2019

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Education and Early Childhood Development)

ACT Teacher Quality Institute Amendment Bill 2019

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2019

THE LEGISLATIVE ASSEMBLY  
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(Minister for Education and Early Childhood Development)

ACT Teacher Quality Institute Amendment Bill 2019

A Bill for

An Act to amend the [ACT Teacher Quality Institute Act 2010](http://www.legislation.act.gov.au/a/2010-55" \o "A2010-55) and the [ACT Teacher Quality Institute Regulation 2010](http://www.legislation.act.gov.au/sl/2010-53)

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](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/2010-55) and the [ACT Teacher Quality Institute Regulation 2010](http://www.legislation.act.gov.au/sl/2010-53).

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](http://www.legislation.act.gov.au/a/2002-51), 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](http://www.legislation.act.gov.au/a/2014-24), 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](http://www.comlaw.gov.au/Series/C2004A03712) (Cwlth), the [Information Privacy Act 2014](http://www.legislation.act.gov.au/a/2014-24) 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](https://www.legislation.gov.au/Series/C2004A02796) (Cwlth), the [Territory Records Act 2002](http://www.legislation.act.gov.au/a/2002-18) 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](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/2011-44); or

(b) a law of another jurisdiction that corresponds or substantially corresponds to the [Working with Vulnerable People (Background Checking) Act 2011](http://www.legislation.act.gov.au/a/2011-44).

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](https://www.legislation.act.gov.au/a/2010-55/), 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

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 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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