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**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
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**ACT TEACHER QUALITY INSTITUTE REGULATION 2010**

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**EXPLANATORY STATEMENT**

Presented by

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# **ACT TEACHER QUALITY INSTITUTE REGULATION 2010**

## **EXPLANATORY STATEMENT**

### **Outline**

The ACT Teacher Quality Institute Regulations contain the administrative requirements for the effective operation of the ACT Teacher Quality Institute Act 2010.

Part 1 of the regulations contain the administrative and explanatory provisions for the operation of the regulations. Part 2 contains explanations of the forms of registration undertaken by teachers and the processes followed when applying for and gaining registration under the Act. It also includes statements on the eligibility requirements and terms of registration.

Part 3 covers the accreditation of pre-service teacher education programs and part 4 describes and provides for the transitional arrangement put in place for teachers currently employed in the ACT.

### **DETAILS**

Detailed explanation of each section of the Regulations follows.

## Part 1 Preliminary

Part 1 contains regulations that are administrative in nature. **Regulations 1 and 2** give the formal name of the regulations and set the date that the regulations come into force as the day on which the ACT Teacher Quality Institute Act 2010 commences, which is on a date determined by the Minister. **Regulation 3** explains that the dictionary contained at the end of the regulations is part of the regulations and provides notes on how the definitions are structured and how they apply to the Act. **Regulation 4** explains that the ‘notes’ that appear in the regulations are only explanatory, and not part of the regulations.

**Regulation 5** specifies that provisions in other legislation apply to offences committed under these regulations. The notes in regulation 5 explain the application of the *Criminal Code* and *Legislation Act 2001* to the regulations.

## Part 2 Registration and permits to teach

Part 2 of the regulations refers to part 4 of the Act which provides details of the specifics that must be included in applications for registration and permit to teach, the conditions which must be met by an applicant, and the period for which registration or permit to teach may be held.

**Regulation 6** outlines the specifics that must be included in an application for registration or permit to teach. Details include the applicant’s name and any former names, their home and email address, date of birth, gender and whether the applicant identifies as an indigenous person. Included also are details, if appropriate, of any registration or permit to teach number the person currently holds and the address of the school at which they are currently teaching.

Including gender and identifying as an indigenous person in an application is for the following purposes:

- a. the development and application of improved data collection is identified as a priority in the Department of Education and Training’s Implementation Plan. The purpose of this is to ‘contribute to the development, population and maintenance of a national dataset and therefore improve both national and local workforce planning’ (Cross Sectoral Reform 4). While the full extent of the required data is not yet known it is assumed that any improvement to national and local workforce planning will include details of demographics of the workforce. The imbalance between men/women teachers in schools and the need to create more flexible pathways for indigenous persons to complete school or take up careers as teachers are well known, and it is only through empirical and quantitative research analysis that improvements in either may be charted.

- b. under the National Partnerships for Improving Teacher Quality agreement the ACT has agreed to encourage indigenous persons to enter teacher education courses and to ‘build professional pathways for indigenous people and indigenous Education Workers who wish to progress to teaching’ (clause 33 (a)). There is little or no empirical data illustrating current demographics of teachers who identify as indigenous persons, either working in or seeking to work in the ACT, therefore the collection of such data is essential if the terms of this agreement are to be met; and
- b. in the ACT Implementation Plan a commitment is made to develop an indigenous student scholarship program and increase the number of indigenous Education Workers placed in schools (Facilitation Reform 4).

Aside from a need to maintain such records for the purpose of national consistency, in order that the underrepresentation of indigenous people, or the relative numbers of men/women be addressed in all or part of the ACT school system, records of registered or authorised (permit to teach) teachers need to be kept on the teachers register.

While this information is on the register it will be used only by the institute and for the purposes stated here. Clause 86 of the Act provides penalties for the improper or reckless disclosure of any information.

**Regulation 7** outlines the qualification a person must possess in order to be eligible for full registration. Such qualification is either a course of pre-service teacher education which consists of at least four years of academic study and includes an accredited pre-service (initial) teacher education program, an accredited graduate pre-service teacher education program, or a course of teacher education provided by a university or higher education provider which is equivalent to either of the two preceding programs. The note in this section states that the way in which accreditation is dealt with is explained at part 7 of the Act.

This section also states that the definition of ‘higher education provider’ and ‘university’ are covered in the *Training and Tertiary Education Act 2003*.

**Regulation 8** details the skills, experience and knowledge etc. which a person must possess in order to be eligible for full registration. These include either satisfactory completion of one year of teaching at a school or experience which the institute is satisfied is equivalent to one year of teaching at a school. Also required are demonstrated abilities, knowledge and skills equivalent to those detailed in professional standards appropriate to full registration.

This section also states that the institute may be satisfied that the above conditions have been met through the production of a certificate from one or more of the following entities certifying that they are satisfied that these conditions have been met: a principal of a school where the person has been teaching, the provider of an accredited pre-service teacher education program, or another person that the institute is satisfied can provide a satisfactory assessment of whether or not these conditions have been met. This allows the institute to delegate responsibility to an employer,

education provider or another person that the conditions in regulation 8 have been met and the person is eligible for full registration. An example is given of who ‘another person’ may be, in this case a registered teacher who supervises the applicant at a school.

The note in this section states that the example provided in the regulations as to who may be ‘another person’ is not exhaustive and may include others, for example a person qualified to assess others against professional standards.

**Regulation 9** refers to the period of teaching which an applicant must have undertaken in the previous five years in order to be eligible for full registration. This section states that a person must have undertaken 180 days teaching in a school in the previous five years in order to apply for full registration, or 100 days teaching in a school over the previous five years in order to renew their registration.

**Regulation 10** states that in order to be eligible for full registration an applicant must have attained a score of at least band 8 in speaking and listening in the International English Language Testing System and at least band 7 in reading and writing. This is in accordance with the emerging requirements for national consistency in English language requirements for teachers.

**Regulation 11** provides the experience and skills etc. eligibility requirements for applicants seeking provisional registration. These include either 180 days of teaching at a school or experience that the institute is satisfied is the equivalent of one year teaching at a school, and demonstrated skills and knowledge as defined in professional standards relevant to this level of registration.

This section also states that the institute may be satisfied that these conditions have been met if a certificate is provided from the same sources as required for applicants seeking full registration.

**Regulation 12** gives the English language requirements for provisional registration. These requirements are the same as those required for full registration thereby ensuring that the only difference between full and provisional registration is the possession of a pre-service teacher education qualification (or equivalent). It allows those without such a qualification (for example students who have not yet completed their pre-service course) to commence teaching.

**Regulation 13** provides the English language requirements in order that a person may be granted a permit to teach. These requirements are the same as those required for full and provisional registration and ensure consistency across all levels of registration and alignment with the national consistency requirements.

A permit to teach is not a level of registration but an authority to teach granted to a person who is required to teach a specific subject, for example sports, music or a vocational subject, and for which they do not require a full teacher qualification nor experience teaching curricula subjects in a school. **Regulation 14** states that in order to be granted a permit to teach a person must hold a relevant qualification from an

accredited education provider. Such a qualification is both in the subject they intend to teach and as an instructor/teacher of that subject.

A person granted full registration will retain their registration for an unlimited period providing that they meet the renewal conditions at the time that they fall due and are not subject to an action which sees their registration suspended or cancelled. The term for provisional registration, however, is limited. **Regulation 15** states that the period for provisional registration is two years, while **Regulation 16** states that the period for renewal of provision registration is one year. The purpose in doing this is to ensure that the conditions which preclude a person from attaining full registration are met within the prescribed period.

**Regulation 17** states that the period for which a person may hold a permit to teach is prescribed in any contract that they may enter into with their employer, however it is to be no longer than five years. An example of this is given whereby a person enters into a contract to teach at a school for a stated period.

**Regulation 18** states that a permit to teach may be renewed but only for a period no longer than five years on the condition that the institute is satisfied that the person is to be further employed or engaged to teach in a school. An example is given here of a permit to teach being granted for the duration for which the person is contracted to teach in a school.

A period of five years is imposed on permit to teach holders because this is the maximum period for which a person can be employed without undergoing another police criminal history check.

### **Part 3 Accreditation—education programs**

Part 3 of the regulations refers to part 7 of the Act which outlines the processes to be followed when accrediting a program, the details required and the grounds for suspending or cancelling accreditation.

The purpose of accrediting pre-service teacher education programs, or other programs which provide ongoing and continuous development for teachers, is to ensure that graduates of these programs are capable of meeting the minimum standards of performance required of teachers in schools in the ACT. In order to be accredited education providers must supply the institute with certain information. **Regulation 19** provides that such information may be kept and, except where there are details which the provider asks the institute not to release, this may be made available to the public. Examples of what the provider may ask the institute not to release include details which are the intellectual property of the provider or which are commercial-in-confidence. A note to this section states that these examples are not exhaustive.

The institute may suspend or cancel the accreditation of a program under certain conditions, for example if the program no longer meets the criteria detailed in section 76 of the Act. **Regulation 20** provides further circumstances in which a program's accreditation may be suspended or cancelled, including where an education provider

no longer has the educational or management capacity to provide the program, or the method of delivery is not suitable for the education program.

## **Part 4 Transitional**

Part 4 refers to part 15 of the Act in which the transitional arrangements are described for persons currently teaching in the ACT, and for providers of pre-service teacher education programs, and for whom special considerations are required in order that they are not disadvantaged on the commencement of the Act.

If a teacher currently employed in the ACT wishes to be registered **Regulation 21** states that they must apply before 30 June 2012. Similarly, if an education provider wishes to have one or more programs accredited by the institute they must apply before the same date.

## **Dictionary**

The Dictionary as referred to in **Regulation 3** forms part of the regulations and defines commonly used terms within the regulations.