferring and cooperating with interstate regulatory authorities
- informing registrants and the general public about the operation of the Act
- examining, and advising the Minister about, the operation of the Act.

2.5 Further investigation be undertaken with respect to the Board playing a broader role in the regulation of non-teaching professional employees directly supporting teaching and learning in schools.

2.6 The definition of 'teacher' in the Act be reviewed in line with the approaches currently being adopted in other states such as Victoria and Western Australia, with the flexibility inherent in the current definition of 'school' in the Act being retained.

# Chapter 3: Entry into the Teaching Profession

## Terms of reference:

- The criteria for registration
- The nature and extent of the Board's powers regarding professional standards
- The capacity of the Board to recognise non-standard qualifications

## Introduction

Among other functions, regulatory authorities perform a gate-keeping role to ensure that only suitably qualified and reputable persons enter the profession. Checks of the good character of persons entering the profession have been considerably strengthened in recent years in response to society's concerns for child protection, as detailed in other sections of this Report. The focus in relation to pre-service teacher education is on the nature of qualifications deemed suitable for entry to the teaching profession itself.

The term pre-service at both undergraduate and postgraduate levels refers to the initial preparation of students who wish to enter the teaching profession on completion of their studies. This preparation has typically taken place in universities and colleges in collaboration with experienced teaching practice partners in schools (during the practicum or 'prac' and, in some cases, internship periods of the teacher education course).

In the past, the vast majority of teachers recruited into the profession did so on successful completion of an approved teacher education course at college or university level. Regulatory regimes specified the nature of appropriate pre-service courses and assessed courses against that specification. In a recent comprehensive Australian report, *Australia's Teachers: Advancing Innovation, Science, Technology and Mathematics* (DEST, 2003), however, several major changes are highlighted that have occurred over the last two decades in teacher education:

- teacher education has become a university responsibility, and is a four-year, all-graduate profession
- postgraduate, end-on courses are, with the exception of Tasmania and Queensland, one-year courses (Tasmania and Queensland have opted for two-year, end-on courses that may be compressed into 18 months)
- the profession has recently seen an increase in the number of mature-aged people entering teaching and a greater number of teachers returning to teaching after a period of several years
- there is support from some employing authorities for more flexibility in employing people with non-standard qualifications to teach in locations or subject/curriculum areas where it is difficult to recruit registered teachers.

The DEST report (2003: 123) summarises the current position thus:

*The impetus, now, is not to lengthen courses or prescribe in detail what they should contain. Attention has turned to the challenge to make teacher education, in whatever*

*form, relevant to the demands of classroom learning in the 21<sup>st</sup> century, more flexible to respond to generational and changing expectations, and more of a close working partnership between the higher education institutions and the schools ... As the momentum for professional standards increases and registration requirements are further reviewed ... initial teacher education programs will be more closely scrutinised ...*

Implicit in this quotation is a call for teacher education programs to be indexed to professional standards that are focused on graduate outcomes rather than the prescriptive planned content of the program itself, and a need to develop more responsive partnerships between universities and schools. These latter collaborative partnerships develop the seamlessness of the 'thinking about' or theoretical knowledge of teaching and the 'doing' or procedural knowledge of teaching. An internship is a particularly salient process for student teachers to understand, explore, critique and develop their content/pedagogical knowledge and skill base over a sustained, intensive period of time in relevant educational contexts supervised by an experienced and effective teacher. Of equal importance is the opportunity internships provide to the experienced mentor teacher for reflection on their own practice and on their current discipline and pedagogical knowledge base. Universities, in their turn, should be able and willing to recognise the advanced skill learning that occurs in such mentor/intern professional relationships and to give recognition for such learning and experience in in-service award programs. Although there are a number of exceptions, it is still relatively rare for universities to 'assess' and award formal credit in postgraduate programs for professional learning and development of this kind.

## **Current provisions**

Section 5 of the Act identifies one of the functions of the Board as conferring with employing authorities, teacher education institutions, the profession, teacher organisations and the general community on standards of courses of teacher education acceptable for the purpose of teacher registration. The Board has developed extensive standards and guidelines for this purpose, including a system of peer review of university programs. It also has invested considerable effort in establishing methods for assessing teacher education programs completed interstate or overseas.

Current BTR standards relating to approved pre-service courses require a minimum of four years academic study including a minimum of two years professional studies. The most common configurations are the four-year Bachelor of Education and the two-year postgraduate degree (which may be compressed into 18 months). Approved courses must contain professional studies, discipline studies and embedded professional experience of not less than 100 days of professional experience with a minimum of 80 days in schools or other equivalent educational settings.

The Board acknowledges the desire for flexibility in the design of teacher education courses including support for internships and community-based approaches such as the Remote Area Teacher Education Program (RATEP) designed to prepare teachers for work in Indigenous communities. In the case of internships, however, the period of internship must be in addition to the minimum of 80 days supervised professional experience and be undertaken after the student has completed academic course requirements.

A key feature of the Board's Standards and Guidelines is the description of professional standards. These are outcome statements that describe behaviours, attitudes, knowledge and skills that graduate teachers should possess.

Under the current Act, there are two broad criteria for registration:

- prescribed qualifications and experience
- ‘good character’.

The prescribed qualifications and experience for ‘full’ registration can be summarised as follows:

- (a) successful completion of (i) a current program of teacher education offered by an Australian higher education institution that meets a certain standard; (ii) an equivalent program of teacher education offered by an overseas higher education institution; or (iii) other programs of teacher education determined by the Board from time to time; and
- (b) satisfactory completion of one year of classroom teaching in Queensland; and
- (c) a level of English proficiency that enables a person to communicate in English in spoken and written language at a professional level with students, parents, teachers and other persons.

Sections 4(b) and 5(b) of the By-Law also provide the Board with discretion for approving full and provisional registration of teachers. Specifically, the Board can approve registration if it considers the person’s education, abilities, experience and contribution to education are of sufficient merit to warrant full/provisional registration. Other than an example in the By-Law, however, neither the legislation nor the Board’s administrative policy provide any guidance as to the implementation of this criterion.

Board staff members deal with these applications administratively, and more complex cases are referred to the Admissions Committee and ultimately the Board itself for determination. Consideration is given in this manner to applicants with less than the standard teaching qualification required, with marginal English language proficiency, with a variety of teaching experiences in different contexts, or with certain minor criminal offences.

The Board must not grant either provisional or full registration unless satisfied of the applicant’s ‘good character’ for registration which includes an assessment of the following:

- the applicant’s full criminal history; that is, all convictions and charges
- any police investigative information about the possible commission by the applicant of a serious offence
- the applicant’s suitability to work in a child-related field
- the applicant’s current or previous registration status in any jurisdiction
- whether the applicant has behaved either in a way that does not satisfy a standard of behaviour generally expected of a teacher or in a disgraceful or improper way that shows the applicant is unfit for registration
- any other matter the Board considers relevant.

## Consultation data

In terms of the criteria for registration, key stakeholders repeatedly endorsed the current broad criteria of prescribed qualifications and experience while simultaneously acknowledging the need for flexibility with prevailing notions of ‘good character’. There was a consistent expectation that registrants would be proficient in English and unencumbered by a previous criminal history that would challenge their capacity to work in a child-related occupation.

One employing authority indicated that registration should continue to be based on graduation from approved courses of teacher education, but exceptions should be granted where the applicant can demonstrate ‘sufficient teaching experience’, with such an assessment proposed to be made by the Board in consultation with the pertinent employing authority. Another employing authority endorsed the status quo and then qualified its case with an emphasis on flexibility and the recommendation that VET teachers be entitled to ‘special purpose’ (or similar) registration.

The recognition of the ‘gate-keeping’ role of the regulatory authority was frequently held in an uneasy tension with the need to ensure that students are well-served by teachers who exhibit a currency of knowledge and practice, primed to impart skills and knowledge within the bounds of their expertise, and within access of the full spectrum of students, including those in remote and rural communities. The challenge is to balance successfully the desire for flexibility and the desire to maintain high standards appropriate for entry to the teaching profession, and comments highlighted the importance of the role of professional standards in striking this balance.

It was evident from key stakeholders (including the Board, unions and others) that the gate-keeping role should not extend to the generation of a new entry examination for prospective registrants or re-registrants, and that other means would be desirable for determinations about the knowledge and skills of registrants.

The work of the current Admissions and Authorisations Committee of the BTR was upheld by key stakeholders as having an enduring capacity to deal with prospective registrants of an exceptional nature, as well as situations in which flexibility is required to accommodate the complexities of non-schooling contexts and/or the re-entry of enthusiastic professionals.

Unions concurred emphatically that, whatever essential solutions might be struck in the name of flexibility, it was not to result in the dilution of existing professional standards. Moreover, the good intentions of flexibility should not eventuate in situations involving non-registered teachers working with students within the Years 1–12 span (or its equivalent). Unions and other key stakeholders stated consistently that the requirement for initial registration would involve nothing less than the successful completion of pre-service education programs that featured professional studies, discipline studies, and embedded professional experience of not less than 100 days (with 80 in schools or their equivalent) under paid supervision of registered experienced teachers. Anything less would resemble the ‘fast-tracking’ of non-standard qualifications.

From the perspective of the Queensland Deans of Education Forum (QDEF), the Board’s role should be confined to the specification of pre-service and other continuing professional learning expectations, while teacher education providers should fulfil the complementary role of determining the best means by which the standards may be attained. This was a view strongly supported by employing authorities, who asserted that the regulatory authority has no role in the development of professional development courses at either pre-service or postgraduate levels, but should retain a role in passing judgement on courses which are purportedly designed to prepare registrants for specific professional demands.

In their stance on maintaining standards of pre-service education as a requirement for registration, the unions and Deans of Education found allies in the independent schooling sector and various parent bodies. For example, the Association of Independent Schools of Queensland (AISQ) stated an opposition to ‘any initiatives which are likely to undermine high standards of professionalism in teaching’ and urged the ‘continuation of the requirement for at least an undergraduate degree and some specific teaching qualification’.

There was mixed support for the concept of broadening 'good character' to 'suitability to teach', if such a broadening were to include 'physical and mental capacity to teach'. While not opposed to the application of 'suitability to teach', one employing authority warned that it would require 'careful consideration', and unions plainly opposed the regulatory authority (but not employers) having any role in assessing the 'physical and psychological' aptitude of prospective registrants.

A number of respondents indicated that Queensland should not attempt to defend a system of registration which inhibits the movement of professionals among states and territories of Australia or which militates against the gains which may be sought from mutual recognition legislation with New Zealand. While criteria for full registration in other states of Australia are currently very similar to those used in Queensland, there are sufficient differences to attract a call from a broad spectrum of key stakeholders that Queensland should operate within a nationally-agreed framework in relation to registration (and professional standards). However, with education as a state portfolio, it was also predictable that major stakeholders would submit that Queensland should reserve the right, as one union stated, 'to set its own specific standards within the National Standards Framework' to suit local requirements.

With vested financial and pedagogical interests in the differentiated professional expectations among states for registration, submissions from universities saw merit in the determination of clear standards that may operate nationally. One proposed that a convention be held for teacher registration bodies from all states to determine the requirements for national standards of pre-service education and registration, while another concluded that all states may benefit from adhering to a 'national line of a 12-month minimum training program'.

## Discussion of issues

### Pre-service teacher education

Within the context of this Review, major issues relating to initial teacher preparation include the suitability of academic qualifications; the degree of discretion available to the Board in accepting non-standard qualifications; the degree of oversight or prescription of pre-service programs of teacher education; and the need for specific standards of practice for the profession. On this latter issue, the report *Australia's Teachers: Australia's Future – Advancing Innovation, Science, Technology and Mathematics*, (DEST, 2003:117) states that the 'setting of national professional standards, whether collaboratively across systems or by national agreement is a way to raise the quality and performance of teachers and to make the profession more attractive to very able people'.

There is considerable variety in relation to a regulatory authority's role to prescribe the nature of suitable academic qualifications. On the one hand, some authorities produce standards and guidelines specifically for pre-service courses. In contrast, some authorities use an outcomes approach that requires applicants to demonstrate achievement of standards possibly including the use of tests. Accreditation by a national body is an alternative or complementary approach to each state authority producing its own standards and guidelines, and the Australian Government has already flagged the potential for this in the DEST report (2003:117): 'Australia needs more uniformity in teacher registration and accreditation processes and portability of entitlements'.

Variations among states in the standards required of pre-service programs have led to differences in registration requirements. For example, the requirement for postgraduates to complete a one-

year course in education in some states contrasts with Queensland's requirement that graduates complete a two-year education course. These differences are compounded by legislation on mutual recognition that can lead to anomalies. For example, a person holding qualifications enabling registration in, say, South Australia might not satisfy academic qualification requirements for registration in Queensland, but if that same person obtained registration in South Australia or another Australian state or territory, they would automatically qualify for registration in Queensland irrespective of their academic qualifications.

There was overwhelming endorsement by the respondents in the consultation phase of this Review that Queensland revert to a one-year postgraduate course in line with all other states and territories. The arguments advanced earlier relating to national consistency of professional standards and ease of mobility of the Australian teaching workforce featured strongly in this feedback, and this Review supports these arguments and the position that Queensland revert to a one-year postgraduate qualification. The Queensland Deans of Education Forum (QDEF) states its position thus:

*The Queensland Board of Teacher Registration's position on a full two years' study in the education discipline is difficult to defend in the light of one-year qualifications in other states, territories and overseas countries. The QDEF would welcome a change in this arbitrary requirement. Such a change should be consistent with the Board's preference for a standards based approach to accountability in teacher preparation.*

There is also support for such a year to be significantly different in nature from the prevailing undergraduate teacher education courses.

This Review endorses the flexibility currently available to the Board for establishing equivalence of non-standard entry requirements for registration. It should be noted, however, that acceptance of qualifications other than higher education degrees appears rare among teacher regulatory authorities. Most have some, although often limited, discretion for accepting alternative qualifications and experience in education. The use of standards or outcomes-based approaches allows more flexibility by removing the need for detailed specifications of the inputs in models developed by teacher education institutions, and by accepting more responsive approaches in the light of changing societal patterns and needs. During a recent visit to the Victorian Institute of Teaching (VIT), the Review discussed the decision by VIT to move away from the 'inputs-dominated' assessment of pre-service teacher education courses to an outcomes, standards-based approval process. On this latter issue, one of the Queensland university providers dubbed the current assessment of courses as an outdated 'clock and calendar' approach in an era of 'asynchronous, technology-assisted learning', and the Deans of Education commented:

*The move to a standards-based approach to accountability in teacher education is welcomed and supported. The implication of this move suggests to the QDEF that, provided sound evidence is available to demonstrate that individuals meet defined standards, flexibility in deciding the 'what, when, how and how long', of pre-service preparation should be given to universities.*

In the current BTR documentation on standards and guidelines (2002), the one-page statement of professional standards for graduates is very broadly defined. For example, inclusive education is referred to as 'design and implement learning opportunities that are socially just and inclusive', among a number of other 'skills' that graduates need to acquire 'to create supportive and intellectually challenging learning environments to engage all learners'. The recent *Report*

*of the Ministerial Taskforce on Inclusive Education (students with disabilities)* (Queensland Government, 2004) recommends that 'by January 2006, all Queensland pre-service teacher education programs be required to ensure that inclusive education is a pervasive theme in their courses of study and to demonstrate the effectiveness of the courses'. This recommendation (one of 12 specific recommendations) is supported by the Government, and professional standards for graduates would need to be sufficiently explicit for the Board and the universities to assess whether graduates have developed the relevant skills to an appropriate standard. This Review supports the inclusive education recommendation and acknowledges that the implementation of this recommendation would provide a challenge for the very broadly defined current professional standards of the Board. Mapping these standards onto a four-year curricular university program to ensure their realisation is a task for tertiary institutions in consultation with the Board, professionals in the field and other relevant stakeholders. This issue is revisited below in the section on Professional Standards.

Also included in the current BTR documentation (2002) is a number of statements relating to the positive benefits of pre-service teachers undertaking 'professional experiences in a diverse range of educational settings' (p. 17) and the appropriateness of professional experiences in educational settings other than schools (p. 18). Mention is made of professional experience settings for intending VET teachers to include training organisations; for secondary teachers to include TAFE classrooms where Year 11 and 12 subjects are taught; and for intending early childhood teachers to include pre-school classes in child care centres. The document is very explicit in differentiating between settings appropriate for some supervised professional experience, and settings deemed appropriate for a major supervised professional experience and equivalent to school settings.

This Review believes that more flexibility should be embraced by the Board in endorsing a diverse range of educational settings where supervised professional practice by pre-service students can be undertaken, and the Review supports the view of one university provider:

*In preparing tomorrow's educators, there will be value in field-based learning across a much more diverse range of learning places and probably from interaction with a much broader range of professionals. Transdisciplinarity and cross-professional teamwork will only become more important over time. Thus, Board policy needs to reflect the value of field placements in a wide range of settings, and work with a variety of professionals.*

In addition, the Review proposes that the current restrictions relating to internships be revisited and that internships be deemed to contribute to the minimum professional experience component of a pre-service program. Internships are particularly salient in the final stages of undergraduate pre-service teacher education. At postgraduate level, an intensive, lengthy internship period in a professional practice setting mid-way or towards the end of the program is considered particularly beneficial. There was strong support for the importance of internships in the feedback to the Review and for this form of professional practice to move beyond tokenism in the prevailing model of professional practice. This would be timely given the national and international concern with strengthening the partnerships in teacher preparation between university teachers and practising professionals in schools and allied contexts. One submission to the Review stated: 'the traditional isolation of campus study from field-based learning is deeply problematic in a pedagogical sense and current practicum arrangements between universities and schools in SE Queensland are non-sustainable and certainly not capable of being expanded to address the growing demand for graduates ... new forms of partnerships with learning organisations are desperately needed'.

## Criteria for registration

Under the current Act, the two general criteria for registration are ‘prescribed qualifications and experience’ and ‘good character’. Applying these criteria to an applicant for teacher registration requires a consideration of whether or not a person is:

- qualified for registration
- of good character as currently defined in the Act.

With relationship to the definition of good character, many responses to the Review support additional indicators to those currently prescribed for good character in the Act. These additions are included under the broader criterion of ‘suitability to teach’ as detailed below.

## Qualified for registration

Various approaches can be used for specifying the qualifications required for registration. The most widely accepted approach is that of endorsement of suitable programs of teacher education leading to the approved qualification. There was strong support for this approach to remain the predominant model for initial registration, and this Review supports this position but recommends that a standards-based approach to program outcomes be used in determining endorsement of individual programs. There was support also for the Board to continue to recognise equivalent qualifications that are substantially the same as, or based on similar standards to, those required for a currently recognised Queensland qualification. This assists the Board in assessing non-standard qualifications, usually obtained from overseas institutions, and, again, this Review proposes that a standards-based approach be used in assessment of non-standard qualifications.

There was endorsement of these two approaches in the consultation data, but strong opposition to the Board engaging in formal testing of prospective registrants with non-standard qualifications. The use of credible and explicit professional standards developed in partnership with key stakeholders was seen as the appropriate method of judging whether such an applicant was ‘qualified’ to enter the profession. Although it is recognised that some jurisdictions require an applicant to pass a qualifying examination set by or recognised by the regulatory authority, this did not attract strong support in the consultation phase of the study.

As detailed earlier in this chapter, the current Act includes also reference to an applicant’s command of the English language under the qualifications and experience criterion. However, other Australian jurisdictions have acknowledged a prescribed standard of proficiency in English as a separate criterion from qualifications and experience in their legislation. Further, most respondents to this Review emphasised the importance of English proficiency for registered teachers and the Review believes that this emphasis should be recognised by creating a separate criterion for an applicant’s proficiency level in English.

## Suitability to teach

Recent amendments to the Board’s legislation clarified the range of matters the Board should consider when assessing ‘good character’ including:

- the applicant’s full criminal history, that is, all convictions and charges
- any police investigative information about the possible commission by the applicant of a serious offence

- the applicant’s suitability to work in a child-related field
- the applicant’s current or previous registration status in any jurisdiction.

The current Act is focused on registration as a prerequisite to teaching in a P–12 school or like setting. For this reason, a focus on child protection considerations such as those reflected above is appropriate and necessary. It is important, however, to recognise that teacher professionalism encapsulates other key indicators of suitability:

- whether the applicant has been convicted of an offence against the Act, or corresponding legislation in another jurisdiction, or other legislation relevant to the teaching profession
- if the applicant is relying on a qualification obtained some time before applying for registration, the nature, extent and period of practice since obtaining the qualification
- whether the applicant has been refused registration by an interstate or overseas teacher registration authority and if so, why
- whether the applicant has been disciplined by a school employing authority for reasons relevant to their competency or suitability to teach
- any other issue relevant to the applicant’s ability to teach competently and safely.

The Department of Child Safety (DCS) supported the broadening of the ‘good character’ matters ‘to specify more objective indicators of a person’s suitability or fitness to teach’ and proposed an almost identical list of indicators in its submission to the Review. The extended DCS list strengthens the list cited above, and the Review adopts these stronger terms in the relevant recommendation at the end of this chapter.

Key stakeholders and other respondents, while embracing the suitability indicators listed above were opposed to including a specific indicator relating to an applicant’s mental and physical capacity to teach. Their concerns related mainly to the subjectivity of judgement by the Board that this would entail, and the difficulty of ensuring reliability and validity of such affective judgements. One employing authority, however, saw a role for employers in assessing the physical and psychological aptitude of prospective employees, and a senior education manager commented that employers had an obligation to pass on to other employing authorities any psychological reports by health professionals that related to an employee’s psychological suitability to teach.

## **Professional standards**

As stated in Chapter 1 of this Report, there are a number of recent major Australian studies which highlight the importance of the teaching profession developing and adhering to a well-articulated set of professional standards. Ramsey (2000), for example, details the comparative deficiencies in the teaching profession in New South Wales when benchmarked against the standards in other professions as fourfold: a lack of agreed standards of practice, the lack of any requirement for ongoing professional development, an inadequate system of practical training and mentoring, and a lack of an internal system for self-regulation. Among other things, Ramsey advocates the establishment of an Institute of Teachers to develop explicit standards of practice and to endorse the quality of teacher education and professional development programs. Similar views are advanced in the Vinson (2002) report and the DEST (2003) report, and the latter document cites the need for action on national professional standards for beginning teachers and for various stages of a teacher’s career, as well as opportunities for career progression and increased remuneration for those accomplished teachers working at levels of advanced professional standards.

A central concern of all these reports relates to the need for a set of explicit and robust professional standards for admission to the teaching profession and for continuing practice in the profession. Further, these standards are seen to index the quality of teaching and learning in schools, and the continuing professional learning that accompanies changes in the requisite knowledge and skill base over time of the professionals themselves. This Review supports this position and recommends that two sets of standards be developed in collaboration with key stakeholders:

- 1) professional standards for newly qualified graduates
- 2) professional standards for 'full' registration.

As mentioned earlier, the existing standards for graduates are very broad in nature, and this Review proposes that these be used as the basis for the more explicit, two-tiered professional standards described above – these standards to be developed and monitored by the Board and to articulate with the state and national standards.

Queensland has been a pioneer in Australia in the development of professional standards for graduates and guidelines for pre-service teacher education courses. In 1990, in accordance with its legislated function of establishing standards of courses of teacher education acceptable for teacher registration, the Board published its first *Guidelines on the Acceptability of Teacher Education Programs for Teacher Registration Purposes*. Several iterations followed, and in 2002, the Board produced a consolidated document *Professional Standards for Graduates and Guidelines for Preservice Teacher Education Programs*. The intent of this recent document is to detail 'the professional standards for graduates of teacher education programs, defining attributes considered necessary for effective beginning teaching; mandatory program components, to enable programs to be approved by the Board; and guidelines on program consultation and acceptance' (BTR, 2002:1).

Feedback to the Review underscored the resistance of key stakeholders to 'fast-tracking' of non-standard qualifications. There was an acknowledgement, however, of the need for flexibility in identifying acceptable pathways into teaching and greater use of equivalency of teaching experience. The Queensland Isolated Children's Parents' Association (QICPA) stated that 'there needs to be a variety of ways for professionals to demonstrate their ability for teaching, not necessarily a definite length of time or a particular course'.

Professional standards that relate to graduates and lead to provisional registration, and professional standards that relate to full registration are considered the key to identifying acceptable programs of pre-service teacher education and to identifying equivalent preparatory programs and equivalent teaching experience. In addition, professional standards for full registration determine the salience of activities relating to continuing professional learning. Professional standards for graduates can also determine those elements of an applicant's non-standard qualifications and experience that enable recognition of relevant prior learning and experience towards registered teacher status.

In commenting on the role that professional standards might play in determining entry to the profession, one submission to the Review stated that 'professional standards must play a significant role – granting a teacher professional status requires them to develop, and maintain through life-long learning, up-to-date knowledge and skills both in teaching pedagogy and in relevant subject areas'.

## On aligning state and national professional standards

In July 2003, the *National Framework for Professional Standards for Teaching* was endorsed by the state, territory and federal Education Ministers at the MCEETYA meeting, with the major aim to ‘... achieve national consistency and a common approach to recognising quality, as well as to facilitate a national co-operative approach in supporting teacher quality ... and mutual recognition’. (MCEETYA, 2003: 6).

Subsequent to this meeting, the MCEETYA Teacher Quality and Educational Leadership Taskforce undertook to align graduate or entry-level teaching standards operating in each state and territory within the overall Framework. The expectation was that, among other things, the alignment would result in common national understandings of what graduate teachers need to know and be able to do to support and improve student learning; a common basis for teacher registration or accreditation across jurisdictions; and graduate teacher mobility by facilitating the national recognition of teaching qualifications. In contrast with several other states/territories, the Department of Education and the Arts in Queensland ‘is moving to introduce a standards-based recruitment and selection process, initially focusing on graduates, that reflects the Department’s *Professional Standards for Teachers*’. (MCEETYA, 2004). These standards are reported to be closely aligned with the National Framework. The QICPA stated in its submission to the Review that Queensland should work collaboratively with other states in setting national professional standards.

Given the centrality of professional standards to the functions of the Board which are outlined above, this Review recommends that the Board create a Professional Standards Committee with responsibility for:

- overseeing the development, application and monitoring of the ‘Professional Standards for Graduate Teachers’ and the ‘Professional Standards for Registered Teachers’
- dealing with applications from persons with non-standard qualifications
- recommending to the Board approval or non-approval of pre-service teacher education courses
- recommending to the Board requisite continuing professional learning leading to renewal of registration.

This Committee would encompass the major role of the current Professional Education Committee relating to the endorsement of pre-service teacher education programs for registration purposes. In addition, this Review proposes that the existing Admissions and Authorisations Committee of the Board become a sub-committee of the Professional Standards Committee and that this sub-committee include representation of employers, tertiary institutions (both discipline and teacher education specialists), and the community.

## Recommendations

It is recommended that:

### Professional standards

- 3.1 A set of professional standards (the ‘Professional Standards for Graduate Teachers’) be used as the basis for the approval of pre-service courses to determine entry to provisional registration. A second set of standards (the ‘Professional Standards for Registered Teachers’) be used as the basis for the probationary report of the principal/supervisor to determine entry to full registration.

- 3.2 The 'Professional Standards for Graduate Teachers' and the 'Professional Standards for Registered Teachers' articulate closely with the *National Framework for Professional Standards for Teaching* developed by the Teacher Quality and Educational Leadership Taskforce of MCEETYA.
- 3.3 The Board create a Professional Standards Committee with responsibility for:
- overseeing the development, application and monitoring of the 'Professional Standards for Graduate Teachers' and the 'Professional Standards for Registered Teachers'
  - dealing with applications from persons with non-standard qualifications
  - recommending to the Board approval or non-approval of pre-service teacher education courses
  - recommending to the Board requisite continuing professional learning leading to renewal of registration.

### **Criteria for registration**

- 3.4 The obligatory requirements for full registration as a teacher be:
- a qualification that is appropriate for entry to teaching and approved by the Board, or a qualification which is determined by the Board to be equivalent to an approved qualification
  - evidence that the applicant meets the 'suitability to teach' criteria outlined below
  - an adequate level of proficiency in the English language to be able to teach in a school
  - evidence that the applicant has achieved the Board's 'Professional Standards for Registered Teachers'
  - evidence that the applicant has successfully completed one year of teaching service or its equivalent.
- 3.5 The obligatory requirements for provisional registration as a teacher be:
- a qualification that is appropriate for entry to teaching and approved by the Board, or a qualification which is determined by the Board to be equivalent to an approved qualification
  - evidence that the applicant meets the 'suitability to teach' criteria outlined below
  - an adequate level of proficiency in the English language to be able to teach in a school
  - evidence that the applicant has achieved the Board's 'Professional Standards for Graduate Teachers'.
- 3.6 'Suitability to teach' criteria include the current 'good character' requirements, namely:
- the applicant's full criminal history, i.e. all convictions and charges
  - any police investigative information about the possible commission by the applicant of a serious offence
  - the applicant's suitability to work in a child-related field
  - the applicant's current or previous registration status in any jurisdiction
  - whether the applicant has behaved (a) in a way that does not satisfy a standard of behaviour generally expected of a teacher; or (b) in a disgraceful or improper way that shows the applicant is unfit for registration.

- 3.7 'Suitability to teach' criteria include, in addition:
- whether the applicant has been convicted of or charged with an offence against the Act, or corresponding legislation in another jurisdiction, or other legislation relevant to the teaching profession
  - if the applicant is relying on a qualification obtained some time before applying for registration, the nature, extent and period of practice since obtaining the qualification
  - whether the applicant has been refused registration by an interstate or overseas teacher registration authority and the circumstances surrounding this
  - whether the applicant has been dismissed by a school employing authority for reasons relevant to their competency to teach
  - any other issue relevant to the applicant's ability to teach competently and safely.
- 3.8 The existing flexibility in the Board's By-Law (viz. 'The board considers the person's education, abilities, experience and contribution to education are of sufficient merit to warrant full/provisional registration') be retained and strengthened by the inclusion of relevant examples and explicit guidelines.
- 3.9 The current two-year professional studies requirement for postgraduate pre-service teacher education leading to registration be reduced to one year, in keeping with all other Australian states and territories.
- 3.10 Internships be recognised as contributing to the minimum professional experience component of a pre-service program.

# Chapter 4: Registration Processes

## Terms of reference:

- The processes for initial registration and renewal of registration
- The nature and extent of the Board's powers regarding professional competence
- The categories of registration available
- The conditions which may be attached to registration
- The need for periodic criminal history checks of registered teachers

## Introduction

The current Act provides for two categories of registration – full and provisional. The provisional category is offered to applicants who have graduated from an approved pre-service teacher education program or have acceptable qualifications and experience obtained in other jurisdictions, and who meet the registration criteria in all other respects including satisfying the Board's mandatory English language proficiency requirement and 'good character' checks.

A provisional registrant becomes eligible for 'full registration' once they have completed the requirements for full registration, that is, completing successfully the requisite period of teacher service and, if applicable, completing additional studies. The Board's *Principal's Report* is the documentation that is signed off by the principal of the school in which the service has been undertaken.

The Board currently recognises two types of provisional registration:

- 'provisional registration subject to teaching' – a basic form of registration without conditions to enable the registrant to undertake the prescribed period (one year) of teacher service required for 'full' registration.
- 'provisional registration subject to teaching and study' – which also requires the registrant to upgrade their qualifications to the standard of a program of teacher education acceptable to the Board.

There is no capacity for the Board to impose conditions (other than the standard conditions mentioned above) on a person's provisional registration except as an outcome of an inquiry. Similarly the Board is unable to impose conditions on full registration to address issues such as 'good character' or competency.

In special circumstances the Board may authorise the employment of an unregistered person as a teacher. In these cases the Board needs to be satisfied that all reasonable steps have been taken to employ a registered teacher. Such an authorisation is granted to the employer for a specific teaching role and for a specified period of time. Provision for internships is also provided through the authorisation process. Authorisation is not seen as a form of registration, provisional or otherwise. Persons employed to teach under the authorisation process are required to have a blue card from the CCYPCG. However they are not subject to the full range of the BTR's screening processes, nor are they covered by the Board's disciplinary processes.

In Queensland renewal of registration means re-issue of a current certificate to teach after payment of the annual renewal fee. The only requirement for a fully registered teacher to renew registration is to pay the annual re-registration fee. Teachers can apply to be re-registered for a further one, two or three years. This approach assumes professionalism unless there is evidence to the contrary.

## Consultation data

Key stakeholders exhibited a widespread endorsement of the regulatory authority's continuing role in monitoring and approving undergraduate courses of teacher education and for registration expectations to reflect emerging national professional standards. The structuring of appropriate courses was viewed as the domain of current teacher education providers and should the regulatory authority venture to develop its own pre-service or postgraduate offerings, such an initiative, in all likelihood, would be opposed by an array of employers, unions, universities, and other organisations, including the Queensland Studies Authority (QSA). In addition, there was support for the inclusion of discipline experts to be consulted by the Board on developments in relevant discipline or content areas.

Education Queensland supported the introduction of new processes for pre-service endorsement to align more closely to employer expectations, including the introduction of an optional minimum six-month internship in Bachelor of Education courses and an emphasis on specific employer priorities, which in this example includes such areas as behaviour management, and inclusive education.

For initial registration, while there was evidence of an attraction to flexible means of dealing with people working in a range of educational settings, para-professional roles or those currently lacking formal teaching qualifications, there was an equal and opposite force for the preservation of the status quo. This manifested itself in terms of support for particular academic entry requirements as well as advocacy for existing mechanisms to determine the merits of non-standard applications for registration. One submission from the independent sector expressed support for flexibility for people teaching VET courses who could receive 'special purpose' registration. However, the same submission qualified its support were 'any initiatives likely to undermine high standards of professionalism in teaching'. The submission stressed the need for the 'continuation of the requirement for at least an undergraduate degree and some specific teaching qualification' for initial registration.

A major employer argued that the identification of professional standards could serve as the main 'driver' for both entry to, and continuation within the profession. Unions endorsed the movement towards an adoption of national professional standards, but with the caveat that were the standards to be directed to the 'fast-tracking' of people with non-standard qualifications 'which would see people without adequate teacher education being registered and allowed to teach', this would be opposed.

It would appear from the submissions of most key stakeholders that the renewal of registration would ideally be linked to continuing professional development, with the interval for re-registration spanning one year to five years. The principal of a school was most frequently nominated as the person to confirm that appropriate professional learning had been undertaken for the purpose of re-registration.

Unions argued that the responsibility for continuing professional learning should not lie solely with the individual professional. In addition, issues of access and equity in the provision of professional development and refresher courses required consideration prior to any alterations of re-registration requirements.

There was support for acknowledging the different status of members on the same register, but no consensus on the different types of categories. The Queensland Catholic Education Commission (QCEC) was in favour of the introduction of a number of categories of registration to indicate differential professional status: 'initial' (entry) registration until 'certain conditions' are fulfilled; specific 'limited purpose' registrations (for example for school administration, religious education/chaplaincy); an 'associate' category for non-practising teachers (for example, those on leave, or those in bureaucratic/non-classroom roles); and 'full' registration.

Education Queensland argued that the Queensland Government's ETRF agenda would be facilitated if relevant members of 'professional employee cohorts' were registered with the one regulatory authority. Registrant categories could reflect different levels of skills and experience – from 'teaching support' and 'para-professionals' to 'provisional' to 'limited' to 'full' registration.

The exception to support for different levels of registrant was a union indicating that any 'second-rate' registration would be 'strenuously opposed'. Contrary to other key stakeholders, this union was not sufficiently convinced of the need to alter the current arrangement whereby once a person attains full registration, it becomes an entitlement for life, assuming the ongoing presence of 'good character' and fee payment.

The Department of Education and the Arts proposed an additional category of registration to deal with non-standard qualifications – 'conditional' or 'provisional' registration – to allow the consistent recognition of non-standard qualifications and as a mechanism for schools to employ non-registered teachers. This would replace the present practice of granting authorisation to employers to employ non-registered teachers.

The Department of Child Safety sought to ensure that the employment of unregistered people in teaching duties is subject to the full range of screening and disciplinary processes of the Board. On the grounds of ensuring that students have access to a safe and high-quality educational experience, the Department argued that the current process of authorisation be abolished and a new category of registration be established – 'conditional registration' – which would explicitly detail the conditions attending the temporary registration.

In terms of the related issue of the periodic criminal checks of registered teachers, there was a call from key stakeholders for increasing the capacity of the regulatory authority to exchange information involving criminal records and other information to ensure that people working in a child-related occupation did not have opportunities to impart physical or psychological harm to students. As far as parent bodies and employing authorities were concerned, it appeared that the regulatory authority should be enabled to do 'whatever it takes' in future to ensure the physical and psychological safety of students. When this recurring sentiment was translated into suggestions of a routine process, key stakeholders differed on both the interval of criminal checks and the appropriate checkpoint, but not on its importance. For some, the appropriate point of checking coincided with registration or re-registration, while for others it should occur at no less than a two-yearly (and up to a five-yearly) interval. Unions differed on this matter, with the QTU arguing that any enhancement of current processes was of 'debatable' need, and the QIEU willing to support a five-yearly check, coinciding with re-registration.

The issue of how to deal with registrants working in non-classroom settings (for example, school administrators, or teachers seconded to consultancy, curriculum development or bureaucratic roles for extended periods) appeared a vexing one, and intimately related to other discussions about categories of registration, and expectations attached to renewal of registration. While it was acknowledged by some key stakeholders that a prospective or former registrant's professional development experience may be enriched by working in an educational setting other than a school classroom, in order to monitor ongoing competency, a range of proposals was put forward. Two issues frequently addressed in submissions dwelt on the implications of stratifying registration status and the place of continuing professional learning (although this in turn had its qualifications). Both unions highlighted the financial pressure that may result from differentiating between categories of registration, mostly involving registrants who had taken leave for parental or other reasons and registrants working in non-school settings. The need for registrants in non-classroom settings to demonstrate their commitment to CPL in order to warrant full registration was emphasised. The Department of Communities commented that 'there are many teachers working in the field of education who are not working face-to-face with children, but who are retaining currency of knowledge and thinking through the work they are doing', and the Department proposed that it would support a registration process that was inclusive of such teachers.

## **Discussion of issues**

The key considerations here relate to:

- the adequacy of existing categories of registration to maintain high professional standards, as well as respond to diverse circumstances and changing societal demands now and in the future
- the adequacy of the current authorisation process
- the adequacy of the Board's capacity to impose conditions on provisional registration
- the need for periodic renewal of registration and conditions attached to such renewal
- the Board's role in continuing professional learning of registrants
- the role of continuing professional learning in registration processes and the implications for registrants working in non-school settings and in non-education settings
- the implications for registrants on leave from their professional context.

## **Categories of registration and powers to impose conditions**

The Discussion Paper for this Review cited a number of categories of registration which are used in other professions and which may also be appropriate for a regulatory body for teaching including full or general registration; provisional registration; probationary registration; special purpose registration; non-practising registration and student registration.

There was endorsement in feedback to this Review for the registration categories to continue as 'full registration' and 'provisional registration' and for a continuation of the current process of sign-off by the principal at the end of the provisional or probationary year. There was support also for recognition of those experienced teachers who undertake to mentor beginning teachers through their 'provisional' year and who supervise the induction of these beginning teachers into the profession proper. In particular, stakeholders felt that such mentoring should be recognised as contributing to the continuing professional learning obligations of registrants. This occurs

formally in other jurisdictions in Australia. The Victorian Institute of Teaching has introduced an impressive system of mentoring supporting the transition from provisional to full registration. The Review, however, does not believe the introduction of such a formalised model is required in Queensland, given the long-established processes in place based on the *Principal's Report* at the end of the probationary year. It is worth noting, though, that not all employing authorities in Queensland have formal induction processes in place for beginning teachers and that, in the absence of internships for most student teachers, an effective induction program is considered a critical element in the successful completion of the transitional, provisional year.

In addition to full and provisional registration, this Review proposes that a 'Permission to Teach' provision be introduced to replace the current authorisation process. As mentioned earlier, the authorisation process is not a form of registration but a means whereby the Board authorises employers to engage an unregistered teacher for a period of time where a registered teacher is unavailable.

While acknowledging that teacher registration processes should not impose undue limitations on the range of people who may positively contribute to student learning in schools, the Department of Child Safety submission cautions that students must have access to a positive and safe teaching environment and a 'quality' education. Applying this to the Board's current process of authorising employers to employ an unregistered person to teach for a specified period of time, the DCS draws attention to the fact that apart from the requirement to have a blue card from the CCYPCG, such persons are not required to meet the additional requirements of 'good character'. Thus the following elements would not form part of their assessment process:

- *any police investigative information about the possible commission by the applicant of a serious offence*
- *current or previous registration status in any jurisdiction*
- *where the applicant has behaved either in a way that does not satisfy a standard of behaviour generally expected of a teacher or in a disgraceful or improper way that shows the applicant is unfit for registration*
- *any other matter the Board considers relevant.*

This Review endorses the position taken by the DCS and is of the view that a 'Permission to Teach' provision which focuses on the person/teacher and not the employer, be introduced to replace the current 'authorisation' process. 'Permission to Teach' is not a category of registration but a provision in the Act that enables non-registered persons to be employed to teach in schools in special circumstances. Further, the Review sees this provision to be temporary in nature, for a period not exceeding two years, with possibility for renewal. In addition, applicants for this 'Permission to Teach' provision must meet the 'suitability to teach' criteria for registration, and have their application endorsed by their potential employer indicating why it has not been possible to fill the particular vacancy with a registered teacher. This Review takes the position also of successful applicants for the 'Permission to Teach' provision being subject not only to the full range of the BTR's screening processes, but also to the Board's disciplinary processes and other relevant requirements of the Act.

Currently, there is no capacity for the Board to impose conditions (other than those relating to the provisional one year of teaching and/or additional teaching and study) on a person's provisional registration except as an outcome of a disciplinary enquiry.

The power to register with conditions could enable applicants, who might not otherwise be fully eligible for registration, to practise appropriately within their level of competencies and abilities. In practice, conditions would most likely be imposed to cater for 'suitability to teach' issues such as the existence of prior convictions or charges, health issues or lack of adequate language proficiency. Conditions could also, however, be imposed to deal with concerns about an applicant's competency. The conditions could include supervision requirements, regular reporting arrangements, and requirements to undertake refresher courses or to upgrade studies, and such conditions should ensure that the applicant practises competently and safely within their limits.

This Review supports the Board having the capacity to impose such conditions on both full and provisional registration and also on 'Permission to Teach', with the provision that the registrant has a right to apply to the regulatory authority for a review of the conditions imposed on their registration. This ensures that the registrant has an opportunity to demonstrate that circumstances may have changed and that the conditions are no longer necessary or appropriate. In the case of failure to comply with conditions on registration, non-compliance may be considered an offence against the Act or constitute grounds for disciplinary action.

## **Renewal of registration**

As mentioned earlier, the sole requirement for renewal of full registration in Queensland is payment of the annual re-registration fee. No other conditions or requirements apply and teachers can apply to be re-registered for a further one to three years. This approach has been called 'registration for life' and assumes requisite professionalism of the registrant unless there is evidence to the contrary. Critics of this approach include the Department of Child Safety that considers the approach 'highly inadequate' and recommends that 'teachers should be required to undergo an assessment process to determine their suitability for continued registration'.

The DCS submission continues by highlighting the need for pre-service and in-service professional learning to encompass development of behaviour management skills, and states that registrants be able to demonstrate such skills as assurance of appropriate response mechanisms to students with 'challenging behaviours'.

The submission from the Department of Education and the Arts speaks to the importance of inclusive education or teaching to difference as a mandated element of pre-service and in-service professional learning. This supports the recommendations in the recent *The Report on the Ministerial Taskforce on Inclusive Education (students with disabilities)* (Queensland Government, 2004).

Implicit in the broader objectives of professional registration such as protecting the public, promoting high standards of practice and maintaining public confidence in the profession, is an obligation to ensure that registrants not only continue to be suitable persons to work with children, but also remain competent throughout their career. One means of addressing this is to require registrants to apply to renew their registration on some periodic basis and to demonstrate that they continue to meet the registration criteria.

There is a variety of time periods used by different jurisdictions for renewal of registration purposes. This Review supports a five-year timeframe for re-registration. At the time of renewal, registrants should produce evidence to demonstrate recency of practice and ongoing professional learning. In addition, renewal should also encompass monitoring of a registrant's ongoing suitability to work with children through the standard criminal history check.

There was strong support for periodic renewal from respondents to the Review, and support also for flexibility in providing for registrants to interrupt their professional careers for reasonable periods (for example, to raise a family, illness, further study) without creating unreasonable barriers to their ability to re-enter the teaching context at a later date. This Review supports the position not to differentiate between 'practising' and 'non-practising' registrants, but rather to implement a 'Returning to Teach' provision for those registrants who will not be able to satisfy the recency of practice requirements for periodic renewal. That is, no matter how long the period is that a registrant is on leave from the profession, they can maintain registration status and re-enter the work context providing they undertake a 'Returning to Teach' program. The timeframe for such a program should be flexible and the expectation is that it be completed prior to or within the first 12 months of returning to teach in a school or like context. Importantly, although such registrants will require a criminal history check for renewal purposes, they need not provide evidence of ongoing CPL until after they re-enter the work context and undergo their 'Returning to Teach' program.

## **Continuing professional learning and recency of practice**

The Ministerial Advisory Committee for Educational Renewal identified a number of objectives if teachers are to develop into the 'creative educators' needed to meet the challenges of the 21<sup>st</sup> century. It went on to state, 'All these objectives require major changes in disciplinary knowledge, pedagogy, curriculum, assessment and the experience of education for both educators and students. Teachers' professional development programs must turn to this task sooner rather than later'. (Queensland Government MACER, 2004[a]: 17–18).

One of the most enduring hallmarks of a profession is the distinctive body of knowledge and skills shared by its practitioners and scholars. Implicit in this definition is the acceptance by professionals of the need to update their knowledge and skill base in line with developments and best practice in their area of professional expertise. Indeed, in many professions, reaccreditation and renewal of registration are dependent on continuing professional learning. In an era of unprecedented acceleration of new information, the advent of the knowledge economy and the rise of the creative class, maintaining a vital and effective profession is dependent on the continual transformation of teachers' knowledge and skills. Continuing professional learning is, as all professionals understand, at the heart of maintaining currency in knowledge and skills. In addition to professional practice itself, CPL can include involvement in relevant professional associations, seminars, conferences, formal study and other research activity. The National Curriculum Services undertook a recent large-scale national mapping of School Teacher Professional Development (DETYA, 2001) and reported that the vast majority of teachers engage in professional development activity. The authors concluded that 'teachers are undertaking more professional development than a decade ago, largely made up of out-of-hours, non award-bearing work' (p. 8).

The recently established Western Australian College of Teaching (2003) lists in its legislation 13 potential activities of professional education or development that could contribute to satisfying requirements for renewal of registration. These activities are those that are assumed to assist registrants 'to keep up-to-date in (their area) of expertise, or in education theory generally; to increase (their) understanding of a particular subject area or area of education theory; and to develop and consolidate (their) teaching skills and other skills relevant to the supervision and management of students'. It is interesting to note that the first of the activities listed relates to that most important of professional duties: 'acting as a mentor providing guidance to a student teacher, new teacher, re-entry teacher or another colleague'.

A recent report of the Business/Higher Education Round Table *The Changing Education Needs of the Professions* (July 2004) includes articles by leaders in professions such as engineering, nursing, medicine, quantity surveying and accounting who underscore the critical importance of professionals keeping their knowledge and skill base current. Engineers, for example, must undertake continuing professional development to maintain Chartered Status with Engineers Australia and this learning encompasses 'formal education and training; informal learning activities; conferences and meetings; presentations and papers; service activities and industry involvement [per academia]' (Hurford & Allen, 2004:2). The quantity surveying profession is likewise advised that 'in order to maintain competence in the face of change, the profession will continue to strengthen continuing professional development requirements' which will be 'driven by legislation designed to encourage people to remain in the professions whilst ensuring that professional standards meet community expectations' (Lowry: 2004:14). The Institute of Chartered Accountants in Australia has a current requirement for professional learning of 90 hours over a three-year period.

As noted earlier in the submission from the Department of Child Safety, CPL should play an important role in any renewal process for teachers:

*An essential component of renewing registration should be the requirement that teachers demonstrate their commitment to maintain and improve professional skills. Principles of lifelong education must apply to teachers to maintain professional credibility. The range of professional development opportunities could include similar activities that are offered through a range of professional associations, unions and employers to members through publications, conferences, courses and workshops.*

In its turn, the Australian Council for Education Leaders (Qld) comments in its submission that 'it is difficult to argue that professional teachers do not have a responsibility to remain up to date in their professional learning', and that 'a requirement for a minimum of professional learning reinforces the need for both employers and employees to take responsibility for their ongoing development'. The submission also draws attention to the fact that Australia is currently below most private organisations and many overseas teaching organisations with regard to professional learning. On the issue of CPL the Deans of Education state:

*There is a need to develop a procedure for ongoing registration across teachers' careers. The QDEF is in broad agreement that ongoing registration should be tied to agreed forms of continuing professional learning. However, if such continuing professional learning is employer initiated only, linked specifically to the functionalist aspects of everyday work, a significant opportunity for reflective learning is likely to be lost ... enhanced professional learning is based not only on gaining competence in job specific matters but also on the clash of personal experience with the outcomes of research and scholarly thought.*

In addition to the changes over time in a particular discipline or content area are the multiplicity of policy changes that occur in all educational systems, and, in particular, to the continuing modifications and innovations occurring within curriculum, policy and assessment. With respect to Queensland, it is informative to reflect on a case study of systemic policy initiatives of the state school system during the last five years to the end of 2004. In that time, a primary school teacher employed by Education Queensland who took extended leave from the end of 1999 to the end of 2004, that is five years without recency of practice, may have had no professional involvement in or extensive knowledge of:

- six new Years 1–10 syllabuses in Science, Health and Physical Education, LOTE, The Arts, Technology and Studies of Society and Environment
- updates of procedures for the Diagnostic Net and state-wide Years 3, 5, and 7 Tests
- trials of the Prep Year or implementation of the Pre-School Curriculum Guidelines
- the Spotlight on Science Action Plan
- systemic initiatives or policies such as New Basics, Destination 2010, Years 1–10 Curriculum Framework and the Middle Phase of Learning Action Plan.

A similar scenario would apply to secondary school teachers in the same employment situation. Secondary teachers have a narrower range of curriculum responsibilities than primary school teachers: currently, primary teachers are considered generalists and secondary teachers are required to have specialised training in at least two subject areas. Although many of the curriculum or policy innovations listed above may not be relevant to any particular secondary teacher, it would be rare to find a secondary teacher whose professional practice in the past five years was not affected by the implementation of:

- trials of Youth Participation in Education and Training initiatives such as District Youth Participation Plans
- the VET in Schools policy
- six new Years 1–10 syllabuses in Science, Health and Physical Education, LOTE, The Arts, Technology and Studies of Society and Environment
- seven revised or new Years 11&12 syllabuses in Aboriginal and Torres Strait Islander Studies, Ancient History, Dance, Earth Science, Marine Science, Modern History, Physics and updates to several other syllabuses
- the Spotlight on Science Action Plan
- systemic initiatives or policies such as New Basics, Destination 2010, Years 1–10 Curriculum Framework and the Middle Phase of Learning Action Plan.

Other changes of relevance to all Queensland teachers include the Child Protection amendments in 2003, and the cessation of the Board of Senior Secondary School Studies, the Queensland School Curriculum Council, the Tertiary Entrance Procedures Authority, and the establishment of the single P–12 entity, the Queensland Studies Authority. The non-State school sector which accounts for approximately one-third of Queensland’s schools saw the establishment of the Non-State Schools Accreditation Board and changes to the *Grammar Schools Act 1975*.

In addition, as this Review was reminded by a submission from leading tertiary discipline experts in English, disciplines themselves are in a continual state of development, and teachers need to update their knowledge accordingly. If the Board is to oversee CPL requirements for renewal of registration, then consideration should be given to involving ‘tertiary representatives from particular discipline areas who can keep the Board in touch with developments in the field and advise on consequent implications for pre-service or in-service teacher education requirements’. This submission argued persuasively for the need for the Board to have ongoing consultations with experts both in teacher education and in relevant disciplinary fields, and for teacher registrants to have command of both teaching expertise per se and of particular subject areas, and to undergo regular in-service professional development, particularly when a subject undergoes significant revision or a new curriculum is introduced. This submission supports what is happening in some universities in North America where teacher education is regarded as a whole-of-university responsibility, where the content or discipline specialists are in constant

dialogue with teacher education specialists about new developments in those discipline areas that inform the school curriculum. Updated knowledge of content as well as pedagogy is critical to quality learning in schools.

The principal goals of CPL are to maintain and improve professional skills and ensure practitioners are kept abreast of new developments in the profession. In many professions, CPL is offered through professional associations, unions and employers to members by way of publications, conferences, courses and workshops. Universities and private providers also offer such activities and, in addition, universities and professional associations provide relevant award and non-award courses for practising professionals. Increasingly, such awards and activities are offered on-line, with provision for limited, intensive face-to-face tuition. Professional development is often an 'on-the-job' requirement. In Queensland schools the availability of a number of student/pupil-free days across the school year provides opportunities for school-based personnel to participate in CPL activities. In many schools, such opportunities are made available to supply/relief teachers. In one of the consultation sessions, a more appropriate name for such days was suggested – 'professional development and preparation days'. This same group of professionals, however, added that having fixed dates across the state for such days led to difficulties for schools accessing appropriate professional development presenters and providers.

In some professions, ongoing participation in CPL is mandated as a means of ensuring members maintain currency with new developments in the profession. There are also associated equity issues, such as practical difficulties in accessing CPL for people in rural and remote communities. Increasingly, however, advances in technology are assisting in provision of more sophisticated and engaging web-assisted learning. In those jurisdictions where CPL is a requirement for re-registration or renewal, one of the most useful and least intrusive ways of evidencing compliance is to require of registrants a statutory declaration of recency of practice and/or statement of acceptable professional development activities undertaken during the required period. These statutory declarations are monitored and endorsed by the regulatory authority. Such documents are then subject to a light sampling, random audit, with penalties imposed for falsification of information. This Review supports such a process rather than formal testing or assessment of a registrant's professional knowledge and skill base.

The submission from the Secondary Principals' Association stated their position on renewal of registration thus:

*It is desirable that renewal of registration be dependent upon teachers demonstrating continuing professional learning. This would need to be clearly defined: what constitutes 'continuing professional learning' is of key importance. The 'mechanics' of teachers submitting evidence also needs close consideration. We would not support the practice of teachers submitting evidence to Principals who would then inform the BTR – this would represent an additional, large, unwelcome workload for Principals.*

Continuing professional practice combined with the meeting of accepted professional standards is often used as evidence of professional competence. Registered professionals are thus required to demonstrate 'recency of practice' when applying for renewal of registration. This Review believes that requirements for recency of practice for renewal purposes must be sufficiently flexible to encompass an applicant's participation in a range of professional activities other than actual teaching practice. The settings in which such practice might occur should include those endorsed by the Board for the purposes of provisional registration in the first year of teaching, but need

not be confined to this list. This Review supports recency of practice being a consideration for the renewal process, with different requirements for those registrants with at least the minimum requirements for professional practice prior to renewal, and those registrants with less than the minimum requirements. Further, the Review proposes that the minimum practice requirements be termed thus: 'Has been teaching, whether or not on a full-time basis, for at least one year within the five years preceding the application for renewal' and be signed off by the applicant's supervisor. With relation to those registrants with less than the minimum requirements for professional practice, such registrants should have their registration renewed with the condition 'subject to successful completion of a 'Returning to Teach' professional learning program prior to or within the first 12 months of returning to teaching in a school'. In the context of addressing the issue of professionalism, the ACEL (Qld) states that 'professionalism requires currency in knowledge and skills' and proposes that after five years out of the classroom, teachers should be required to 'undertake a "refresher" course' which could be completed 'under the supervision of the school principal when the teacher returns to the classroom'.

This Review proposes that successful completion of the 'Returning to Teach' professional learning program should be signed off by the registrant's supervisor or principal and should:

- consist of both professional practice and professional learning elements
- be based on the 'Professional Standards for Registered Teachers'
- be prescribed under regulation and/or guidelines.

To conclude this section, where CPL is a requirement for re-registration, this Review believes that the regulatory authority should endorse and monitor CPL activities that lead to renewal of registration. The Board, however, should not engage in development per se of such activities.

## **Criminal history checks**

The current legislation identifies 'good character' as the basis for determining a person's suitability or fitness to teach. A person's criminal history is one of the major factors the Board refers to when assessing their 'good character'.

Currently criminal history checks have been completed on all teachers registered with the Board. Under current Board practices, however, a teacher would only be subject to a further check if the Board has reason to suspect the teacher may no longer be of good character. In practice, this means that the Board might only rarely conduct future criminal history checks on existing registered teachers. This contrasts with the practice of the Commission for Children and Young People and Child Guardian which currently checks the criminal histories of Blue Card holders, including non-teaching staff in schools, every two years. Recent amendments to the *Education (Teacher Registration) Act 1988* have placed obligations on registered teachers to inform the Board if they are charged with, or convicted of, an offence (excluding minor infringements). In addition, police in Queensland also have the authority to advise the Board if a teacher has been charged with an offence, but this does not extend currently to cover offences committed in other states.

The Ministerial Taskforce on Sexual Abuse in Schools believed that, as a general principle, teachers and non-teachers should be subject to similar treatment with respect to regular checking. The frequency of checks on non-teachers under the CCYPCG system has been considered recently as part of the review of Part 6 of the *Commission for Children and Young People Act 2000* (CCYP Act) and the government has decided to continue with the requirement for Blue Cards to be renewed every two years.

As stated above, however, registered teachers are subject to a number of reporting obligations relating to criminal offences. This Review considers that a five-yearly criminal check (rather than a two-yearly check) linked to a renewal of registration process is an adequate time period for such checks to occur.

Further, as the BTR submission advises:

*There would not be a need for ongoing criminal history checks if the following were in place:*

- *a 'clean' register (i.e. all current registrants had recently undergone a police check)*
- *a fully effective data interface system between the regulatory authority and the police service whereby subsequent convictions obtained anywhere in Australia were 'flagged' against the register.*

## Recommendations

It is recommended that:

### Renewal of registration

- 4.1 Renewal of registration occur every five years.
- 4.2 Registrants apply for renewal on the basis of a signed 'Statutory Declaration' relating to professional practice and continuing professional learning.
- 4.3 The Board conduct random audits of a small sample of applications for renewal.
- 4.4 Recency of practice be a consideration for the renewal process, with different requirements for:
  - those registrants with at least the minimum requirements for professional practice prior to renewal
  - those registrants with less than the minimum requirements.
- 4.5 The minimum practice requirements be expressed as:

'Has been teaching, whether or not on a full-time basis, for at least one year within the five years preceding the application for renewal.'
- 4.6 Those registrants with less than the minimum requirements for professional practice to have their registration renewed, subject to a satisfactory criminal history check, with the condition 'subject to successful completion of a "Returning to Teach" professional learning program prior to or within the first 12 months of returning to teaching in a school'
- 4.7 The 'Returning to Teach' professional learning program:
  - consist of both professional practice and professional learning elements
  - be based on the 'Professional Standards for Registered Teachers'
  - be prescribed under regulation and/or guidelines.
- 4.8 Successful completion of a 'Returning to Teach' program be certified by the registrant's supervisor or principal.

- 4.9 Continuing Professional Learning be a prerequisite for renewal for those teachers meeting minimum practice requirements and be defined as including:
- individual studies (related to registrant's area of professional practice)
  - conferences, seminars, external workshops
  - school-based in-service (including pupil-free days), moderation meetings, QSA in-service, etc.
  - relevant professional practice in non-school settings
  - mentoring of student teachers, interns, early-career teachers or returning-to-teach registrants.

### **Categories of registration**

- 4.10 The categories of registration continue to be 'Full Registration and 'Provisional Registration'.
- 4.11 Employing authorities put in place formal induction programs for beginning teachers within the framework of the 'Professional Standards for Registered Teachers'.
- 4.12 A 'Permission to Teach' provision, which focuses on the teacher and not the employer, be introduced to replace the current 'authorisation' process.
- 4.13 'Permission to Teach' be for a period not exceeding two years, with provision for renewal.
- 4.14 Applicants for 'Permission to Teach' meet the 'suitability to teach' criteria for registration, and have their application endorsed by their potential employer indicating why it has not been possible to fill the particular vacancy with a registered teacher.

### **Imposing conditions on registration**

- 4.15 The Board be able to impose conditions on both categories of registration, and on the 'Permission to Teach' provision, and these conditions be recorded on relevant Board certification.

### **Criminal history checks**

- 4.16 Criminal history checks continue to be a requirement for all applicants for registration.
- 4.17 Criminal history checks form part of the five-year renewal process and apply to all registrants seeking renewal.

# Chapter 5: Investigative and Disciplinary Functions and Appeal Processes

## Terms of reference:

- The creation of an investigative function and the Board's role in responding to complaints
- The location of any disciplinary functions relative to the Board's other functions
- The penalty regime for offences under the Act and the appeal processes available

## Introduction

One way in which regulatory authorities govern conduct is through procedures for dealing with complaints about members. Complaints procedures usually involve three areas of activity:

- investigating the complaint, including obtaining statements from relevant persons or obtaining documents, records or objects that allow valid judgements about the allegations
- making a decision (adjudication) after consideration of all available information on whether misconduct or incompetence has occurred and providing an opportunity for a person to respond to allegations
- making a decision about appropriate punishment or disciplinary action.

Most regulatory authorities have the power to undertake some form of investigation into complaints about the conduct of one of their members. Investigations are used to determine whether allegations can be substantiated, whether the regulatory authority should be responsible for dealing with the matter, and therefore, whether the member has a case to answer. The current powers of the BTR enable it to obtain limited documentation or records that relate to a notification of conviction or committal. Otherwise the Board's investigative powers are confined to the conduct of an inquiry. The Board has no power to investigate any matter, including a complaint, unless a decision has been made to conduct an inquiry into the matter.

Legislation permits inquiries in relation to two areas of the Board's activities: applications for registration and disciplinary action in response to convictions or allegations of misconduct or incompetence. An applicant-related inquiry can only be triggered after the Board denies an application for registration due to the lack of satisfactory information and the applicant then requests an inquiry. The Board can then invoke its investigative powers to obtain evidence or information from other sources. A disciplinary inquiry can only be triggered by the Board if the Board has reasonable grounds to believe that the teacher:

- has been convicted of an indictable offence or an offence against the Act
- was dismissed or resigned from employment in circumstances relating to incompetence
- has had his or her registration in another state cancelled or suspended
- ceases to possess qualifications or experience required for registration
- is not of good character.

The inquiring body may be the Board or a Committee appointed by the Board. Once it is established it has substantial powers to allow it to obtain and consider evidence. If the Board

establishes a committee to conduct an inquiry it must comprise: a lawyer of at least five years standing; two practising teachers; and a person who is not a lawyer or a registered teacher. Board members cannot be appointed to the committee, nor can anyone with a personal or professional connection with the respondent teacher. At the conclusion of the inquiry the committee reports its findings and recommendations to the Board. The Board must have regard to the report when making its decision about sanctions. If the Board itself conducts the inquiry, it performs both roles, that is judging guilt and deciding punishment. Although disciplinary inquiries can be open to the public, the respondent teacher can request the inquiry to be closed and the inquiring body must comply with that request. The inquiring body also has the power to close part or all of an inquiry and to suppress the publication of information from the inquiry to protect affected people.

Legislation provides the inquiring body with substantial powers in conducting the inquiry. It has the power to start proceedings even if the respondent teacher is not present. It can request a person to: attend the inquiry; give evidence on oath or affirmation; or provide documents or things relevant to the inquiry. It can also: accept evidence or findings arising from other proceedings; permit an amendment to a document; and disregard defects, errors or omissions in a document. It has the power to impose sanctions on people who fail to follow its directions or on people who act in contempt of the inquiry.

Respondent teachers may be represented at the inquiry and the members of the inquiry body, any representative, and witnesses have the same level of protection as that afforded respectively for judges, barristers and witnesses of the Supreme Court. Individuals can refuse to provide responses or evidence that might incriminate them. If there is evidence of a possible criminal offence, the chair of the inquiry may report the matter to the Commissioner of Police; the Crime and Misconduct Commission; the Director of Public Prosecutions; or the Director-General of Education.

If an inquiry results in punitive action against the respondent teacher, the sanctions available to the Board include cancellation or suspension of the teacher's registration, substituting provisional registration instead of full registration (possibly subject to conditions), a fine (up to \$1500) or reprimand, and ordering payment of costs. The Board also has the power to take disciplinary action for certain other events such as providing the Board with false, incomplete or misleading information, or failure to advise the Board of a change in criminal history. The Board can also require the teacher to show cause if it believes a teacher is not complying with conditions of provisional registration and can suspend provisional registration if it believes such action is warranted.

Queensland legislation provides for immediate suspension of registration if the Board believes the registered teacher poses an imminent risk of harm to children and that immediate action is necessary to protect children. The Board must conduct an inquiry into the situation if it decides to suspend registration immediately. There is no provision for automatic cancellation of registration. However, if the inquiry is a result of a conviction of a serious offence by a registered teacher, and the Board is not convinced that it is an exceptional case where continued registration would not pose a threat to the safety of children, the Board must cancel the teacher's registration.

The BTR has established an Appeals Committee to review decisions where an applicant is aggrieved by the Board's decision. The Committee can review the assessment of the application and make appropriate recommendations to the Board. Decisions made by the Board in relation

to an application for registration or in relation to disciplinary proceedings can be appealed in the District Court. The grounds for appeals of the Board's decisions are merely that the applicant or the registered teacher (provisionally or fully registered) is aggrieved. However, only decisions involving applications or the registration status of a registered teacher can be appealed. In rehearing the matter, the District Court judge can review all matters related to the decision and admit new evidence if desired. Depending on the nature of the original decision, the judge can determine to uphold it, amend it in some way including the imposition of other penalties such as a fine or ordering the payment of costs, or overturn it. The judge's decision is final. There is currently no avenue for a complainant or another party, for example an employing authority or a union, to appeal the decisions of the Board.

## Consultation data

The matter of investigations and attendant processes attracted a range of views across stakeholders. One employing authority was 'very strongly' of the view that employing authorities should continue to assume responsibility for investigations while unions argued that investigations by the regulatory authority should be confined to matters that were specifically related to the registration status of teachers and other registrants, and that any matters relating to the performance of duties should fall within the province of employing authorities.

The current Board of the BTR held that the regulatory authority should be able to undertake preliminary investigations and exercise its power to gather evidence sufficient to determine whether to proceed to inquiry. Furthermore, it submitted that the regulatory authority should be enabled to investigate written (signed) complaints after they have been addressed in the first instance by the employer, and should have the power to refer a complaint to another relevant body such as the police or the Crime and Misconduct Commission. In alignment with other key stakeholders, it stressed that the focus of investigations should include breaches of the Act of the regulatory authority:

*It is imperative that the regulatory authority have the power to conduct investigations and inspections to enforce compliance e.g. with regard to the requirements of compulsory teacher registration and the implementation of authorisations.*

Key stakeholders differed on the issue of whether matters should be referred or delegated to other authorities, with the divergence arising from the issue of whether the matter under investigation should return for the regulatory authority's consideration and sanction. One union expressed the view that it would be 'very reluctant to see the Board delegate any investigative responsibilities to employers', while another union proposed that the Board could 'accredit' employers to conduct investigations on its behalf.

The Department of Education and the Arts argued that the regulatory authority should be enabled to investigate allegations of non-registered staff employed as teachers, and empowered to investigate any suspected breaches of the Act and any suspected breaches of registration standards (whether or not the breaches may give rise to cancellation of registration). Further, the Department argued that the authority be able to conduct general and targeted audits of registrants (particularly to verify the teacher census return), and gave this as one example of where the authority should be able to investigate in circumstances where a complaint had not been received. It proposed that an investigative officer or unit of the Board undertake these roles, and be responsible for sharing information with other government agencies.

The location of the disciplinary function of the regulatory authority attracted a range of responses from key stakeholders, with the majority recognising the need for a separation of these functions within the one authority. The current Board indicated that they would ‘not be averse’ to the idea of a disciplinary body separate from the registering body and that registered teachers should form the majority of the members of any new disciplinary body. However, this was not universally the case, with one union indicating that it would not support the creation of a separate disciplinary adjudicative body, and asserting that the Board should maintain its current procedures. One parent body also claimed ‘there is no reason why the disciplinary and registering body need to be separate as long as they are separate to an investigating body’.

On the whole, the options for disciplining registrants in breach of the Act were described as adequate and appropriate, although one parent body sought a thorough review of the penalty regime and several other key stakeholders representing differing interest groups called for changes to the definition of ‘serious offence’. Notably, one of the calls for such a redefinition came from the staff of the Office of the Board.

Whatever investigatory and disciplinary mechanisms are employed, all key stakeholders agreed that registrants who were subject to disciplinary action should be entitled to appeal against decisions, and that the regulatory authority should be able to deal internally with such appeals prior to the matter proceeding to a District Court. The current Board was generally supportive of the existing open hearing provision. The unions, however, were concerned about any potentially harmful exposure that might be experienced by children during proceedings, and argued that disciplinary matters should therefore be conducted in closed hearings.

## **Discussion of issues**

### **Powers of investigation**

In general, concerns from respondents about providing the Board with additional investigative powers were based on:

- a belief that the Board’s existing powers of investigation were adequate
- a concern that the Board could be duplicating investigations undertaken by employing authorities or other agencies
- a concern that the Board may become involved in investigations of a whole range of issues that were more the province of employing authorities.

An analysis of the current Act indicates that while the Board does have substantial investigative powers to invoke once an inquiry has been established, it does not provide any power for the Board to undertake preliminary investigations before the conduct of the inquiry. The Act stipulates two bases for the Board to initiate an inquiry: (i) at the applicant’s request; or (ii) if the Board believes there are reasonable grounds that certain specific triggering events have occurred. The Act, however, does not set out how the Board conducts preliminary investigations to determine whether any of the triggering events have occurred.

Specifically, the Act provides the Board with no guidance as to who should conduct the investigation, or how the investigation should be conducted. This lack of any explicit power to conduct such investigations could lead to difficulties if the Board were to conduct an investigation by informal means. In the absence of any standard procedures or guidance, an

informal investigation may give rise to accusations of unauthorised action, breaching natural justice, or bias. Significantly, the current Board in its submission proposes that it be able to undertake a preliminary investigation of certain matters with a view to deciding whether it should proceed to inquiry. The Review believes this lack of investigative powers needs to be addressed, and proposes that the Board be provided with the necessary investigative powers to enable it to undertake investigations to determine whether a disciplinary inquiry should be conducted.

The Department of Education and the Arts in its submission proposed that the Board's investigative powers should not be limited to the receipt of a formal complaint. It noted that information or suspicions that a teacher had falsified information on their application for registration would not necessarily arise through a complaint. The Review agrees that limiting investigations to instances where formal complaints have been received would place too many restrictions on the investigative capacity of the Board, and is proposing that the Board should have the power to initiate its own investigations based on information it has received, without receipt of a formal complaint.

While supporting the provision of such investigative powers to the Board, the Review acknowledges the legitimacy of respondents' concerns relating to the possible duplication of inquiries by the Board and employers or other agencies. It therefore proposes that the Board also have the power to delegate investigations to employers where appropriate. As a general rule, the Board should not duplicate investigations being conducted by employers and other appropriate investigative bodies, provided the Board is satisfied with the process being undertaken and is able to receive a copy of the investigative report.

The first level of decision-making about a complaint is the decision about the validity of the complaint and whether a more substantial inquiry should proceed. Referring such matters to an employing authority or other appropriate body for some kind of preliminary investigation locates this decision closer to the environment where the allegations can be tested. It also provides the regulatory authority with an alternative means of managing the workload of complaints.

The Review notes that the Victorian Institute of Teaching has entered into a Memorandum of Understanding with the Department of Education and Training to facilitate the handling of complaints and to ensure that government-registered teachers are not investigated by the Department and the Institute at the same time. It believes there is considerable merit in such an approach, and proposes that the Board develop a Memorandum of Understanding with appropriate employing authorities such as Education Queensland to establish protocols and procedures relating to its delegation of investigations to employers.

The Review also acknowledges the concerns of respondents relating to the scope of the Board's investigative powers, and proposes that the Board have the power to investigate only those complaints relevant to the registration status of a teacher or teachers, and where the complaint or other information indicates there may be grounds for disciplinary action. In addition the Board should not be required to deal with complaints which could, in the opinion of the Board, be dealt with more appropriately by another person or authority, or which are seen to be vexatious, trivial, unreasonable or without substance. In particular the Review agrees with the view put forward by the BTR in its submission that 'issues concerning a person's teaching competency should always be the province of the employer in the first instance'.

Other issues relevant to the investigative powers of the Board relate to the type of investigative powers available, and the identification of the appropriate person or entity to investigate a particular matter. There are currently a standard range of investigative powers available to statutory bodies undertaking investigative roles, and the Review sees no reason why the Board should not be given similar powers. Options for undertaking an investigation include the Board itself, a committee of the Board, a staff member from the Office of the Board, or an appropriately qualified person appointed by the Board as an independent investigator. Since different approaches are often required for addressing different issues, the Review believes all of these options should be available to the Board.

The Board currently requires a range of actions by employers or school principals under the Act, such as completion of the annual survey of teachers employed at schools and reporting by employers of dismissal relating to sexual offences; however it has no powers to investigate the validity of the responses. There was general support from stakeholders for the Board to have appropriate investigative powers in relation to general compliance with all aspects of the Act.

In particular, it was a concern to a number of stakeholders that the current annual census of registered teachers was not subject to any form of audit or verification. The Non-State Schools Accreditation Board submitted that the Board should have the power to audit the returns in order to check their validity and to apply penalties for false or misleading information. It also proposed that the statutory obligation to provide returns should reside with the governing body of a school rather than the principal, since such a provision would create a clearer link, in the event of failure to comply, to the suitability of a school's governing body, as regulated by Section 39 of the *Education (Accreditation of Non-State Schools Act) 2001*. The Review shares the concerns of these stakeholders and proposes that the Board's investigative powers include the powers to conduct investigations and inspections to enforce compliance with all aspects of its legislation.

The current requirements in the Act for employers to report to the Board the dismissals or resignations of teachers as a result of investigations into incidents causing harm to students provide an important source of information to the Board as the basis for a subsequent disciplinary inquiry. However some feedback to the Review expressed concern that such school investigations can take a considerable length of time, and that students would be better protected if the Board were to be advised once an investigation into such incidents began. This would enable the Board to suspend the teacher's registration while the investigation was being conducted if it believed the registrant's ongoing role as a classroom teacher posed an imminent risk of harm to students.

One of the current grounds for conducting a disciplinary inquiry is where a teacher has been dismissed or resigns in circumstances that 'call into question the teacher's competence as a teacher'. However there is currently no obligation on employers to report such dismissals or resignations to the Board. This was identified by some respondents as a definite weakness in the current arrangements. The Review concurs with this judgement and proposes that the current reporting obligations of employing authorities to the Board be extended to include:

- the requirement for an employing authority to advise the Board of any dismissals of registered teachers on the grounds of serious incompetence
- the requirement for an employing authority to advise the Board of any investigation being undertaken into allegations of harm (as defined in the *Child Protection Act 1999*) caused, or likely to be caused, to a student because of the conduct of a registered teacher at the school, and subsequently the outcomes of such an investigation.

As discussed earlier in Chapter 2, the Review supports these obligations applying to all employers of registered teachers who are employed in circumstances where registration as a teacher is mandated.

## **Disciplinary processes**

Registering authorities usually investigate complaints and determine whether the respondent has a case to answer. In many jurisdictions cases involving minor misdemeanours are handled by the regulatory authority itself, which has the power to impose sanctions such as reprimands, annotations to the register or even to impose conditions on registration. In some jurisdictions the regulatory authority refers more serious cases to another independent body, which undertakes a more rigorous process for judging guilt and has available major sanctions such as suspension or cancellation of registration. Referring cases to an independent body avoids the situation where the investigating body becomes the prosecuting body as well as the body for judging guilt and determining sanctions. In general this process parallels our legal system for criminal cases by separating the roles of investigation and prosecution from the roles of judging guilt and determining sanctions.

Currently all of the regulatory functions of the BTR rest with the one body. Feedback provided to the Review identified the lack of separation between the Board's investigative and disciplinary functions as being of particular concern, since it had the potential to leave the Board's processes open to allegations of bias and lack of natural justice. While the majority of respondents recognised the need for a separation of these functions within the one authority, there was also an acknowledgement of the need not to tie up the resources of any separate, formally constituted disciplinary body by having it deal with a range of less serious matters. The Review is therefore proposing that a two-tiered disciplinary structure be introduced which allows less serious matters to be adjudicated by the Board and more serious matters that could lead to suspension, cancellation or fines to be referred to a separate, independent Disciplinary Committee.

A special sub-committee of the Board (the Professional Practice and Conduct Committee) should be constituted to receive complaints against registrants and determine whether they require investigation, and then refer or delegate the investigation of a complaint to an employing authority if appropriate, or if necessary arrange an investigation of the complaint by an independent investigator, a staff member of the Office of the Board, or by a small committee of Board members. Following receipt of the report of the investigation, the Committee should then consider whether or not the registrant has a case to answer. If the Committee decides there is a case to answer, and if the matter is a serious one that could lead to major disciplinary sanctions being applied, the matter should be referred immediately to the Disciplinary Committee.

For less serious matters, however, the Committee should consider the matter further and recommend to the Board an appropriate low-level disciplinary sanction to be applied. If the Committee decides the registrant has no case to answer, it should recommend to the Board that no further action be taken. There is general recognition of the need for disciplinary matters to be addressed fairly and quickly. Delays can occur in settling matters where recommendations for action need to be addressed by full meetings of the Board. The Review therefore proposes that the Chair of the Board should have the delegated power to approve low-level disciplinary sanctions or to determine that no further action be taken, based on recommendations from the Professional Practice and Conduct Committee.

The membership of the Professional Practice and Conduct Committee should consist of three Board members, with one being a non-registrant. A staff member from the Office of the Board should be appointed as an ex-officio Secretary to the Professional Practice and Conduct Committee. This staff member should also provide a referral point within the Office for receiving external complaints, and identifying those that need to be referred to the Committee. This would enable a consistent approach to assessing whether a complaint to the Board could be dealt with more appropriately by another person or authority, or was vexatious, trivial, unreasonable or without substance.

The current arrangements in which the Board's Committees of Inquiry are established as sub-committees of the Board and recommend any proposed disciplinary action back to the Board for a final determination, create a situation in which the Board is required to make the final decision on sanctions without the full range of information and knowledge about the issue that was available to the recommending body. The Review is therefore proposing that the new, separate Disciplinary Committee should have the functions of both adjudicating on the more serious disciplinary issues, and also determining the nature and extent of any subsequent sanctions. It should be constituted as a standing committee independent of the Board. The Review notes that currently the Board's Committees of Inquiry are chaired by a lawyer, and acknowledges the potential benefits in having this legal input into the proceedings. It also believes that a familiarity with school environments is another important perspective to bring to such a position.

The work of the Disciplinary Committee directly relates to the 'public protection' role of the Board. Community groups have indicated a number of reservations about the objectivity of professional disciplinary committees that are dominated by members of the profession, and question the extent to which such committees reflect general community attitudes to the matters under investigations. The Review sees the membership of the Disciplinary Committee presenting one means for the teaching profession to demonstrate its commitment to its 'public protection' role and proposes that the other members of the Disciplinary Committee represent a balance between the profession and the community.

The Review therefore proposes that the Disciplinary Committee be chaired by a legal practitioner familiar with school environments and nominated by the Minister, and include four other members (two registrants and two parent/community representatives) who are not Board members. It envisages the 'four other members' being nominated by the Minister from a shortlist submitted by the Chair of the Board. Hearings of the Disciplinary Committee should be conducted by a panel of three drawn from the Committee, comprising the Chair and two other members of the Committee, one a registrant and one a parent/community representative. It would be the responsibility of the Chair of the Disciplinary Committee to select the two other members of the panel to hear a particular matter.

A number of disciplinary cases relate to registrants who have been convicted of indictable offences. One major stakeholder questioned whether a full inquiry process is needed in such cases. The offence is on the record, and if there is no appeal, the facts and application of the law will not be altered. The principal issue is whether suspension or cancellation of registration is warranted. This is essentially a matter of judgement, which could be more easily addressed through a 'show cause' process. Such a process would still allow the registrant to receive a fair hearing, and would also ensure the confidentiality of matters for which the applicant has already been punished.

The Review acknowledges that such an approach would be both resource- and time-efficient, and should enable a quick and appropriate response to such cases. It therefore proposes that if a registrant has been found guilty or convicted of an indictable offence, the case should be referred immediately to the Disciplinary Committee without prior consideration by the Professional Practice and Conduct Committee. The Disciplinary Committee should then be able to consider such cases through a 'show cause' provision, based on a submission from the registrant, rather than through a full inquiry.

## **The nature of proceedings**

The level of formality and rigour of disciplinary proceedings associated with regulatory systems for professions ranges from informal and non-technical through to requirements equivalent to a District Court. Accordingly, the body hearing the proceedings reflects the level of formality and rigour with options that include a judicial panel, a non-judicial tribunal chaired by a legal practitioner, or a non-judicial tribunal chaired by a registrant. The two-tiered approach being proposed by the Review is based on the latter two of these options, and hence it would be expected that the proceedings of the Disciplinary Committee, although more formal than those of the Professional Practice and Conduct Committee, would not be as formal as those associated with a judicial panel.

Another aspect of the nature of the proceedings is the extent of the powers of the disciplinary body. For example, current Queensland legislation for teacher registration provides strong powers for the Committee of Inquiry to call witnesses to provide evidence and to use sanctions for obstruction or contempt of the inquiry. On the other hand, legislation on teacher registration in some other jurisdictions provides the panels that conduct formal hearings with no power to call witnesses and no sanctions for obstruction or contempt of proceedings. Strong legislative powers for disciplinary proceedings align more closely with a presumption of innocence whereas weaker legislative powers place the onus on the respondent teacher to refute the allegation.

In keeping with the level of formality and rigour, legislation provides certain immunity and protection for people involved in the disciplinary proceedings. Queensland legislation for teacher registration currently offers a very high level of protection for the members of the disciplinary body, any representatives of the parties involved, and any witnesses called to give evidence at the proceedings.

The Review acknowledges the value of strong legislative powers to support disciplinary proceedings, and proposes that the Disciplinary Committee should retain all the existing powers and protections currently available to the BTR's Committees of Inquiry. To ensure the Committee is able to access all information relevant to a registrant's conduct and competence as a teacher, it should also be able to order psychological and medical assessments of a registrant if necessary to support it in its deliberations.

Legislation in some jurisdictions allows for hearings or inquiries to be open to the public. However there is also provision in most cases to trigger closure of all or part of the inquiry by the respondent teacher, an affected person or the inquiring body. Currently in Queensland an inquiry must be closed if the respondent teacher requests it. The inquiry body also has the discretion to close all or part of the inquiry because of any special circumstances relating to the particular matter being investigated, even if the respondent teacher has no objections to the inquiry being open.

The Board, in its submission, questioned the current provisions which effectively allow the respondent teacher alone to decide that an inquiry will be closed. The Review acknowledges that there could be cases where the public interest is better served through an open hearing, and proposes that the decision to close all or part of the inquiry be left to the Committee. However the respondent teacher should be able to make a submission to the Disciplinary Committee that the inquiry be closed.

The power to close inquiries is matched by the power to suppress the publication of information concerning the proceedings, particularly the identity of affected people. The current legislation provides such powers to a Committee of Inquiry, and the Review supports providing similar powers of suppression to the proposed Disciplinary Committee. There was general support from parent groups that the outcomes of disciplinary inquiries, particularly where registration is suspended or cancelled, should be available to the public. The Review believes the details of any sanctions imposed on a teacher should be included on the Register, with cancellation and suspension notations accessible to the public, and the details of other disciplinary sanctions available to relevant employers and other relevant agencies. The Review notes that in some other states cancellation of registration involves the removal of a person's name from the register. It may be appropriate to introduce a similar provision in Queensland, with removal of a registrant's name and cancellation notation after a set period of time.

Most regulatory regimes provide the disciplinary body with the authority to inform other entities if evidence suggests unlawful behaviour. Currently in Queensland an inquiry body can inform the Police Commissioner, the Director of Public Prosecutions, the Crime and Misconduct Commission, the Commissioner for Children and Young People and the Director-General of Education of certain types of information it has discovered through the inquiry. The Review supports providing the Board with broader powers to disseminate information pertaining to a disciplinary inquiry to other government agencies or entities provided the information is relevant to their functions and operations. Similarly such agencies or entities should be able to provide the Board information relevant to the registration status of a teacher. Additional agencies that should be included in this information exchange include the Department of Child Safety and the Department of Communities.

## **Sanctions available to disciplinary bodies**

The range of sanctions available to disciplinary bodies among different jurisdictions appears to be highly similar. Some jurisdictions, however, have sanctions that are not provided in current Queensland legislation. For example, in some jurisdictions disciplinary bodies have the power to formulate an undertaking with the registrant. An undertaking provides more flexibility than a condition of registration in that it need not appear on the registrant's certificate of practice. Rather it can relate to a course of action that will be completed in a relatively short period of time, and it need not restrict the range of places or institutions where the teacher can practise. Examples might include completing a course in anger management, or undertaking mediation to resolve personal animosities between the complainant and the registrant.

In Queensland the Board may only impose conditions on a teacher's registration if it returns the teacher to provisional registration status. The current Board in its submission indicated it could be appropriate in certain cases to allow the respondent teacher to continue to practise under certain conditions or in a limited way, and/or to require them to give an undertaking to undergo

counselling or for the Board to be able to order that they undergo counselling. The need for the Board to have 'more options at its disposal after an inquiry' was also acknowledged by the Queensland Independent Education Union (QIEU).

Under the two-tiered disciplinary model proposed by the Review, major disciplinary sanctions such as cancellation and suspension of registration will be available only to the Disciplinary Committee. The Review believes both the Board and the Disciplinary Committee should be able to access a range of minor disciplinary sanctions to enable a degree of flexibility to be introduced when dealing with disciplinary issues. The range of minor disciplinary sanctions currently available to the Board should therefore be expanded to include the provision to set conditions on full registration, and to formulate undertakings with the respondent teacher. The Disciplinary Committee should be able to access this full range of minor sanctions, as well as the major sanctions of cancellation or suspension of registration, imposing a fine or ordering the payment of costs.

Further to the range of sanctions available for disciplining professional misconduct, there is also a need for sanctions for non-compliance with the legislation in general. There is currently a general provision regarding providing false or misleading information to the Board but no sanctions for failing to notify the Board of certain information. For example, the Board relies on employing authorities to inform it of dismissals or resignations of teachers relating to investigations of sexual allegations, yet it has no sanctions for non-compliance. Stakeholders were consistently supportive of the need for strong sanctions to be available to help enforce compliance with all aspects of the Act. The Review believes the level of penalties currently associated with acts of non-compliance needs to be reviewed in the light of the current penalty regimes in other statutory regulatory bodies. In addition the Act should include a provision for penalties to apply to all instances of non-compliance with the legislation.

Under the current Act, disciplinary inquiries and sanctions also apply to former registrants, but only with respect to events which occurred while the teacher was registered. There was general support from stakeholders for this provision to be retained, both in the public interest and in the long-term interest of the profession at large. The Office of the Board pointed out, in its submission, that to enable this to be implemented effectively, some sections of the current Act would need to be changed. For example, Section 42C of the Act which provides the Commissioner of Police with a discretionary power to disclose certain information regarding a 'registered teacher' needs to also apply to former registrants.

Queensland legislation currently provides for the Board to decide to suspend a teacher's registration if it believes the teacher poses an imminent risk of harm to children and that immediate action is necessary to protect children. There is no provision, however, for suspension or cancellation of registration to occur automatically in particularly serious cases. In terms of issues relating to child safety the Queensland Council of Parents and Citizens Associations (QCPCA) stated in its submission that 'there would be a parental expectation that if a teacher were to take part in an activity that was illegal and threatening to child safety an immediate suspension and exclusion would occur. The next expectation would be for the lawful processes to take their course'.

A number of other states now provide for automatic cancellation of registration if a teacher is convicted of a serious sexual offence involving a child. A number of submissions proposed that a similar provision should be introduced in Queensland and the Review agrees with this proposal. In addition the Review believes suspension of registration should automatically apply to

a teacher charged with similar offences. A Disciplinary Committee hearing should be established to determine whether the suspension should be lifted or maintained pending the outcome of the case.

To enable the Board to implement such provisions, the Act would need to provide the Board with the power to automatically suspend or cancel registration in such cases. The Board would also need to retain the power to cancel or suspend registration in non-disciplinary matters relating to registration processes, particularly relating to the failure to satisfy the requirements for renewal of registration or the failure to pay the required registration fees. The Board indicated in its submission that it would be helpful if it had the power to make an order, following cancellation of a teacher's registration as a result of disciplinary proceedings, prohibiting that person from reapplying for registration within a certain specified period of time. The Review acknowledges the value of such a provision in ensuring that the Board's resources are not needlessly directed at processing applications from teachers whose registration had been cancelled recently on disciplinary grounds.

## Appeals

There was general support from all stakeholders of the need to have avenues through which the decisions of the Board and/or its committees could be appealed. Particular issues canvassed through the Review were the use of avenues for reviews of decisions, as well as appeals, and the extent to which parties other than the registrant should have access to reviews or appeals.

Some regulating regimes have provisions for reviews as well as appeals, although most have one or the other. The advantages of offering both reviews and appeals include the provision of more avenues for persons who are aggrieved, more efficient use of resources, and faster and less cumbersome resolution of disputes over decisions, since it could be expected that some disputes might be resolved without the need for referral to a formal appeal body. The main disadvantage appears to be the possibility that reviews might not diminish the number of appeals and therefore only increase workload and frustrations about perceived injustice.

There are also technical issues associated with the use of reviews, such as the scope of information that could be reviewed and whether the body that made the original decision, or an independent review body, should conduct the review. Theoretically however, the provision of an ultimate right to appeal will ensure that the purpose of an appeal process can be achieved irrespective of the scope and independence of reviews. The Board currently has an Appeals Committee to review decisions where an applicant is aggrieved by the Board's decision. The Committee can review the assessment of the application and make appropriate recommendations to the Board. The Review believes such a committee should also be able to review decisions of the Board relating to the approval of pre-service courses, as well as hear appeals against the imposition of minor disciplinary sanctions imposed by the Board. Where possible, the members of the Appeals Committee need to be different from the members of the committee or entity that made the original decision being reviewed or appealed. The Appeals Committee would either endorse the previous decision of the Board, or recommend to the Board that it reconsider its decision. Any subsequent appeals against the decision of the Board would need to be made through the District Court.

Given the independent nature of the Disciplinary Committee and the serious nature of the matters it deals with, any appeals against its decisions would need to be made directly through the District Court. The current provisions relating to such hearings should be retained. Currently

only the person aggrieved by a Board decision has the right of appeal. A number of stakeholders proposed that complainants also have the right to appeal the outcome of a disciplinary inquiry. There was also support for the Board to have the right of appeal should the disciplinary inquiry be conducted by a committee independent of the Board.

The Review supports the Board being able to appeal the decisions of the independent Disciplinary Committee, and believes this would be appropriate given the Board's prosecutor-type role with this committee. While the Review acknowledges the call for a complainant to also have the right of appeal, it has received advice that this would not be appropriate, since the decision that is being appealed is one relating to the registration status of a teacher which is essentially an issue between the Board and the registrant. The Board, however, can be seen to be acting on behalf of the complainant when it appeals the decision of the Disciplinary Committee. A complainant would also have the right to take civil action against the teacher.

## Recommendations

It is recommended that:

### Investigations and complaints

- 5.1 The Board be provided with investigative powers to enable it to undertake investigations to determine whether a disciplinary inquiry should be conducted. The Board to have the power also to initiate its own investigations without receipt of a formal complaint.
- 5.2 The investigative powers available to the Board be at least the equivalent of the standard powers of investigation appropriate to statutory bodies.
- 5.3 The Board have the power to investigate only those complaints relevant to the registration status of a teacher or teachers, and where the complaint or other information indicates there may be grounds for disciplinary action.
- 5.4 The Board not be required to deal with complaints which could, in the opinion of the Board, be dealt with more appropriately by another person or authority, or which are seen to be vexatious, trivial, unreasonable or without substance.
- 5.5 The Board's investigative powers include the powers to conduct investigations and inspections to enforce compliance with all aspects of its legislation.
- 5.6 The Board have the power to delegate investigations to employers where appropriate. As a general rule, the Board should not duplicate investigations being conducted by employers and other appropriate investigative bodies, provided the Board is satisfied with the process being undertaken and is able to receive a copy of the investigative report.
- 5.7 The Board develop a Memorandum of Understanding with appropriate employing authorities to establish protocols and procedures relating to its delegation of investigations to employers.

- 5.8 The current reporting obligations of employing authorities to the Board be extended to include:
- the requirement for an employing authority to advise the Board of any dismissals of registered teachers on the grounds of serious incompetence
  - the requirement for an employing authority to advise the Board of any investigation being undertaken into allegations of harm (as defined in the *Child Protection Act (1999)*) caused, or likely to be caused, to a student because of the conduct of a registered teacher at the school, and subsequently the outcomes of such an investigation.

## Disciplinary functions

- 5.9 A two-tiered disciplinary structure be introduced which allows less serious matters to be adjudicated by the Board and more serious matters that could lead to suspension, cancellation or fines, to be referred to a separate, independent Disciplinary Committee.
- 5.10 A special sub-committee of the Board (the Professional Practice and Conduct Committee) be constituted to:
- receive complaints against registrants and determine whether they require investigation
  - refer or delegate the investigation of a complaint to an employing authority if appropriate
  - arrange, if necessary, an investigation of a complaint by an independent investigator, a staff member of the Office of the Board, or by a small committee of Board members
  - receive the report of the investigation
  - determine whether or not the registrant has a case to answer
    - If the registrant has a case to answer:
      - refer the matter immediately to the Disciplinary Committee if the matter is a serious one that could lead to severe disciplinary sanctions being applied
      - for less serious matters, recommend to the Board an appropriate low-level disciplinary sanction to be applied
    - If the registrant has no case to answer, recommend to the Board that no further disciplinary action be taken.
- 5.11 The Chair of the Board have the delegated power to approve low-level disciplinary sanctions or to determine that no further disciplinary action be taken, based on recommendations from the Professional Practice and Conduct Committee.
- 5.12 Membership of the Professional Practice and Conduct Committee consist of three Board members, with one being a non-registrant.
- 5.13 A staff member from the Office of the Board be appointed as an ex-officio Secretary to the Professional Practice and Conduct Committee. This staff member should also provide a referral point within the Office for receiving external complaints, and identifying those that need to be referred to the Committee.
- 5.14 The Disciplinary Committee have the functions of adjudicating on a disciplinary issue, and also determining the nature and extent of any subsequent sanctions.

- 5.15 The Disciplinary Committee be constituted as a separate committee, independent of the Board, with a legal practitioner familiar with school environments and nominated by the Minister as Chair, and four other members (two registrants and two parent/community representatives) who are not Board members.
- 5.16 The 'four other members' of the Disciplinary Committee be nominated by the Minister from a shortlist submitted by the Chair of the Board.
- 5.17 Disciplinary hearings be conducted by a panel of three, comprising the Chair and two other members of the Disciplinary Committee, one a registrant and one a parent/community representative. It is the responsibility of the Chair of the Disciplinary Committee to select the two other members of the panel to hear a particular matter.
- 5.18 The Disciplinary Committee retain all the existing powers and protections currently available to the BTR's Committee of Inquiry, as well as being able to order psychological and medical assessments of a registrant to support the Committee in its deliberations.
- 5.19 Cases where a registrant has been found guilty or convicted of an indictable offence be referred immediately to the Disciplinary Committee without prior consideration by the Professional Practice and Conduct Committee, with the Disciplinary Committee able to consider such cases through a 'show cause' provision, based on a submission from the registrant, rather than through a full inquiry.
- 5.20 The respondent registrant be able to make a submission to the Disciplinary Committee that the inquiry be closed, but the decision to close all or part of the inquiry be left to the Committee.
- 5.21 Information pertaining to a disciplinary inquiry be able to be disseminated by the Board to government agencies or entities if relevant to their functions and operations. Such agencies or entities include the Queensland Police, the Director of Public Prosecutions, the Department of Child Safety, the Commission for Children and Young People and Child Guardian, the Crime and Misconduct Commission, the Department of Communities and the Department of Education and the Arts.
- 5.22 The Disciplinary Committee have the power to restrict the publication of information concerning its proceedings, particularly the identity of affected people.
- 5.23 Disciplinary inquiries and sanctions apply to former registrants, but only with respect to events which occurred while the teacher was registered.
- 5.24 Details of any disciplinary sanctions imposed on a registrant be included on the Register.

## **Disciplinary sanctions**

- 5.25 The current provisions in the Act relating to the immediate suspension of registration be retained.
- 5.26 The range of minor disciplinary sanctions currently available to the Board be expanded to include a provision to set conditions on full registration, and to formulate undertakings with the respondent teacher. The Disciplinary Committee to have access to the full range of sanctions available to the Board, as well as the major sanctions of cancellation or suspension of registration, imposing a fine or ordering the payment of costs.

- 5.27 The level of penalties currently associated with acts of non-compliance with the requirements of the Act be reviewed in the light of the current penalty regimes in other statutory regulatory bodies. In addition the Act to include a provision for penalties to apply to all instances of non-compliance with the legislation.
- 5.28 A registrant found guilty or convicted of a serious sexual offence involving a child, in Queensland or elsewhere, have their registration or 'permission to teach' provision automatically cancelled.
- 5.29 A registrant charged with a serious sexual offence involving a child, in Queensland or elsewhere, have their registration or 'permission to teach' provision automatically suspended, pending a hearing by the Disciplinary Committee.
- 5.30 The Board be given the power to make an order, following cancellation of a teacher's registration as a result of disciplinary proceedings, prohibiting that person from reapplying for registration within a certain specified period of time.

## **Appeals**

- 5.31 The Board have an Appeals Committee to hear appeals relating to the approval of pre-service courses, applications for registration or for the renewal of registration, as well as appeals against the imposition of minor disciplinary sanctions imposed by the Board.
- 5.32 The members of the Appeals Committee be different from the members of the committee or entity which made the original decision being appealed.
- 5.33 The Appeals Committee either endorse a previous decision of the Board, or recommend to the Board that it reconsider its decision.
- 5.34 Subsequent appeals against the decision of the Board be made through the District Court.
- 5.35 Appeals against the decisions of the Disciplinary Committee be made through the District Court.
- 5.36 The Board, as well as the registrant, have the right to appeal the decisions of the Disciplinary Committee.

# Chapter 6: The Nature of the Register and Certification

## Terms of reference:

- The certification of registration and the nature of the register

## Introduction

Registration provides a means by which the public can identify persons who are assessed as competent and suitable to practise in a particular field. It thereby protects the public and the profession from unqualified or unsuitable persons claiming membership of the profession.

The principal means by which professional bodies officially recognise membership of their profession are:

- entering a person's details on an official register
- issuing a Certificate of Registration.

Currently, a person is officially registered as a teacher in Queensland when, at the direction of the Board, their details are entered on the register of teachers. These details include the person's name, former name(s) (if any), date of birth, address, qualifications and experience (if any), the type of registration, the date of initial registration and their teacher registration number. The Board may also require other details to be entered, including (if applicable) a notation about any subsequent cancellation or suspension of the person's registration.

The Act requires the register to be kept at the Board's office, where it must be available for inspection by any person on payment of a prescribed fee.

The current procedure for renewal of registration is the payment of a retention fee. The fee may be paid for one, two or three years. Upon payment, the registrant's name is retained on the register. Failure to pay the prescribed retention fee constitutes grounds for the Board to cancel the registration.

Under the Act the Director of the BTR is required to give written notice to an applicant of the Board's decision on their application. Successful applicants receive a Certificate of Registration (which includes their Teacher Registration Number) and an information package with details of their registration.

## Consultation data

A common theme in responses to the Review related to the nature of the register was a concern that the privacy and safety of individual registrants not be jeopardised in the endeavour to ensure that the public have adequate information to determine whether people are competent and suitable to work within the profession.

Key stakeholders tended to differentiate between the information that would be available to the public on the authority's website (thereby protecting the public from unqualified persons or persons convicted of a serious breach of the Act) and more detailed information that would not be released to the public but would be available to Board staff to fulfil the necessary functions of that regulatory authority. The two-tiered access to information on the official register was viewed as an important element in the exchange of information with other agencies for the purpose of maintaining a 'clean' register of qualified, suitable registrants. Only one key stakeholder, a parent body, argued the need for information on de-registered teachers to be available to the public. It was commonly agreed, however, that the regulatory authority should be able to readily exchange this information with other agencies (such as prospective employers and law enforcement agencies) in order to promote the safety of students.

Differing categories of key stakeholders (for example, parent bodies and unions) exhibited varying degrees of tolerance for public access to information. The most minimal stance was adopted by one union, which supported the appearance of a person's name only on the information available to the public. Consistently, this same stakeholder was seeking the repeal of legislation that currently allows members of the public to obtain a larger amount of information on a registrant (for example, date of birth, address, teacher registration number) after paying a fee. Together with other key stakeholders, this union argued that this situation constituted an unwarranted degree of intrusion on a person's right to privacy which is assured by other existing legislation. In addition to the matter of privacy, another union raised the issue of employers discriminating on the basis of a registrant's category of registration.

The means by which a registrant's status would be officially and conveniently identifiable as a member of the profession attracted a range of relatively simple and straightforward proposals. The issuing of a registration card was a frequent suggestion as proof of registration, to be produced by registrants when applying for positions. The pocket-sized card was favoured in addition to the issuing of a single certificate. One employing authority sounded a warning about the possibility of inadvertently generating an 'array' of certificates. Rather, it was proposed that there be a range of 'endorsements' on the initial (entry) certificate.

## **Discussion of issues**

### **The nature of the Register**

The current requirement for the Board to keep a publicly accessible register containing certain information is consistent with the overriding objectives of teacher registration. In terms of the actual nature of the register, the Review has identified a number of issues, including:

- the need for the Board to maintain a comprehensive internal database on registrants to enable it to carry out its functions
- privacy concerns about current public access to certain details on the register such as a person's address
- the potential value of employing authorities and other government departments being able to access further details on the register not generally available to the public.

Options considered by the Review in addressing these issues included:

- establishing different registers, based on the level of accessibility (for example, Official Register, Public Register)
- maintaining a sole register, but restricting access by the public to certain aspects of it.

Overall, the Review supports the latter option. It believes the Board's Register should contain all the details of registrants necessary for the Board to perform its functions effectively and efficiently. It would therefore take the form of a comprehensive electronic, internal database.

Given that the main purpose for a member of the public to access the register should be to confirm whether or not a person is currently registered, the details on the register accessible to the public should be restricted to: name, registration number, category of registration (full or provisional), the date to which registration is current, and any cancellation or suspension of registration.

Given the limited nature of this information, it should be made easier for the public to access it, ideally on an electronic basis through the Board's website. The Review notes that the Board recently approved such a process and that the Office of the Board is currently investigating the technical aspects of implementing the decision.

In the interests of employers and employees, there is a legitimate argument for employers and other agencies to be able to access additional details not available to the general public. It should be possible for the Board to authorise specific persons or entities (such as employers and employing authorities) to be given access to additional details on the register. Different levels of authorisation could be negotiated, based on the reasons given for needing access to particular information.

Additional details which could be made available under this process include: person's former names (if any), date of birth, address, qualifications and experience (if any), the date of initial registration, most recent date of renewal, details of any conditions attached to registration, and details of any disciplinary sanctions applied. Given the electronic nature of the Register, the Board should investigate the feasibility of allowing those authorised to access such details electronically, through password access to a secure site.

A proposal raised with the Review was that the Register be used to record any additional or special skills and knowledge that registered teachers have gained, in addition to their official qualifications already recorded on the register. The Review acknowledges the merit in such a proposal, since it provides a means to officially recognise a registrant's commitment to professional learning. In addition to any formal additional tertiary qualifications gained, this provision could recognise such achievements as Australian Music Examinations Board (AMEB) levels, coaching certificates, and successful completion of specialist training programs in areas such as inclusive education and Indigenous education.

## **The certificate**

The current Certificate of Registration is not recognised in the Act or By-Laws of the BTR. Accordingly, there are no conditions relating to how the certificate is used (for example, whether it must be surrendered if registration is suspended or cancelled). Neither are there any specifications as to what should appear on the certificate.

The Board currently plans to introduce a registration card that will serve as proof of registration. The Review acknowledges the benefits of having such an accessible card available as proof of the currency of a person's registration, and envisages it being issued annually on payment of the registration fee.

However, the Review does not see such a 'Registration Card' replacing a formal registration certificate, which should include more relevant information on a person's registration status. Given the previous recommendations on renewal of registration, the Review believes a 'Certificate of Teacher Registration' should be provided to registrants on initial entry into full registration, and subsequently on renewal of registration every five years or if there are changes to the conditions attached to registration. A separate 'Certificate of Provisional Teacher Registration' should be issued to provisional registrants.

The details shown on the certificates should include name, teacher registration number, qualifications, any conditions attached to registration, initial date of registration, and expiry date of current registration.

The Act should require the return of the Certificates and the Registration Card if registration is suspended or cancelled.

## **Protection of title**

Many professional registration systems regulate the use of professional titles as a consumer/public protection mechanism. The current Act does not protect the title 'teacher'. This is understandable given the wide variety of environments and contexts in which a person can be considered to 'teach' others.

In the absence of such protection of title, there was considerable support in feedback to the Review for the Act to at least regulate claims regarding a person's registration status. This is a standard public protection measure provided by legislation regulating many other professions and occupations.

The Review is therefore proposing that the Act make it an offence for a person who is not a registrant to claim to be registered, or for a person in a specified category of registration to claim to be registered in another category of registration (for example, for a provisional registrant to claim full registration).

## **Recommendations**

It is recommended that:

### **The Register**

- 6.1 The Board maintain a Register containing all the details of registrants required for the Board to carry out its functions effectively and efficiently. The Register to be in the form of an electronic, internal database.
- 6.2 The details on the Register that are accessible to the public be restricted to: name, teacher registration number, category of registration, and any cancellation or suspension of registration.

- 6.3 The Board authorise specific persons or entities to have access to additional details on the Register. These details to include: person's former names (if any), date of birth, address, qualifications and experience (if any), the date of initial registration, most recent date of renewal, any conditions attached to the registration, and details of any disciplinary sanctions applied.
- 6.4 The Register to be accessed electronically, with only the details accessible to the public available through the Board website.
- 6.5 The Board investigate the feasibility of allowing those authorised to access additional details on the Register to do so electronically through password access to a secure site.

## **Certification**

- 6.6 Documentary evidence of registration be provided through a 'Certificate of Teacher Registration', issued on initial entry into full registration, and subsequently on renewal every five years, or if there are changes to the conditions attached to registration. A separate 'Certificate of Provisional Teacher Registration' be issued to provisional registrants.
- 6.7 The certificate to show name, teacher registration number, qualifications, any conditions attached to registration, initial date of registration and expiry date of current registration.
- 6.8 An annual 'Registration Card' be issued on payment of the annual registration fee, to be used by registrants as proof of the currency of their registration.
- 6.9 The Act require the return of the Certificate and the Registrstion Card if registration is suspended or cancelled.
- 6.10 The Act make it an offence for a person who is not registered to claim to be registered, or for a person in a certain category of registration to claim to be in another category.

# Chapter 7: Membership and Composition of the Board

## Terms of reference:

- **The membership of the Board of Teacher Registration**

## Introduction

Regulatory authorities established as statutory bodies under an Act not only have their functions specified in legislation, but also the composition and membership of the authority itself. In some cases, membership of certain committees of the authority can also be specified in legislation.

Ideally, the composition of such an authority should relate to the range of functions the authority is expected to perform, with its membership reflecting the types of expertise or perspectives that would support the authority in its decision-making processes. While society generally has clear expectations of professionals, different groups in society often have differing views on particular issues. In general, regulatory authorities are constituted in a way that gives a voice to relevant interest groups and provides a means of obtaining the desired balance of views. The composition of an authority can be described in terms of representation (for example, a nominee of a particular interest group), or by describing the particular characteristics of the desired member (for example, a nominee with expertise in the provision of special education or in law). The actual membership is generally determined by one of two methods: either nomination by the Minister or relevant organisations (possibly involving their own internal nomination procedures), or elections conducted according to formal and independent procedures.

The composition and membership of the Board of Teacher Registration are described in the Act, and the Board comprises a maximum of 16 members. The Minister nominates the Chair and one additional member, if desired. Other members are:

- three nominees of the Director-General of Education, two of whom must be practising teachers
- one nominee from each of the Queensland Catholic Education Commission (QCEC) and the Association of Independent Schools, Queensland (AISQ)
- one nominee (who must be a practising teacher) from each of the Queensland Teachers' Union (QTU) and the Queensland Independent Education Union (QIEU)
- one nominee of the Queensland Public Sector Union (QPSU) who must be a registered teacher
- two practising teacher educators nominated by the Higher Education Forum
- one nominee representing the interests of parents nominated jointly by the Queensland Council of Parents and Citizens Associations (QCPCA), the Federation of Parents and Friends Associations of Catholic Schools in Queensland (FPFACSQ) and the Queensland Independent Schools Parents Council (QISPC)
- three registered teachers identified through an election of registered teachers.

Thus half (eight members) of the current membership must comprise registered teachers, of whom four must be practising teachers.

## Consultation data

More often than not, key stakeholders indicated their satisfaction with both the current composition and processes of nomination associated with the BTR. Correspondingly, it was argued that the current composition would be able to deal with the range of emerging functions that the regulatory authority may be expected to accomplish, and the balance of expertise and representation residing on the Board would more than adequately rise to any new challenges. Among those in support of the current composition were the QCEC, the Board of the BTR, the staff of the BTR, the QCPCA and the QICPA.

On the other hand, a number of key stakeholders asserted that there was insufficient voice given to their viewpoints and sought a change in the number of representatives of different bodies as a means by which to redress the perceived imbalance. This perspective was shared by the AISQ who claimed that the current composition of the Board under-represents the independent sector and recommended the membership include one nominee from each of three parent bodies (QCPCA, FPFACSQ and QISPC), and one nominated practising teacher from each of EQ, AISQ and QCEC.

The major unions adopted united and parallel positions in their respective submissions, seeking enhanced power for registered teachers and nominees of teacher unions while arguing for the retention of the prevailing processes of nomination. Both unions put the case for practising, registered teachers and nominees of teacher unions to constitute 75 per cent of the Board with the balance of members to comprise parents, student teachers, universities, employer representatives and ministerial representatives.

The submissions revealed the nature of key stakeholders wrestling with the perennial issue of striking an operational balance after considering the need for expertise (for example, in legal matters which the Board may encounter) intersecting with the advantages of representation (resulting from the nomination of an organisation and increasing the likelihood of a group's interests being given due voice). While one principals' association submitted that registered teachers, and bodies representing registered teachers should constitute the majority of members of the Board, the Department of Education and the Arts described the current composition of the Board as 'heavily teacher-centric' and 'too large and unwieldy', and proposed that members be identified 'by the category they represent (i.e. parent, employer, union) rather than the organisation they represent (i.e. Catholic Education, Independent Schools, Department of Education and the Arts).

## Discussion of issues

The major issues relating to the composition and membership of the Board are appropriate size and composition in terms of representation and balance, and the methods used for determining membership. A related issue is the membership and functions of Board committees and sub-committees, and the extent to which these are specified in legislation.

### Composition and size of the regulatory authority

The composition of the Board can be linked to its purpose and functions. As the Board has both a responsibility for upholding professional standards and for maintaining public confidence in the profession, one issue to be considered is the appropriate balance between professional and

other members. Given that the Board as a statutory authority sits across both State and non-State sectors, a further issue is the relative representation of the two sectors. The composition of the authority could also be expected to relate to the range of functions the authority is required to perform, with its membership reflecting the types of expertise or perspectives that would support the authority in its decision-making processes.

While it is important to ensure comprehensive representation by interest groups in the regulatory authority, practical considerations suggest that meetings of the authority need to be manageable.

Feedback to the Review indicated a general level of support for the current size and composition of the Board. Were the Review to consider changes to the current Board membership, respondents raised the following issues:

- the need to ensure a majority of registrants on the Board if the profession is to be seen to be 'self-regulating'
- the need to increase parent participation in recognition of the 'public protection' focus
- the need to achieve a balance across the State and non-State sectors.

In attempting to address these issues while maintaining a manageable size, the Review proposes increasing the size of the Board by one to seventeen members, comprising:

- the Chair, and one additional member, nominated by the Minister
- three elected practising teachers (two State, one non-State)
- twelve nominated members comprising representation of the following:
  - employers – three representatives, one from each of EQ, QCEC, and AISQ
  - unions – three representatives who must be practising teachers, one from each of QTU, QIEU and QPSU
  - deans of education – one representative
  - parents – two representatives (one State, one non-State)
  - practising teachers (two State, one non-State).

On this basis, the majority of members (nine) would be practising teachers and it may be necessary for the Board to provide in its budget for the cost of replacement teachers in their schools to facilitate the involvement of these members in meetings of the Board or its committees. In this context the Federation of Parents and Friends Associations of Catholic Schools in Queensland also noted 'that the present community representative is not paid any fee for his service and consideration should be given in future to ensure that suitable remuneration is given to those representatives who voluntarily give of their time and expertise'. The Review supports the payment of necessary expenses and/or sitting fees to members of the Board and its committees, within the parameters of current government guidelines on this issue.

## **Methods of determining membership**

The two current methods for determining the actual members of the authority are nomination by the Minister or relevant organisation, and election by peers. This combination of elected members and nominated members is found in the membership arrangements for equivalent bodies in a number of other states. The process for determining the 'nominated members', however, varies.

Feedback provided to the Review emphasised the importance for organisations nominating members to have their own transparent internal nomination procedures, as well as the desirability

for the Minister to undertake appropriate consultation in determining Ministerial nominees. The QCPCA submission also argued that if a person is appointed to the Board as a representative of a particular body, 'once they no longer represent that body they should cease to be a member of the Board and the representative body should nominate a replacement Board member.' It also noted that 'a representative body should be able to change their nominated person to the Board as they see fit'.

There was a broad level of support for the continuation of the current 'election by peers' model to select three Board members. Concern was expressed, however, that the current process did not necessarily result in a balanced mix across the range of views held by members, since it was extremely unlikely in practice for nominees from the non-State sector to be elected. A number of submissions emphasised the importance of any election process ensuring a 'pro rata' representation from State and non-State schools. The Review noted the practice in other States for the elections to be based on nominees from within particular categories of teachers, and believes it would be possible to run the elections in Queensland based on separate 'State' and 'non-State' categories. The Review noted also the trend in other professional bodies or organisations to conduct elections electronically, and believes the feasibility of adopting this model is worthy of further investigation by the Board.

## **Board committees and sub-committees**

Earlier discussions and recommendations in this Report have identified a number of proposed standing committees of the Board. These are:

- the Professional Standards Committee
  - the Admissions Committee
- the Professional Practice and Conduct Committee
- the Appeals Committee.

Collectively these committees address the professional oversight and regulatory roles of the Board. In addition, a separate and independent Disciplinary Committee has been proposed to undertake disciplinary inquiries and determine sanctions for the more serious disciplinary issues.

A number of stakeholders indicated in their feedback to the Review the importance of ensuring the Board operated as an efficient and effective organisation, focused on its core responsibilities. On a day-to-day basis, this becomes the focus of staff within the Office of the Board, with responsibilities in the areas of financial management, human resource management, office management and information and technology systems.

To ensure the Board itself retains overarching responsibility for the effectiveness and efficiency of its operations, the Review supports the establishment of an Audit, Finance and Administration Committee to oversee the delivery of corporate services, and to ensure these services reflect the strategic focus of the Board. One responsibility of this Committee would be the development of a draft Strategic Plan, for subsequent endorsement by the Board.

This Committee should include at least three Board members, of whom one should be a parent representative. The Committee should also include appropriate co-opted staff from the Office of the Board, and an external community representative with high-level financial or audit expertise.

## The name of the regulatory authority

The Board of Teacher Registration came into being in 1989, replacing the previous Board of Teacher Education. It was constituted as a statutory authority under the *Education (Teacher Registration) Act 1988*, which identified its prime purpose as providing for ‘the registration of teachers in Queensland’. Its name reflected this purpose.

The various recommendations in this Review have been based on a recognition that the regulation of the teaching profession in Queensland should be focused on three broad objectives: upholding professional standards, maintaining public confidence in the profession, and protecting the public. The Review believes the current emphasis on ‘teacher registration’ in the name of the regulatory authority implies too narrow a focus that fails to recognise the broad range of important functions the Board currently undertakes, and will undertake in the future.

The Review noted the move in emerging legislation in other states to reflect a more holistic approach to the regulation of the teaching profession through reference to ‘institutes’ or ‘colleges’ of teaching/teachers. It believes it is timely to consider an alternative name to ‘the BTR’ in Queensland, particularly if the broad range of functions and policy changes proposed in this Review are adopted. The Review suggests that a more encompassing title such as ‘The Queensland College of Teachers’ would shift the emphasis from a focus solely on registration processes to the broader implications of being a member of the teaching profession, both for the professionals themselves and for the wider public.

## Recommendations

It is recommended that:

- 7.1 The Board consist of 17 members, comprising:
  - the Chair, and one additional member, nominated by the Minister
  - three elected practising teachers (two State, one non-State)
  - twelve nominated members comprising representation of the following:
    - employers – three representatives, one from each of EQ, QCEC, and AISQ
    - unions – three representatives who must be practising teachers, one from each of QTU, QIEU and QPSU
    - deans of education – one representative
    - parents – two representatives (one State, one non-State)
    - practising teachers (two State, one non-State).
- 7.2 Individual membership of the Board be determined through:
  - nominations by relevant bodies or by the Minister
  - elections by registered teachers, who would need to self-identify as ‘State’ or ‘non-State’.
- 7.3 The Board investigate the feasibility of conducting the elections of the three practising teachers electronically.

- 7.4 An Audit, Finance and Administration Committee of the Board be established to oversee the effectiveness and efficiency of the Board's operations. This Committee to include at least three Board members, of whom one should be a parent representative, as well as appropriate co-opted staff from the Office of the Board, and an external community representative with high-level financial or audit expertise.
- 7.5 Consideration be given to renaming the BTR 'The Queensland College of Teachers'.

# References

Australian Government Department of Education, Science and Technology (2004), *Taking Schools to the Next Level: the National Education Framework for Schools*. DEST, Canberra.

Australian Government Department of Education, Science and Training (2003), *Australia's Teachers: Australia's Future – Advancing Innovation, Science, Technology and Mathematics*, Department of Education, Science and Training, Canberra.

Australian Government Senate Employment, Education and Training References Committee (1998), *A Class Act: Inquiry into the Status of the Teaching Profession*, The Committee, Canberra.

Board of Teacher Registration Queensland (2002), *Professional Standards for Graduates and Guidelines for Preservice Teacher Education Programs*, Board of Teacher Registration, Brisbane.

Business/Higher Education Round Table (1999), *Lifelong Learning in the New Millennium*, B-HERT NEWS, Issue 6, October, B-HERT, Melbourne.

Business/Higher Education Round Table (2004), *The Changing Education Needs of the Professions*, B-HERT NEWS, Issue 20, July, B-HERT Melbourne.

Florida R. (2003), *The Rise of the Creative Class*, Pluto Press, Melbourne.

Hilmer, F., Rayner, M., and Taperell, G. (1993), *National Competition Policy, Report by the Independent Committee of Inquiry*, AGPS, Canberra.

Hurford, K. & Allen, M. (2004), *The Changing Education Needs of the Engineering Profession*, B-HERT NEWS, Issue 20, July, Business/Higher Education Round Table, Melbourne.

Lowry, J. (2004), *Meeting in the Middle – A Quantity Surveying Perspective on Changing Education Needs for the Professions*, B-HERT NEWS, Issue 20, July, Business/Higher Education Round Table, Melbourne.

Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) (2003), *A National Framework for Professional Standards for Teaching*, Curriculum Corporation, Melbourne.

Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) (2004), *Nationally Aligning Graduate Level Teaching Standards*, Unpublished report for the Teacher Quality and Educational Leadership Taskforce.

National Competition Council (2001), *Assessment of Governments' Progress in Implementing National Competition Policy and Related Reforms: June 2001*, AusInfo, Canberra.

National Curriculum Services (2001), *PD 2000 Australia: A National Mapping of School Teacher Professional Development*, DETYA, Canberra.

Northern Territory Government (2003), *Teacher Registration in the Northern Territory: Valuing Our Teachers*, NT Department of Education, Employment and Training, Darwin.

Parliament of Western Australia (2004), *Western Australian College of Teaching Act 2004*, State Law Publisher, Government of Western Australia, Perth.

Queensland Government (2003), *Queensland the Smart State: Education and Training Reforms for the Future* (ETRF), Queensland Department of Education, Brisbane.

Queensland Government Ministerial Advisory Committee for Educational Renewal (MACER) (2004 [a]), *A Creative Workforce for a Smart State – Professional Development for Teachers in an Era of Innovation*, Department of Education and the Arts, Brisbane.

Queensland Government Ministerial Advisory Committee for Educational Renewal (MACER) (2004 [b]), *Indigenous Education Sub-Committee Recommendations to the Minister for Education and the Minister for the Arts*, Department of Education and the Arts, Brisbane.

Queensland Government Ministerial Advisory Committee for Educational Renewal (MACER) (2003), *Report on the Middle Phase of Learning*, Education Queensland, Brisbane.

Queensland Government (2000), *Queensland School Reform Longitudinal Study (QSRLS)*, Education Queensland, Brisbane.

Queensland Government (2004), *The Report of the Ministerial Taskforce on Inclusive Education (students with disabilities)*, Queensland Government, Brisbane.

Queensland Government (2002), *Professional Standards for Teachers: Guidelines for Professional Practice*, Education Queensland, Brisbane.

Ramsey, G. (2000), *Quality Matters: Revitalising teaching: Critical times, Critical choices*, NSW Department of Education and Training, Sydney.

Tasmanian Government (2000), *A Proposal to Register Teachers in Tasmania – Discussion Paper*, Department of Education and the Arts, Hobart.

Victorian Government Ministerial Advisory Committee for a Victorian Institute of Teaching (2001), *Have Your Say on the Proposed Victorian Institute of Teaching*, MACVIT, Melbourne.

Vinson, T. (2002), *Inquiry into the Provision of Public Education in NSW: first report May 2002*, NSW Teachers Federation and Federation of P & C Associations of NSW, Sydney.

Western Australian Government (1999), *A Discussion Paper: Teacher Registration in Western Australia*, WA Department of Education Services, Perth.

Williams, R. (1999), *Lifelong Learning in the New Millennium*, BHERT NEWS, Issue 6, October, Business/Higher Education Round Table, Melbourne.

# Appendix A

## Membership of Reference Group

Name	Representation
Professor Marilyn McMeniman Pro-Vice Chancellor (Arts and Education) Griffith University	Chair
Mr Craig Allen Director Office of State Schooling	Education Qld
Ms Dianne Reardon Executive Officer – Education Queensland Catholic Education Commission	QCEC
Mr Norm Hunter Principal Hillbrook Anglican School	AISQ
Mr John Dwyer Chair BTR	BTR
Mr Graeme Hall Director Office of the BTR	BTR
Ms Fiona McNamara Assistant Secretary (Services) Queensland Teachers' Union	QTU
Mr Graham Perrett Organiser Queensland Independent Education Union	QIEU
Mrs Di Lodden State Secretary Queensland Council of Parents and Citizens Associations	QCPCA
Mr Russ Nelson Chair, Brisbane Archdiocesan Council Federation of Parents and Friends Associations of Catholic Schools Queensland	FPFACSQ
Dr Bev Tomlinson Queensland Independent Schools Parents Council	QISPC

Name	Representation
Associate Professor Elizabeth Warren Head – School of Education Australian Catholic University – McAuley Campus	Serving Dean of Education
Secretariat	
Mr Brian Rout Co-ordinator BTR Review Secretariat	
Mr Greg Thurlow Principal Education Officer Office of Non-State Education	
Ms Shayna Smith Principal Advisor, Cabinet and Legislative Services Office of the Director-General of Education and the Arts	
Dr Richard Dunlop Research Officer BTR Review Secretariat	
Invited Observers	
Ms Karen Struthers MP Member for Algester	
Ms Sheridan van Asch Director Office of the Director-General of Education and the Arts	
Mr Scott Forsdike Policy Advisor Office of the Minister for Education and Minister for the Arts	

# Appendix B

## Consultation Meetings BTR Review

Area	Day	Date	Venue
Roma	Tues	22 June	Roma Bowls Club Lovell St Roma
Brisbane North	Wed	23 June	Tavernetta Function Centre 144 Dorville Rd Carseldine
Bundaberg	Thur	24 June	Shalom College Fitzgerald St Bundaberg
Cairns	Wed	14 July	The Palm Royale 7–11 Chester Ct Manunda
Ipswich	Wed	14 July	Booval Sports/Bowls Club Green St Booval
Toowoomba	Thur	15 July	Harristown SHS Hall 341–367 South St Toowoomba
Brisbane South	Tues	20 July	The Acacia Room, Souths Sports Club (Acacia Ridge Leagues Club) Mortimer Rd Acacia Ridge
Rockhampton	Wed	21 July	North St Annexe Cnr North and West Sts Rockhampton
Gold Coast	Thur	22 July	Southport Sharks Australian Rules Football Club Cnr Musgrave and Olsen Aves Southport
Mackay	Thur	22 July	Mackay SHS Auditorium Milton St Mackay
Mt Isa	Mon	26 July	Overlander Hotel 119 Marian St Mt Isa
Townsville	Tue	27 July	Mercure Inn Woolcock St Hyde Park Townsville
Sunshine Coast	Wed	28 July	ICT Innovation Centre Sunshine Coast University

# Appendix C

## Overview of feedback/submissions received

Responses	Teachers	School administration	Parents	Other educators	Major stake-holders	Government departments and agencies	Professional and educational associations	Others	Total
Emails	33	2	2	5	2	0	2	4	50
Online	19	1	1	4	0	0	0	4	29
Written	284	22	10	11	10	6	2	17	362
Totals	336	25	13	20	12	6	4	25	441

These figures are based on submissions or responses received.

**School administration** included: principals, deputy principals, and school administrators

**Other educators** included: academics, TAFE staff, central office and district office staff or staff working in similar levels of educational administration e.g. Catholic education offices.

**Major stakeholders** included: FPFACSQ, QCPCA, QISPC, QTU, QIEU, AISQ, BTR, Deans of Education, Staff of BTR, QCEC, Education Queensland, the Department of Education and the Arts

**Government departments and agencies** included: Department of Child Safety, Department of Employment and Training, Department of Communities, the Commission for Children and Young People, Non-State Schools Accreditation Board, Office of the Queensland Studies Authority.

**Professional and educational associations** included the Queensland Secondary Principals' Association, the Australian Council of Educational Leaders, the Association of Women Educators and the QICPA.

# Appendix D

## Acknowledged respondents to the Review

(Respondents are listed in alphabetical order of surname)

Aboud, Douglas	Carter, Carlton C
ACU Faculty of Education	Carter, R J
AISQ	Carthouser, Alison
Algester Primary School QTU members	Catholic Education – Rockhampton
Angus, Heather	Central Cluster – Kingaroy
Annert, Sandra	Chester, Dennis
Appo, Lloyd	Clancey, Allan
Association of Women Educators	Clermont State High School
Australian Council for Education Leaders (Qld)	Coleman, June
Backen, Jeff	Commission for Children and Young People and Child Guardian
Bartlett, Ann	Constance, Tony
Bell, Adam	Cook, Allan
Bella, Maureen	Coolnwynpin State School
Bellamy, Cheryl	Cowan, Dudley
BTR	CQU – Education & Creative Arts Faculty
BTR Staff	Cretchley, BB
Bond, Arthur	Curtis, David
Bond, Julian	Dalla Pozza, Robert
Booth, Cathy	Daniel, Heidi
Boronia Heights State School Sub-branch	Dawson, McMaster, Brown (USQ)
Boyne, Robin	DeMarchi, Claudio
Brassall State School	DeMartini, Jellena
Brisbane Boys' College	Department of Child Safety
Brisbane Catholic Education	DET (TAFE Qld)
Brisbane Catholic Parents & Friends	Donaldson, Kerry
Brock, Peter	Donhardt, Carol
Brown, Peter	Dowling, Judy
Brown, Stephen Graham	Downie, Bruce & Barbara
Buckley, Janet	Draper, Anne
Buderim Mountain State School	Duggan, Barbara
Bull, Sandra	Dundas-Taylor, Mel
Bundaberg North State High School	Durney, Maureen
Bygraves, Gil	Dysart State School
Byrne, Tom	Education Queensland
Camira State School	Egan, Jason
Capalaba State High School	Elliott, Bonnita
Carman, Jonathon	Emerald North State School
Carney, David	EQ Human Resources Services
Carroll, Ann	Ericson, Terry
Carson, Maria	

Elders, Lin	Kninckey, Janet
Fergus, Wendy	Krista, Richard
Fettell, Iona	Lapene, Joanna
Forbes, Brian & Carolyn	Lawson, Sue
Ford, Lester	Ledbrook, Linda
FPFACSQ	Lee, John A
Fraser, Sarah	Lipsys, Robert
Fretter, Dianne	Lupschen, Cheryl
Gaffy, K	Mabel Park High
Gilbert, Julieanne	Maddison, Lisa
Giles, Geoffrey Ian	Madini, Denise
Gladstone District Office	Mandryk, Peter
Godfrey, Janine	Manly West State School
Gold Coast Teachers' Network	Masters, Sylvia
Goldsworthy, Jenny (QCPCA)	McAlpine, Robin
Goos, M & Mills, M – UQ	McAuley, Leigh
Grayell, Ben	McGrath, Anne
Grealy, Stephanie	McGrath, Geoffrey
Greenbank State School	McInerney, Anne
Griffith University	McLeod, Trudy
Griffiths, Chris	McNickle, Joan
GU Faculty of Education	Mennie, Cathy
Gympie East State School	Metcalf, Michael
Harris, Peter	Misson, Maria
Hendra Secondary College	Moorshead, Kerry
Hill, Colin	Mount Isa Teachers
Hocking, Geoff	Munro, Cassandra
Hoey, Damian	Munro, Chris
Hollands, Mark (+ 11)	Mutton, Jacqui
Holm, Suzette	Mynett, Alan
Howard, Chris	Narangba Valley State High School
Hurst, Greg	Non-State Schools Accreditation Board
Hurst, Trevor	Oakleigh State School
Indooroopilly State High School	O'Connor, Craig
INTAD Staff (Nambour State High School)	O'Connor, Kerry
Ipswich Central State School	Office of the Queensland Studies Authority
Ipswich-West Moreton District Office	Ogden, Amanda
Irvine, Gavin	Olisehlager, David
Jamieson, Robert	O'Neill, Kevina
JCU – School of Education	Overseas Teachers Support Committee of BTR
Jowett, Lloyd	Osmond, Paul
Kalbar State School	Pacific Paradise State School
Kallangur State Preschool	Parmenter, Neville
Kane, Kirsten	Parnell, Tina
Keppel Branch QTU	Payne, Joy
Kirk, Judi	Peterson, Val
Kitzelman, Louise	Philp, Dianne
Kloeden, Allen	Phythian, Neil

Pierce, Julie  
 Pirovich, Anthony  
 Plumbley, Ian  
 Plumbley, Marg  
 Pobar, Christine  
 QICPA  
 QISPC  
 QTU members Blackall State School  
 QTU members Victoria Point SHS  
 QTU–Wynnum West State School sub-branch  
 Queensland Catholic Education Commission  
 Queensland Council of P & C Association  
 Queensland Deans of Education Forum  
 Queensland Independent Education Union  
 Queensland Secondary Principals’ Association  
 Queensland Teachers’ Union  
 QUT Faculty of Education  
 Reardon, Paul  
 Redbank Plains SHS Arts  
 Redbank Plains SHS English  
 Redbank Plains SHS Home Economics  
 Redbank Plains State School  
 Reid, Murry  
 Rendell, Neil  
 Richards, Natalie  
 Richardson, Eddie  
 Rodgers, Scott  
 Roffey, Anthony  
 Roma Junior State School  
 Ross, Lynda  
 Roveda, Teresa  
 Runcorn State School QTU  
 Ryan, Pamela  
 Saxby, E A  
 Saxby, Paul  
 Schafer, Julie-Anne  
 School of Today  
 Scott, Amanda  
 Scott, Peter  
 Shaw, Bob  
 Sly, Mark  
 Smith, Richard  
 Smith, Robyn  
 Smith, Sally  
 Somerville, A  
 Southern Cross Catholic College Board  
 Spence, Jenny  
 Stormon, Bill  
 Sugden, Robyn  
 Thomas, Trish  
 Thompson, Andrew  
 Thompson, Nathalie  
 Thorburn, Kevin  
 Toowoomba Catholic Education Office  
 Topping, John  
 Troyahn, Wayne  
 Turner, Carol  
 Twigg, Lesley  
 Unicomb, Ian  
 UQ, School of English, Media Studies and Art  
 History  
 Virginia State Primary  
 Vitale, Rebecca  
 Walkerston State School  
 Ward, K  
 Ward, Michael  
 Wecker, Colin  
 Wellington Point SHS Arts Dept  
 Wellington Point SHS HPE Dept  
 Wellington Point SHS Maths  
 Wellington Point SHS N Block  
 Wellington Point SHS Science  
 Wellington Point SHS Social Science  
 Wellington Point SHS Technical Department  
 Wellington Point State School  
 Whitmore, Thea  
 William Ross SHS English Department  
 Willis, Evan  
 Woodhill State School  
 Woodward, Gail  
 Woree State School Year 1  
 Woree State School Year 4  
 Yeppoon State School (2)  
 Yeppoon State School  
 Zepka, R

# Appendix E

## Acronyms

ACEL	Australian Council for Education Leaders (Qld)
ACU	Australian Catholic University
AISQ	Association of Independent Schools, Queensland
AMEB	Australian Music Examinations Board
BTE	Board of Teacher Education
BTR	Board of Teacher Registration
CCYP	Commission for Children and Young People and Child Guardian
CPL	Continuing Professional Learning
CQU	Central Queensland University
DCS	Department of Child Safety
DEST	Commonwealth Department of Education, Science and Technology
EQ	Education Queensland
ETRF	Education and Training Reforms for the Future
FPFACSQ	Federation of Parents and Friends Associations of Catholic Schools Queensland
GTCE	General Teaching Council for England
GTCS	General Teaching Council for Scotland
GU	Griffith University
JCU	James Cook University
MACER	Ministerial Advisory Committee for Educational Renewal (Qld)
MACVIT	Ministerial Advisory Committee for a Victorian Institute of Teaching (Vic)
MCEETYA	Ministerial Council for Education, Employment, Training and Youth Affairs
NZTC	New Zealand Teachers Council
OCT	Ontario College of Teachers
OTQT	Ontario Teacher Qualifying Test
QCEC	Queensland Catholic Education Commission
QCPCA	Queensland Council of Parents and Citizens Associations
QDEF	Queensland Deans of Education Forum
QICPA	Queensland Isolated Children's Parents' Association
QIEU	Queensland Independent Education Union
QISPC	Queensland Independent Schools Parents Council
QNC	Queensland Nursing Council
QPSU	Queensland Public Sector Union
QSA	Queensland Studies Authority
QTS	Qualified Teacher Status
QTU	Queensland Teachers' Union

QUT	Queensland University of Technology
RATEP	Remote Area Teacher Education Program
RPL	Recognition of Prior Learning
SHS	State High School
SS	State School
TAFE	Technical and Further Education
TTA	Teacher Training Authority
USQ	University of Southern Queensland
UQ	University of Queensland
VET	Vocational Education and Training
VIT	Victorian Institute of Teaching