

**2019**

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

**ACT TEACHER QUALITY INSTITUTE  
AMENDMENT BILL 2019**

**EXPLANATORY STATEMENT**

**Presented by  
Yvette Berry MLA  
Minister for Education and Early Childhood Development  
June 2019**

# ACT TEACHER QUALITY INSTITUTE AMENDMENT BILL 2019

## Introduction

This explanatory statement relates to the ACT Teacher Quality Institute Legislation Amendment Bill 2019 as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.

The statement is to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill.

## Purpose

The Bill amends the *ACT Teacher Quality Institute Act 2011*. The purpose of the amendments is to ensure the quality the ACT's teacher workforce and build a workforce that meets the needs of ACT school children into the future. The amendments are as follows:

1. require pre-service teachers to apply for approval with the ACT Teacher Quality Institute to undertake professional experience in a school in the ACT during pre-service teacher education;
2. establish a framework for the approval of pre-service teachers to undertake professional experience in a school in the ACT during pre-service teacher education;
3. authorise the Institute to provide pre-service teacher information to principals and universities;
4. authorise the Institute to collect data about the current workforce profile of teachers to inform teacher workforce planning;
5. authorise the Institute to provide pre-service teacher data and teacher workforce data to a research agency or a data linkage agency approved by the Minister to inform teacher workforce planning, subject to conditions about use of the data to protect the privacy of individuals; and
6. strengthen academic teacher qualification requirements for new applicants for full or provisional registration by requiring applicants to have the professional teaching qualifications as detailed by regulation.

## Overview of the Bill

### **Approval of professional experience**

The TQI Act, section 8, states 'teaching means carrying out duties that do not include duties of a kind carried out by... a pre-service teacher'. The TQI Act does not include any further reference to pre-service teachers. Pre-service teachers are not subject to

any obligations under the TQI Act. The Institute also has no functions related to data collection about the future teaching workforce.

Since the commencement of the TQI Act in 2011, there has been an increased emphasis on strengthening pre-service teacher education programs to ensure graduates are ready to teach. The Institute has contributed to this in the ACT through introduction of the *Professional Experience Framework*, which provides guidance on how schools and teachers can provide high quality practicum (professional experience) to pre-service teachers.

In August 2018, the government's *Future of Education Strategy* included an expanded role for the Institute in this area, building on its work on ensuring high quality professional experience for pre-service teachers.

Pre-service teachers seeking to undertake a professional experience placement in an ACT school will be required to register with the Institute. The Institute will be required to maintain a pre-service teacher register.

While approval for professional experience can be seen as a precursor to teacher registration, it will be made clear to pre-service teachers that their inclusion on the pre-service teacher register is not an approval to teach in the ACT but rather enables them to undertake professional experience placements in an ACT school.

Requiring approval for professional experience and establishing a pre-service teacher register aligns with the second foundation in the *Future of Education Strategy*: 'Empowered Learning Professionals'. This foundation acknowledges that 'a professional teaching workforce requires high quality initial (pre-service) teacher education that attracts the right kind of people and leads to well-prepared and enthusiastic graduates entering the profession.'<sup>1</sup>

Quality teaching is founded in high quality pre-service teacher education, which ensures that graduate teachers start with the skills, knowledge and experience necessary to have a positive impact on student learning. An integral part of pre-service teacher education is professional experience, and it is therefore a compulsory part of the education program that a pre-service teacher must complete.

The quality of the professional experience is critical to ensuring that newly qualified teachers are ready to teach. Professional experience provides the opportunity for prospective teachers to:

- i) learn and practise the art of teaching;
- ii) reflect on and learn from their experiences;
- iii) observe and be mentored by experienced teachers;
- iv) experience working in a school community; and
- v) commence their professional life as a teacher.

High quality professional experience is underpinned by strong collaborative partnerships between the pre-service teacher education provider and schools. An agreement between universities and schools details the expectations and responsibilities of all parties in the professional experience placement. The

---

<sup>1</sup> *The Future of Education An ACT education strategy for the next ten years 2018 p. 5*

agreement articulates explicitly the expectations about the nature, purpose and requirements of the professional experience program and placement, the support from the pre-service teacher education provider, the role of the mentor teacher and the assessment of the pre-service teacher.

The agreement is a commitment by the university, the school, the teacher mentor and the pre-service teacher to work collaboratively to ensure that professional experience in the ACT is of the highest quality.

Being included on the pre-service teacher register will provide to pre-service teachers:

- b) information about professional standards;
- c) a sense of belonging to the teaching profession;
- d) access to information about professional development and resources; and
- e) streamlined transition to ACT teacher registration.

The pre-service teacher register will also allow the Institute to maintain information about the professional experience of pre-service teachers that can be then used to assist schools and the government with workforce planning.

The government does not intend to require fees for pre-service teachers to apply to be included on the pre-service teacher register, and will minimise the administrative burden of registration. The purpose of this Bill is to provide better support to pre-service teachers, which will benefit students, schools and the ACT community.

### **Authorise the Institute to provide pre-service teacher information to employers, principals and universities**

The Institute will collect and store the pre-service teacher data on the pre-service teacher register. The Bill allows for this information to be made available to the pre-service teacher's university and relevant principal where required. For example, in the practical operation of the pre-service teacher register, the Institute may check if a certain pre-service teacher was enrolled at a particular university, or if a pre-service teacher was undertaking their professional experience at a certain school.

More general information which does not involve individual pre-service teacher information may be gleaned from the pre-service teacher data and then appropriately used or shared, such as:

- a) the total number of pre-service teachers undertaking professional experience in a particular year;
- b) the number of schools providing professional experience placements;
- c) the number of pre-service teachers placed at particular schools; or
- d) the number of pre-service teachers undertaking their professional experience in, for example, a science faculty.

The pre-service teacher's performance at their professional experience placement is a matter for the pre-service teacher, the university and the school. The Institute will not collect, store or have access to information about the pre-service teacher's performance.

## **Authority to collect, share and analyse pre-service teacher data and teacher workforce data for research and workforce planning purposes**

In 2017, education ministers approved the development of the Australian Initial Teacher Education and Teacher Workforce Data Strategy (ATWD), a national strategy for the collection and analysis of pre-service teacher education program data and teacher workforce data. This decision tasked teacher regulatory authorities with primary responsibility for the collection and supply of teacher workforce data to a national dataset. Pre-service teacher education providers (universities) and not the Institute provide pre-service teacher education data to inform the ATWD.

The TQI Act does not authorise the Institute to collect pre-service teacher data, or to share teacher data for research and workforce planning purposes. The statutory functions of the Institute do not include engaging in research activities or collecting or sharing information for research.

The amendments to the TQI Act will allow the Institute to contribute to the ATWD strategy by sharing teacher workforce data held by the Institute. They will expand the Institute's functions to include work related to developing a workforce profile of teachers to inform teacher workforce planning and research.

A further amendment will allow the Institute to collect and maintain some additional information about registered teachers to create a comprehensive teacher workforce profile. Additional information could include: subjects taught; schools and year levels; leadership roles. The Institute will not collect information about the teachers' performance reviews. The Institute does not and will not have access to such information, except in its regulatory role.

The data for any agreed national collection, for example, ATWD, will be managed through an approved data linkage agency. The ATWD Strategy requires identifiable data to be provided to an approved data linkage agency to enable data matching across multiple sources. The Institute gives identified data to the data linkage agency who will do the data linkage to existing data and then de-identify it. Data sets generated for the ATWD will only contain de-identified information.

The proposed amendments require that the data linkage agency must not give to another entity information which in any way identifies a teacher, pre-service teacher or a provider of an accredited pre-service teacher education program.

At all stages of data collation, processing, storage and reporting for the ATWD, the privacy of individuals is protected. Personal data will be removed by the linkage agency and only de-identified data will be included in the ATWD. Reporting from the ATWD will look at aggregate workforce trends, not individual teachers, so teachers will be anonymous.

The aggregated data will:

- a) inform ACT research and teacher workforce planning to better enable universities and schools to provide an authentic professional experience which will build the pre-service teacher's readiness to teach;
- b) give more comprehensive information on subject specialties studied

through pre-service teacher education;

- c) provide information on how many ACT pre-service teachers are graduating compared with how many register to work as a teacher;
- d) provide information on how many stay in the profession and for how long;
- e) may be used to gain an understanding of the teaching experience from a pre-service teacher's entry into pre-service teacher education, their entry to the teaching profession, through to their exit; and
- f) inform future policy decisions about the teaching profession.

The Bill makes it a responsibility of the Minister to approve the data linkage agency. A data linkage agency would need to demonstrate that:

- a) the entity's policies, procedures and practices for handling personal information comply with the *Information Privacy Act 2014*, or the *Privacy Act 1988* (Cwlth), or a law of another jurisdiction that corresponds or substantially corresponds to either of those Acts;
- 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;
- c) the entity manages personal information in accordance with the *Territory Records Act 2002* or the *Archives Act 1983* (Cwlth), or a law of another jurisdiction that corresponds or substantially corresponds to either of those Acts; and
- d) the type of matching used should be chosen as the minimum needed to support the approved purposes, and the range of attributes used to establish a common identity should be the minimum necessary for the linking operation to succeed.

The Institute, as originator of the personal information, must ensure personal information is stored securely, is transferred and transmitted to the approved data agency by means that deter and detect compromise, and where appropriate, is disposed of securely.

A sustainable supply of quality teachers, principals and other school leaders is essential to the quality of the education system and student learning. The effective management of this supply is far more complex than simply matching the number of available teachers and school leaders to the number of students in schools. It involves detailed understanding of the many factors affecting teacher supply and demand. For example, labour market skill needs and economic development policy has upstream implications for the skill and capability needs of school leavers. Appropriately skilled teachers, including specialist teachers, are therefore required.

The collection of suitable lifecycle data about teachers and school leaders will provide sound information to assist in the development of evidence-based policies and

programs in education workforce planning and enhancement.

### **Strengthen requirements for teacher education qualifications**

The TQI Act requires that people hold the teaching qualification prescribed by regulation to meet the qualification requirements for full registration.

The TQI Act also states, in section 32(1)(a)(ii), that a person is eligible for full registration if the person's education, demonstrated abilities, experience, knowledge and skills establish that the person meets the requirements for professional practice prescribed by regulation for full registration

The TQI Act requires that people to meet the qualification requirements for provisional registration:

- a) hold the teaching qualification prescribed by regulation: or
- b) that the person is progressing towards the qualification and the person's education, demonstrated abilities, experience, knowledge and skills establish that the person meets the requirements for professional practice prescribed by regulation for provisional registration.

The provisions mentioned above mean that, currently, a person without an academic teaching qualification that meets expected standards may be eligible to be fully or provisionally registered to teach in an ACT school. These provisions in the TQI Act provided teachers and sectors with flexibility about teacher qualifications in a time of transition following the Act's introduction in 2011.

The provisions in the TQI Act for people to be eligible for registration with partial or no teaching qualifications have not been applied in the history of the TQI Act. The Institute has never drawn on these provisions to grant full or provisional registration to a person who is without a completed teaching qualification. It is appropriate to remove these provisions from the Act given that after the passage of a transition period they have not been required and have the potential to weaken the teaching profession.

It will remain the case that the Institute must, under Mutual Recognition legislation, grant registration to eligible people who apply for teacher registration in the ACT. An eligible person is anyone who is registered to teach in an Australian jurisdiction or New Zealand.

This means that there may be a small number of people who are registered to teach in the ACT, under Mutual Recognition legislation, who do not have a completed teaching qualification. The proposed changes to legislation will have no impact on people registered under mutual recognition.

The Bill establishes that for a new applicant to be granted full or provisional registration, the new applicant must have the teaching qualification prescribed by regulation as detailed in the *ACT Teacher Quality Institute Regulation 2010*, regulation 7.

No currently registered teachers will be disadvantaged by this amendment. The amendment will not affect those teachers who are already registered and who wish to renew their current registration.

People with partial qualifications or teaching experience without qualifications will no longer be eligible for full or provisional registration. However, flexibility for people with partial qualifications or acceptable teaching experience to be considered for eligibility to teach in the ACT will be maintained under the 'permit to teach' provisions.

Permits to teach may be granted where there is not a registered teacher available to fill a position, to applicants who have specialist knowledge, training, skills or qualifications, or whose teaching qualification does not meet the eligibility requirements for full or provisional registration. This could occur for example, when a school offers a particular language other than English (LOTE), and there is no one with teaching qualifications available to teach that language. It is in such a circumstance that a school could employ a person with the LOTE knowledge with approval under 'permit to teach'.

Permits to teach apply only while the holder is employed to teach in a school. Before an application can be made for a permit to teach the employer must make a request to the Institute on behalf of the applicant stating that the school wishes to employ the person in a specified role for a specified period and that there is no suitable registered teacher available to fill the position.

The amendments about teacher qualifications place value on the essential learning that takes place during the specified period of academic study and ensures that registered teachers have undertaken the required academic study to prepare them to a high standard to make a positive impact on student learning.

Teachers must be recognised as highly qualified professionals. ACT teachers want to be part of a high-status profession that values excellence and has the confidence of the community. This requires that registered teacher have suitable academic teaching qualifications.

Building the professional standing of ACT teachers and enhancing the community's confidence in the teaching profession through professional regulation is a key purpose of the TQI Act. It is important that the government supports the professionalisation of the teacher workforce and safeguards the quality of the teaching profession in the ACT. The ACT community expressed its view in the *Future of Education* consultation that teachers are the most important part of a child's school experience, consistent with well-established research evidence. It is clear that the community expects teachers to meet minimum qualification requirements. Strengthening the Act's requirements regarding teacher qualifications will help to build this assurance.

The amendments are in line with national reforms to ensure a high quality teaching profession.



## Overview of human rights considerations

This section provides an overview of the human rights that may be engaged by the Bill, together with a discussion on reasonable limits.

This Bill may **limit** section 12(a), that everyone has the right not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily.

This Bill **supports** section 27A, every child has to right to school education appropriate to his or her needs.

Section 28 of the Human Rights Act provides that human rights may be subject to reasonable limits set by laws that can be demonstrably justified in a free and democratic society. Section 28(2) provides that in deciding whether a limit on a human right is reasonable, all relevant factors must be considered, including the following:

- (a) the nature of the right affected;
- (b) the importance of the purpose of the limitation;
- (c) the nature and extent of the limitation;
- (d) the relationship between the limitation and its purpose; and
- (e) any less restrictive means reasonably available to achieve the purpose the limitation seeks to achieve.

The amendments in this Bill have been carefully considered in the context of the objects of the *Human Rights Act 2004 (ACT)*.

Section 12 – Privacy and reputation – ‘that everyone has a right not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily, and not to have his or her reputation unlawfully attacked’. Each amendment listed below could limit the right to privacy and reputation.

- a) *Amendment 1: require pre-service teachers to apply for approval from the ACT Teacher Quality Institute to undertake a professional experience placement in a school in the ACT during pre-service teacher education;*
- b) *Amendment 2: establish a framework for approval of pre-service teachers to undertake professional experience in a school in the ACT;*
- c) *Amendment 3: authorise the Institute to provide pre-service teacher information to principals and universities;*
- d) *Amendment 4: authorise the Institute to collect data about the current workforce profile of teachers to inform teacher workforce planning;*
- e) *Amendment 5: authorise the Institute to provide pre-service teacher data and teacher workforce data to a data linkage agency approved by the Minister to inform teacher workforce planning, subject to conditions about use of the data to protect the privacy of individuals; and*

- f) *Amendment 6: strengthen academic teacher qualification requirements for new applicants for full or provisional registration by requiring applicants to have the professional teaching qualifications as detailed by regulation.*

### **The nature of the right affected**

#### **Amendments 1, 2 and 3:**

The Institute will collect and store and may share the pre-service teacher data on the pre-service teacher register. It may need to be made available to the pre-service teacher's university, and relevant principal in the practical operation of pre-service teacher register. The Institute may check if a certain pre-service teacher was enrolled at a particular university, or if a pre-service teacher was undertaking their professional experience placement at a certain school.

The table below (Table 1) shows the list of fields under which data will be collected on the pre-service teacher register. Data from the starred fields are the only data that will be shared with universities and schools.

It is optional for the pre-service teacher applying for approval to be included on the pre-service teacher register to provide information in the fields marked 'gender'; or Aboriginal or Torres Strait Islander status.

When pre-service teachers enter the portal to apply to be included on the pre-service teacher register, the portal will show a notice about the collection of personal information. This notice will inform pre-service teachers about:

- a) the fact that pre-service teachers' information will go onto the pre-service teachers register;
- b) what information may be shared with other parties, to whom their information can be shared with;
- c) under what circumstances the information may be shared; and
- d) the TQI Privacy policy which explains how TQI collects, uses, discloses and stores their personal information and how they can access and correct any inaccuracies.

Pre-service teacher applicants will be asked to acknowledge the terms of the collection of personal information notice for the application to proceed.

Pre-service teacher register		
Pre-service teacher Information	Demographic - Personal Data	Name*
		Date of Birth*
		Address*
		Phone*
		Email*
	Unique student identifier	Commonwealth Higher Education Student Support Number
	Demographic	Gender (optional)
		Regionality

Pre-service teacher register		
		ATSI Status (optional)
	Prior academic achievement	Highest educational participation prior to commencement
	Basis of admission	Basis of admission
	Working with Vulnerable People	Registration number*
Program Information	Provider details	Institution code
		Provider name
		Campus location
	Program (field, level)	Course name
	Accredited pre-service teacher education program	Special course type code
		Level of program (graduate or undergraduate)
	Program type	Early Childhood (0-5); Early Childhood (0-8) Early Childhood (Primary); Secondary;
		Primary specialisation (If relevant); Secondary – major teaching area and other teaching area
		Year of enrolment
		Expected year of completion
	Attendance mode and type	Mode of attendance code e.g. online
	Subjects studied at tertiary level	Unit of study code for all subjects
	Teaching specialisation	Discipline code + units studied
Professional experience placement details	Professional Experience Placement	Which placement (1,2,3 or 4)
	Placement type	Observation, teaching with mentor supervision; teaching with minimal mentor supervision
	Length of placement	Number of days*
		Commencement date*
		Name of school*
		University contact person*
		School supervisor*
		Mentor teacher*
	If final placement	Successful completion of LANTITE English Language test – Yes or No
		Successful completion of LANTITE Numeracy test – Yes or No
	Will you be undertaking Teaching Performance Assessment during or in conjunction with this Professional Experience placement Yes- No	

Collecting, storing and sharing this information about a pre-service teacher may limit a pre-service teacher's rights to privacy. However, this amendment will have a limited engagement with the right to privacy of a pre-service teacher. While the Institute will become authorised by law to collect, store and share information about a pre-service teacher, pre-service teachers would have already provided this same information to their university and the school at which they are seeking placement. The Institute collecting this information, and appropriately sharing it, serves the legitimate purpose of enhancing the training of teachers through high quality teaching practicum.

Pre-service teacher privacy will be protected by the *Information Privacy Act 2014* through the Institute's existing obligation to uphold the requirements of this Act. Equally, universities and schools have legal obligations related to information privacy.

### *Amendments 4 and 5*

Teacher and pre-service teacher privacy is impacted because information about them is being collected and shared. The Institute will have authority to collect information from these people that may be used for workforce planning and contributed to the Australian Teacher Workforce Data (ATWD) Strategy by sharing pre-service teacher data and teacher workforce data held by the Institute.

Teacher workforce data and pre-service teacher data could also be provided to other research agencies.

Teacher and pre-service teacher privacy will be protected by the Information Privacy Act through the Institute's existing obligation to uphold the requirements of this Act. Equally, universities and schools have legal obligations related to information privacy.

### *Amendment 6*

A person applying for teacher registration must provide evidence of their academic teaching qualifications. Teacher privacy may be limited in that the Institute collects and stores this evidence. Requiring evidence of academic teaching qualifications is a critical means of ensuring that ACT teachers meet the obligations of the TQI Act and support a high standard of professionalism among teachers.

## **The importance of the purpose of the limitation**

### *Amendments 1, 2 and 3*

The purpose of the limitation is to make possible a register of the pre-service teachers who are eligible to take up professional experience placements in ACT schools. High quality professional experience is critical to ensuring that newly qualified teachers are ready to teach.

Keeping the register will better enable:

- a) universities and schools to provide high quality professional experience for pre-service teachers;
- b) universities and schools to provide a more streamlined approach to the organisation of professional experience for pre-service teachers;
- c) the provision of access of pre-service teachers to information about professional development and teaching resources through the Institute portal; and
- d) a more streamlined transition to teacher registration, following graduation.

### *Amendments 4 and 5*

Teacher workforce data and pre-service teacher data will provide a comprehensive picture of the teaching experience and subject area expertise from entry into the profession to exit. It will enable access to quality teacher workforce data. This will allow research into and analysis of workforce trends and will inform decision-making

nationally and within and across jurisdictions and sectors on a range of workforce planning issues.

A sustainable supply of quality teachers, principals and other school leaders is essential to the quality of the education system and student learning. The effective management of this supply is far more complex than simply matching the number of available teachers and school leaders to the number of students in schools. It involves detailed understanding of the many factors affecting teacher supply and demand. For example, labour market skill needs and economic development policy has upstream implications for the skill and capability needs of school leavers. Appropriately skilled teachers, including specialist teachers, are therefore required.

The collection of suitable lifecycle data about teachers and school leaders will provide sound information to assist in the development of evidence-based policies and programs in education workforce planning and enhancement.

### *Amendment 6*

ACT teachers must be recognised as highly qualified professionals. ACT teachers want to be part of a high-status profession that values excellence. The ACT community expressed its view in the *Future of Education* consultation that teachers are the most important part of a child's school experience. The community expects teachers to have achieved appropriate academic teaching qualifications.

## **The nature and extent of the limitation**

### *Amendments 1, 2 and 3*

The government anticipates that the Institute would share a pre-service teacher's personal information for administrative reasons, for example, if a principal/school checks with the Institute on whether a pre-service teacher is on the pre-service teacher register or the Institute checks with the university about a pre-service teacher's enrolment status in a pre-service teacher education program.

### *Amendments 4 and 5*

The proposed amendment will require that all data used for reporting or research be de-identified to protect the privacy of individuals. The data for any agreed national collection, for example Australian Teacher Workforce Data (ATWD), will be managed through an approved data linkage agency.

At all stages of data collation, processing, storage and reporting for the ATWD, the privacy of individuals is protected. Personal data will be removed by the linkage agency and only de-identified data will be included in the ATWD. Reporting from the ATWD will look at aggregate workforce trends, not individual teachers, so teachers will be anonymous.

Data sets generated by the ATWD will contain de-identified information. The ATWD Strategy requires identifiable data to be provided to an approved data linkage agency to enable data matching across multiple sources.

The Act will give the Institute the authority to provide information only to a data linkage agency which has been approved by the Minister. The agency which the Minister selects will manage the data collation, linkage, storage and data access process. This will ensure that the data will remain safe and secure.

The selected agency would meet the same standards as a Commonwealth Linkage Agency. These standards include:

- a) their policies, procedures and work practices comply with the *Information Privacy Act 2014* (ACT), or the *Privacy Act 1988* (Cwlth) (Privacy Act) or a law of another jurisdiction that corresponds or substantially corresponds to either of those Acts;
- b) the agency would need to comply with the Territory Privacy Principles or the Australian Privacy Principles (APPs) when they collect, use, disclose and store personal information.
- c) they can only collect, hold, use and disclose personal information to carry out the work specified in the contract.
- d) policies and procedures used in data integration must minimise any potential impact on privacy and confidentiality.
- e) privacy and confidentiality are preserved to the maximum extent possible.
- f) operational, administrative and personal identifiers are removed from datasets as soon as they are no longer required to meet the approved purposes of the statistical data integration. Where identifiers need to be retained, for example for longitudinal studies, they should be kept separate from the integrated dataset
- g) the number of unit records and data variables to be included in an integrated dataset should be no more than required to support the approved purposes
- h) the type of matching used should be chosen as the minimum needed to support the approved purposes, and the range of attributes used to establish a common identity should be the minimum necessary for the linking operation to succeed
- i) access to potentially identifiable data for statistical and research purposes, outside secure and trusted institutional environments should only occur where:
  - i) legislation allows;
  - ii) it is necessary to achieve the approved purposes; and
  - iii) access meets agreements with source data agencies.
- j) archiving of statistically integrated data sets should be restricted to confidentialised datasets. (data sets do not contain personally identifying information).
- k) the entity stores and protects personal information in accordance with the Australian Government's Protective Security Framework or a policy of another jurisdiction that corresponds or substantially corresponds to the framework.
- l) strict protocols are followed when data held in two or more data sets is linked.

Tables 1 above and 2 below which list the information which will be collected about pre-service teachers and registered teachers respectively. Data fields passed on by the Institute for the purposes of linkage only are starred.

Information used in reporting will be de-identified and so will not engage the right to privacy under section 12 of the [Human Rights Act 2004](#). To the extent that the Institute will provide the information to a contracted service provider to de-identify the information, appropriate contractual provisions will require the service provider to comply with the Territory Privacy Principles under the [Information Privacy Act 2014](#) (as required under section 21 of that Act).

Teacher Information			
Information for Linkage only	Full name	First, middle and family names*	
	Date of birth	Date, month and year*	
	Location	Address*	
	Teacher registration	Number*	
Teacher demographic information	Gender	Male or female or x	
	ATSI status	Self reported (optional)	
	Country of birth	Name of country	
	Country of ITE qualification	Name of country	
	Number of years as an educator	Year first commenced as educator	
		Year first commenced as principal/deputy principal	
	Post ITE qualifications	Level of qualification (e.g. Masters)	
Field of qualification (e.g. science)			
Teacher Registration information	Registration conferral year	Year	
	Registration status	Provisional or full	
Employment information	Employment status	Contract type and length	
		Part-time/full-time	
		Seeking full-time employment	
	Teaching load	Number of teaching hours in a week	
	Current school employed at	Current employment: school, Early childhood education (ECE) or other	
		Name of the school/Early childhood education setting	
Role in school/ECE setting			
Teaching information	Teacher perception of helpfulness of ITE program	Satisfaction and engagement with the higher education experience	
	Employer perception of teacher classroom readiness	Employment readiness	
	Teacher perception of helpfulness of induction	Types of induction undertaken	
		Perceptions of usefulness against types	
	Nature of current teaching position: teaching and non-teaching duties	Type of teaching and non-teaching duties	
		Hours of teaching and non-teaching duties	
	Subjects and level taught	Year level taught	
		Subjects taught	
	Professional learning (PL)	PL undertaken	
		PL reflections	
		Number of hours of PL	
National teacher certification status	Highly accomplished or lead teacher		
Teacher career intentions: intention to remain or leave teaching	Yes or no		
	When (if yes)		

	Factors affecting intention to leave teaching prior to retirement	List of factors
--	---	-----------------

Table 2 Information that may be collected from registered teachers. Will be used to inform the current minimum dataset for ATWD and other research activity as approved by the Minister.

### *Amendment 6*

It is expected that people applying for teacher registration with the Institute and the general community would expect, understand and support that the Institute requires teachers to meet high academic qualification standards and that the Institute would understandably require evidence that these standards have been met.

The Institute can limit the risk of misuse of the information provided by applicants and registered teachers by:

- a) reminding supervising persons and the Institute staff of their obligations under the *Information Privacy Act 2014* and specifically, to only use the information for the purpose for which it is provided; and
- b) monitoring the Institute staff's access to the Institute data bases.

### **The relationship between the limitation and its purpose;**

#### *Amendments 1, 2, 3, 4, 5 and 6*

The overriding rationale for the privacy limitations of each of the amendments is that the limitations, especially if handled under strict privacy principles, are outweighed by the benefits to the pre-service teacher and registered teachers, to the ACT community and school education across the nation.

- Pre-service teachers and registered teachers, by providing their information to the relative register, gain access to acknowledgement of and support for building their professional standing in the ACT community.
- The community can have confidence that graduate teachers are well prepared to teach in ACT schools and all registered teachers have approved academic teaching qualifications.
- The quality of ACT and national teacher workforce research and planning and teacher workforce management are improved with the input of ACT teacher workforce data to the national teacher workforce data collection.

### **Any less restrictive means reasonably available to achieve the purpose the limitation seeks to achieve.**

#### *Amendments 1, 2, 3, 4, 5 and 6*

In balancing the respective rights of children to a quality education, the amendments do not unreasonably or unnecessarily limit the human rights of pre-service teachers and registered teachers. The amendments represent a small and reasonable limitation on the right to privacy, which is greatly outweighed by the potential for increased quality of school education in the ACT. That is, quality will improve by



having better training for pre-service teachers, increased rigour relating to academic teacher qualifications for registered teachers, and better workforce planning.

There is no less restrictive means of the government achieving these purposes because each requires that teachers and pre-service teachers provide information that can be used for the legitimate purposes detailed in this Explanatory Statement. The means adopted in each case has been constrained to the extent possible without defeating the intended purpose of the Bill.

## **CLAUSE NOTES**

### **PART 1      PRELIMINARY**

#### **Clause 1      Name of Act**

This clause provides that the name of the Act is the *Teacher Quality Institute Legislation Amendment Act 2019*.

#### **Clause 2      Commencement**

This clause provides for the commencement of the Act on the day after the notification day, except for section 70F which will commence on 1 January 2020. Delaying the commencement of the pre-service teacher register for six months following the passing of the Bill will give universities and schools time to be familiar with the new concept of a pre-service teacher register.

#### **Clause 3      Legislation Amended**

This clause identifies the legislation amended by the Bill – the *ACT Teacher Quality Institute Act 2010* and the *ACT Teacher Quality Institute Regulation 2010*

#### **Clause 4      Functions of Institute New section 11 (1) (ba) and (bb)**

This clause inserts two new functions in the TQI Act. The first is for the Institute to keep a register of and records relating to pre-service teachers undertaking a placement in a school to practise teaching. The pre-service teacher register is not the same as the teacher register. Pre-service teachers are not registered to teach and cannot teach.

The second is for the Institute to use and share teachers' and pre-service teachers' information to facilitate research and planning in relation to teacher quality or the teaching workforce.

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

With the change to section 32 (1) (a), the option for a person without an academic teaching qualification to be eligible to be fully registered to teach in an ACT school has been removed.

This clause requires that for a new applicant to be granted full registration, the new applicant must have the teaching qualification prescribed by regulation as detailed in the TQI Regulation, regulation 7.

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

With the change to section 33 (1) (a), the option for a person without an academic teaching qualification to be eligible to be provisionally registered to teach in an ACT school has been removed.

This clause requires that for a new applicant to be granted provisional registration, the new applicant must have the teaching qualification prescribed by regulation as detailed in the TQI Regulation, *regulation 7*.

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

Section 34 (b) (ii) has changed to require that for a pre-service teacher to be eligible to be approved for a permit to teach, they must have successfully completed the pre-service professional experience as required by their teacher education program.

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

Content from section 42 (4) to (6) has been moved to section 43A.

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

The generic term 'indigenous person' has been replaced with the more culturally sensitive and appropriate term 'Aboriginal or Torres Strait Islander person'.

## **Clause 10 43 (1) (k)**

This clause requires teachers to enter into the teacher register information about the teacher education they have undertaken. Teacher education encompasses pre-service teacher education and any professional learning the teacher has undertaken.

## **Clause 11 Section 43 (2)**

This clause enables the Institute to collect information about teachers which the Institute considers would assist with research and planning in relation to teacher quality or the teaching workforce. Information that will be collected includes: current employment; teaching history; education programs undertaken; and anything prescribed by legislation.

## **Clause 12 New section 43A**

The new section 43A requires the Institute to provide to a teacher employer, information to an employer about a potential teacher or a teacher's registration status, including if the registration or permit to teach is suspended or cancelled. It makes clear that the Institute must not provide to the employer information about reasons for suspension or cancellation of teacher registration.

The Institute may also provide information about the professional learning a teacher has undertaken.

The above described information may also be given to a person on request.

### **Clause 13 Section 44 heading**

The heading from section 44 has changed from 'Register information may be shared' to 'Sharing teachers register information – corresponding registering authority'.

### **Clause 14 New section 44A**

**44A** This new section gives the Institute authority to give identifiable information for research purposes to an approved data linkage agency and enables the approved data agency to provide de-identified data to another entity for research purposes.

**44B** This section allows the Institute to give de-identified information from the teachers register to an entity for research purposes only.

### **Clause 16 New part 6A**

This new part provides the framework for the approval of pre-service teachers for professional experience and for the keeping of the pre-service teacher register.

**70E** This section provides a definition of 'professional experience' - 'professional experience' is the placement of a pre-service teacher at a school to undertake professional teaching experience required of an accredited pre-service teacher education program.

### **Division 6A.2**

**70F** This clause inserts a requirement that a pre-service teacher cannot undertake professional experience at a school unless the Institute approves the person for professional experience i.e. the Institute must approve the person to undertake their professional experience at a school in the ACT.

**70G** This clause details the requirements for a pre-service teacher to be approved to undertake a professional experience placement in a school in the ACT. To be approved, pre-service teachers must be enrolled in an accredited pre-service teacher education program and hold a Working with Vulnerable People registration or registration granted under the law of another jurisdiction that corresponds with the *Working with Vulnerable People (Background Checking) Act 2011*.

**70H** This clause inserts a requirement that the Institute must keep a pre-service teacher register which includes information about pre-service teachers who are approved to undertake a professional experience placement in a school in the ACT.

It makes clear that Territory Privacy Principles apply to the Institute in its dealings with the collection, storage and exchange of information on the pre-service teacher register.

Section 70H also requires the institute to correct the pre-service teachers register.

**70I** Section 70I details the information that a pre-service teacher enters on the preservice teacher register. The information to be entered includes the pre-service teacher's personal details, teacher education program provider information and

information about their professional experience placement(s) within or outside the ACT.

Clause 70I (2) states that the register may also include: the preservice teacher's gender; and whether the pre-service teacher is an Aboriginal or Torres Strait Islander person. The pre-service teacher has the option of including this information.

**70J** Section 70J enables the Institute to provide on request relevant information held on the pre-service teacher register to the principal of a school within or outside the ACT or the university. The information can only be provided if the principal or university needs the information for the administration of the teacher's professional experience.

**70K** Section 70K authorises the Institute to share information on the pre-service teacher register to an approved data linkage agency if the Institute is satisfied the information will be used for a research purpose.

This section also allows the approved data agency to provide de-identified information about the pre-service teacher to another entity for research purposes. The information provided to the other entity must not identify the provider of the accredited pre-service teacher education program.

**70L** Section 70L enables the Institute to give de-identified information on the pre-service teacher register to an entity if satisfied the information will be used for research purposes. The information provided to the other entity must not identify the provider of the accredited pre-service teacher education program.

**70M** Section 70M requires a pre-service teacher to tell the Institute about changes to their name and/or address and if their WwVP registration ends or is suspended, within 21 days after the change has happened. It also requires the provider of the pre-service teacher education program to tell the Institute if the pre-service teacher's enrolment ends.

The Institute must enter any changes on the pre-service teacher register and remove from the register any person whose pre-service teacher's approval ends.

It is noted in this section that the Institute may keep a record of any details of the pre-service teacher that have been removed from the pre-service teacher register. Information about pre-service teachers formerly on the register, current pre-service teachers, and registered teachers has the potential to provide longitudinal data which is essential to comprehensive research into the teacher workforce.

**70N** Section 70N requires the Institute to provide the pre-service teacher with the information held by the Institute on the pre-service teacher register, enables the pre-service teacher to correct the pre-service teacher register, and requires the Institute to correct the pre-service teachers register within 14 days of being asked.

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

The word 'preschool' is substituted for 'pre-school'.

## **Clause 17 New Section 94A**

A new section is inserted to require that the Minister approve a data linkage agency to which the Institute may give information, for research purposes, from the teachers register and the pre-service teachers register. The data linkage agency must satisfy the Minister that their policies procedures and practices comply with ACT or Commonwealth or corresponding privacy legislation, ACT or Commonwealth or corresponding Records legislation and the Australian Government's Protective Security Policy Framework or a policy of another jurisdiction that corresponds to the framework. These provisions are included to ensure the privacy and security of teacher's and pre-service teacher's information are protected.

## **Clause 18 New part 16 Transitional – ACT Teacher Quality Institute Act**

**155** This section states when the ACT Teacher Quality Institute Amendment Bill commences.

**156** This section makes clear that a teacher who is registered before the commencement of the amendments, can continue to renew their registration each year and continue to maintain the same level of registration that they had in the previous registration year. This applies to people who do not have the prescribed eligibility requirements as long as they do not let their registration lapse. While the section states that the transitional arrangements apply for five years, it must be noted that transitional provisions continue to have effect after the five years have passed. This means that no person who holds current teacher registration will be impacted by the legislation changes regarding academic qualifications, unless they let their registration lapse.

## **Clauses 19, 20, 21, 22, and 24 New and changed definitions**

These clauses define the following concepts:

- Aboriginal or Torres Strait Islander person
- Accredited education program
- Approved data linkage agency
- Education program
- Pre-service teacher
- Pre-service teacher education program
- Research purpose
- Pre-service teachers register
- Working with Vulnerable People registration.

## **PART 3 AMENDMENTS TO THE ACT TEACHER QUALITY INSTITUTE REGULATION 2010**

### **Clause 24 Section 7 heading**

This clause changes the heading of this section to reflect the Act at section 32 (1) (a).

## **Clause 25 Sections 8 and 11**

This clause removes sections 8 and 11 as these sections included eligibility requirements that are no longer relevant to the provisions in the Act regarding eligibility for full or provisional registration.

## **PART2B Practical teaching experience placement authorisation**

**18H** This section refers to section 70G (2) (a) and details the information that must be included in a pre-service teacher's application for approval for professional experience.

## **Clause 27 note 3**

This clause makes clear that the meaning of the term 'Aboriginal or Torres Strait Islander person' is the same in the Regulation as it is in the *ACT Teacher Quality Institute Regulation 2010* Dictionary.