



Australian Capital Territory

# Education (Early Childhood) Legislation Amendment Act 2023

A2023-54

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Australian Capital Territory

# Education (Early Childhood) Legislation Amendment Act 2023

**A2023-54**

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An Act to amend legislation about education, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Education (Early Childhood) Legislation Amendment Act 2023*.

### 2 Commencement

- (1) This Act (other than the provisions mentioned in subsections (2) and (3)) commences on 1 January 2024.

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

- (2) Sections 3, 93 and 96 commence on the day after this Act's notification day.

- (3) The following provisions commence on 1 April 2024:

- section 4
- sections 8 to 12
- section 15
- sections 20 to 23
- sections 25 to 27
- section 31
- section 33
- section 36
- sections 39 and 40
- section 43
- section 54
- section 57
- section 60
- section 62
- section 64



- sections 66 and 67
- part 3.

### **3 Legislation amended**

This Act amends the following legislation:

- *ACT Teacher Quality Institute Act 2010*
- *ACT Teacher Quality Institute Regulation 2010*
- *Education Act 2004.*

## Part 2                      ACT Teacher Quality Institute Act 2010

### 4                      Section 8

*substitute*

### 8                      Meaning of *teaching*

For this Act, *teaching*—

- (a) means carrying out duties that include—
  - (i) the delivery of education services; or
  - (ii) the assessment of a child’s participation in education services; or
  - (iii) the administration of education services; but
- (b) does not include carrying out duties—
  - (i) as a teacher’s aide, teacher’s assistant or pre-service teacher; or
  - (ii) to support a child’s learning and development as part of a service providing early childhood education and care.

### 5                      Functions of institute Section 11 (1) (a)

*omit*

grant

*substitute*

issue

**6 New section 11 (3)**

*after the note, insert*

- (3) The institute must exercise its functions in the best interests of children, taking into account their safety and welfare.

**7 Institute board members  
Section 15 (1)**

*substitute*

- (1) The institute board has at least 13, but not more than 15, members.

**8 New section 15 (2) (ka)**

*insert*

- (ka) 1 member to represent early childhood teachers;

**9 Application for registration or permit to teach  
New section 30 (1) (ba)**

*insert*

- (ba) registration as an early childhood teacher;

**10 Section 30 (2) (b), except note**

*substitute*

- (b) the documents or information needed to satisfy the eligibility requirements for the application under—
- (i) section 32; or
  - (ii) section 33; or
  - (iii) section 33A; or
  - (iv) section 34; or
  - (v) section 35.

**11 Eligibility for full registration  
Section 32 (1) (a)**

*substitute*

- (a) the person—
- (i) holds provisional registration; or
  - (ii) is an early childhood teacher; or
  - (iii) previously held full registration; and

**12 Section 32 (1) (c)**

*substitute*

- (c) if the person is an early childhood teacher or previously held full registration—the person—
- (i) has a teaching qualification prescribed by regulation for section 33 (1) (a); and
  - (ii) meets the oral and written English language communication requirements prescribed by regulation for section 33 (1) (b); and

**13 Section 32 (1) (e)**

*substitute*

- (e) the person—
- (i) is an Australian citizen; or
  - (ii) is a New Zealand citizen; or

- (iii) holds a visa allowing them to engage in work in the ACT for the duration of the visa under the *Migration Act 1958* (Cwlth); and

**Example**

a permanent resident of Australia

#### **14 Section 33 (1) (d)**

*substitute*

- (d) the person—
  - (i) is an Australian citizen; or
  - (ii) is a New Zealand citizen; or
  - (iii) holds a visa allowing them to engage in work in the ACT for the duration of the visa under the *Migration Act 1958* (Cwlth); and

**Example**

a permanent resident of Australia

#### **15 New section 33A**

*insert*

#### **33A Eligibility for early childhood teacher registration**

A person is eligible for registration as an early childhood teacher if the institute is satisfied on reasonable grounds that the person—

- (a) holds a teaching qualification prescribed by regulation for registration; and
- (b) meets the oral and written English language communication requirements prescribed by regulation; and
- (c) holds working with vulnerable people registration; and

- (d) satisfies any of the following:
- (i) is an Australian citizen;
  - (ii) is a New Zealand citizen;
  - (iii) holds a visa allowing them to engage in work in the ACT for the duration of the visa under the *Migration Act 1958* (Cwlth); and
- Example**  
a permanent resident of Australia
- (e) meets any requirements prescribed by regulation for registration as an early childhood teacher.

**16 Additional eligibility requirements for permits to teach  
Section 35 (1) (c)**

*substitute*

- (c) for a person to whom section 34 (a) applies—that the person—
- (i) is an Australian citizen; or
  - (ii) is a New Zealand citizen; or
  - (iii) holds a visa allowing them to engage in work in the ACT for the duration of the visa under the *Migration Act 1958* (Cwlth);

**Example**

a permanent resident of Australia

**17 Section 35 (2)**

*omit*

granted

*substitute*

issued

**18 Section 35 (3)**

*omit*

granting

*substitute*

issuing

**19 Decision on registration or permit to teach application  
Section 36**

*omit*

grant

*substitute*

issue

**20 Section 36 (1)**

*after*

full registration, provisional registration

*insert*

, registration as an early childhood teacher

**21 New section 36 (1) (ba)**

*insert*

(ba) if the person is eligible to be registered as an early childhood teacher—register the person as an early childhood teacher; or

**22 New section 36 (2A) and (2B)**

*insert*

- (2A) If a person who applies for registration as an early childhood teacher is eligible for full or provisional registration, the institute may—
- (a) if the person is eligible for full registration—fully register the person; or
  - (b) if the person is eligible for provisional registration—provisionally register the person.
- (2B) The institute may register a person who applies for full or provisional registration as an early childhood teacher if the person—
- (a) is not eligible for full registration or provisional registration; but
  - (b) is eligible for registration as an early childhood teacher.

**23 Section 36 (4)**

*omit*

subsection (2) or (3)

*substitute*

subsection (2), (2A), (2B) or (3)

**24 Section 36 (5)**

*substitute*

- (5) If the institute refuses an application for registration or permit to teach, the institute must, as soon as practicable, refund the fee paid by the person for the application.



**25 Conditions of registration and permit to teach  
New section 38 (1) (e) and (1A)**

*insert*

- (e) if the teacher is an early childhood teacher—may only teach a child who—
  - (i) is not yet of compulsory education age; or
  - (ii) is attending kindergarten.
- (1A) The institute may, in writing, exempt an early childhood teacher from subsection (1) (e) if the institute is satisfied on reasonable grounds that, having considered the teacher’s demonstrated abilities, knowledge and skills, that subsection should not apply to the them.

**26 Section 38 (4), except examples**

*substitute*

- (4) The institute may impose additional conditions on the registration or permit to teach if the institute is satisfied the conditions are necessary to ensure the approved teacher meets the eligibility requirements under—
  - (a) section 32 (Eligibility for full registration); or
  - (b) section 33 (Eligibility for provisional registration); or
  - (c) section 33A (Eligibility for early childhood teacher registration); or
  - (d) section 34 (Eligibility for permit to teach); or
  - (e) section 35 (Additional eligibility requirements for permits to teach).

**27 New section 38 (8)**

*after the note, insert*

(8) In this section:

*compulsory education age*—see the *Education Act 2004*, section 9.

*kindergarten* means the first level of education provided by a school.

*level of education*—see the *Education Act 2004*, dictionary.

**28 Section 40**

*substitute*

**40 Institute to give notice of registration or permit to teach**

- (1) If the institute registers a person, or renews a person's registration, the institute must give the person a written notice stating the following:
  - (a) the person's name;
  - (b) the date the registration starts and ends;
  - (c) the person's unique registration number;
  - (d) the type of registration the person holds;
  - (e) any conditions of the registration.
- (2) If the institute issues a permit to teach to a person, or renews a person's permit to teach, the institute must give the person a written notice stating the following:
  - (a) the person's name;
  - (b) the date the permit to teach starts and ends;
  - (c) each school where the person is permitted to teach;
  - (d) any conditions of the permit to teach.

**29**      **Lost, stolen or damaged certificates and cards**  
**New section 41 (6) and (7)**

*insert*

- (6) This section expires 12 months after the day the *Education (Early Childhood) Legislation Amendment Act 2023*, section 28 commences.
- (7) In this section:

**former section 40** means section 40 as in force immediately before the *Education (Early Childhood) Legislation Amendment Act 2023*, section 28 commences.

**permit card**, given to a person who is issued a permit to teach or whose permit to teach is renewed, means a card given to the person under former section 40.

**permit certificate**, given to a person, means a permit to teach certificate given to the person under former section 40.

**registration card**, given to a person who is registered or whose registration is renewed, means a card given to the person under former section 40.

**registration certificate**, given to a person, means a certificate of registration given to the person under former section 40.

**30**      **Details to be entered in teachers register**  
**Section 43 (1) (b)**

*omit*

**registered school address**

*substitute*

**registered teaching address**

**31 Section 43 (1) (g)***after*

provisional registration

*insert*

, registration as an early childhood teacher

**32 Section 43 (1) (h)***before*

registration number

*insert*

unique

**33 Sharing teachers register information—status of registration or permit  
Section 43A (1) (a) and (3)***after*

provisional registration

*insert*

, registration as an early childhood teacher

**34 Changes to teachers register  
Section 45 (2)***omit*

teacher's register

*substitute*

teachers register

**35 Section 45 (5), definition of *address***

*omit*

registered school address

*substitute*

registered teaching address

**36 Section 47 (2)**

*after*

registration

*insert*

or registration as an early childhood teacher

**37 Notice of renewal for registration or permit to teach  
Section 50 (2), definition of *notice of renewal***

*omit*

expire

*substitute*

end

**38 Renewal of registration  
Section 51 (1)**

*omit*

expires

*substitute*

ends

**39 Section 51 (5) (a) (ii)**

*substitute*

- (ii) a provisional registration—that the teacher meets the requirements mentioned in section 33 (1) (a) and (d) to (g);  
or
- (iii) a registration as an early childhood teacher—that the teacher meets the requirements mentioned in section 33A (a), (d) and (e); and

**40 Renewal of registration with conditions  
Section 52 (1), except examples and note**

*substitute*

- (1) The institute may renew a registration with conditions if the institute is satisfied the conditions are necessary to ensure the teacher meets the eligibility requirements under—
  - (a) section 32 (Eligibility for full registration); or
  - (b) section 33 (Eligibility for provisional registration); or
  - (c) section 33A (Eligibility for early childhood teacher registration).

**41 Renewal of permits to teach  
Section 53 (1)**

*omit*

expires

*substitute*

ends

**42 End of registration or permit to teach  
Section 58 (a)**

*omit*

expires

*substitute*

ends

**43 Renewal of permits to teach with conditions  
Section 54 (1), except examples and note**

*substitute*

- (1) The institute may renew a permit to teach with conditions if the institute is satisfied the conditions are necessary to ensure the permit-holder meets the eligibility requirements under—
- (a) section 32 (Eligibility for full registration); or
  - (b) section 33 (Eligibility for provisional registration); or
  - (c) section 33A (Eligibility for early childhood teacher registration); or
  - (d) section 34 (Eligibility for permit to teach); or
  - (e) section 35 (Additional eligibility requirements for permits to teach).

**44 Relationship of Act with approved codes of practice  
Section 62, except note 2**

*omit*

the Act

*substitute*

this Act

**45**      **Grounds for suspending or cancelling registration or permits to teach**  
**New section 63 (1A)**

*after the note, insert*

- (1A) Also, the institute may suspend a person's registration or permit to teach if the institute is satisfied on reasonable grounds that an unacceptable risk of harm to a child would exist if the person's registration or permit to teach were not suspended.

**46**      **Notice of proposed suspension or cancellation of registration or permits to teach**  
**New section 64 (1A)**

*insert*

- (1A) However, the institute need not give the notice to the person if the institute intends to suspend the person's registration or permit to teach under section 63 (1A).

**47**      **Suspending or cancelling registration or permit to teach**  
**Section 65 (1)**

*omit everything before paragraph (b), substitute*

- (1) The institute may suspend or cancel a person's registration or permit to teach if the institute—
- (a) if notice is required to be given under section 64—has given written notice to the person of an intention to suspend or cancel the registration or permit to teach; and



**48 Section 65 (2)**

*omit*

The institute must—

*substitute*

If the institute decides to suspend or cancel a person's registration or permit to teach, the institute must—

**49 Section 68**

*substitute*

**68 Voluntary cancellation of registration or permit to teach**

- (1) The institute must cancel an approved teacher's registration or permit to teach if—
  - (a) the teacher asks, in writing, for the cancellation; and
  - (b) the institute has no ground for believing that the teacher has contravened, or is contravening, this Act.
- (2) However, if the teacher was given a registration certificate or card, or permit certificate or card, under former section 40, the registration or permit to teach may be cancelled only if the teacher—
  - (a) has returned the certificate or card to the institute; or
  - (b) has satisfied the institute that the certificate or card has been lost, stolen or destroyed.

**Example**

by a statement setting out the circumstances

*Note* Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

- (3) Subsections (2), (4) and this subsection expire 12 months after the day the *Education (Early Childhood) Legislation Amendment Act 2023*, section 28 commences.
- (4) In this section:  
*former section 40*—see section 41 (7).

**50**      **Inquiries about registered addresses**  
**Section 69 (1) (b)**

*omit*

registered school address

*substitute*

registered teaching address

**51**      **Return of registration or permit certificates and cards on amendment, suspension or cancellation**  
**Section 70 (1)**

*substitute*

- (1) This section applies to a person—
- (a) whose registration or permit to teach is amended, suspended or cancelled; and
  - (b) who was given, under former section 40, a registration certificate or card, or permit certificate or card.

**52 New section 70 (7) and (8)**

*insert*

- (7) This section expires 12 months after the day the *Education (Early Childhood) Legislation Amendment Act 2023*, section 28 commences.
- (8) In this section:

*former section 40*—see section 41 (7).

*permit card*, given to a person who is issued a permit to teach or whose permit to teach is renewed, means a card given to the person under former section 40.

*permit certificate*, of a person, means a permit to teach certificate given to the person under former section 40.

*registration card*, given to a person who is registered or whose registration is renewed, means a card given to the person under former section 40.

*registration certificate*, of a person, means a certificate of registration given to the person under former section 40.

**53 New section 70CA**

*insert*

**70CA Institute to give relevant information to prevent child harm**

- (1) This section applies if—
- (a) the institute is satisfied on reasonable grounds that a person poses an unacceptable risk of harm to a child; and
  - (b) the person is, or has been, an approved teacher.

- (2) The institute must give relevant information about the person to the regulatory authority or a corresponding registering authority if the institute is satisfied on reasonable grounds that giving the relevant information to the authority could prevent the person from harming a child.
- (3) In this section:

**notification event**—see section 70B (3).

**regulatory authority**—see the *Education and Care Services National Law (ACT)*, section 5 (1).

*Note 1* The director-general is the regulatory authority (see *Education and Care Services National Law (ACT) Act 2011*, s 10).

*Note 2* The *Education and Care Services National Law (ACT) Act 2011*, s 6 applies the Education and Care Services National Law set out in the *Education and Care Services National Law Act 2010* (Vic), schedule as if it were an ACT law called the *Education and Care Services National Law (ACT)*.

**relevant information**, in relation to a person who is, or has been, an approved teacher, means any of the following information:

- (a) the type of registration the person holds or has held;
- (b) whether the person is, or has been, a permit-holder;
- (c) whether the person's application for registration or permit to teach has been refused;
- (d) whether the person's registration or permit to teach is suspended or cancelled;
- (e) the nature of any conditions imposed on the person's registration or permit to teach;
- (f) the nature of any notification event that has happened in relation to the person;

- (g) the person's teaching qualifications;
- (h) whether the person holds working with vulnerable people registration.

**54**      **Criteria for accreditation of education programs**  
**Section 76 (a) (i)**

*omit*

preschool

*substitute*

early childhood

**55**      **Determination of standards**  
**New section 97 (3)**

*after the note, insert*

- (3) A notifiable instrument may apply, adopt or incorporate a law or instrument as in force from time to time.

*Note*      The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disapplied (see s 47 (7)).

**56**      **Reviewable decisions**  
**Schedule 1, item 2, column 3**

*omit*

grant

*substitute*

issue

**57 Schedule 1, new items 3A and 3B***insert*

3A	36 (2A)	fully or provisionally register applicant who applied for early childhood teacher registration	person applying for early childhood teacher registration
3B	36 (2B)	register as an early childhood teacher applicant who applied for full or provisional registration	person applying for full or provisional registration

**58 Schedule 1, items 4 and 7, column 3***omit*

grant

*substitute*

issue

**59 Schedule 1, item 10***omit***60 Dictionary, new definition of *early childhood teacher****insert*

***early childhood teacher*** means a person registered as an early childhood teacher under this Act.

**61 Dictionary, definitions of *permit card* and *permit certificate***

*omit*

**62 Dictionary, definition of *pre-service teacher education program***

*omit*

preschool

*substitute*

early childhood

**63 Dictionary, definition of *registered school address***

*omit*

**64 Dictionary, definition of *registered teacher***

*substitute*

***registered teacher*** means a person who—

- (a) holds full or provisional registration; or
- (b) is an early childhood teacher.

**65 Dictionary, new definition of *registered teaching address***

*insert*

***registered teaching address***—see section 43 (1) (b).

**66 Dictionary, definition of *registration***

*substitute*

***registration*** means—

- (a) full or provisional registration; or
- (b) registration as an early childhood teacher.

**67 Dictionary, new definition of *registration as an early childhood teacher***

*insert*

***registration as an early childhood teacher*** means registration as an early childhood teacher under part 4.

**68 Dictionary, definitions of *registration card, registration certificate and registration number***

*omit*



## Part 3 ACT Teacher Quality Institute Regulation 2010

### 69 New section 5A

*in part 2, insert*

#### 5A Definitions—pt 2

In this part:

***accredited under a corresponding law***—a pre-service teacher education program is ***accredited under a corresponding law*** if the program is accredited, approved or recognised (however described) under the corresponding law.

***higher education award***—see the [Tertiary Education Quality and Standards Agency Act 2011](#) (Cwlth), section 5.

***higher education program*** means a program of learning that results in 1 or more higher education awards, other than a doctoral degree.

***IELTS test*** means the International English Language Testing System academic test.

***recognised country*** means any of the following:

- (a) Australia;
- (b) New Zealand;
- (c) the United Kingdom;
- (d) the United States of America;
- (e) Canada;
- (f) the Republic of Ireland.

**70 Application for registration or permit to teach—details—  
Act, s 30 (2) (a)  
Section 6 (e)**

*after*

provisional registration

*insert*

, registration as an early childhood teacher

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

*omit*

**72 Eligibility for full registration—period of teaching—Act,  
s 32 (1) (b)  
New section 9 (1A) and (1B)**

*insert*

- (1A) In working out the period of a person's teaching in Australia or New Zealand under subsection (1), any period of the person's teaching carried out under a permit to teach is to be disregarded.
- (1B) However, subsection (1A) does not apply if the institute is satisfied on reasonable grounds, having considered the person's circumstances, that the period of a person's teaching carried out under a permit to teach should be taken into account.

**73 Section 9 (3)**

*substitute*

(3) In this section:

***permit to teach*** includes any of the following:

- (a) a conditional accreditation under the *Teacher Accreditation Act 2004* (NSW);
- (b) an authorisation to employ an unregistered person as a teacher under the *Teacher Registration (Northern Territory) Act 2004* (NT);
- (c) a permission to teach under the *Education (Queensland College of Teachers) Act 2005* (Qld);
- (d) a special authority to teach under the *Teachers Registration and Standards Act 2004* (SA);
- (e) a limited authority under the *Teachers Registration Act 2000* (Tas);
- (f) a permission to teach under the *Education and Training Reform Act 2006* (Vic);
- (g) a limited registration under the *Teacher Registration Act 2012* (WA);
- (h) a limited authority to teach under the *Education and Training Act 2020* (NZ).

***teaching in Australia or New Zealand*** means teaching at—

- (a) a government or non-government school under the *Education Act 2004*; or
- (b) a school recognised (however described) under a law of a corresponding jurisdiction that regulates schools in the jurisdiction; or

- (c) an approved education and care service under the *Education and Care Services National Law (ACT)*.

*Note* The *Education and Care Services National Law (ACT) Act 2011*, s 6 applies the Education and Care Services National Law set out in the *Education and Care Services National Law Act 2010* (Vic), schedule as if it were an ACT law called the *Education and Care Services National Law (ACT)*.

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

*omit*

**75 Section 12**

*substitute*

**11 Eligibility for provisional registration—teaching  
qualifications—Act, s 33 (1) (a)**

The prescribed teaching qualifications are—

- (a) a higher education program made up of at least 1 pre-service teacher education program accredited under—
- (i) the Act, division 7.2; or
  - (ii) a corresponding law; or
- (b) a higher education program that the institute is satisfied is equivalent to a program mentioned in paragraph (a).

**12 Eligibility for provisional registration—English language communication requirements—s 33 (1) (b)**

The prescribed English language communication requirements are that—

- (a) the person's teaching qualification mentioned in section 11 was undertaken in English in 1 or more recognised countries; or
- (b) the person has, in the 2-year period before the day the application for full or provisional registration 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 full or provisional registration.

**76 New sections 12B and 12C**

*insert*

**12B Eligibility for early childhood teacher registration—teaching qualifications—Act, s 33A (a)**

- (1) The prescribed teaching qualifications are—
  - (a) an approved early childhood teaching qualification under the national regulations; or
  - (b) a qualification determined by the Australian Children's Education and Care Quality Authority, under the *Education and Care Services National Law (ACT)*, section 169 (7), to be equivalent to the qualification mentioned in paragraph (a); or

- (c) if the person applying for registration holds a teacher registration (however described) under a corresponding law—a qualification on the list of former qualifications approved as early childhood teaching qualifications under the national regulations, section 137 (2) (a).

*Note* The *Education and Care Services National Law (ACT) Act 2011*, s 6 applies the Education and Care Services National Law set out in the *Education and Care Services National Law Act 2010* (Vic), schedule as if it were an ACT law called the *Education and Care Services National Law (ACT)*.

- (2) In this section:

*national regulations* means the *Education and Care Services National Regulations*.

**12C Eligibility for early childhood teacher registration—  
English language communication requirements—Act,  
s 33A (b)**

The prescribed English language communication requirements are that—

- (a) the person has completed 1 or more years of academic study leading to a higher education award, other than a doctoral degree, in English in 1 or more recognised countries; or
- (b) the person has, in the 2-year period before the day the application for registration as an early childhood teacher 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 registration.

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

*substitute*

- (a) the person holds a qualification or teaching qualification undertaken in English in 1 or more recognised countries; or

**78 Section 13 (1) (b) (ii)**

*omit*

grant

*substitute*

issue

**79 Renewal of full registration—period of teaching—Act,  
s 51 (5) (a) (i)  
New section 17 (1A) and (1B)**

*insert*

- (1A) In working out the period of a person's teaching in Australia or New Zealand under subsection (1), any period of the person's teaching carried out under a permit to teach is to be disregarded.
- (1B) However, subsection (1A) does not apply if the institute is satisfied on reasonable grounds, having considered the person's circumstances, that the period of a person's teaching carried out under a permit to teach should be taken into account.

**80 Dictionary, new definitions**

*insert*

*accredited under a corresponding law*, for part 2 (Registration and permits to teach)—see section 5A.

*higher education award*, for part 2 (Registration and permits to teach)—see the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth), section 5.

*higher education program*, for part 2 (Registration and permits to teach)—see section 5A.

**81 Dictionary, definition of *IELTS test***

*substitute*

*IELTS test*, for part 2 (Registration and permits to teach)—see section 5A.

**82 Dictionary, new definition of *recognised country***

*insert*

*recognised country*, for part 2 (Registration and permits to teach)—see section 5A.



## Part 4 Education Act 2004

### 83 Dictionary Section 3, note 1

*omit*

For example, the signpost definition '*carer*—see section 6.' means that the term '*carer*' is defined in that section.

*substitute*

For example, the signpost definition '*permanent resident*—see the [Australian Citizenship Act 2007](#) (Cwlth), section 5.' means that the term '*permanent resident*' is defined in that section and the definition applies to this Act.

### 84 Section 6

*substitute*

#### 6 Meaning of *parent*

- (1) For this Act, *parent*, of a child—
  - (a) means a person with parental responsibility for the child under the [Children and Young People Act 2008](#), division 1.3.2; and
  - (b) includes an out-of-home carer for the child.
- (2) In this section:

*out-of-home carer*, for a child—see the [Children and Young People Act 2008](#), section 508.

**85      General principles of Act  
Section 7 (1)**

*substitute*

- (1) Everyone involved in the administration of this Act, or in the education of children in the ACT, is to apply the following principles:
- (a) a child learns from birth;
  - (b) the parents of a child are the child's first teachers;
  - (c) every child has a right to receive a high-quality education.

**86      Section 7 (2)**

*omit everything before paragraph (a), substitute*

- (2) Without limiting subsection (1) (c), a high-quality education is based on the following principles:
- (aa) a high-quality early childhood education—
    - (i) provides long-term benefits for, and is important for the future wellbeing of, the child; and
    - (ii) should promote the objectives and guiding principles of the national education and care services quality framework under the *Education and Care Services National Law (ACT)*;

**87      Section 7 (2) (b) (ix)**

*omit*

Indigenous students

*substitute*

children who are Aboriginal or Torres Strait Islander people

**88 Section 7 (2), new note**

*insert*

*Note* The *Education and Care Services National Law (ACT) Act 2011*, s 6 applies the Education and Care Services National Law set out in the *Education and Care Services National Law Act 2010* (Vic), schedule as if it were an ACT law called the *Education and Care Services National Law (ACT)*.

**89 New section 7 (4A)**

*insert*

- (4A) Sharing of information relating to a child's education and care—
- (a) allows the child to receive education and care services that are well-coordinated; and
  - (b) enables the best educational outcome for, and promotes the wellbeing of, the child; and
  - (c) facilitates the child's transition between education and care service providers.

**90 Main objects of Act  
Section 8 (a)**

*substitute*

- (a) to state the responsibilities of parents and the government in relation to education; and
- (aa) to state the principles on which government and non-government school education and home education are based; and

- (ab) to promote early childhood education by ensuring that every child can access—
- (i) a high-quality early childhood education; and
  - (ii) the universal 3-year-old preschool, universal 4-year-old preschool or equity-based program; and

**91 New section 8 (2)**

*insert*

- (2) In this section:

***equity-based program*** means a government-funded preschool program delivered to a child on the basis of equity.

**Examples**

targeted 3-year-old initiative, Koori preschools, early entry preschools

***universal 3-year-old preschool*** means a government-funded preschool program attended by a child in the year in which the child is at least 3 years old on 30 April of the year.

***universal 4-year-old preschool*** means a government-funded preschool program attended by a child in the year in which the child is at least 4 years old on 30 April of the year.

**92 New chapter 1A***insert***Chapter 1A Early childhood education****8A Eligible children may attend government-funded preschool programs**

- (1) The purpose of this section is to ensure that every eligible child can receive an early childhood education funded by the government in the 2 years before the child is of compulsory education age.
- (2) An eligible child may enrol in a government-funded preschool program in a year if the child—
  - (a) lives in the ACT; and
  - (b) is at least 3 years old on 30 April in the year.
- (3) However, a provider of a government-funded preschool program may refuse to enrol an eligible child in the preschool program if enrolling the child would breach a condition of the provider's service approval.
- (4) In this section:

*eligible child* means a child who the director-general is satisfied meets the requirements for being eligible for enrolment in a government-funded preschool program.

*service approval*, of a provider of a government-funded preschool program, see—the *Education and Care Services National Law (ACT)*, section 5 (1).

*Note* The *Education and Care Services National Law (ACT) Act 2011*, s 6 applies the Education and Care Services National Law set out in the *Education and Care Services National Law Act 2010* (Vic), schedule as if it were an ACT law called the *Education and Care Services National Law (ACT)*.

**8B Procedures to encourage attendance at preschool programs delivered by government schools**

- (1) The director-general must, for a preschool program delivered by a government school, set up procedures to encourage attendance at the program by children who are enrolled in the program.
- (2) The procedures must—
  - (a) state that attendance at the program is not compulsory; and
  - (b) state the benefits of a child’s regular attendance at the program; and
  - (c) include steps that may be taken to support a child’s attendance at the program.

**Example—par (c)**

referring the child’s parents to a support service

**93 Section 170**

*substitute*

**170 Suspension—government and Catholic system schools—delegation**

The decision-maker for a government school or Catholic system school may delegate their powers under this part in relation to suspending a student at the school to—

- (a) the principal of the school; and
- (b) if the school is a government school—a public servant in the Education Directorate.

**Example—par (b)**

a Director of School Improvement

*Note* For laws about delegations, see the [Legislation Act](#), pt 19.4.

**94 Impacts of closing or amalgamating government schools  
Section 20B (1) (a) (xi) and (d) (ii)**

*omit*

Indigenous

*substitute*

Aboriginal or Torres Strait Islander people

**95 Section 67 (3) (a)**

*omit*

of Australia

**96 Internal review  
New section 144 (1A)**

*insert*

- (1A) However, if the internally reviewable decision is made under section 17H (Suspension), the decision may be reviewed only by a person mentioned in section 17O (Suspension—government and Catholic system schools—delegation), other than the person who made the decision.

**97 Dictionary, new definition of *Aboriginal or Torres Strait Islander person***

*insert*

***Aboriginal or Torres Strait Islander person*** means a person who—

- (a) is a descendant of an Aboriginal person or a Torres Strait Islander person; and
- (b) identifies as an Aboriginal person or a Torres Strait Islander person; and

- (c) is accepted as an Aboriginal person or a Torres Strait Islander person by an Aboriginal community or Torres Strait Islander community.

**98 Dictionary, definition of *carer***

*omit*

**99 Dictionary, new definitions**

*insert*

***government-funded preschool program*** means a preschool program delivered by an entity that receives funding for the program from the Territory, other than funding paid by the Territory under an arrangement with the Commonwealth.

***preschool program*** means a preschool program under the *Education and Care Services National Law (ACT)*, section 5 (1).

*Note* The *Education and Care Services National Law (ACT) Act 2011*, s 6 applies the Education and Care Services National Law set out in the *Education and Care Services National Law Act 2010* (Vic), schedule as if it were an ACT law called the *Education and Care Services National Law (ACT)*.



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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 26 October 2023.

**2 Notification**

Notified under the [Legislation Act](#) on 11 December 2023.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Education (Early Childhood) Legislation Amendment Bill 2023, which was passed by the Legislative Assembly on 29 November 2023.

Clerk of the Legislative Assembly

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