



BOARD OF TEACHER REGISTRATION
QUEENSLAND

8 June 2000

Dear Principal

Re Mandatory reporting of sexual misconduct to Board of Teacher Registration

Given the recent media attention to allegations of sexual offences against students, I believe that it is timely to remind school principals and employing authorities of their obligations in this regard under the *Education (Teacher Registration) Act 1988*.

Would you also please circulate a copy of this letter to all members of the authority responsible for employing teachers in your school, to ensure that they are aware of their obligations under the Act.

Since 1 January 1998 it has been mandatory for an authority employing teachers in schools to notify the board in writing if a teacher is dismissed or resigns following investigations of allegations of sexual offences against a student or child. The relevant extract from the amended Act appears below.

'Employing authority to notify board about sexual allegation in certain circumstances

44A.(1) This section applies if the employing authority for a school gave written notice to a relevant teacher that the authority was dissatisfied with the relevant teacher after the employing authority had investigated a sexual allegation involving the teacher and within 6 months of the notice -

- (a) the employing authority dismissed the relevant teacher from the educational staff of the school; or
- (b) the relevant teacher resigned from the educational staff of the school.

(2) The employing authority must give written notice of the dismissal or resignation to the board.

(3) The notice must include the following -

- (a) the name of the employing authority and, if the name of the authority is different to the name of the school, the name of the school;
- (b) the name of the relevant teacher;
- (c) the date the employing authority gave notice to the relevant teacher of the dismissal or the employing authority was given notice of the resignation, and the date of effect of the dismissal or resignation;
- (d) the sexual allegation, particulars of the sexual allegation and any other relevant information;
- (e) the reasons given by the employing authority for the dismissal or by the relevant teacher for resigning.

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(4) Regardless of the date of effect of the dismissal or resignation, the notice must be given to the board within 7 days of the employing authority -

- (a) giving notice of the dismissal to the relevant teacher; or
- (b) receiving notice from the relevant teacher of the teacher's resignation.

(5) In this section -

'employing authority', for a school, means the person or entity responsible for the appointment of teachers to the educational staff of the school.

'relevant teacher', in relation to an employing authority, means -

- (a) a person who is a practising teacher at the school for which the employing authority is responsible; or
- (b) a person who was a practising teacher at the school for which the employing authority is responsible.

'sexual allegation' means an allegation that a teacher has -

- (a) committed an offence of a sexual nature, including, for example, carnal knowledge of a girl under 16 years and a sexual assault mentioned in the Criminal Code, section 337^{*}; or
- (b) engaged in conduct of a sexual nature (other than an offence of a sexual nature) with a student or a child, whether in the teacher's capacity as a teacher or otherwise, and the conduct does not satisfy a standard of behaviour generally expected of a teacher.'

* Criminal Code, section 337 (Sexual assaults)

I would be happy to answer any queries which may arise regarding the provisions of the Act, and may be reached on (07) 3377 4777.

Thank you for your assistance in this matter.

Yours sincerely



(Dr) Marie Jansen
Director