

2013

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**ACT TEACHER QUALITY INSTITUTE AMENDMENT
REGULATION 2013 (NO 1)**

Subordinate Law SL2013-26

EXPLANATORY STATEMENT

Presented by:

**Ms Joy Burch MLA
Minister for Education
and Training**

Outline

The underlying purpose of the *ACT Teacher Quality Institute Act 2010* (the Act) is to bring about significant improvement in the quality of the teaching profession as a whole in the ACT.

The ACT Teacher Quality Institute Amendment Regulation 2013 (No 1) (the regulation), made under section 98 of the Act, is consistent with this purpose. In particular, the new regulation will enhance the quality of the teaching profession by implementing the *Australian Professional Standards for Teachers* (the Standards) in the ACT, and/or by enforcing requirements of the National Education Reform Agreement between the Commonwealth and the ACT.

The Standards were developed by the Australian Institute for Teaching and School Leadership (AITSL) to provide a nationally consistent integrated framework for career progression within the teaching profession.

In the ACT, the *Graduate Teacher* and *Proficient Teacher* levels of the Standards are mandatory in the accreditation of teacher education courses and in the teacher registration processes. Progression to the *Highly Accomplished Teacher* and *Lead Teacher* levels of the Standards is voluntary, but a formal certification process is required against the Standards (clauses 10-12 prescribe the certification processes).

The Standards will provide the essential link between the formal regulatory requirements of the Act, and the professional practices that will be implemented by ACT employers of teachers to enhance the quality of the teaching profession as a whole.

The ACT Teacher Quality Institute Board has formally promulgated the Standards using its standards making power under section 97 of the Act. (Consistent with the requirements of the Act, the Standards have been notified on the Legislation Register.)

Certain amendments to the existing *ACT Teacher Quality Institute Regulation 2010* will satisfy requirements of the National Education Reform Agreement between the Commonwealth and the ACT. For example, provisions are included that clarify the period of teaching required for full registration (clause 4), the English language proficiency required for the different levels of registration (clauses 4 and 5), and the minimum professional learning required for renewal of the different levels of registration (clause 9).

Together, the new and amended regulations will make key determinants of high-quality effective teaching more explicit for the ACT teaching profession. They will provide a significant impetus to enhancing teacher quality in the ACT. Importantly, the ACT regulations will comply with the national regulatory regime for the teaching profession and inter-governmental agreements on education reform.

This Regulation will not have a financial impact on the Teacher Quality Institute or the public. Some costs are incurred by persons choosing to become registered ACT teachers or to apply for Certification against the higher career stages of the Standards.

Notes on clauses

Clause 1

The name of this regulation is the *ACT Teacher Quality Institute Amendment Regulation 2013* (No 1).

Clause 2

The regulation commences on the day after its notification day.

Clause 3

This regulation amends the *ACT Teacher Quality Institute Regulation 2010*.

Clause 4

This clause amends sections 9 and 10 of the *ACT Teacher Quality Institute Regulation 2010*.

The Act provides in Part 4 – ‘Registration and Permits to teach’ that a person seeking to be approved as a teacher in the ACT should do so having regard to the three categories of approval to teach under the Act. They may seek full registration or they may seek provisional registration, or they may seek a permit to teach. One key distinction between the full and provisional categories of approval is the period of teaching that the person has completed in the previous five year period.

The Act provides (section 32(1)(b)) that, for full registration, the period of teaching should be prescribed by regulation.

The amendment to section 9 makes clear that the period of teaching for initial full registration (i.e. 180 days in the previous five year period) or renewal of full registration (i.e. 100 days in the previous 12 months), must have taken place in a school in Australia or New Zealand.

The Institute is also provided with certain desirable flexibility in assessing whether the relevant period of teaching is equivalent to teaching in an Australian or New Zealand school. This will enable the Institute to assess equivalent teaching experience in overseas education systems of a comparable standard to those in Australia or New Zealand.

The Act provides (section 32(1)(c)) that the English language proficiency of a person seeking full registration should be prescribed by regulation.

The amendment to section 10 makes clear that there are three paths by which a person could satisfy this requirement, namely, they attained their teaching qualifications in one of the nominated English speaking countries, they attained the nominated levels in the International English Language Testing

System academic test (IELTS), or they attained satisfactory results in an equivalent English language proficiency test.

The clause also adds a new section 10A which makes a specific link to the Standards as an additional eligibility requirement for full registration. The standards relevant for this purpose, the *Australian Professional Standards for Teachers*, have been formally determined by the Institute under section 97 of the Act to be standards for the purposes of the Act.

Clause 5

This clause amends sections 12 and 13 of the *ACT Teacher Quality Institute Regulation 2010*.

The Act provides (section 33(1)(b)) that the English language proficiency of a person seeking provisional registration should be prescribed by regulation.

The amendment to section 12 makes clear that there are three paths by which a person could satisfy this requirement, namely, they attained their teaching qualifications in one of the nominated English speaking countries, they attained the nominated levels in the International English Language Testing System academic test, or they attained satisfactory results in an equivalent English language proficiency test.

The clause also adds a new section 12A which makes a specific link to the Standards as an additional eligibility requirement for full registration. The standards relevant for this purpose, the *Australian Professional Standards for Teachers*, have been formally determined by the Institute under section 97 of the Act to be standards for the purposes of the Act.

The Act provides (section 35(1)(a)) that the English language proficiency of a person seeking a permit to teach should be prescribed by regulation.

The amendment to section 13 makes clear that there are four paths by which a person could satisfy this requirement, namely, they attained their teaching qualifications in one of the nominated English speaking countries, or they attained the nominated levels in the IELTS test, or they attained satisfactory results in an equivalent English language proficiency test; or if there is an exceptional demonstrated need by a school to employ a person due to their special knowledge or skills even though they attained lower nominated levels in the IELTS test.

A waiver to these provisions is provided to a person who will be teaching in a program under an intergovernmental agreement (e.g. the agreement between the Australian Government and the French Government in relation to French national teachers at Telopea Park School).

Clause 6

This clause provides that the details of any certification to the higher levels of the Standards attained by a teacher should be included in the register of teachers maintained by the Institute.

Clause 7

This clause amends section 15 of the *ACT Teacher Quality Institute Regulation 2010*.

The term provisional registration is specified to be one year to provide consistency with the legislative framework for approval under the Act.

Clause 8

This Clause amends section 16 of the *ACT Teacher Quality Institute Regulation 2010*.

It provides that a provisional registration may be renewed annually up to a maximum of five years unless exceptional circumstances still exist that warrant one further year.

Clause 9

A new section 18A sets out the professional learning requirements that a teacher must now satisfy before their full or provisional registration can be renewed. The purpose of these requirements is to ensure that the knowledge and skills of registered teachers remain current and are kept up to date with contemporary research and professional practice. The regulation specifies the minimum hours of professional learning and development that a teacher must substantiate with the Institute in the 12 month period prior to renewal of their registration. The professional learning and development must be consistent with directions issued by the Institute under section 38(2) of the Act (see clause 14).

A new section 18B spells out the professional learning requirements that a teacher must now satisfy before their permit to teach can be renewed. The purpose of these requirements is to ensure that the knowledge and skills of approved teachers remain current and are kept up to date with contemporary research and professional practice. The regulation specifies the minimum hours of professional learning and development that a teacher must substantiate with the Institute in the 12 month period prior to renewal of their permit to teach. The professional learning and development must be relevant to the teaching position that is the subject of the permit to teach and be consistent with directions issued by the Institute under section 38(2) of the Act (see clause 14).

Clause 10

The Act provides in section 98(2)(c) that regulations may be made for the assessment and certification of teachers. The Institute has determined that the *Australian Professional Standards for Teachers* are relevant standards under section 97 of the Act for this purpose. A summary of the structure and content of the Standards, including the four career stages, and the intended operation of the Standards in the ACT is provided in Attachment 1.

To ensure consistency in decision making and to protect the integrity of the Standards certification process, the Teacher Quality Institute will be the

certifying authority for the purposes of the Standards in the ACT. Certification against higher levels of the Standards will be conducted annually by the Teacher Quality Institute.

A new Part 2A sets out the processes to be followed in relation to a fully registered teacher seeking certification against one of the higher career stages of the Standards including the application process (section 18D), and the decision-making process (section 18E and section 18F).

Section 18D specifies that a teacher, defined in section 18C to be a teacher holding full registration, may apply for certification as a highly accomplished or lead teacher, which are the advanced career stages detailed in the *Australian Professional Standards for Teachers*. The section requires an applicant for certification to provide the Institute with information needed to make the assessment against requirements of the standards.

Section 18E obliges the Institute to grant or refuse the application for certification based on the assessment of the teacher's demonstrated abilities, knowledge and skills against the requirements of the standards. The section sets out notification obligations in relation to any proposal to refuse certification. The section also obliges the Institute to enter the details of any certification granted into the register of teachers.

Section 18F authorises the Institute to issue guidelines for assessment and certification of teachers as notifiable instruments.

Certification against the higher levels of Standards will remain valid for a period of five years from the date of certification. Section 18G specifies that the certification period is five years.

Clause 11

A new Part 3A spells out the process to be followed by the Institute in relation to notifying a person of their rights of review if they are refused certification against one of the higher career stages of the Standards.

Section 20A provides that a reviewable decision is a decision mentioned in Schedule 1.

Section 20B provides that the Institute must give notice of a reviewable decision to each entity listed in Schedule 1.

Section 20C provides that a person refused certification may apply to the ACT Civil and Administrative Tribunal for a review of the decision.

The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

Clause 12

Clause 12 inserts the schedule of reviewable decisions under part 3A of the Regulation. The schedule lists refusal by the Institute to grant certification as a decision that is reviewable and that may therefore be appealed to the ACT Civil and Administrative Appeals Tribunal.

Clause 13

Clause 13 adds new terms to the dictionary, note 3 which lists terms that are already defined in the Act.

Clause 14

Clause 14 adds new definitions to the dictionary that are used in the Regulation. The new definitions cover the IELTS test, professional education or development, and reviewable decision.

Clause 15

Clause 15 makes a technical amendment to the definition of standard to correct terminology used in the Regulation.

Clause 16

Clause 16 adds a new definition of teacher to the dictionary to provide for the changes introduced by section 18C of the Regulation.

The Australian Professional Standards for Teachers

Teacher quality is the single greatest in-school influence on student engagement and outcomes. Improving the quality of the teaching workforce is fundamental to any overall improvements in schooling.

The *Australian Professional Standards for Teachers* were developed by the Australian Institute for Teaching and School Leadership (AITSL) to provide a nationally consistent integrated framework for career progression within the teaching profession. The Standards are a 'public statement of what constitutes teacher quality and make explicit the elements of high-quality, effective teaching in 21st-century schools' (AITSL). The ACT Teacher Quality Institute has determined these standards to be standards for the Act under section 97 of the Act.

The Standards are grouped into three domains of teaching – professional knowledge (three standards), professional practice (four standards), and professional engagement (three standards) – seven standards in total.

The Standards are detailed in four career stages: *Graduate*, *Proficient*, *Highly Accomplished*, and *Lead*.

Descriptors against each of the seven standards for each of the four career stages provide elaborations of what teachers should know and be able to do at each career stage.

Progression through the levels of the Standards is intended to be step-wise – a teacher's achievement of a given level of the Standards is meant to indicate they have fully satisfied all requirements for development at that level, so that further development and assessment is undertaken in terms of the next relevant higher level.

In the ACT, the Graduate and Proficient levels of the Standards are mandatory in the accreditation of teacher education courses and in the teacher registration processes. Assessment at the Highly Accomplished and Lead levels of the Standards is voluntary, through a formal certification process against the Standards. Any such assessment is required by the Standards to be a formal certification process conducted by a certifying authority. The ACT Teacher Quality Institute is the certifying authority for the Standards in the ACT.

Level	Requirement	Notes
Graduate	Mandatory	Attainment required for Provisional Registration under section 33 of the ACT Teacher Quality Institute Act 2013.
Proficient	Mandatory	Attainment required for Full Registration under section 32 of the TQI Act
Highly Accomplished	Voluntary	Certification process to be completed for teacher to be awarded this level.
Lead	Voluntary	Certification process to be completed for teacher to be awarded this level.