



Australian Capital Territory

# **ACT Teacher Quality Institute Regulation 2010**

**SL2010-53**

made under the

**ACT Teacher Quality Institute Act 2010**

**Republication No 3**

**Effective: 4 October 2011 – 11 December 2011**

Republication date: 4 October 2011

Last amendment made by A2011-34

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *ACT Teacher Quality Institute Regulation 2010*, made under the *ACT Teacher Quality Institute Act 2010* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 4 October 2011. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 4 October 2011.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# ACT Teacher Quality Institute Regulation 2010

made under the

**ACT Teacher Quality Institute Act 2010**

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Australian Capital Territory

# ACT Teacher Quality Institute Regulation 2010

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made under the

**ACT Teacher Quality Institute Act 2010**

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## Part 1 Preliminary

### 1 Name of regulation

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

### 3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

## 5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## Part 2 Registration and permits to teach

### 6 Application for registration or permit to teach—details— Act, s 30 (2) (a)

- (1) The following details are prescribed:
  - (a) the applicant's name and any former names;
  - (b) the applicant's home address and email address;
  - (c) the applicant's date of birth;
  - (d) the applicant's gender;
  - (e) if, at the date of application, the applicant holds full registration, provisional registration or a permit to teach—the applicant's registration number;
  - (f) if, at the date of application, the applicant is teaching—the address of each place where the applicant teaches;
  - (g) whether the applicant identifies as an indigenous person.

- (2) In this section:

*indigenous person* means a descendant of the Aboriginal race of Australia or people who are descendants of indigenous inhabitants of the Torres Strait Islands.

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

- (1) The following teaching qualifications are prescribed:
- (a) a course of pre-service teacher education—
    - (i) consisting of at least 4 years of academic study; and
    - (ii) including an accredited pre-service (initial) teacher education program;
- Note* Accreditation of education programs is dealt with in the Act, pt 7.
- (b) an accredited graduate pre-service teacher education program;
  - (c) a course of teacher education—
    - (i) provided by a university or higher education provider; and
    - (ii) that the institute is satisfied is equivalent to a course mentioned in paragraph (a) or (b).

- (2) In this section:

***higher education provider***—see the *Training and Tertiary Education Act 2003*, dictionary.

***university***—see the *Training and Tertiary Education Act 2003*, dictionary.

**8 Eligibility for full registration—experience, skills, etc—  
Act, s 32 (1) (a) (ii)**

- (1) The following requirements are prescribed:
  - (a) either—
    - (i) satisfactory completion of 1 year of teaching at a school;  
or
    - (ii) experience that the institute is satisfied is equivalent to satisfactory completion of 1 year of teaching at a school;
  - (b) demonstrated abilities, knowledge and skills required by a standard for full registration.
- (2) The institute may be satisfied about a matter mentioned in subsection (1) if the institute receives a certificate from 1 or more of the following entities certifying that the entity is satisfied about the matter:
  - (a) the principal of a school where the person has been teaching;
  - (b) the provider of an accredited pre-service teacher education program;
  - (c) someone else that the institute is satisfied can provide satisfactory assessment of the matter.

**Example**

a registered teacher who supervised the applicant's teaching at a school

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**9 Eligibility for full registration—period of teaching—  
Act, s 32 (1) (b)**

The prescribed period is—

- (a) for a person applying for full registration under the Act, section 30 (Application for registration or permit to teach)—180 days; or
- (b) for a person applying for renewal of full registration under the Act, section 51 (Renewal of registration)—100 days.

**10 Eligibility for full registration—English language skills—  
Act, s 32 (1) (c)**

International English Language Testing System (IELTS) score of at least band 8 in speaking and listening and at least band 7 in reading and writing is prescribed.

**11 Eligibility for provisional registration—experience, skills,  
etc—Act, s 33 (1) (a) (ii)**

- (1) The prescribed requirements are—
  - (a) either—
    - (i) 180 days of teaching at a school; or
    - (ii) experience that the institute is satisfied is equivalent to satisfactory completion of 1 year of teaching at a school; and
  - (b) demonstrated abilities, knowledge and skills required by a standard for provisional registration.
- (2) The institute may be satisfied about a matter mentioned in subsection (1) if the institute receives a certificate from 1 or more of the following entities certifying that the entity is satisfied about the matter:
  - (a) the principal of a school where the person has been teaching;

- (b) the provider of an accredited education program of pre-service teacher education;
- (c) someone else that the institute is satisfied can provide satisfactory assessment of the matter.

**12 Eligibility for provisional registration—English language skills—Act, s 33 (1) (b)**

International English Language Testing System (IELTS) score of at least band 8 in speaking and listening and at least band 7 in reading and writing is prescribed.

**13 Additional eligibility requirements for permit to teach—English language skills—Act, s 35 (1) (a)**

International English Language Testing System (IELTS) score of at least band 8 in speaking and listening and at least band 7 in reading and writing is prescribed.

**14 Eligibility for permit to teach—other requirements—Act, s 35 (1) (f)**

A qualification, from a provider of an accredited education program, in the subject the person is to teach, is prescribed.

**15 Term of provisional registration—Act, s 48 (1) (a)**

The prescribed period is 2 years.

**16 Term of provisional registration—Act, s 48 (2)**

The prescribed period is 1 year.

**17 Term of permit to teach—Act, s 49 (1) (a)**

The prescribed period is the period, not longer than 5 years, that the institute is satisfied that the person is to be employed or engaged to teach in a school.

**Example**

the person has agreed to enter into a contract of employment to teach for a stated period conditional on being given a permit to teach for the period

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**18 Term of permit to teach—Act, s 49 (2)**

The prescribed period is the period, not longer than 5 years, that the institute is satisfied that the person is to be further employed or engaged to teach in a school.

**Example**

the person is to be further employed to teach in a school for a period for which he or she is given a permit

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

## Part 3 Accreditation—education programs

### 19 Education programs register—Act, s 71 (4)

The following details are prescribed:

- (a) details about course content of the education program;
- (b) details that the education provider for the education program asks the institute to not make available to the public.

#### Examples—par (b)

- 1 details that are the intellectual property of the education provider
- 2 details that are commercial-in-confidence for the education provider

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

### 20 Grounds for suspending or cancelling accreditation—Act, s 81 (b)

The following circumstances are prescribed:

- (a) the education provider for the education program does not have the educational or management capacity to provide the education program;
- (b) the method of delivery is not suitable for the education program.

## Part 4 Transitional

### 21 Teachers currently teaching—Act, s 151 (2) (a)

30 June 2012 is prescribed.

### 21A Teachers permitted to teach—Act, s 151A

30 June 2012 is prescribed.

### 22 Education providers currently providing education programs—Act, s 152 (2) (a)

30 June 2012 is prescribed.

### 23 Modification of Act, pt 15—Act, s 153 (2)

The Act, part 15 applies as if the following section were inserted:

#### **‘151B Teachers beginning teaching**

- (1) This section applies to a person who is employed or engaged to teach in a school on or after the commencement day.
- (2) The person is taken to be an approved teacher from the beginning of the day the person is employed or engaged until the earlier of the following:
  - (a) the day the person is registered or granted a permit under this Act;
  - (b) either—
    - (i) 31 October 2011; or
    - (ii) if the institute is satisfied there are special circumstances for allowing a later date—the later date.
- (3) This section does not apply to a person who is a teacher currently teaching within the meaning of section 151 (5).

**Part 4** Transitional

Section 23

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- (4) This section expires on the day the *ACT Teacher Quality Institute Act 2010*, part 15 expires.’

## Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following term:

- home address.

*Note 3* Terms used in this regulation have the same meaning that they have in the *ACT Teacher Quality Institute Act 2010* (see Legislation Act, s 148). For example, the following terms are defined in the *ACT Teacher Quality Institute Act 2010*, dict:

- accredited education program
- institute
- school.

***standard*** means a standard made under the Act, section 97 (Determination of standards).

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

**ACT Teacher Quality Institute Regulation 2010 SL2010-53**

notified LR 23 December 2010

s 1, s 2 commenced 23 December 2010 (LA s 75 (1))

remainder commenced 1 January 2011 (s 2 and see ACT Teacher Quality Institute Act 2010 A2010-55, s 2 and CN2010-18)

as amended by

**ACT Teacher Quality Institute Amendment Regulation 2011 (No 1) SL2011-24**

notified LR 5 August 2011

s 1, s 2 commenced 5 August 2011 (LA s 75 (1))

remainder commenced 6 August 2011 (s 2)

**ACT Teacher Quality Institute Amendment Act 2011 A2011-34 s 20**

notified LR 5 September 2011

s 1, s 2 commenced 5 September 2011 (LA s 75 (1))

s 20 commenced 4 October 2011 (s 2 and CN2011-10)

### 4 Amendment history

**Commencement**

s 2 om LA s 89 (4)

**Teachers permitted to teach—Act, s 151A**

s 21A ins A2011-34 s 20

**Modification of Act, pt 15—Act, s 153 (2)**

s 23 ins SL2011-24 s 4

## Endnotes

5 Earlier republications

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### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 1 Jan 2011	1 Jan 2011– 5 Aug 2011	not amended	new regulation
R2 6 Aug 2011	6 Aug 2011– 3 Oct 2011	SL2011-24	amendments by SL2011-24

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