



Australian Capital Territory

ACT Teacher Quality Institute Amendment Regulation 2013 (No 1)

Subordinate Law SL2013-26

The Australian Capital Territory Executive makes the following regulation under the *ACT Teacher Quality Institute Act 2010*.

Dated 30 October 2013.

JOY BURCH
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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made under the

[ACT Teacher Quality Institute Act 2010](#)

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J2013-538

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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1 Name of regulation

This regulation is the *ACT Teacher Quality Institute Amendment Regulation 2013 (No 1)*.

2 Commencement

This regulation commences on the day after its notification day.

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

3 Legislation amended

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

4 Sections 9 and 10

substitute

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

- (1) In the 5-year period before the application is made, the prescribed period is—
 - (a) for a person applying for full registration under the [Act](#), section 30 (Application for registration or permit to teach)—
 - (i) 180 days of teaching at a school in Australia or New Zealand; or
 - (ii) a period of teaching that the institute is satisfied is equivalent to satisfactory completion of 180 days of teaching at a school in Australia or New Zealand; or

- (b) for a person applying for renewal of full registration under the [Act](#), section 51 (Renewal of registration)—
 - (i) 100 days of teaching at a school in Australia or New Zealand, including 20 days of teaching in the 12-month period before the day the application is made; or
 - (ii) a period of teaching calculated on a pro rata basis at the rate of 20 days of teaching for each year in the 5-year period before the day the application is made; or
 - (iii) a period of teaching that the institute is satisfied is equivalent to satisfactory completion of 100 days of teaching at a school in Australia or New Zealand.
- (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) anyone else the institute is satisfied can satisfactorily assess the matter.
- (3) In this section:

corresponding jurisdiction—see the [Act](#), dictionary.

corresponding law means any law of a corresponding jurisdiction that regulates schools in the jurisdiction.

school in Australia or New Zealand means a school recognised under a corresponding law.

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

The prescribed requirements are that—

- (a) the person's teaching qualification mentioned in the [Act](#), section 32 (1) (a) (i) was undertaken in the English language in 1 or more of the following countries:
 - (i) Australia;
 - (ii) New Zealand;
 - (iii) the United Kingdom;
 - (iv) the United States of America;
 - (v) Canada;
 - (vi) the Republic of Ireland; or
- (b) the person has, in the 2-year period before the day the application is made, undertaken—
 - (i) the International English Language Testing System academic test (the *IELTS test*) and achieved a score of at least band 8 in speaking and listening and at least band 7 in reading and writing; or
 - (ii) an English language proficiency test that the institute is satisfied is equivalent to the IELTS test and achieved a result that the institute is satisfied is sufficient for full registration.

10A Eligibility for full registration—other requirements—Act, s 32 (1) (g)

The prescribed requirements are demonstrated abilities, knowledge and skills required by a standard for full registration.

5 Sections 12 and 13

substitute

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

The prescribed requirements are that—

- (a) the person's teaching qualification mentioned in the [Act](#), section 33 (1) (a) (i) was undertaken in the English language in 1 or more of the following countries:
 - (i) Australia;
 - (ii) New Zealand;
 - (iii) the United Kingdom;
 - (iv) the United States of America;
 - (v) Canada;
 - (vi) the Republic of Ireland; or
- (b) the person has, in the 2-year period before the day the application is made, undertaken—
 - (i) the IELTS test and achieved a score of at least band 8 in speaking and listening and at least band 7 in reading and writing; or
 - (ii) an English language proficiency test that the institute is satisfied is equivalent to the IELTS test and achieved a result that the institute is satisfied is sufficient for provisional registration.

12A Eligibility for provisional registration—other requirements—Act, s 33 (1) (f)

The prescribed requirements are demonstrated abilities, knowledge and skills required by a standard for provisional registration.

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

- (1) The prescribed requirements are that—
- (a) the person holds qualifications or teaching qualifications undertaken in the English language in 1 or more of the following countries:
 - (i) Australia;
 - (ii) New Zealand;
 - (iii) the United Kingdom;
 - (iv) the United States of America;
 - (v) Canada;
 - (vi) the Republic of Ireland; or
 - (b) the person has, in the 2-year period before the day the application is made, undertaken—
 - (i) the IELTS test and achieved a score of at least band 8 in speaking and listening and at least band 7 in reading and writing; or
 - (ii) an English language proficiency test that the institute is satisfied is equivalent to the IELTS test and achieved a result that the institute is satisfied is sufficient for the grant of a permit to teach; or

- (c) the institute is satisfied that—
- (i) there is an exceptional demonstrated need by a school to employ the person because of the person’s particular specialist knowledge or skills; and
 - (ii) in the IELTS test mentioned in paragraph (b), the person achieved a score of at least band 7 in speaking and listening and at least band 6 in reading and writing.

Example—exceptional demonstrated need

despite achieving a score in the IELTS test lower than that required under par (b), the person is an outstanding foreign language teacher who the school believes will significantly enhance the school’s language immersion program

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).

- (2) The institute may waive the requirements in subsection (1) for a person who will be teaching in a program under an intergovernmental agreement.

6 New section 14A

insert

14A Teachers register—other details—Act, s 43 (1) (o)

Details about a teacher’s certification under part 2A are prescribed.

7 Section 15

omit

2 years

substitute

1 year

8 Section 16

substitute

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

The prescribed period is—

- (a) 1 year after the day the provisional registration was first granted but renewable annually for not more than 4 consecutive years (the *maximum period*); or
- (b) if the provisional registration has been renewed for the maximum period under paragraph (a)—1 year if the institute is satisfied that the exceptional circumstances still exist.

Example—exceptional circumstance

the teacher's family was posted overseas and the posting continues

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 New sections 18A and 18B

in part 2, insert

18A Renewal of registration—professional education or development—Act, s 51 (5) (c)

The prescribed requirements for a person applying for renewal of registration under the [Act](#), section 51, are that in the 5-year period before the day the application is made, the person undertook—

- (a) 100 hours of professional education or development, including 20 hours of professional education or development in the 12-month period before the day the application is made; or
- (b) an amount of professional education or development calculated on a pro rata basis at the rate of 20 hours of professional education or development for each year; or

- (c) an amount of professional education or development that the institute is satisfied is equivalent to satisfactory completion of 100 hours of professional education or development.

Note **Registration** means full registration or provisional registration (see [Act](#), dict).

18B Renewal of permits to teach—professional education or development—Act, s 53 (5) (c)

The prescribed requirements for a person applying for renewal of a permit to teach under the [Act](#), section 53, are that the person undertook—

- (a) 20 hours of professional education or development relevant to the teaching position in the 12-month period before the day the application is made; or
- (b) an amount of professional education or development that the institute is satisfied is equivalent to satisfactory completion of 20 hours of professional education or development relevant to the teaching position.

10 New part 2A

insert

Part 2A Assessment and certification of teachers as highly accomplished or lead teachers

18C Meaning of *teacher*—pt 2A

In this part:

teacher means a person who holds full registration.

18D Application for certification

- (1) A teacher may apply to the institute for certification as a highly accomplished or lead teacher.

Note 1 If a form is approved under the [Act](#), s 96 for this provision, the form must be used.

Note 2 A fee may be determined under the [Act](#), s 95 for this provision.

- (2) The teacher must give the institute any information required by it to decide the application.

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

18E Decision about certification

- (1) On application for certification under this part, the institute must—
 - (a) grant certification to the teacher; or
 - (b) refuse to grant certification to the teacher.
- (2) The institute must grant certification to a teacher if the institute is satisfied that the teacher has demonstrated abilities, knowledge and skills required by a standard for certification.
- (3) However, the institute may refuse to grant certification to a teacher under subsection (1) only if—
 - (a) the institute has given the teacher written notice of the proposed refusal; and
 - (b) the notice states—
 - (i) the reasons for the proposed refusal; and
 - (ii) that written comments on the proposed refusal may be made to the institute before the end of a stated period of at least 14 days after the day the notice is given to the teacher; and

- (c) the institute has considered any comments made by the teacher before the end of the stated period.
- (4) If the institute decides to grant certification to the teacher, it must enter the details of certification in the teachers register.

18F Certification guidelines

- (1) The institute may make guidelines for the assessment and certification of teachers.
- (2) A guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

18G Period of certification

The period of certification is 5 years.

11 New part 3A

insert

Part 3A Notification and review of decisions

20A Meaning of *reviewable decision*—pt 3A

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this regulation mentioned in column 2 in relation to the decision.

20B Reviewable decision notices

If the institute makes a reviewable decision, the institute must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

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

20C Applications for review

An entity mentioned in schedule 1, column 4 in relation to a reviewable decision may apply to the ACAT for a review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

12 New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 3A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	18E (1) (b)	refuse to grant certification	person refused certification

13 Dictionary, note 3

insert

- full registration
- permit to teach
- provisional registration
- registration
- teachers register (see s 42)

14 Dictionary, new definitions

insert

IELTS test—see section 10 (b) (i).

professional education or development—means continuing professional learning or development required by the institute in a direction under the [Act](#), section 38 (2).

reviewable decision—for part 3A (Notification and review of decisions)—see section 20A.

15 Dictionary, definition of *standard*

omit

made

substitute

determined

16 Dictionary, new definition of *teacher*

insert

teacher—for part 2A (Assessment and certification of teachers as highly accomplished or lead teachers)—see section 18C.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 31 October 2013.

2 Republications of amended laws

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

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