



Australian Capital Territory

# ACT Teacher Quality Institute Amendment Act 2019

A2019-26

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Australian Capital Territory

# ACT Teacher Quality Institute Amendment Act 2019

A2019-26

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An Act to amend the *ACT Teacher Quality Institute Act 2010* and the  
*ACT Teacher Quality Institute Regulation 2010*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *ACT Teacher Quality Institute Amendment Act 2019*.

### 2 Commencement

- (1) This Act (other than section 15, so far as it inserts section 70F) commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) Section 15, so far as it inserts section 70F, commences on 1 January 2020.

### 3 Legislation amended

This Act amends the *ACT Teacher Quality Institute Act 2010* and the *ACT Teacher Quality Institute Regulation 2010*.

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## Part 2

# ACT Teacher Quality Institute Act 2010

### 4 Functions of institute New section 11 (1) (ba) and (bb)

*insert*

- (ba) to keep a register of, and records relating to, pre-service teachers undertaking or intending to undertake professional experience;
- (bb) to use and share information on the teachers register and pre-service teachers register to facilitate planning or research in relation to teacher quality or the teaching workforce (a *planning or research purpose*);

### 5 Eligibility for full registration Section 32 (1) (a)

*substitute*

- (a) the person holds a teaching qualification prescribed by regulation for registration; and

### 6 Eligibility for provisional registration Section 33 (1) (a)

*substitute*

- (a) the person holds a teaching qualification prescribed under section 32 (1) (a), but in the 5-year period before the day the application is made has not taught for the period prescribed by regulation for section 32 (1) (b); and

**7 Eligibility for permit to teach  
Section 34 (b) (ii)**

*substitute*

- (ii) has completed all professional experience required to achieve the qualification; and

**8 Keeping teachers register  
Section 42 (4) to (6)**

*omit*

**9 Details to be entered in teachers register  
Section 43 (1) (f)**

*omit*

indigenous person

*substitute*

Aboriginal or Torres Strait Islander person

**10 Section 43 (1) (k)**

*after*

experience

*insert*

, including any education program,

**11 Section 43 (2)**

*substitute*

- (2) The teachers register may also include the following information in relation to teachers that the institute considers may be relevant for this Act:

- (a) current employment;



- (b) teaching history;
- (c) education programs undertaken;
- (d) anything else prescribed by regulation.

**12 New section 43A**

*insert*

**43A Sharing teachers register information—status of registration or permit**

- (1) The following information on the teachers register must be made available to a teacher's employer or prospective employer on request:
  - (a) whether a teacher holds full registration, provisional registration or a permit to teach;
  - (b) any conditions that apply to the teacher's registration or permit to teach;
  - (c) whether the teacher's registration or permit to teach is suspended or cancelled;
  - (d) any education programs undertaken by the teacher.
- (2) However, the institute must not, under subsection (1) (c), make available the grounds for suspension or cancellation of a teacher's registration or permit to teach.
- (3) The institute may make information on the teachers register, about whether a teacher holds full registration, provisional registration or a permit to teach, available to someone else on request.

**13 Section 44 heading***substitute***44 Sharing teachers register information—corresponding registering authority****14 New sections 44A and 44B***insert***44A Sharing teachers register information—approved data linkage agency**

- (1) The institute may give information on the teachers register to an approved data linkage agency if the institute is satisfied the information will be used for a planning or research purpose.

*Note* **Approved data linkage agency**—see s 94A.

- (2) An approved data linkage agency that receives information under this section may give the information to another entity only for a planning or research purpose.
- (3) However, an approved data linkage agency that receives information under this section must not—
- (a) give the information to another entity in a way that identifies a teacher; or
  - (b) use the information—
    - (i) in a way that identifies a teacher; or
    - (ii) for a purpose other than a planning or research purpose.
- (4) In this section:

**information**, on the teachers register, includes information removed from the teachers register under section 45 (3).

**44B Sharing teachers register information—other entities**

- (1) The institute may give information on the teachers register to an entity if the institute is satisfied the information will be used for a planning or research purpose.
- (2) However—
  - (a) the institute must not give any information to an entity in a way that identifies a teacher; and
  - (b) the entity must not use the information for a purpose other than a planning or research purpose.
- (3) In this section:  
*information*, on the teachers register—see section 44A (4).

**15 New part 6A***insert***Part 6A Professional experience****Division 6A.1 Preliminary****70E Meaning of *professional experience***

In this Act:

*professional experience* means the placement of a pre-service teacher at a school to undertake the professional teaching experience required of an accredited pre-service teacher education program.

## Division 6A.2 Approval for professional experience

### 70F Approval required for professional experience

A pre-service teacher must not undertake professional experience at a school unless the pre-service teacher is approved for professional experience.

### 70G Professional experience approval

- (1) A person may apply to the institute for approval for professional experience if the person—
  - (a) is a pre-service teacher; and
  - (b) holds a working with vulnerable people registration.
- (2) The application must include—
  - (a) any details prescribed by regulation; and
  - (b) any documents or information needed to satisfy the institute of the matters set out in subsection (1).

*Note* Giving false or misleading information and producing false or misleading documents are offences against the [Criminal Code](#), s 338 and s 339.
- (3) However, the application need not include any details prescribed by regulation as optional.
- (4) The institute must, on application, approve a person for professional experience if satisfied that the person meets—
  - (a) the requirements set out in subsection (1); and
  - (b) any other requirements prescribed by regulation.
- (5) A pre-service teacher's approval is in force for the period—
  - (a) beginning on the day the approval is given; and

- (b) ending on the earliest of any of the following occurring:
- (i) the pre-service teacher stops being enrolled in an accredited pre-service teacher education program;
  - (ii) the pre-service teacher's working with vulnerable people registration is suspended or ends;
  - (iii) the pre-service teacher no longer meets any requirement prescribed by regulation under subsection (4) (b);
  - (iv) any period for an approval prescribed by regulation ends.

### Division 6A.3 Pre-service teachers register

#### 70H Register of pre-service-teachers

- (1) The institute must keep a register (the *pre-service teachers register*) of pre-service teachers who are approved to undertake professional experience.
- (2) The pre-service teachers register may be kept in any form, including electronically.

**Example**

1 or more computer databases

- (3) The institute must not disclose any information on the pre-service teachers register to anyone else except in accordance with this Act or another law in force in the ACT.

*Note* The Territory privacy principles (the *TPPs*) apply to the institute (see *Information Privacy Act 2014*, sch 1). The TPPs deal with the collection, storage and exchange of personal information.

- (4) Any mistake, error or omission on the pre-service teachers register must be corrected.

*Note* It is an offence to divulge protected information such as the information on the pre-service teachers register unless authorised by law (see s 92).

**70I Details to be entered on pre-service teachers register**

- (1) The following details must be entered on the pre-service teachers register in relation to a pre-service teacher approved for professional experience:
- (a) the pre-service teacher's—
    - (i) name and any former names; and
    - (ii) home address, preferred contact address, phone number and email address; and
    - (iii) date of birth; and
    - (iv) working with vulnerable people registration;
  - (b) any number issued by the Commonwealth to uniquely identify the pre-service teacher as a Commonwealth assisted student;

**Example**

the pre-service teacher's Commonwealth Higher Education Student Support Number

- (c) details of the accredited pre-service teacher education program in which the pre-service teacher is enrolled, including—
  - (i) the program provider's name; and
  - (ii) the name of the program;
- (d) details of any professional experience the pre-service teacher has undertaken or intends to undertake at a school within or outside the ACT, including—
  - (i) the name and address of the school; and
  - (ii) the period of the placement; and
  - (iii) the name of any person supervising or mentoring the pre-service teacher;

- (e) the period the approval is in force;
  - (f) the approval number;
  - (g) any other details prescribed by regulation.
- (2) The pre-service teachers register may also include—
- (a) the pre-service teacher's gender; and
  - (b) whether the pre-service teacher is an Aboriginal or Torres Strait Islander person; and
  - (c) any details about any education program or professional experience of a pre-service teacher that the institute considers may be relevant for this Act.

**70J      Sharing pre-service teachers register information—  
principals and universities**

- (1) The institute may, on request, give relevant information about a pre-service teacher held on the pre-service teachers register to the following people:
- (a) the principal of a school within or outside the ACT at which the pre-service teacher has undertaken, or intends to undertake, professional experience;
  - (b) the provider of the accredited pre-service teacher education program in which the pre-service teacher is enrolled.
- (2) However, the institute must not give the relevant information unless satisfied the person needs the information for the administration of the pre-service teacher's professional experience.

(3) In this section:

**relevant information**, about a pre-service teacher, means—

- (a) the pre-service teacher's—
  - (i) name and any former names; and
  - (ii) home address, preferred contact address, phone number and email address; and
  - (iii) date of birth; and
  - (iv) working with vulnerable people registration; and
- (b) the name of the provider of the accredited pre-service teacher education program in which the pre-service teacher is enrolled; and
- (c) the following details of any professional experience the pre-service teacher has undertaken or intends to undertake at a school within or outside the ACT:
  - (i) the name and address of the school;
  - (ii) the period of the professional experience;
  - (iii) the name of any person supervising or mentoring the pre-service teacher.

**70K Sharing pre-service teacher information—approved data linkage agency**

- (1) The institute may give information on the pre-service teachers register to an approved data linkage agency if the institute is satisfied the information will be used for a planning or research purpose.

*Note* **Approved data linkage agency**—see s 94A.

- (2) An approved data linkage agency that receives information under this section may give the information to another entity only for a planning or research purpose.



- (3) However, an approved data linkage agency that receives information under this section must not—
- (a) give the information to another entity in a way that identifies a pre-service teacher or a provider of an accredited pre-service teacher education program; or
  - (b) use the information—
    - (i) in a way that identifies a pre-service teacher or a provider of an accredited pre-service teacher education program; or
    - (ii) for a purpose other than a planning or research purpose.
- (4) In this section:
- information*, on the pre-service teachers register, includes information removed from the pre-service teachers register under section 70M (4).

**70L Sharing pre-service teachers register information—other entities**

- (1) The institute may give information on the pre-service teachers register to an entity if the institute is satisfied the information will be used for a planning or research purpose.
- (2) However—
- (a) the institute must not give the information to an entity in a way that identifies a pre-service teacher or a provider of an accredited pre-service teacher education program; and
  - (b) the entity must not use the information for a purpose other than a planning or research purpose.
- (3) In this section:
- information*, on the pre-service teachers register—see section 70K (4).

**70M Changes to pre-service teachers register**

- (1) A pre-service teacher approved for professional experience must tell the institute about any of the following events as soon as practicable, but not later than 21 days, after the event happens:
  - (a) the pre-service teacher's name or address changes;
  - (b) the pre-service teacher's working with vulnerable people registration ends or is suspended.
- (2) The provider of the accredited pre-service teacher education program in which a pre-service teacher is enrolled must tell the institute—
  - (a) if the pre-service teacher's enrolment ends; or
  - (b) if the provider becomes aware that the pre-service teacher's working with vulnerable people registration has ended or been suspended—that the registration has ended or been suspended.
- (3) If a change in relation to a pre-service teacher is notified under subsection (1) or (2), the institute must enter the change on the pre-service teachers register.
- (4) If a pre-service teacher's approval ends, the pre-service teacher's details must be removed from the pre-service teachers register.

*Note* For when a pre-service teacher's approval ends, see s 70G (5) (b).
- (5) However, nothing in this section prevents the institute keeping a record of any of the following in relation to a pre-service teacher or an approval:
  - (a) a previous name or address of the pre-service teacher;
  - (b) a previous enrolment of the pre-service teacher in a pre-service teaching education program;
  - (c) any details removed from the pre-service teachers register under subsection (4).

- (6) In this section:

*address* means home address, preferred contact address and email address.

**70N Pre-service teacher may correct pre-service teachers register**

- (1) The institute must, if asked by a pre-service teacher, give the pre-service teacher a copy of all the information held on the pre-service teachers register in relation to the pre-service teacher.
- (2) The institute must comply with subsection (1) as soon as practicable, but not later than 14 days, after the day the institute is asked.
- (3) A pre-service teacher may ask the institute to amend any incorrect information held on the pre-service teachers register in relation to the pre-service teacher.
- (4) The institute must comply with the request if satisfied that the information is incorrect.

**16 Criteria for accreditation of education programs  
Section 76 (a) (i)**

*omit*

pre-school

*substitute*

preschool

**17**      **New section 94A***insert***94A**      **Approved data linkage agency**

- (1) The Minister may approve, in writing, an entity (an *approved data linkage agency*) to which the institute may give information on the teachers register and the pre-service teachers register for a planning or research purpose.
- (2) The Minister must not approve an entity as an approved data linkage agency unless the Minister is satisfied that—
  - (a) the entity's policies, procedures and practices for handling personal information comply with the *Privacy Act 1988* (Cwlth), the *Information Privacy Act 2014* or a law of another jurisdiction that corresponds or substantially corresponds to either of those Acts; and
  - (b) the entity stores and protects personal information in accordance with the Australian Government's Protective Security Policy Framework or a policy of another jurisdiction that corresponds or substantially corresponds to the framework; and

*Note*      The Protective Security Policy Framework is accessible at [www.protectivesecurity.gov.au](http://www.protectivesecurity.gov.au).

- (c) the entity manages personal information in accordance with the *Archives Act 1983* (Cwlth), the *Territory Records Act 2002* or a law of another jurisdiction that corresponds or substantially corresponds to either of those Acts.

**18**      **New part 16****Part 16**                      **Transitional—ACT Teacher  
Quality Institute Amendment  
Act 2019****155**      **Meaning of *commencement day*—pt 16**

In this part:

*commencement day* means the day the *ACT Teacher Quality Institute Amendment Act 2019*, section 3 commences.

**156**      **Renewal of registration—teachers registered before  
commencement day**

- (1) This section applies to an application for renewal of registration under section 51 (whether made before or after the commencement day) if the applicant—
  - (a) was a registered teacher immediately before the commencement day; and
  - (b) has maintained registration as a teacher under this Act since the commencement day.
- (2) For section 51 (5) (a), the applicant is eligible for renewal of—
  - (a) if the teacher satisfies the eligibility requirements for full registration in force immediately before the commencement day—full registration; or
  - (b) if the teacher satisfies the eligibility requirements for provisional registration in force immediately before the commencement day—provisional registration.

**157 Expiry—pt 16**

This part expires 5 years after the commencement day.

*Note* Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

**19 Dictionary, new definitions**

*insert*

***Aboriginal or Torres Strait Islander person*** means a person who—

- (a) is a descendant of an Aboriginal person or a Torres Strait Islander person; and
- (b) identifies as an Aboriginal person or a Torres Strait Islander person; and
- (c) is accepted as an Aboriginal person or a Torres Strait Islander person by an Aboriginal community or Torres Strait Islander community.

***accredited***, in relation to an education program, means accredited under division 7.2.

**20 Dictionary, definition of *accredited education program***

*omit*

**21 Dictionary, new definition of *approved data linkage agency***

*insert*

***approved data linkage agency*** means an entity approved by the Minister under section 94A.

**22 Dictionary, definition of *education program***

*substitute*

***education program*** means—

- (a) a pre-service teacher education program; or
- (b) a program of learning suitable for the professional learning and development of teachers.

**23 Dictionary, definition of *government school***

*omit*

pre-school

*substitute*

preschool

**24 Dictionary, new definition of *planning or research purpose***

*insert*

***planning or research purpose***—see section 11 (1) (bb).

**25 Dictionary, definition of *pre-service teacher***

*substitute*

***pre-service teacher*** means a person enrolled in an accredited pre-service teacher education program.

**26 Dictionary, new definitions**

*insert*

***pre-service teacher education program*** means a program of learning that prepares pre-service teachers for employment as preschool, primary school or secondary school teachers.

*pre-service teachers register*—see section 70H.

*professional experience*—see section 70E.

*working with vulnerable people registration* means registration that allows a person to work with children under—

- (a) the *Working with Vulnerable People (Background Checking) Act 2011*; or
- (b) a law of another jurisdiction that corresponds or substantially corresponds to the *Working with Vulnerable People (Background Checking) Act 2011*.



## Part 3 ACT Teacher Quality Institute Regulation 2010

### 27 Application for registration or permit to teach—details— Act, s 30 (2) (a) Section 6 (1) (g)

*omit*

indigenous person

*substitute*

Aboriginal or Torres Strait Islander person

### 28 Section 6 (2)

*omit*

### 29 Section 7 heading

*substitute*

### 7 Eligibility for full registration—teaching qualifications— Act, s 32 (1) (a)

### 30 Section 7 (1) (a) and (b)

*substitute*

(a) a pre-service teacher education program—

(i) consisting of at least 4 years of academic study; and

(ii) including an accredited pre-service teacher education program for undergraduates;

*Note* Accreditation of education programs is dealt with in the [Act](#), pt 7.

- (b) an accredited pre-service teacher education program for graduates;

**31 Sections 8 and 11**

*omit*

**32 New part 2B**

*insert*

## **Part 2B Approval for professional experience**

### **18H Professional experience approval—application details—Act, s 70G (2) (a)**

The following details are prescribed:

- (a) the applicant's name and any former names;
- (b) the applicant's home address, preferred contact address, phone number and email address;
- (c) the applicant's date of birth;
- (d) details of the applicant's working with vulnerable people registration;
- (e) any number issued by the Commonwealth to uniquely identify the applicant as a Commonwealth assisted student;

**Example**

the applicant's Commonwealth Higher Education Student Support Number

- (f) details of the accredited pre-service teacher education program in which the applicant is enrolled, including—
  - (i) the program provider's name; and
  - (ii) the name of the program.

**18I Professional experience approval—optional application details—Act, s 70G (3)**

The following details are prescribed:

- (a) the applicant's gender;
- (b) whether the applicant is an Aboriginal or Torres Strait Islander person.

**18J Professional experience approval—period of approval—Act, s 70G (5) (b) (iv)**

A period of 4 years is prescribed.

**33 Dictionary, note 3**

*insert*

- Aboriginal or Torres Strait Islander person
- accredited

**34 Dictionary, note 3**

*omit*

- accredited education program

**35 Dictionary, note 3**

*insert*

- education program
- pre-service teacher education program
- working with vulnerable people registration

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 6 June 2019.

**2 Notification**

Notified under the [Legislation Act](#) on 28 August 2019.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the ACT Teacher Quality Institute Amendment Bill 2019, which was passed by the Legislative Assembly on 22 August 2019.

Clerk of the Legislative Assembly

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