

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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ACT Teacher Quality Institute Amendment Bill 2019

A Bill for

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

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

4 **2 Commencement**

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

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

9 (2) Section 15, so far as it inserts section 70F, commences on
10 1 January 2020.

11 **3 Legislation amended**

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

1 **Part 2** **ACT Teacher Quality Institute**
2 **Act 2010**

3 **4 Functions of institute**
4 **New section 11 (1) (ba) and (bb)**

5 *insert*

6 (ba) to keep a register of, and records relating to, pre-service teachers
7 undertaking or intending to undertake professional experience;

8 (bb) to use and share information on the teachers register and
9 pre-service teachers register to facilitate planning or research in
10 relation to teacher quality or the teaching workforce (a *planning*
11 *or research purpose*);

12 **5 Eligibility for full registration**
13 **Section 32 (1) (a)**

14 *substitute*

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

17 **6 Eligibility for provisional registration**
18 **Section 33 (1) (a)**

19 *substitute*

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

Section 7

1 **7 Eligibility for permit to teach**
2 **Section 34 (b) (ii)**

3 *substitute*

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

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

8 *omit*

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

11 *omit*

12 indigenous person

13 *substitute*

14 Aboriginal or Torres Strait Islander person

15 **10 Section 43 (1) (k)**

16 *after*

17 experience

18 *insert*

19 , including any education program,

20 **11 Section 43 (2)**

21 *substitute*

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

25 (a) current employment;

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

4 **12 New section 43A**

5 *insert*

6 **43A Sharing teachers register information—status of**
7 **registration or permit**

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

1 **13 Section 44 heading**

2 *substitute*

3 **44 Sharing teachers register information—corresponding**
4 **registering authority**

5 **14 New sections 44A and 44B**

6 *insert*

7 **44A Sharing teachers register information—approved data**
8 **linkage agency**

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

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

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

16 (3) However, an approved data linkage agency that receives information
17 under this section must not—

18 (a) give the information to another entity in a way that identifies a
19 teacher; or

20 (b) use the information—

21 (i) in a way that identifies a teacher; or

22 (ii) for a purpose other than a planning or research purpose.

23 (4) In this section:

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

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

12 **15** **New part 6A**

13 *insert*

14 **Part 6A** **Professional experience**

15 **Division 6A.1** **Preliminary**

16 **70E** **Meaning of *professional experience***

17 In this Act:

18 *professional experience* means the placement of a pre-service teacher

19 at a school to undertake the professional teaching experience required

20 of an accredited pre-service teacher education program.

1 **Division 6A.2 Approval for professional experience**

2 **70F Approval required for professional experience**

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

6 **70G Professional experience approval**

7 (1) A person may apply to the institute for approval for professional
8 experience if the person—

9 (a) is a pre-service teacher; and

10 (b) holds a working with vulnerable people registration.

11 (2) The application must include—

12 (a) any details prescribed by regulation; and

13 (b) any documents or information needed to satisfy the institute of
14 the matters set out in subsection (1).

15 *Note* Giving false or misleading information and producing false or misleading
16 documents are offences against the [Criminal Code](#), s 338 and s 339.

17 (3) However, the application need not include any details prescribed by
18 regulation as optional.

19 (4) The institute must, on application, approve a person for professional
20 experience if satisfied that the person meets—

21 (a) the requirements set out in subsection (1); and

22 (b) any other requirements prescribed by regulation.

23 (5) A pre-service teacher's approval is in force for the period—

24 (a) beginning on the day the approval is given; and

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

9 **Division 6A.3 Pre-service teachers register**

10 **70H Register of pre-service-teachers**

- 11 (1) The institute must keep a register (the *pre-service teachers register*)
- 12 of pre-service teachers who are approved to undertake professional
- 13 experience.
- 14 (2) The pre-service teachers register may be kept in any form, including
- 15 electronically.
- 16 **Example**
- 17 1 or more computer databases
- 18 (3) The institute must not disclose any information on the pre-service
- 19 teachers register to anyone else except in accordance with this Act or
- 20 another law in force in the ACT.
- 21 *Note* The Territory privacy principles (the *TPPs*) apply to the institute
- 22 (see *Information Privacy Act 2014*, sch 1). The TPPs deal with the
- 23 collection, storage and exchange of personal information.
- 24 (4) Any mistake, error or omission on the pre-service teachers register
- 25 must be corrected.
- 26 *Note* It is an offence to divulge protected information such as the information
- 27 on the pre-service teachers register unless authorised by law (see s 92).

- 1 **70I Details to be entered on pre-service teachers register**
- 2 (1) The following details must be entered on the pre-service teachers
- 3 register in relation to a pre-service teacher approved for professional
- 4 experience:
- 5 (a) the pre-service teacher's—
- 6 (i) name and any former names; and
- 7 (ii) home address, preferred contact address, phone number
- 8 and email address; and
- 9 (iii) date of birth; and
- 10 (iv) working with vulnerable people registration;
- 11 (b) any number issued by the Commonwealth to uniquely identify
- 12 the pre-service teacher as a Commonwealth assisted student;
- 13 **Example**
- 14 the pre-service teacher's Commonwealth Higher Education Student Support
- 15 Number
- 16 (c) details of the accredited pre-service teacher education program
- 17 in which the pre-service teacher is enrolled, including—
- 18 (i) the program provider's name; and
- 19 (ii) the name of the program;
- 20 (d) details of any professional experience the pre-service teacher
- 21 has undertaken or intends to undertake at a school within or
- 22 outside the ACT, including—
- 23 (i) the name and address of the school; and
- 24 (ii) the period of the placement; and
- 25 (iii) the name of any person supervising or mentoring the
- 26 pre-service teacher;

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

11 **70J Sharing pre-service teachers register information—**
12 **principals and universities**

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

- 1 (3) In this section:
- 2 *relevant information*, about a pre-service teacher, means—
- 3 (a) the pre-service teacher’s—
- 4 (i) name and any former names; and
- 5 (ii) home address, preferred contact address, phone number
- 6 and email address; and
- 7 (iii) date of birth; and
- 8 (iv) working with vulnerable people registration; and
- 9 (b) the name of the provider of the accredited pre-service teacher
- 10 education program in which the pre-service teacher is enrolled;
- 11 and
- 12 (c) the following details of any professional experience the
- 13 pre-service teacher has undertaken or intends to undertake at a
- 14 school within or outside the ACT:
- 15 (i) the name and address of the school;
- 16 (ii) the period of the professional experience;
- 17 (iii) the name of any person supervising or mentoring the
- 18 pre-service teacher.

19 **70K Sharing pre-service teacher information—approved data**

20 **linkage agency**

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

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

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

- 1 (3) However, an approved data linkage agency that receives information
2 under this section must not—
- 3 (a) give the information to another entity in a way that identifies a
4 pre-service teacher or a provider of an accredited pre-service
5 teacher education program; or
- 6 (b) use the information—
- 7 (i) in a way that identifies a pre-service teacher or a provider
8 of an accredited pre-service teacher education program; or
- 9 (ii) for a purpose other than a planning or research purpose.
- 10 (4) In this section:
- 11 *information*, on the pre-service teachers register, includes
12 information removed from the pre-service teachers register under
13 section 70M (4).
- 14 **70L Sharing pre-service teachers register information—other**
15 **entities**
- 16 (1) The institute may give information on the pre-service teachers
17 register to an entity if the institute is satisfied the information will be
18 used for a planning or research purpose.
- 19 (2) However—
- 20 (a) the institute must not give the information to an entity in a way
21 that identifies a pre-service teacher or a provider of an accredited
22 pre-service teacher education program; and
- 23 (b) the entity must not use the information for a purpose other than
24 a planning or research purpose.
- 25 (3) In this section:
- 26 *information*, on the pre-service teachers register—see
27 section 70K (4).

- 1 **70M Changes to pre-service teachers register**
- 2 (1) A pre-service teacher approved for professional experience must tell
3 the institute about any of the following events as soon as practicable,
4 but not later than 21 days, after the event happens:
- 5 (a) the pre-service teacher's name or address changes;
- 6 (b) the pre-service teacher's working with vulnerable people
7 registration ends or is suspended.
- 8 (2) The provider of the accredited pre-service teacher education program
9 in which a pre-service teacher is enrolled must tell the institute—
- 10 (a) if the pre-service teacher's enrolment ends; or
- 11 (b) if the provider becomes aware that the pre-service teacher's
12 working with vulnerable people registration has ended or been
13 suspended—that the registration has ended or been suspended.
- 14 (3) If a change in relation to a pre-service teacher is notified under
15 subsection (1) or (2), the institute must enter the change on the
16 pre-service teachers register.
- 17 (4) If a pre-service teacher's approval ends, the pre-service teacher's
18 details must be removed from the pre-service teachers register.
- 19 *Note* For when a pre-service teacher's approval ends, see s 70G (5) (b).
- 20 (5) However, nothing in this section prevents the institute keeping a
21 record of any of the following in relation to a pre-service teacher or
22 an approval:
- 23 (a) a previous name or address of the pre-service teacher;
- 24 (b) a previous enrolment of the pre-service teacher in a pre-service
25 teaching education program;
- 26 (c) any details removed from the pre-service teachers register under
27 subsection (4).

1 (6) In this section:

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

4 **70N Pre-service teacher may correct pre-service teachers**
5 **register**

6 (1) The institute must, if asked by a pre-service teacher, give the
7 pre-service teacher a copy of all the information held on the
8 pre-service teachers register in relation to the pre-service teacher.

9 (2) The institute must comply with subsection (1) as soon as practicable,
10 but not later than 14 days, after the day the institute is asked.

11 (3) A pre-service teacher may ask the institute to amend any incorrect
12 information held on the pre-service teachers register in relation to the
13 pre-service teacher.

14 (4) The institute must comply with the request if satisfied that the
15 information is incorrect.

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

18 *omit*

19 pre-school

20 *substitute*

21 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.

(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.

1 **157 Expiry—pt 16**

2 This part expires 5 years after the commencement day.

3 *Note* Transitional provisions are kept in the Act for a limited time.
4 A transitional provision is repealed on its expiry but continues to have
5 effect after its repeal (see [Legislation Act](#), s 88).6 **19 Dictionary, new definitions**7 *insert*8 ***Aboriginal or Torres Strait Islander person*** means a person who—

- 9 (a) is a descendant of an Aboriginal person or a Torres Strait
-
- 10 Islander person; and
-
- 11 (b) identifies as an Aboriginal person or a Torres Strait Islander
-
- 12 person; and
-
- 13 (c) is accepted as an Aboriginal person or a Torres Strait Islander
-
- 14 person by an Aboriginal community or Torres Strait Islander
-
- 15 community.

16 ***accredited***, in relation to an education program, means accredited
17 under division 7.2.18 **20 Dictionary, definition of *accredited education program***19 *omit*20 **21 Dictionary, new definition of *approved data linkage***
21 ***agency***22 *insert*23 ***approved data linkage agency*** means an entity approved by the
24 Minister under section 94A.

- 1 **22 Dictionary, definition of *education program***
- 2 *substitute*
- 3 *education program* means—
- 4 (a) a pre-service teacher education program; or
- 5 (b) a program of learning suitable for the professional learning and
- 6 development of teachers.
- 7 **23 Dictionary, definition of *government school***
- 8 *omit*
- 9 pre-school
- 10 *substitute*
- 11 preschool
- 12 **24 Dictionary, new definition of *planning or research***
- 13 ***purpose***
- 14 *insert*
- 15 *planning or research purpose*—see section 11 (1) (bb).
- 16 **25 Dictionary, definition of *pre-service teacher***
- 17 *substitute*
- 18 *pre-service teacher* means a person enrolled in an accredited
- 19 pre-service teacher education program.
- 20 **26 Dictionary, new definitions**
- 21 *insert*
- 22 *pre-service teacher education program* means a program of learning
- 23 that prepares pre-service teachers for employment as preschool,
- 24 primary school or secondary school teachers.

- 1 *pre-service teachers register*—see section 70H.
- 2 *professional experience*—see section 70E.
- 3 *working with vulnerable people registration* means registration that
- 4 allows a person to work with children under—
- 5 (a) the *Working with Vulnerable People (Background Checking)*
- 6 *Act 2011*; or
- 7 (b) a law of another jurisdiction that corresponds or substantially
- 8 corresponds to the *Working with Vulnerable People*
- 9 *(Background Checking) Act 2011*.

1 **Part 3** **ACT Teacher Quality Institute**
2 **Regulation 2010**

3 **27 Application for registration or permit to teach—details—**
4 **Act, s 30 (2) (a)**
5 **Section 6 (1) (g)**

6 *omit*

7 indigenous person

8 *substitute*

9 Aboriginal or Torres Strait Islander person

10 **28 Section 6 (2)**

11 *omit*

12 **29 Section 7 heading**

13 *substitute*

14 **7 Eligibility for full registration—teaching qualifications—**
15 **Act, s 32 (1) (a)**

16 **30 Section 7 (1) (a) and (b)**

17 *substitute*

18 (a) a pre-service teacher education program—

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

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

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

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

3 **31 Sections 8 and 11**

4 *omit*

5 **32 New part 2B**

6 *insert*

7 **Part 2B Approval for professional**
8 **experience**

9 **18H Professional experience approval—application details—**
10 **Act, s 70G (2) (a)**

11 The following details are prescribed:

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

20 **Example**

21 the applicant's Commonwealth Higher Education Student Support Number

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

- 1 **18I Professional experience approval—optional application**
2 **details—Act, s 70G (3)**
- 3 The following details are prescribed:
- 4 (a) the applicant’s gender;
- 5 (b) whether the applicant is an Aboriginal or Torres Strait Islander
6 person.

- 7 **18J Professional experience approval—period of approval—**
8 **Act, s 70G (5) (b) (iv)**
- 9 A period of 4 years is prescribed.

10 **33 Dictionary, note 3**

11 *insert*

- 12 • Aboriginal or Torres Strait Islander person
13 • accredited

14 **34 Dictionary, note 3**

15 *omit*

- 16 • accredited education program

17 **35 Dictionary, note 3**

18 *insert*

- 19 • education program
20 • pre-service teacher education program
21 • 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](#) on 2019.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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