

2010

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Education and Training)

# ACT Teacher Quality Institute Bill 2010

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2010

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Education and Training)

## **ACT Teacher Quality Institute Bill 2010**

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### **A Bill for**

An Act to establish the ACT Teacher Quality Institute, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *ACT Teacher Quality Institute Act 2010*.

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written  
6 notice.

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

9 *Note 2* A single day or time may be fixed, or different days or times may be  
10 fixed, for the commencement of different provisions (see Legislation  
11 Act, s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the  
13 notification day, it automatically commences on the first day after that  
14 period (see Legislation Act, s 79).

15 **3 Dictionary**

16 The dictionary at the end of this Act is part of this Act.

17 *Note 1* The dictionary at the end of this Act defines certain terms used in this  
18 Act, and includes references (*signpost definitions*) to other terms  
19 defined elsewhere.

20 For example, the signpost definition '*non-government school*—see the  
21 *Education Act 2004*, dictionary.' means that the term 'non-government  
22 school' is defined in that dictionary and the definition applies to this  
23 Act.

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



1   **4**       **Notes**

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

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

5   **5**       **Offences against Act—application of Criminal Code etc**

6           Other legislation applies in relation to offences against this Act.

7       *Note 1*   *Criminal Code*

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

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

14       *Note 2*   *Penalty units*

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

17   **6**       **Purpose**

18          The purpose of this Act is to—

- 19          (a) uphold the standards of the teaching profession; and
- 20          (b) protect students and the community by ensuring education in  
21          schools is provided in a professional and competent way by  
22          approved teachers; and
- 23          (c) enhance the status of the teaching profession by recognising  
24          the professional learning and development of teachers  
25          throughout their careers; and
- 26          (d) maintain community confidence in the teaching profession.

1 **Part 2 Key concepts**

2 **7 Meaning of *teacher***

3 For this Act, *teacher* means a person who undertakes teaching.

4 **8 Meaning of *teaching***

5 For this Act, *teaching* means carrying out duties that—

6 (a) include—

7 (i) the delivery of education services in a school; or

8 (ii) the assessment of student participation in education  
9 services; or

10 (iii) the administration of education services; but

11 (b) do not include duties of a kind carried out by a teacher's aide, a  
12 teacher's assistant or a pre-service teacher.

13 **9 Meaning of *approved teacher***

14 For this Act, *approved teacher*—

15 (a) means a person who is—

16 (i) a registered teacher; or

17 (ii) a permit-holder; but

18 (b) does not include a person whose registration or permit to teach  
19 is suspended under this Act or a corresponding law.

1 **Part 3** **ACT Teacher Quality Institute**

2 **Division 3.1** **Establishment and functions of the**  
3 **institute**

4 *Note* The governance of territory authorities, including the ACT Teacher  
5 Quality Institute, is regulated by the *Financial Management Act 1996*  
6 (the *FMA*), pt 9 as well as the Act that establishes them.

7 The FMA, pt 9 deals, for example, with the corporate status of territory  
8 authorities and their powers, the make-up of governing boards, the  
9 responsibilities of the governing board and board members, how  
10 governing board positions can be ended, meetings of governing boards  
11 and conflicts of interest.

12 **10** **Establishment of institute**

13 The ACT Teacher Quality Institute (the *institute*) is established.

14 **11** **Functions of institute**

15 (1) The institute has the following functions:

- 16 (a) to register, or grant permits to teach to, eligible people;
- 17 (b) to keep a register of, and records relating to, teachers working  
18 or intending to work in the ACT;
- 19 (c) to promote and encourage—
- 20 (i) the continuous professional learning and development of  
21 teachers; and
- 22 (ii) increased levels of skill, knowledge, expertise and  
23 professionalism of teachers;
- 24 (d) to determine standards for, and to facilitate, the professional  
25 learning and development of teachers;
- 26 (e) to develop and apply codes of practice about the professional  
27 conduct or practice of teachers;

- 1 (f) to determine standards, including assessment and certification  
2 standards, for the teaching profession within a framework of  
3 nationally recognised professional standards;
- 4 (g) to accredit education programs for pre-service teachers and  
5 teachers;
- 6 (h) to monitor compliance with and enforce this Act.
- 7 (2) The institute may exercise any other function given to it under this  
8 Act or another territory law.
- 9 *Note* A provision of a law that gives an entity (including a person) a function  
10 also gives the entity powers necessary and convenient to exercise the  
11 function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

12 **12 Exercise of institute functions**

13 The institute must comply with directions given to the institute  
14 under this Act or another territory law.

15 *Note* The Minister may give the institute directions under s 25.

16 **13 Delegation by institute**

17 The institute may delegate the institute's functions to—

- 18 (a) the chief executive; or  
19 (b) the chief executive officer; or  
20 (c) an institute board member; or  
21 (d) a committee of the institute board; or  
22 (e) an institute staff member; or  
23 (f) an entity prescribed by regulation.

24 *Note* For the making of delegations and the exercise of delegated functions,  
25 see the Legislation Act, pt 19.4.

1 **Division 3.2** **Institute board**

2 **14** **Establishment of institute board**

3 The institute has a governing board (the *institute board*).

4 *Note* An appointment of a governing board member is an appointment under  
5 this section (see *Financial Management Act 1996*, s 78 (7) (b)).

6 **15** **Institute board members**

7 (1) The institute board has at least 12, but not more than 14, members.

8 (2) The institute board must include the following members:

9 (a) a chair;

10 *Note* The chair of the governing board must be appointed under the  
11 *Financial Management Act 1996*, s 79.

12 (b) the chief executive officer;

13 *Note* The chief executive officer is a member of the governing board  
14 (see *Financial Management Act 1996*, s 80 (4)).

15 (c) 1 member nominated by the chief executive;

16 (d) 1 member nominated by the Association of Independent  
17 Schools of the ACT;

18 (e) 1 member nominated by the Archdiocese of Canberra and  
19 Goulburn Catholic Education Office;

20 (f) 1 member nominated by the Australian Education Union;

21 (g) 1 member nominated by the NSW/ACT Independent  
22 Education Union;

23 (h) 1 member nominated by the University of Canberra;

24 (i) 1 member nominated by the Australian Catholic University,  
25 ACT Campus;

- 1 (j) 1 member to represent teachers and principals of government  
2 schools;
- 3 (k) 1 member to represent teachers and principals of  
4 non-government schools;
- 5 (l) 1 member to represent the community.
- 6 (3) The chair of the institute board must not be a member mentioned in  
7 subsection (2) (b) to (l).
- 8 (4) The Minister must appoint the members of the institute board other  
9 than the chief executive officer.
- 10 *Note 1* For the making of appointments (including acting appointments), see  
11 the Legislation Act, pt 19.3.
- 12 *Note 2* In particular, an appointment may be made by naming a person or  
13 nominating the occupant of a position (see Legislation Act, s 207).
- 14 *Note 3* Certain Ministerial appointments require consultation with an Assembly  
15 committee and are disallowable (see Legislation Act, div 19.3.3).
- 16 (5) However, the Minister may appoint a member mentioned in  
17 subsection (2) (l), only if satisfied that the person has qualifications  
18 and expertise relevant to the functions of the institute board.
- 19 (6) The appointment of a member, other than the chief executive  
20 officer, must be for a term of not longer than 3 years.
- 21 *Note* A person may be reappointed to a position if the person is eligible to be  
22 appointed to the position (see Legislation Act, s 208 and dict, pt 1,  
23 def *appoint*).
- 24 (7) However, a member, other than the chief executive officer, must not  
25 be reappointed to the institute board within 3 years after the day the  
26 member's second term of appointment ends.
- 27 (8) The conditions of appointment of the chair are the conditions agreed  
28 between the Minister and the chair, subject to any determination  
29 under the *Remuneration Tribunal Act 1995*.

1 (9) The *Financial Management Act 1996*, section 78 (5) does not apply  
2 to the appointment of a member.

3 (10) The chief executive officer is a non-voting member of the institute  
4 board.

5 *Note* The *Financial Management Act 1996*, s 95 (2) and s 96 (1) deal with  
6 non-voting members of governing boards.

7 **16 No deputy chair**

8 The Minister must not appoint a deputy chair for the institute board.

9 *Note 1* This section ensures that a deputy chair cannot be appointed for the  
10 governing board under the *Financial Management Act 1996*, s 79 (1).

11 *Note 2* The Minister may appoint an acting chair (see Legislation Act, s 209).

12 **17 Chief executive officer of institute**

13 The chief executive officer of the institute must be a public servant.

14 *Note* The chief executive officer must be appointed under the *Financial*  
15 *Management Act 1996*, s 80 (3).

16 **18 Reimbursement for board members**

17 (1) A board member, other than the chair or chief executive officer, is  
18 not entitled to be paid for the exercise of the member's board  
19 functions.

20 (2) However, the Territory must reimburse a board member for  
21 expenses reasonably incurred in the exercise of the member's board  
22 functions.

1 **Division 3.3 Institute board committees**

2 **19 Establishment of committees**

- 3 (1) The institute board may establish committees to help the board to  
4 exercise its functions.
- 5 (2) Without limiting subsection (1), the following committees may be  
6 established:
- 7 (a) corporate governance;
- 8 (b) accreditation;
- 9 (c) registration;
- 10 (d) standards and professional development;
- 11 (e) consultation and communications;
- 12 (f) professional practice.

13 **20 Exercise of committee functions**

- 14 (1) The institute board may decide—
- 15 (a) how a committee is to exercise its functions; and
- 16 (b) the procedure to be followed for meetings of a committee,  
17 including—
- 18 (i) calling meetings; and
- 19 (ii) the number of committee members to be present at  
20 meetings (including requirements that particular members  
21 be present); and
- 22 (iii) the committee member who is to preside at meetings; and
- 23 (iv) how questions arising at a meeting are to be decided; and
- 24 (v) keeping minutes of meetings.



- 1 (2) Subject to any decision of the institute board under subsection (1), a  
2 committee may decide its own procedures.

3 **21 Membership of committees**

- 4 (1) A committee consists of the people appointed by the institute board.

5 *Note 1* For the making of appointments (including acting appointments), see  
6 the Legislation Act, div 19.3.

7 *Note 2* In particular, a person may be appointed for a particular provision of a  
8 law (see Legislation Act, s 7 (3)) and an appointment may be made by  
9 naming a person or nominating the occupant of a position (see  
10 Legislation Act, s 207).

- 11 (2) A committee may consist entirely or partly of institute board  
12 members.

13 **22 Reimbursement for committee members**

- 14 (1) A committee member is not entitled to be paid for the exercise of  
15 the member's committee functions.

16 (2) However, the Territory must reimburse a committee member for  
17 expenses reasonably incurred in the exercise of the member's  
18 committee functions.

- 19 (3) In this section:

20 *committee member* includes a committee member who is also an  
21 institute board member.

1 **Division 3.4 Institute staff and consultants**

2 **23 Institute staff**

3 The institute's staff must be employed under the *Public Sector*  
4 *Management Act 1994*.

5 *Note* The *Public Sector Management Act 1994*, s 24 provides that the chief  
6 executive officer of a territory instrumentality has all the powers of a  
7 chief executive under the Act in relation to the instrumentality staff to  
8 be employed under that Act (including, for example, in relation to the  
9 appointment of people to, or the employment of people for, that staff).  
10 Under that Act, dict, def *chief executive officer*, the chief executive  
11 officer of an instrumentality is the person who has responsibility for  
12 managing its affairs.

13 **24 Institute consultants**

- 14 (1) The institute may engage consultants.  
15 (2) However, the institute must not enter into a contract of employment  
16 under this section.

17 **Division 3.5 Miscellaneous**

18 **25 Ministerial directions**

- 19 (1) The Minister may give a direction to the institute about the exercise  
20 of its functions.  
21 (2) The Minister must not give a direction that relates to a particular  
22 teacher or a particular assessment about a teacher.  
23 (3) The institute must give effect to the direction.  
24 (4) A direction is a disallowable instrument.

25 *Note* A disallowable instrument must be notified, and presented to the  
26 Legislative Assembly, under the Legislation Act.

1   **26**           **Institute’s annual report**

2           A report prepared by the institute under the *Annual Reports*  
3           (*Government Agencies*) Act 2004 for a financial year must include—

4           (a) a copy of any direction given under section 25 during the year;  
5           and

6           (b) a statement by the institute about action taken during the year  
7           to give effect to any direction given (whether before or during  
8           the year) under this section; and

9           *Note*     **Financial year** has an extended meaning in the *Annual Reports*  
10           (*Government Agencies*) Act 2004.

11           (c) the number of new approved teachers; and

12           (d) the education programs available for the professional learning  
13           and development of teachers; and

14           (e) the current assessment and certification standards that are  
15           required to be met by teachers; and

16           (f) anything else prescribed by regulation.

1 **Part 4 Registration and permits to teach**

2 **Division 4.1 Application—pt 4**

3 **27 Application—pt 4**

4 (1) This part does not apply to the following:

- 5 (a) a pre-service teacher;
- 6 (b) a parent providing home education for the parent's child;
- 7 (c) an unpaid volunteer, including a parent, assisting at a school;
- 8 (d) a teacher's aide;
- 9 (e) education assistants and support staff working at a school.

10 (2) In this section:

11 *home education*—see the *Education Act 2004*, section 129.

12 **Division 4.2 Offences—unapproved teachers**

13 **28 Offence—teaching in school without being an approved**  
14 **teacher**

15 (1) A person commits an offence if the person—

- 16 (a) teaches in a school; and
- 17 (b) is not an approved teacher.

18 Maximum penalty: 50 penalty units.

19 (2) An offence against this section is a strict liability offence.

1 **29 Offence—employing, engaging or allowing person who is**  
2 **not an approved teacher to teach in school**

- 3 (1) A person commits an offence if—  
4 (a) the person employs, engages or allows another person to teach  
5 in a school; and  
6 (b) the other person is not an approved teacher.

7 Maximum penalty: 50 penalty units.

- 8 (2) An offence against this section is a strict liability offence.

9 **Division 4.3 Applications for registration and**  
10 **permits to teach**

11 *Note about application of the Mutual Recognition Act 1992 (Cwlth) and the*  
12 *Trans-Tasman Mutual Recognition Act 1997 (Cwlth) (the **Commonwealth Acts**)*

13 The Commonwealth Acts allow people registered in certain occupations in the ACT, a  
14 State, the Northern Territory or New Zealand (a *corresponding jurisdiction*) to carry  
15 on the occupations in another corresponding jurisdiction and provide for registration in  
16 the other corresponding jurisdiction. Because of the Self-Government Act, s 28, the  
17 requirements for registration under this Act cannot validly require anything of people  
18 being registered in accordance with the Commonwealth Acts that would be  
19 inconsistent with those Acts. Accordingly, provisions of this part, such as the  
20 requirements for applications, do not apply to the registration of people in accordance  
21 with the Commonwealth Acts. Also, the Commonwealth Acts set out when conditions  
22 may be placed on people registered in accordance with those Acts.

23 **30 Application for registration or permit to teach**

- 24 (1) A person may apply to the institute for any of the following:  
25 (a) full registration as a teacher;  
26 (b) provisional registration as a teacher;

1 (c) a permit to teach.

2 *Note 1* If a form is approved under s 96 for the application, the form must be  
3 used.

4 *Note 2* A fee may be determined under s 95 for this provision.

5 (2) The application must include—

6 (a) the details prescribed by regulation; and

7 (b) the documents or information needed to satisfy the eligibility  
8 requirements for the application under section 32, section 33,  
9 section 34 or section 35.

10 *Note* Giving false or misleading information and producing false or  
11 misleading documents are offences against the Criminal Code, s 338  
12 and s 339.

13 (3) The institute may, in writing, require the applicant to give the  
14 institute additional information that the institute reasonably needs to  
15 decide the application.

16 (4) If the applicant does not comply with a requirement under  
17 subsection (3) within 28 days after the day the request is made, the  
18 institute may, subject to section 31, refuse to consider the  
19 application further and the application will lapse.

20 **31 Extension of time for meeting registration or permit to**  
21 **teach requirements**

22 (1) An applicant for registration or a permit to teach, who is required to  
23 provide additional information to the institute under section 30 (3)  
24 may apply to the institute for an extension of time to give the  
25 information.

26 (2) The application must—

27 (a) be in writing; and

28 (b) state the reasons for the extension of time; and

- 1 (c) state the additional time the applicant considers necessary to  
2 meet the registration or permit to teach requirements.
- 3 (3) The institute may—
- 4 (a) grant an extension of time; or
- 5 (b) refuse to grant an extension of time.
- 6 (4) If the institute refuses to grant an extension of time, the institute  
7 must notify the applicant in writing and inform the applicant that the  
8 institute may refuse to consider the application further if the  
9 information is not given within 28 days after the day the notice is  
10 given.
- 11 (5) The application lapses—
- 12 (a) if the information is not given within the time granted under  
13 the extension; or
- 14 (b) if the extension is refused—28 days after the day the notice is  
15 given under subsection (4).

16 **32 Eligibility for full registration**

- 17 (1) A person is eligible for full registration as a teacher if the institute is  
18 satisfied that—
- 19 (a) either—
- 20 (i) the person holds a teaching qualification prescribed by  
21 regulation for registration; or
- 22 (ii) the person's education, demonstrated abilities,  
23 experience, knowledge and skills establish that the person  
24 meets the requirements for professional practice  
25 prescribed by regulation for full registration; and
- 26 (b) in the 5-year period before the day the application is made the  
27 person taught for the period prescribed by regulation; and

- 1 (c) the person has the oral and written English language  
2 communication requirements prescribed by regulation; and
- 3 (d) if the person has lived in Australia—the person has supplied a  
4 police certificate; and
- 5 (e) if the person has lived in another country as an adult for a  
6 continuous period of more than 1 year—the person has  
7 supplied a certified copy of the person’s criminal history  
8 record from that country; and
- 9 (f) any convictions mentioned in the certificate or criminal history  
10 record mentioned under paragraph (d) or (e) do not have a high  
11 degree of direct connection with the inherent requirements of  
12 the teaching profession; and
- 13 (g) the person is an Australian or New Zealand citizen, has  
14 permanent resident status, or has a valid work visa allowing the  
15 person to work in Australia; and
- 16 (h) if the person has provisional registration or a permit to teach  
17 that is subject to 1 or more conditions—the person has fulfilled  
18 each condition; and
- 19 (i) the person meets any requirements prescribed by regulation for  
20 full registration; and

21 **Examples**

- 22 1 compliance with an approved code of practice  
23 2 compliance with any nationally recognised standard of professional  
24 practice

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



- 1 (j) the person's registration or permit to teach has not been  
2 cancelled in the ACT or by a corresponding registering  
3 authority other than in accordance with a request by the person.

4 *Note* Under the *Mutual Recognition Act 1992* (Cwlth) and the *Trans-Tasman*  
5 *Mutual Recognition Act 1997* (Cwlth) the institute may also fully  
6 register as teachers people who are fully registered, or otherwise  
7 authorised to teach in a State, the Northern Territory or New Zealand, if  
8 the teaching practices authorised are substantially the same.

- 9 (2) However, a person who would be eligible under subsection (1) but  
10 for the cancellation of the person's registration or permit to teach, is  
11 eligible to be fully registered as a teacher if the institute is satisfied,  
12 after considering the reason for the cancellation and anything  
13 relevant that the person has done since the cancellation, that the  
14 person should be fully registered.

- 15 (3) The institute may make guidelines about the registration of people  
16 under subsection (2).

- 17 (4) A guideline is a notifiable instrument.

18 *Note* A notifiable instrument must be notified under the Legislation Act.

### 19 **33 Eligibility for provisional registration**

- 20 (1) A person is eligible for provisional registration as a teacher if the  
21 institute is satisfied that—

- 22 (a) the person either—

23 (i) holds a teaching qualification prescribed by regulation for  
24 section 32 (1) (a) (i), but in the 5-year period before the  
25 day the application is made has not taught for the period  
26 prescribed by regulation for section 32 (1) (b); or

27 (ii) is progressing towards the qualification and the person's  
28 education, demonstrated abilities, experience, knowledge  
29 and skills establish that the person meets the requirements  
30 for professional practice prescribed by regulation for  
31 provisional registration; and

- 1 (b) the person has the oral and written English language  
2 communication requirements prescribed by regulation; and
- 3 (c) if the person has lived in Australia—the person has supplied a  
4 police certificate; and
- 5 (d) if the person has lived in another country as an adult for a  
6 continuous period of more than 1 year—the person has  
7 supplied a certified copy of the person’s criminal history  
8 record from that country; and
- 9 (e) any convictions mentioned in the certificate or criminal history  
10 record mentioned under paragraph (d) or (e) do not have a high  
11 degree of direct connection with the inherent requirements of  
12 the teaching profession; and
- 13 (f) the person is an Australian or New Zealand citizen, has  
14 permanent resident status, or has a valid work visa allowing the  
15 person to work in Australia; and
- 16 (g) if the person has a permit to teach that is subject to 1 or more  
17 conditions—the person has fulfilled each condition; and
- 18 (h) the person meets any requirements prescribed by regulation for  
19 provisional registration; and
- 20 (i) the person’s registration or permit to teach has not been  
21 cancelled in the ACT or by a corresponding registering  
22 authority other than in accordance with a request by the person.
- 23 *Note* Under the *Mutual Recognition Act 1992* (Cwlth) and the *Trans-Tasman*  
24 *Mutual Recognition Act 1997* (Cwlth) the institute may also  
25 provisionally register as teachers people who are provisionally  
26 registered, or otherwise authorised to teach in a State, the Northern  
27 Territory or New Zealand, if the teaching practices authorised are  
28 substantially the same.
- 29 (2) However, a person who would be eligible under subsection (1) but  
30 for the cancellation of the person’s registration or permit to teach, is  
31 eligible to be provisionally registered as a teacher if the institute is  
32 satisfied, after considering the reason for the cancellation and

1 anything relevant that the person has done since the cancellation,  
2 that the person should be provisionally registered.

3 (3) The institute may make guidelines about the registration of people  
4 under subsection (2).

5 (4) A guideline is a notifiable instrument.

6 *Note* A notifiable instrument must be notified under the Legislation Act.

7 **34 Eligibility for permit to teach**

8 A person is eligible for a permit to teach if the institute is satisfied  
9 that—

10 (a) the person—

11 (i) has specialist knowledge, training, skills or qualifications,  
12 or has completed a teaching qualification that does not  
13 meet the eligibility requirements for full or provisional  
14 registration; and

15 (ii) has been offered a teaching position in a school where a  
16 suitable registered teacher is not available to fill the  
17 position and subject to the person obtaining a permit to  
18 teach; and

19 (iii) meets the additional requirements in section 35; or

20 (b) the person—

21 (i) is progressing towards a qualification prescribed by  
22 regulation to become a teacher; and

23 (ii) is required to gain practical teaching experience in a  
24 school to achieve the qualification; and

25 (iii) has been offered a teaching position in a school subject to  
26 the person obtaining a permit to teach; and

27 (iv) meets the additional requirements in section 35.

- 1 **35 Additional eligibility requirements for permits to teach**
- 2 (1) A person applying for a permit to teach must also meet the
- 3 following requirements:
- 4 (a) that the person has the oral and written English language
- 5 communication requirements prescribed by regulation;
- 6 (b) if the person has lived in Australia—the person has supplied a
- 7 police certificate;
- 8 (c) if the person has lived in another country as an adult for a
- 9 continuous period of more than 1 year—the person has
- 10 supplied a certified copy of the person’s criminal history
- 11 record from that country;
- 12 (d) any convictions mentioned in the certificate or criminal history
- 13 record mentioned under paragraph (b) or (c) do not have a high
- 14 degree of direct connection with the inherent requirements of
- 15 the teaching profession;
- 16 (e) for a person to whom section 34 (1) (a) applies—that the
- 17 person is an Australian or New Zealand citizen, has permanent
- 18 resident status, or has a valid work visa allowing the person to
- 19 work in Australia;
- 20 (f) that the person meets any requirements prescribed by
- 21 regulation for a permit to teach;
- 22 (g) that the person’s permit to teach or registration has not been
- 23 cancelled in the ACT or by a corresponding registering
- 24 authority other than in accordance with a request by the person.
- 25 *Note* Under the *Mutual Recognition Act 1992* (Cwlth) and the *Trans-Tasman*
- 26 *Mutual Recognition Act 1997* (Cwlth) the institute may also grant
- 27 permits to teach to people who hold permits to teach, or are otherwise
- 28 authorised to teach in a State, the Northern Territory or New Zealand, if
- 29 the teaching practices authorised are substantially the same.

1 (2) However, a person who would be eligible under subsection (1) but  
2 is eligible for a permit to teach if the institute is satisfied, after  
3 considering the reason for the cancellation and anything relevant  
4 that the person has done since the cancellation, that the person  
5 should be granted a permit to teach.  
6

7 (3) The institute may make guidelines about the registration of people  
8 under subsection (2).

9 (4) A guideline is a notifiable instrument.

10 *Note* A notifiable instrument must be notified under the Legislation Act.

11 **36 Decision on registration or permit to teach application**

12 (1) On application by a person for full registration, provisional  
13 registration or a permit to teach, the institute must—

14 (a) if the person is eligible for full registration—fully register the  
15 person; or

16 (b) if the person is eligible for provisional registration—  
17 provisionally register the person; or

18 (c) if the person is eligible for a permit to teach—grant the person  
19 a permit to teach; or

20 (d) if the person is not eligible for full registration, provisional  
21 registration or a permit to teach—refuse to register the person  
22 or grant a permit to teach.

23 (2) The institute may provisionally register a person who applies for full  
24 registration if the person—

25 (a) is not eligible for full registration; but

26 (b) is eligible for provisional registration.

- 1 (3) The institute may grant a permit to teach to a person who applies for  
2 registration if the person—
- 3 (a) is not eligible for registration; but  
4 (b) is eligible for a permit to teach.
- 5 (4) However, the institute may refuse an application, or decide an  
6 application under subsection (2) or (3), only if—
- 7 (a) the institute has given the person written notice of the proposed  
8 refusal or decision; and  
9 (b) the notice states—
- 10 (i) the reasons for the proposed refusal or decision; and  
11 (ii) that written comments on the proposed refusal or  
12 decision, may be made to the institute before the end of a  
13 stated period of at least 14 days after the day the notice is  
14 given to the person; and
- 15 (c) the institute has considered any comments made by the person  
16 before the end of the stated period.
- 17 (5) The institute must, as soon as practicable—
- 18 (a) if the institute decides not to register a person or grant a permit  
19 to teach—refund the fee, if any, paid by the person; or
- 20 (b) if the institute provisionally registers a person who applied for  
21 full registration—refund the amount of the fee paid by the  
22 person that exceeds the fee for provisional registration; or
- 23 (c) if the institute grants a permit to teach to a person who applied  
24 for registration—refund the amount of the fee paid by the  
25 person that exceeds the fee for registration.

- 1 **37**           **Extension of period for decision on registration or permit**  
2                   **to teach application**
- 3           (1) On written application by a person, the institute may extend the  
4           period mentioned in section 36 (4) (b) (ii).
- 5           *Note*       The institute may extend the period even if it has ended (see Legislation  
6                   Act, s 151C).
- 7           (2) The institute may extend the period only if the institute is satisfied  
8           on reasonable grounds that it is appropriate to extend the period  
9           given the person's circumstances.
- 10           **Examples—when period may be extended**
- 11           1 a person did not receive a notice under s 36 (4) (a) because the person was  
12           unexpectedly hospitalised
- 13           2 a person needs more than 14 days to obtain information or documents to  
14           support the person's written comments because the information or  
15           documents are from interstate or a foreign country
- 16           *Note*       An example is part of the Act, is not exhaustive and may extend, but  
17                   does not limit, the meaning of the provision in which it appears (see  
18                   Legislation Act, s 126 and s 132).
- 19           (3) The institute must tell the person in writing of the decision under  
20           subsection (1) and—
- 21           (a) if the institute extends the period—the extended period; or
- 22           (b) if the institute refuses to extend the period—the reasons for the  
23           refusal.
- 24           *Note*       The institute must also give the person a reviewable decision notice in  
25                   relation to a decision to—
- 26                   (a) extend the period for less than period applied for; or
- 27                   (b) refuse to extend the period (see s 89).

- 1     **38           Conditions of registration and permit to teach**
- 2           (1) It is a condition of an approved teacher’s registration or permit to
- 3           teach that the teacher—
- 4                 (a) undertakes continuing professional development in accordance
- 5                 with any directions given under subsection (2); and
- 6                 (b) complies with an approved code of practice under section 59,
- 7                 relating to professional conduct, as stated on the registration or
- 8                 permit to teach.
- 9           (2) The institute may give directions about continuing professional
- 10           development for approved teachers.
- 11           (3) A direction is a notifiable instrument.
- 12                 *Note*     A notifiable instrument must be notified under the Legislation Act.
- 13           (4) The institute may impose additional conditions on the registration or
- 14           permit to teach if the institute is satisfied the conditions are
- 15           necessary to ensure the approved teacher meets the eligibility
- 16           requirements under section 32 (Eligibility for full registration),
- 17           section 33 (Eligibility for provisional registration), section 34
- 18           (Eligibility for permit to teach) or section 35 (Additional eligibility
- 19           requirements for permits to teach).
- 20                 **Examples—additional conditions the institute might impose**
- 21                 • requiring the teacher to complete a course or an additional qualification
- 22                 • requiring the supervision of the teacher
- 23                 • requiring an applicant for provisional registration to attain the eligibility
- 24                 requirements necessary to apply for full registration within a stated period
- 25                 • restricting the subjects the teacher can teach
- 26                 *Note*     An example is part of the Act, is not exhaustive and may extend, but
- 27                 does not limit, the meaning of the provision in which it appears (see
- 28                 Legislation Act, s 126 and s 132).



- 1 (5) However, the institute may impose an additional condition, only  
2 if—
- 3 (a) the institute has given the teacher written notice of the  
4 proposed additional condition; and
- 5 (b) the notice states—
- 6 (i) the reasons for the proposed additional condition; and
- 7 (ii) that written comments on the proposed additional  
8 condition may be made to the institute before the end of a  
9 stated period of at least 14 days after the day the notice is  
10 given to the teacher; and
- 11 (c) the institute has considered any comments made by the teacher  
12 before the end of the stated period.
- 13 (6) The institute may make guidelines for imposing additional  
14 conditions on a registration or permit to teach.
- 15 (7) A guideline is a notifiable instrument.

16 *Note* A notifiable instrument must be notified under the Legislation Act.

17 **39 Extension of period for decision on additional condition**

- 18 (1) On written application by an approved teacher, the institute may  
19 extend the period mentioned in section 38 (5) (b) (ii).

20 *Note* The institute may extend the period even if it has ended (see  
21 Legislation Act, s 151C).

- 22 (2) The institute may extend the period only if the institute is satisfied  
23 on reasonable grounds that it is appropriate to extend the period  
24 given the teacher's circumstances.

25 **Examples—when period may be extended**

- 26 1 a teacher did not receive a notice under s 38 (5) (a) because the teacher was  
27 unexpectedly hospitalised

- 1                   2    a teacher needs more than 14 days to obtain information or documents to  
2                            support the teacher’s written comments because the information or  
3                            documents are from interstate or a foreign country
- 4                   *Note*    An example is part of the Act, is not exhaustive and may extend, but  
5                            does not limit, the meaning of the provision in which it appears (see  
6                            Legislation Act, s 126 and s 132).
- 7                   (3) The institute must tell the teacher in writing of the decision under  
8                            subsection (1) and—
- 9                            (a) if the institute extends the period—the extended period; or  
10                           (b) if the institute refuses to extend the period—the reasons for the  
11                            refusal.
- 12                   *Note*    The institute must also give the teacher a reviewable decision notice in  
13                            relation to a decision to—
- 14                            (a) extend the period for less than period applied for; or  
15                            (b) refuse to extend the period (see s 89).

16   **40                   Registration and permit to teach certificates and cards**

- 17                   (1) If the institute registers a person, or renews a person’s registration,  
18                            the institute must give the person—
- 19                            (a) a certificate of registration (a *registration certificate*); and  
20                            (b) a card (a *registration card*), signed by the institute, that  
21                            states—
- 22                                    (i) the person’s name; and  
23                                    (ii) the date the registration starts; and  
24                                    (iii) the date the registration expires; and  
25                                    (iv) the person’s unique registration number (a *registration*  
26                                    *number*); and  
27                                    (v) the type of registration; and  
28                                    (vi) any conditions of registration.

- 1 (2) If the institute grants a permit to teach to a person, or renews a  
2 person's permit to teach, the institute must give the person—  
3 (a) a permit to teach certificate (a *permit certificate*); and  
4 (b) a card (a *permit card*), signed by the institute, that states—  
5 (i) the person's name; and  
6 (ii) the date the permit to teach starts; and  
7 (iii) the date the permit to teach expires; and  
8 (iv) the school, or schools, at which the person is permitted to  
9 teach; and  
10 (v) any conditions of the permit to teach.

11 **41 Lost, stolen or damaged certificates and cards**

12 (1) This section applies if a registration certificate, registration card,  
13 permit certificate or permit card given to a person is lost, stolen or  
14 damaged.

15 (2) The person may apply to the institute for a replacement certificate or  
16 card.

17 *Note 1* If a form is approved under s 96 for this provision, the form must be  
18 used.

19 *Note 2* A fee may be determined under s 95 for this provision.

20 (3) The application must be accompanied by a statutory declaration  
21 made by the applicant setting out the circumstances in which the  
22 certificate or card was lost, stolen or damaged.

23 (4) If a person applies for a replacement certificate or card, the institute  
24 must—

- 25 (a) replace the certificate or card; or

1 (b) refuse to replace the certificate or card.

2 *Note* The institute must give the person a reviewable decision notice in  
3 relation to the decision to refuse to replace the certificate or card  
4 (see s 89).

5 (5) The institute must replace the certificate or card if satisfied that—

6 (a) the person held a registration certificate, registration card,  
7 permit certificate or permit card; and

8 (b) the certificate or card is lost, stolen or damaged.

## 9 **Division 4.4 Register of teachers**

### 10 **42 Keeping teachers register**

11 (1) The institute must keep a register (a *teachers register*) of teachers.

12 (2) The teachers register may be kept in any form, including  
13 electronically.

#### 14 **Example**

15 1 or more computer databases

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

19 (3) The institute must not disclose any information in the teachers  
20 register to anyone else except in accordance with this Act or another  
21 law in force in the ACT.

22 *Note* The Information Privacy Principles apply to the institute (see  
23 *Privacy Act 1988* (Cwlth), s 14 to s 16). The Principles deal with the  
24 collection, storage and exchange of personal information.

25 (4) The following information in the teachers register must be made  
26 available to a teacher's employer or prospective employer on  
27 request:

28 (a) whether a teacher holds full registration, provisional  
29 registration or a permit to teach;

- 1 (b) any conditions that apply to the teacher's registration or permit  
2 to teach;
- 3 (c) whether the teacher's registration or permit to teach is  
4 suspended or cancelled.
- 5 (5) The following information in the teachers register may be made  
6 available to someone else on request:
- 7 (a) whether a teacher holds full registration, provisional  
8 registration or a permit to teach;
- 9 (b) whether the teacher's registration or permit to teach is  
10 suspended or cancelled.
- 11 (6) The institute must not make available the grounds for suspension or  
12 cancellation of a teacher's registration or permit to teach under  
13 subsection (4) (c) or subsection (5) (b).
- 14 (7) Any mistake, error or omission in the teachers register must be  
15 corrected.
- 16 *Note* It is an offence to divulge protected information such as the information  
17 on the teachers register unless authorised by law (see s 92).

18 **43 Details to be entered in teachers register**

- 19 (1) The following details must be entered in the teachers register in  
20 relation to a teacher:
- 21 (a) the teacher's name and any former names;
- 22 (b) the address of each place (a *registered school address*) where  
23 the teacher teaches;
- 24 (c) the teacher's home address, preferred contact address and  
25 email address;
- 26 (d) the teacher's date of birth;
- 27 (e) the teacher's gender;
- 28 (f) whether the teacher identifies as an indigenous person;

- 1 (g) whether the teacher holds full registration, provisional  
2 registration or a permit to teach;
- 3 (h) the teacher's registration number;
- 4 (i) the date of registration or a permit to teach;
- 5 (j) the period of registration or a permit to teach;
- 6 (k) details of any qualifications and experience relied on by the  
7 teacher to obtain registration or a permit to teach;
- 8 (l) any conditions of registration or a permit to teach;
- 9 (m) if the teacher's registration or permit to teach has been  
10 suspended—
- 11 (i) the day the suspension took effect; and
- 12 (ii) the grounds for suspension; and
- 13 (iii) the period of suspension;
- 14 (n) if the teacher's registration or permit to teach has been  
15 cancelled—
- 16 (i) the day the cancellation took effect; and
- 17 (ii) the grounds for cancellation;
- 18 (o) any other details prescribed by regulation.
- 19 (2) In this section:
- 20 *indigenous person* means a descendant of the Aboriginal race of  
21 Australia or people who are descendants of indigenous inhabitants  
22 of the Torres Strait Islands.

1    **44           Register information may be shared**

2           Information in the register, including information that is not  
3           available to the public, may be given to a corresponding registering  
4           authority to assist in the regulation of teachers in the authority's  
5           corresponding jurisdiction.

6           *Note*     Section 66 deals with information that the institute must give to a  
7                    corresponding registering authority about suspension or cancellation  
8                    action.

9    **45           Changes to teachers register**

10           (1) A teacher must tell the institute about a change of the teacher's  
11           name or address as soon as practicable but not later than 21 days  
12           after the change happens.

13           (2) If a teacher tells the institute about a change of name or address  
14           under this section, the change must be entered in the teacher's  
15           register.

16           (3) If a person's registration or permit to teach ends, details of the  
17           person's registration or permit to teach must be removed from the  
18           teachers register.

19           *Note*     For when a person's registration or permit to teach ends, see s 58.

20           (4) However, nothing in this section prevents the institute keeping a  
21           record of—

22                   (a) a previous name or address under subsection (2); or

23                   (b) details about registration or permits to teach removed from the  
24                   register under subsection (3).

25           (5) In this section:

26                   **address** means home address, registered school address, preferred  
27                   contact address and email address.

- 1 **46** **Teacher may correct teachers register**
- 2 (1) The institute must, if asked by a teacher, give the teacher a copy of
- 3 all the information held in the teachers register in relation to the
- 4 teacher.
- 5 (2) The institute must comply with subsection (1) as soon as
- 6 practicable, but not later than 14 days after the day the institute was
- 7 asked.
- 8 (3) A teacher may ask the institute to amend any incorrect information
- 9 held in the teachers register in relation to the teacher.
- 10 (4) The institute must comply with the request if satisfied that the
- 11 information is incorrect.

12 **Division 4.5** **Term of registration or permits to**

13 **teach**

- 14 **47** **Term of full registration**
- 15 (1) A full registration—
- 16 (a) is issued for 1 year; and
- 17 (b) starts on the day the registration is granted.
- 18 (2) A full registration may be renewed annually.

- 19 **48** **Term of provisional registration**
- 20 (1) A provisional registration—
- 21 (a) is issued for a period prescribed by regulation; and
- 22 (b) starts on the day when the registration is granted.



- 1 (2) A provisional registration may, in exceptional circumstances, be  
2 renewed for a further period prescribed by regulation.

3 **Examples—exceptional circumstances**

4 due to maternity leave, severe illness or other personal reasons a teacher is not  
5 able to gain the requisite teaching experience to achieve full registration within  
6 the prescribed period

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

10 **49 Term of permit to teach**

- 11 (1) A permit to teach—  
12 (a) is granted for a period prescribed by regulation; and  
13 (b) starts on the day stated in the permit to teach.  
14 (2) A permit to teach may be renewed for a further period prescribed by  
15 regulation.

16 **Division 4.6 Renewal of registration and permits to**  
17 **teach**

18 **50 Notice of renewal for registration or permit to teach**

- 19 (1) If the institute fails to send a notice of renewal for a registration or  
20 permit to teach, or an approved teacher does not receive the notice,  
21 the failure or nonreceipt does not affect—  
22 (a) the expiry of the registration or permit to teach; or  
23 (b) the requirements for renewal of the registration or permit to  
24 teach.

- 1 (2) In this section:  
2 *notice of renewal*, for a registration or permit to teach, means a  
3 notice addressed to an approved teacher stating that the registration  
4 or permit to teach will expire if the teacher does not renew the  
5 registration or permit to teach on or before the date stated in the  
6 notice.

7 **51 Renewal of registration**

- 8 (1) A registered teacher may apply, in writing, to the institute not later  
9 than the day the teacher's registration expires to renew the  
10 registration.

11 *Note 1* If a form is approved under s 96 for this provision, the form must be  
12 used.

13 *Note 2* A fee may be determined under s 95 for this provision.

- 14 (2) The institute may, in writing, require the teacher to give the institute  
15 additional information or documents that the institute reasonably  
16 needs to decide the application.

17 *Note* Giving false or misleading information and producing false or  
18 misleading documents are offences against the Criminal Code, s 338  
19 and s 339.

- 20 (3) If the teacher does not comply with a requirement under  
21 subsection (2), the institute may refuse to consider the application  
22 further.

- 23 (4) On application to renew a registration, the institute must—

- 24 (a) renew the registration; or  
25 (b) refuse to renew the registration.

- 26 (5) The institute must renew the registration if satisfied—

- 27 (a) for the renewal of—  
28 (i) a full registration—that the teacher is eligible for full  
29 registration; or

- 1 (ii) a provisional registration—that the teacher is eligible for  
2 provisional registration; and
- 3 (b) that the teacher is complying with any condition of the  
4 registration; and
- 5 (c) that the teacher has undertaken any further professional  
6 education or development requirements prescribed by  
7 regulation; and
- 8 (d) that in the 5-year period before the renewal, the teacher has  
9 supplied a police certificate or, if applicable, a certified copy of  
10 the teacher’s criminal history record and any convictions  
11 mentioned in the certificate or criminal history record do not  
12 have a high degree of direct connection with the inherent  
13 requirements of the teaching profession.
- 14 (6) However, the institute may refuse to renew the registration, only  
15 if—
- 16 (a) the institute has given the teacher written notice of the  
17 proposed refusal; and
- 18 (b) the notice states—
- 19 (i) the reasons for the proposed refusal; and
- 20 (ii) that written comments on the proposed refusal may be  
21 made to the institute before the end of a stated period of at  
22 least 14 days after the day the notice is given to the  
23 teacher; and
- 24 *Note* The teacher may apply for an extension of the period  
25 (see s 55).
- 26 (c) the institute has considered any comments made by the teacher  
27 before the end of the stated period.
- 28 (7) If a teacher applies to renew a registration under this section, the  
29 registration remains in force until the application is decided.

- 1 (8) A renewed registration is effective from the expiry day of the  
2 registration held immediately before renewal.
- 3 (9) A teacher who does not apply for renewal of the teacher's  
4 registration under subsection (1) is not entitled to apply for the  
5 renewal of the registration but may apply for registration under  
6 section 30.
- 7 (10) If the institute decides not to renew a teacher's registration, the  
8 institute must as soon as practicable refund the fee, if any, paid by  
9 the teacher.

10 **52 Renewal of registration with conditions**

- 11 (1) The institute may renew a registration with conditions if the institute  
12 is satisfied the conditions are necessary to ensure the teacher meets  
13 the eligibility requirements under section 32 (Eligibility for full  
14 registration) or section 33 (Eligibility for provisional registration).

15 **Examples—additional conditions the institute might impose**

- 16 • requiring the teacher to complete a course or an additional qualification  
17 • requiring a teacher renewing provisional registration to attain the eligibility  
18 requirements necessary to apply for full registration within a stated period

19 *Note 1* The institute may also impose, amend or remove a condition under s 56  
20 (Amendment of registration or permit to teach on institute's initiative)  
21 and s 57 (Amendment of registration or permit to teach on application).

22 *Note 2* An example is part of the Act, is not exhaustive and may extend, but  
23 does not limit, the meaning of the provision in which it appears (see  
24 Legislation Act, s 126 and s 132).

- 25 (2) However, the institute may impose a condition, only if—  
26 (a) the institute has given the teacher written notice of the  
27 proposed condition; and  
28 (b) the notice states—  
29 (i) the reasons for the proposed condition; and

1 (ii) that written comments on the proposed condition may be  
2 made to the institute before the end of a stated period of at  
3 least 14 days after the day the notice is given to the  
4 teacher; and

5 *Note* The teacher may apply for an extension of the period  
6 (see s 55).

7 (c) the institute has considered any comments made by the teacher  
8 before the end of the stated period.

9 (3) The institute may make guidelines for imposing conditions on a  
10 renewal of registration.

11 (4) A guideline is a notifiable instrument.

12 *Note* A notifiable instrument must be notified under the Legislation Act.

### 13 **53 Renewal of permits to teach**

14 (1) A permit-holder may apply, in writing, to the institute not later than  
15 the day the permit-holder's permit to teach expires to renew the  
16 permit to teach.

17 *Note 1* If a form is approved under s 96 for this provision, the form must be  
18 used.

19 *Note 2* A fee may be determined under s 95 for this provision.

20 (2) The institute may, in writing, require the permit-holder to give the  
21 institute additional information or documents that the institute  
22 reasonably needs to decide the application.

23 *Note* Giving false or misleading information and producing false or  
24 misleading documents are offences against the Criminal Code, s 338  
25 and s 339.

26 (3) If the permit-holder does not comply with a requirement under  
27 subsection (2), the institute may refuse to consider the application  
28 further.

- 1 (4) On application to renew a permit to teach, the institute must—  
2 (a) renew the permit to teach; or  
3 (b) refuse to renew the permit to teach.
- 4 (5) The institute must renew the permit to teach if satisfied—  
5 (a) that the permit-holder is eligible for a permit to teach; and  
6 (b) that the permit-holder is complying with any condition of the  
7 permit to teach; and  
8 (c) that the permit-holder has undertaken any further professional  
9 education or development requirements prescribed by  
10 regulation; and  
11 (d) that in the 5-year period before the renewal, the permit-holder  
12 has supplied a police certificate or, if applicable, a certified  
13 copy of the permit-holder's criminal history record and any  
14 convictions mentioned in the certificate or criminal history  
15 record do not have a high degree of direct connection with the  
16 inherent requirements of the teaching profession.
- 17 (6) However, the institute may refuse to renew the permit to teach, only  
18 if—  
19 (a) the institute has given the permit-holder written notice of the  
20 proposed refusal; and  
21 (b) the notice states—  
22 (i) the reasons for the proposed refusal; and  
23 (ii) that written comments on the proposed refusal may be  
24 made to the institute before the end of a stated period of at  
25 least 14 days after the day the notice is given to the  
26 permit-holder; and

27 *Note* The permit-holder may apply for an extension of the period  
28 (see s 55).

- 1 (c) the institute has considered any comments made by the permit-  
2 holder before the end of the stated period.
- 3 (7) If an applicant applies to renew a permit to teach under this section,  
4 the permit to teach remains in force until the application is decided.
- 5 (8) A permit to teach that is renewed is effective from the expiry day of  
6 the permit to teach held immediately before renewal.
- 7 (9) A permit-holder who does not apply for renewal of a permit to teach  
8 under subsection (1) is not entitled to apply for the renewal of the  
9 permit but may apply for a permit to teach under section 30.
- 10 (10) If the institute decides not to renew a person's permit to teach, the  
11 institute must as soon as practicable refund the fee, if any, paid by  
12 the applicant.

13 **54 Renewal of permits to teach with conditions**

- 14 (1) The institute may renew a permit to teach with conditions if the  
15 institute is satisfied the conditions are necessary to ensure the  
16 permit-holder meets the eligibility requirements under section 32  
17 (Eligibility for full registration) or section 33 (Eligibility for  
18 provisional registration) or section 34 (Eligibility for permit to  
19 teach) or section 35 (Additional eligibility requirements for permits  
20 to teach).

21 **Example—conditions the institute might impose**

- 22 • requiring the permit-holder to complete a course or an additional  
23 qualification
- 24 • requiring the permit-holder to attain the eligibility requirements necessary to  
25 apply for provisional or full registration within a stated period
- 26 • restricting the subjects the permit-holder can teach

27 *Note 1* The institute may also impose, amend or remove a condition under s 56  
28 (Amendment of registration or permit to teach on institute's initiative)  
29 and s 57 (Amendment of registration or permit to teach on application).

30 *Note 2* An example is part of the Act, is not exhaustive and may extend, but  
31 does not limit, the meaning of the provision in which it appears (see  
32 Legislation Act, s 126 and s 132).

- 1 (2) However, the institute may impose a condition, only if—  
2 (a) the institute has given the permit-holder written notice of the  
3 proposed condition; and  
4 (b) the notice states—  
5 (i) the reasons for the proposed condition; and  
6 (ii) that written comments on the proposed condition may be  
7 made to the institute before the end of a stated period of at  
8 least 14 days after the day the notice is given to the  
9 teacher; and
- 10 *Note* The permit-holder may apply for an extension of the period  
11 (see s 55).
- 12 (c) the institute has considered any comments made by the permit-  
13 holder before the end of the stated period.
- 14 (3) The institute may make guidelines for imposing conditions on a  
15 renewal of a permit to teach.
- 16 (4) A guideline is a notifiable instrument.

17 *Note* A notifiable instrument must be notified under the Legislation Act.

18 **55 Extension of period for decision on renewal of**  
19 **registration or permit to teach or imposition of condition**

- 20 (1) This section applies if a person seeks an extension of a period  
21 mentioned in the following sections to provide written comments:  
22 (a) section 51 (6) (b) (ii) (Renewal of registration);  
23 (b) section 52 (2) (b) (ii) (Renewal of registration with conditions);  
24 (c) section 53 (6) (b) (ii) (Renewal of permits to teach);  
25 (d) section 54 (2) (b) (ii) (Renewal of permits to teach with  
26 conditions).



1 (2) On written application by a person, the institute may extend the  
2 period mentioned in the section.

3 *Note* The institute may extend the period even if it has ended (see Legislation  
4 Act, s 151C).

5 (3) The institute may extend the period only if the institute is satisfied  
6 on reasonable grounds that it is appropriate to extend the period  
7 given the person's circumstances.

8 **Examples—when period may be extended**

9 1 a person did not receive the written notice under the relevant section because  
10 the person was unexpectedly hospitalised

11 2 a person needs more than 14 days to obtain information or documents to  
12 support the person's written comments because the information or  
13 documents are from interstate or a foreign country

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

17 (4) The institute must tell the person in writing of the decision under  
18 subsection (2) and—

19 (a) if the institute extends the period—the extended period; or

20 (b) if the institute refuses to extend the period—the reasons for the  
21 refusal.

22 *Note* The institute must also give the person a reviewable decision notice in  
23 relation to a decision to—

24 (a) extend the period for less than period applied for; or

25 (b) refuse to extend the period (see s 89).

1 **Division 4.7** **Amendment and end of registration**  
2 **and permits to teach**

3 **56** **Amendment of registration or permit to teach on**  
4 **institute's initiative**

- 5 (1) The institute may, at any time on the institute's own initiative,  
6 amend an approved teacher's registration or permit to teach,  
7 including by imposing, amending or removing a condition, other  
8 than a condition mentioned in section 38 (1) (Conditions of  
9 registration and permits to teach).
- 10 (2) However, the institute may amend a registration or permit to teach  
11 only if—
- 12 (a) the institute has given the teacher written notice of the  
13 proposed amendment; and
- 14 (b) the notice states—
- 15 (i) the reasons for the proposed amendment; and
- 16 (ii) that written comments on the proposal may be made to  
17 the institute before the end of a stated period of at least  
18 14 days after the day the notice is given to the teacher;  
19 and
- 20 (c) the institute has considered any comments made before the end  
21 of the stated period.
- 22 (3) On written application by the teacher, the institute may extend the  
23 period mentioned in subsection (2) (b) (ii).

24 *Note* The institute may extend the period even if it has ended (see Legislation  
25 Act, s 151C).

- 1 (4) The institute may extend the period only if the institute is satisfied  
2 on reasonable grounds that it is appropriate to extend the period  
3 given the teacher's circumstances.

4 **Examples—when period may be extended**

- 5 1 a teacher did not receive the written notice under the relevant section because  
6 the teacher was unexpectedly hospitalised  
7 2 a teacher needs more than 14 days to obtain information or documents to  
8 support the teacher's written comments because the information or  
9 documents are from interstate or a foreign country

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

- 13 (5) The institute must tell the teacher in writing of a decision under  
14 subsection (3) and—

- 15 (a) if the institute extends the period—the extended period; or  
16 (b) if the institute refuses to extend the period—the reasons for the  
17 refusal.

18 *Note* The institute must also give the teacher a reviewable decision notice in  
19 relation to a decision to—

- 20 (a) extend the period for less than period applied for; or  
21 (b) refuse to extend the period (see s 89).

- 22 (6) The institute may make guidelines for amending a registration or  
23 permit to teach.

- 24 (7) A guideline is a notifiable instrument.

25 *Note* A notifiable instrument must be notified under the Legislation Act.

- 1 **57** **Amendment of registration or permit to teach on**  
2 **application**
- 3 (1) An approved teacher may apply to the institute to amend the  
4 teacher's registration or permit to teach, including by amending or  
5 removing a condition, other than a condition mentioned in  
6 section 38 (1)).
- 7 *Note 1* If a form is approved under s 96 for an application, the form must be  
8 used.
- 9 *Note 2* A fee may be determined under s 95 for this provision.
- 10 (2) The institute may, in writing, require the applicant to give the  
11 institute additional information or documents that the institute  
12 reasonably needs to decide the application.
- 13 *Note* Giving false or misleading information and producing false or  
14 misleading documents are offences against the Criminal Code, s 338  
15 and s 339.
- 16 (3) If the applicant does not comply with a requirement under  
17 subsection (2), the institute may refuse to consider the application  
18 further.
- 19 (4) On application by an approved teacher to amend a registration or  
20 permit to teach the institute must—
- 21 (a) amend the registration or permit to teach in the way applied  
22 for; or
- 23 (b) refuse to amend the registration or permit to teach.
- 24 (5) In deciding whether to amend the registration or permit to teach, the  
25 institute may consider anything the institute may consider in relation  
26 to an application for a registration or permit to teach.

1    **58           End of registration or permit to teach**

2           A person's registration or permit to teach ends—

3           (a) if the registration or permit to teach is not renewed—on the  
4           day the registration or permit to teach expires; or

5           (b) if the registration or permit to teach is cancelled—on the day  
6           the cancellation takes effect; or

7           *Note*    A registration or permit to teach may be cancelled under the  
8           following sections:

- 9                   • s 65 (1) (Suspending or cancelling registration or permit to  
10                   teach)
- 11                   • s 68 (Voluntary cancellation of registration or permit to  
12                   teach)
- 13                   • s 69 (Inquiries about registered addresses).

14           (c) if the person dies.

15           *Note*    If a person's registration or permit to teach is suspended or cancelled in  
16           another State, the person's registration or permit to teach in the ACT  
17           may be affected in the same way (see *Mutual Recognition Act 1992*  
18           (Cwlth), s 33).

1 **Part 5 Codes of practice**

2 **59 Codes of practice**

3 (1) The Minister may approve a code of practice (an *approved code of*  
4 *practice*) to provide guidance about appropriate professional  
5 conduct or practice for the teaching profession.

6 *Note* Power given under an Act to make a statutory instrument (including a  
7 code of practice) includes power to amend or repeal the instrument (see  
8 Legislation Act, s 46 (1)).

9 (2) Before approving a proposed code of practice, the Minister must  
10 consult the institute.

11 (3) An approved code of practice may consist of a code, standard, rule,  
12 specification or provision relating to the practice of teaching and  
13 may apply, adopt or incorporate a law or instrument, or a provision  
14 of a law or instrument, as in force from time to time.

15 *Note* A statutory instrument may also apply, adopt or incorporate (with or  
16 without change) a law or instrument (or a provision of a law or  
17 instrument) as in force at a particular time (see Legislation Act,  
18 s 47 (1)).

19 (4) An approved code of practice is a disallowable instrument.

20 *Note 1* A disallowable instrument must be notified, and presented to the  
21 Legislative Assembly, under the Legislation Act.

22 *Note 2* An amendment or repeal of an approved code of practice is also a  
23 disallowable instrument (see Legislation Act, s 46 (2)).

24 **60 Notice of code approvals**

25 (1) The institute must publish in a newspaper circulating in the ACT a  
26 notice of each approval of a code under section 59 (1) that—

27 (a) states the date when the approval takes effect; and

- 1 (b) states the place where copies of the code to which the approval  
2 relates may be purchased; and
- 3 (c) contains a statement to the effect that an up-to-date copy of  
4 each approved code, and any document the provisions of which  
5 are applied, adopted or incorporated in an approved code, may  
6 be inspected by members of the public during normal business  
7 hours at the office of an administrative unit administered by the  
8 chief executive.
- 9 (2) The chief executive must, at all times, ensure that an up-to-date  
10 copy of each approved code of practice, and any document the  
11 provisions of which are applied, adopted or incorporated in an  
12 approved code are available for inspection by members of the public  
13 during normal business hours at the office of an administrative unit  
14 administered by the chief executive.

15 **61 Approved code of practice may be considered**

16 In deciding whether a person has met an appropriate standard of  
17 professional conduct or practice under this Act, the institute may  
18 consider whether a person has complied with any approved code of  
19 practice in relation to the conduct or practice.

20 **62 Relationship of Act with approved codes of practice**

- 21 (1) An approved code of practice has no effect to the extent that it is  
22 inconsistent with the Act.
- 23 (2) However, an approved code of practice is taken to be consistent  
24 with the Act to the extent that it can operate concurrently with the  
25 Act.

26 *Note 1* For the approval of codes of practice, see s 59.

27 *Note 2* A reference to an Act includes a reference to the statutory instruments  
28 made or in force under the Act, including any regulation (see  
29 Legislation Act, s 104).

1 **Part 6** **Regulatory action**

2 **Division 6.1** **Suspension or cancellation of**  
3 **registration or permits to teach**

4 **63** **Grounds for suspending or cancelling registration or**  
5 **permits to teach**

6 The institute may suspend or cancel a person's registration or permit  
7 to teach if—

8 (a) the person—

9 (i) contravenes a condition of the person's registration or  
10 permit to teach; or

11 (ii) has become mentally or physically incapacitated and the  
12 incapacity prevents the person from performing an  
13 inherent requirement of their job as a teacher; and

14 (b) the institute believes on reasonable grounds that suspension or  
15 cancellation is necessary for this Act.

16 *Note* The institute's decision to suspend or cancel a person's registration or  
17 permit to teach is reviewable (see s 88).

18 **64** **Notice of proposed suspension or cancellation of**  
19 **registration or permits to teach**

20 (1) The institute must give written notice to a person of an intention to  
21 suspend or cancel the person's registration or permit to teach.

22 (2) The notice must—

23 (a) set out the ground for suspension or cancellation; and



1 (b) state that the person may, within 14 days after the day the  
2 institute gives the person the notice, give reasons why the  
3 person considers that the registration or permit to teach should  
4 not be suspended or cancelled.

5 *Note* For how documents may be served, see the Legislation Act, pt 19.5.

6 (3) On written application by the person, the institute may extend the  
7 period mentioned in subsection (2) (b).

8 *Note* The institute may extend the period even if it has ended (see Legislation  
9 Act, s 151C).

10 (4) The institute may extend the period only if the institute is satisfied  
11 on reasonable grounds that it is appropriate to extend the period  
12 given the person's circumstances.

13 (5) The institute must tell the person in writing of a decision under  
14 subsection (3) and—

15 (a) if the institute extends the period—the extended period; or

16 (b) if the institute refuses to extend the period—the reasons for the  
17 refusal.

18 *Note* The institute must also give the person a reviewable decision notice in  
19 relation to a decision to—

20 (a) extend the period for less than period applied for; or

21 (b) refuse to extend the period (see s 89).

## 22 **65 Suspending or cancelling registration or permit to teach**

23 (1) The institute must suspend or cancel a person's registration or  
24 permit to teach if the institute—

25 (a) has given written notice to the person of an intention to  
26 suspend or cancel the registration or permit to teach; and

27 (b) has considered any reasons given by the person in accordance  
28 with the notice; and

- 1 (c) is satisfied that the ground for suspension or cancellation under  
2 section 63 exists.
- 3 *Note* The institute’s decision to suspend or cancel a person’s registration or  
4 permit to teach is reviewable (see s 88).
- 5 (2) The institute must—
- 6 (a) tell the person in writing—
- 7 (i) that the person’s registration or permit to teach is  
8 suspended or cancelled; and
- 9 (ii) the ground for suspension or cancellation; and
- 10 (iii) if the registration or permit to teach is suspended—the  
11 period of suspension; and
- 12 *Note* The institute must also give the person a reviewable decision  
13 notice in relation to the decision to suspend or cancel the person’s  
14 registration or permit to teach (see s 89).
- 15 (b) tell the person’s employer (if any) in writing that the person’s  
16 registration or permit to teach is suspended or cancelled.
- 17 (3) For subsection (2) (b), the institute must not tell the person’s  
18 employer the ground for suspension or cancellation.
- 19 (4) The suspension or cancellation takes effect—
- 20 (a) on the day after the day the institute tells the person in writing  
21 that the person’s registration or permit to teach is suspended or  
22 cancelled; or
- 23 (b) if a later date is stated in the notice of suspension or  
24 cancellation—the later date.

- 1     **66**           **Giving corresponding registering authorities information**  
2                   **about suspension or cancellation action**
- 3           (1) This section applies if the institute suspends or cancels a person's  
4                registration or permit to teach.
- 5           (2) The institute must give each corresponding registering authority the  
6                following information in relation to the person:
- 7                (a) the name and any other identifying details of the person;
- 8                (b) a short description of the ground for suspension or  
9                    cancellation;
- 10              (c) if the registration or permit to teach is suspended—the period  
11                  of suspension;
- 12              (d) when the suspension or cancellation takes effect.
- 13           (3) This section does not limit any other requirement or power, under  
14                this Act or another law in force in the ACT, to give information to a  
15                corresponding registering authority.
- 16     **67**           **Employer's obligation to notify institute about teacher**
- 17                The employer of an approved teacher must notify the institute if—
- 18              (a) the employer has reasonable grounds for believing the teacher  
19                  has—
- 20                  (i) contravened a condition of the teacher's registration or  
21                    permit to teach; or
- 22                  (ii) become mentally or physically incapacitated and the  
23                    incapacity prevents the person from performing an  
24                    inherent requirement of their job as a teacher; or
- 25              (b) disciplinary action is being taken against the teacher under the  
26                  terms of the teacher's employment.

1 **Division 6.2 Other regulatory action**

2 **68 Voluntary cancellation of registration or permit to teach**

3 The institute must cancel an approved teacher's registration or  
4 permit to teach if the teacher asks, in writing, for the cancellation  
5 and—

6 (a) either—

7 (i) returns to the institute—

8 (A) the teacher's registration certificate and registration  
9 card; or

10 (B) the teacher's permit certificate and permit card; or

11 (ii) satisfies the institute that the certificate or card, has been  
12 lost, stolen or destroyed; and

13 **Example—subpar (ii)**

14 by a statutory declaration setting out the circumstances

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

18 (b) the institute has no ground for believing that the teacher has  
19 contravened, or is contravening, this Act.

20 **69 Inquiries about registered addresses**

21 (1) The institute may, by written notice, ask a person—

22 (a) if the person's address in the teachers register is correct; and

23 (b) for a person without a registered school address—if the person  
24 has a school address.

25 (2) A notice under subsection (1) must state the consequences under  
26 subsection (3) of failing to respond to the notice.

- 1 (3) If the institute does not receive an answer to a notice sent to a  
2 person under subsection (1) within 2 months after the day the notice  
3 is sent to the person, the institute may cancel the person's  
4 registration or permit to teach.

5 **70 Return of registration or permit certificates and cards on**  
6 **amendment, suspension or cancellation**

- 7 (1) This section applies to a person whose registration or permit to teach  
8 is amended, suspended or cancelled.

- 9 (2) The institute may give the person a written notice requiring the  
10 person to return to the institute, within a stated period of not less  
11 than 14 days after the day the person is given the notice—

12 (a) the person's registration certificate and registration card, or

13 (b) the person's permit certificate and permit card.

- 14 (3) The person must comply with the notice.

15 Maximum penalty: 5 penalty units.

- 16 (4) Subsection (3) does not apply to a person if the person's certificate  
17 or card has been—

18 (a) lost or stolen; or

19 (b) destroyed by someone else.

20 *Note* The defendant has an evidential burden in relation to the matters  
21 mentioned in s (4) (see Criminal Code, s 58).

- 22 (5) An offence against this section is a strict liability offence.

- 23 (6) The institute must return the registration certificate, registration  
24 card, permit certificate or permit card to the person—

25 (a) if the registration or permit certificate is amended—after  
26 amending it; or

- 1 (b) if the registration or permit certificate is suspended and is still  
2 current at the end of the suspension period—at the end of the  
3 suspension period.

1 **Part 7** **Accreditation—education**  
2 **programs**

3 **Division 7.1** **Register of accredited education**  
4 **programs**

5 **71** **Education programs register**

- 6 (1) The institute must keep a register of education programs (an  
7 *education programs register*).
- 8 (2) The institute must enter in the education programs register details of  
9 the following:
- 10 (a) programs that the institute accredits;
- 11 (b) programs that the institute suspends or cancels;
- 12 (c) anything else decided by the institute in relation to education  
13 programs.
- 14 (3) The education programs register—
- 15 (a) may be kept in any form, including electronically; and
- 16 (b) must be made available to the public.

17 **Example—par (a)**

18 1 or more computer databases

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

- 22 (4) However, subsection (3) (b) does not apply to details in the  
23 education programs register about anything prescribed by  
24 regulation.
- 25 (5) Any mistake, error or omission in the education programs register  
26 must be corrected.

1 **Division 7.2 Accreditation of education programs**

2 **72 Institute may initiate accreditation of education program**

- 3 (1) The institute may, on its own initiative, accredit an education  
4 program.
- 5 (2) In deciding whether to accredit an education program, the institute  
6 must comply with section 76 (Criteria for accreditation of education  
7 programs).
- 8 (3) The institute may accredit a program on conditions.

9 **73 Applying for accreditation**

- 10 (1) An education provider may apply to the institute for accreditation of  
11 an education program.

12 *Note 1* If a form is approved under s 96 for an application, the form must be  
13 used.

14 *Note 2* A fee may be determined under s 95 for this provision.

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

17 *Note* Giving false or misleading information and producing false or  
18 misleading documents are offences against the Criminal Code, s 338  
19 and s 339.

20 **74 Decision about accreditation**

- 21 (1) On application for accreditation of an education program under this  
22 part, the institute must—
- 23 (a) accredit the program; or
- 24 (b) refuse to accredit the program.
- 25 (2) In deciding the application, the institute must comply with  
26 section 76 (Criteria for accreditation of education programs).



- 1 (3) Subsection (2) does not limit the grounds on which the institute may  
2 refuse to accredit the program.
- 3 (4) The institute may accredit a program on conditions.
- 4 **Example—condition**  
5 requiring education provider to notify institute of significant changes to program  
6 structure
- 7 *Note* An example is part of the Act, is not exhaustive and may extend, but  
8 does not limit, the meaning of the provision in which it appears (see  
9 Legislation Act, s 126 and s 132).
- 10 (5) The institute may refuse to accredit the program under  
11 subsection (1) or impose a condition on the accreditation under  
12 subsection (4), only if—
- 13 (a) the institute has given the education provider written notice of  
14 the proposed refusal or condition; and
- 15 (b) the notice states—
- 16 (i) the reasons for the proposed refusal or condition; and  
17 (ii) that written comments on the proposed refusal or  
18 condition may be made to the institute before the end of a  
19 stated period of at least 14 days after the day the notice is  
20 given to the education provider; and
- 21 (c) the institute has considered any comments made by the  
22 education provider before the end of the stated period.
- 23 (6) If the institute decides to accredit the program, it must enter the  
24 program in the education programs register.
- 25 (7) On written application by an education provider, the institute may  
26 extend the period mentioned in subsection (5) (b) (ii).
- 27 *Note* The institute may extend the period even if it has ended (see Legislation  
28 Act, s 151C).

- 1 (8) The institute may extend the period only if the institute is satisfied  
2 on reasonable grounds that it is appropriate to extend the period  
3 given the education provider’s circumstances.

4 **Example—when period may be extended**

5 an education provider needs more than 14 days to obtain information or  
6 documents to support the provider’s written comments because the information or  
7 documents are from interstate

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

- 11 (9) The institute must tell the education provider in writing of a decision  
12 under subsection (7) and—

13 (a) if the institute extends the period—the extended period; or

14 (b) if the institute refuses to extend the period—the reasons for the  
15 refusal.

16 *Note* The institute must also give the education provider a reviewable  
17 decision notice in relation to a decision to—

18 (a) extend the period for less than period applied for; or

19 (b) refuse to extend the period (see s 89).

20 **75 Accreditation guidelines**

- 21 (1) The institute may make guidelines for the accreditation of education  
22 programs (the *accreditation guidelines*).

- 23 (2) A guideline is a notifiable instrument.

24 *Note* A notifiable instrument must be notified under the Legislation Act.

1    **76**            **Criteria for accreditation of education programs**

2            In making a decision under this part, the institute must—

- 3            (a) be satisfied about the following:
- 4                (i) the suitability of the education program to prepare
- 5                pre-service teachers for employment as pre-school,
- 6                primary school or secondary school teachers;
- 7                (ii) the suitability of the education program in supporting the
- 8                professional development of teachers;
- 9                (iii) the assessment processes to be used to establish whether a
- 10              person has achieved the learning outcomes of the
- 11              education program;
- 12              (iv) that any nationally recognised standards for the
- 13              accreditation of education programs are met; and
- 14            (b) apply any accreditation guidelines.

15    **77**            **Expert committee**

- 16            (1) The institute must establish a committee under division 3.3 (Institute
- 17            board committees) to help the institute decide an application to
- 18            accredit an education program under this part.
- 19            (2) The committee must include as members people who are, in the
- 20            institute’s opinion—
- 21                (a) qualified in the program’s area of study; and
- 22                (b) qualified to assess the educational and management capacity of
- 23                the proposed education provider; and
- 24                (c) qualified to assess the suitability of the program and of the
- 25                proposed delivery methods of the program.

1 **78 Period of accreditation**

- 2 (1) An education program may be accredited for up to 5 years.
- 3 (2) However, if an education provider applies to renew an accreditation  
4 under section 79, the accreditation remains in force until the  
5 application is decided.

6 **79 Renewal of accreditation**

- 7 (1) An education provider may apply, in writing, to the institute for  
8 renewal of accreditation of an education program not later than  
9 6 months before the day the accreditation ends.

10 *Note 1* If a form is approved under s 96 for this provision, the form must be  
11 used.

12 *Note 2* A fee may be determined under s 95 for this provision.

- 13 (2) The institute may, in writing, require the education provider to give  
14 the institute additional information or documents that the institute  
15 reasonably needs to decide the application.

16 *Note* Giving false or misleading information and producing false or  
17 misleading documents are offences against the Criminal Code, s 338  
18 and s 339.

- 19 (3) If the education provider does not comply with a requirement under  
20 subsection (2), the institute may refuse to consider the application  
21 further.

- 22 (4) On application to renew an accreditation, the institute must—

23 (a) renew the accreditation; or

24 (b) refuse to renew the accreditation.

- 25 (5) In deciding whether to renew the accreditation, the institute may  
26 consider anything the institute may consider in relation to an  
27 application for an accreditation.

- 28 (6) The institute may renew the accreditation on conditions.

- 1 (7) A renewed accreditation is effective from the expiry day of the  
2 accreditation held immediately before renewal.
- 3 (8) An education provider who does not apply for renewal of the  
4 accreditation under subsection (1) is not entitled to apply for the  
5 renewal of the accreditation but may apply for accreditation under  
6 section 73.
- 7 (9) If the institute decides not to renew an accreditation, the institute  
8 must as soon as practicable refund the fee, if any, paid by the  
9 education provider.

10 **80 Review of accredited education program**

- 11 (1) The institute may review an education program not later than  
12 12 months after the day the program was accredited.
- 13 (2) If the institute is satisfied that the education program fails to meet  
14 the criteria under section 76, the institute may—
- 15 (a) impose a condition on the accreditation; or
- 16 **Example—condition**  
17 a nationally recognised standard be met in the delivery of the education  
18 program
- 19 *Note* An example is part of the Act, is not exhaustive and may extend,  
20 but does not limit, the meaning of the provision in which it  
21 appears (see Legislation Act, s 126 and s 132).
- 22 (b) suspend or cancel the accreditation under section 83 (1).
- 23 (3) However, the institute may impose a condition on accreditation,  
24 only if—
- 25 (a) the institute has given the education provider written notice of  
26 the proposed condition; and
- 27 (b) the notice states—
- 28 (i) the reasons for the proposed condition; and

- 1 (ii) that written comments on the proposed condition may be  
2 made to the institute before the end of a stated period of at  
3 least 14 days after the day the notice is given to the  
4 education provider; and
- 5 (c) the institute has considered any comments made by the  
6 education provider before the end of the stated period.
- 7 (4) On written application by an education provider, the institute may  
8 extend the period mentioned in subsection (3) (b) (ii).
- 9 *Note* The institute may extend the period even if it has ended (see Legislation  
10 Act, s 151C).
- 11 (5) The institute may extend the period only if the institute is satisfied  
12 on reasonable grounds that it is appropriate to extend the period  
13 given the education provider's circumstances.
- 14 **Example—when period may be extended**  
15 an education provider needs more than 14 days to obtain information or  
16 documents to support the provider's written comments because the information or  
17 documents are from interstate
- 18 (6) The institute must tell the education provider in writing of a decision  
19 under subsection (4) and—
- 20 (a) if the institute extends the period—the extended period; or  
21 (b) if the institute refuses to extend the period—the reasons for the  
22 refusal.
- 23 *Note* The institute must also give the education provider a reviewable  
24 decision notice in relation to a decision to—
- 25 (a) extend the period for less than period applied for; or  
26 (b) refuse to extend the period (see s 89).

1     **81           Grounds for suspending or cancelling accreditation**

2           The institute may suspend or cancel the accreditation of an  
3           education program—

4           (a) if the institute is satisfied that the program no longer meets the  
5           criteria under section 76; or

6           (b) in the circumstances prescribed by regulation.

7           *Note*     The institute’s decision to suspend or cancel an accreditation of an  
8           education program is reviewable (see s 88).

9     **82           Notice of proposed suspension or cancellation of**  
10           **accreditation**

11           (1) The institute must give written notice of an intention to suspend or  
12           cancel the accreditation of an education program to an education  
13           provider.

14           (2) The notice must—

15           (a) set out the ground for suspension or cancellation; and

16           (b) state that the provider may, within 14 days after the day the  
17           institute gives the provider the notice, give reasons why the  
18           provider considers that the accreditation should not be  
19           suspended or cancelled.

20           *Note*     For how documents may be served, see the Legislation Act, pt 19.5.

21           (3) On written application by the provider, the institute may extend the  
22           period mentioned in subsection (2) (b).

23           *Note*     The institute may extend the period even if it has ended (see Legislation  
24           Act, s 151C).

25           (4) The institute may extend the period only if the institute is satisfied  
26           on reasonable grounds that it is appropriate to extend the period  
27           given the provider’s circumstances.

- 1 (5) The institute must tell the provider in writing of a decision under  
2 subsection (3) and—  
3 (a) if the institute extends the period—the extended period; or  
4 (b) if the institute refuses to extend the period—the reasons for the  
5 refusal.
- 6 *Note* The institute must also give the provider a reviewable decision notice in  
7 relation to a decision to—  
8 (a) extend the period for less than period applied for; or  
9 (b) refuse to extend the period (see s 89).

10 **83 Suspending or cancelling accreditation**

- 11 (1) The institute must suspend or cancel the accreditation of an  
12 education program if the institute—  
13 (a) has given written notice to the education provider of an  
14 intention to suspend or cancel the accreditation; and  
15 (b) has considered any reasons given by the provider in  
16 accordance with the notice; and  
17 (c) is satisfied that the ground for suspension or cancellation under  
18 section 81 exists.
- 19 *Note* The institute’s decision to suspend or cancel an accreditation of an  
20 education program is reviewable (see s 88).
- 21 (2) The institute must tell the provider in writing—  
22 (a) that the accreditation is suspended or cancelled; and  
23 (b) the ground for suspension or cancellation; and  
24 (c) if the accreditation is suspended—the period of suspension.
- 25 *Note* The institute must also give the education provider a reviewable  
26 decision notice in relation to the decision to suspend or cancel the  
27 accreditation (see s 89).



- 1 (3) The suspension or cancellation takes effect—  
2 (a) on the day after the day the institute tells the provider in  
3 writing that the accreditation is suspended or cancelled; or  
4 (b) if a later date is stated in the notice of suspension or  
5 cancellation—the later date.

6 **84 Voluntary cancellation of accreditation**

7 The institute must cancel the accreditation of an education program  
8 on application by the education provider.

9 **85 Suspension or cancellation of accreditation—education**  
10 **program previously agreed**

- 11 (1) This section applies to an education program provided by an  
12 education provider if—  
13 (a) the institute suspends or cancels the accreditation of the  
14 program; and  
15 (b) before the suspension or cancellation takes effect, the provider  
16 enters into an agreement to provide the program to someone  
17 else.
- 18 (2) On application by the provider, the institute may approve the  
19 provision of the education program under the agreement for not  
20 longer than 2 years after the suspension or cancellation, if the  
21 institute considers it is justified in the circumstances.
- 22 (3) In making a decision under subsection (2), the institute must take  
23 into account—  
24 (a) the welfare of people to whom the program is to be provided;  
25 and  
26 (b) the nature and quality of the program.

- 1 (4) The accreditation of the education program is taken to continue  
2 during the period stated in the approval only to enable the provider  
3 to—  
4 (a) provide the program; or  
5 (b) issue any qualification or statement of attainment in relation to  
6 the program.
- 7 (5) The institute may, in exceptional circumstances, direct the provider  
8 to immediately stop providing the education program.
- 9 **Example—exceptional circumstance**  
10 serious incompetence in the delivery of the education program
- 11 *Note* An example is part of the Act, is not exhaustive and may extend, but  
12 does not limit, the meaning of the provision in which it appears (see  
13 Legislation Act, s 126 and s 132).
- 14 (6) If the institute gives a direction to a provider under subsection (5),  
15 the accreditation of the education program is taken to be cancelled  
16 from the day the direction is given.

17 **86 Registering end of accreditation**

18 If the accreditation of an education program ends (whether by  
19 expiry or cancellation), the institute must remove the details of the  
20 program from the education programs register.

21 **87 Offence to falsely claim education program accredited**

- 22 (1) A person commits an offence if the person—  
23 (a) claims to provide an accredited education program; and  
24 (b) the program is not an accredited education program.
- 25 Maximum penalty: 50 penalty units.
- 26 (2) For subsection (1), a person claims to provide an accredited  
27 education program if the person—  
28 (a) makes the claim; or

- 1           (b) says or does anything likely to induce someone else to believe  
2           the program the person provides is an accredited education  
3           program.  
4           (3) An offence against this section is a strict liability offence.

1 **Part 8** **Notification and review of**  
2 **decisions**

3 **88** **Meaning of *reviewable decision*—pt 8**

4 In this part:

5 *reviewable decision* means a decision mentioned in  
6 schedule 1, column 3 under a provision of this Act mentioned in  
7 column 2 in relation to the decision.

8 **89** **Reviewable decision notices**

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

12 *Note* The requirements for a reviewable decision notice are prescribed under  
13 the *ACT Civil and Administrative Tribunal Act 2008*.

14 **90** **Applications for review**

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

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

1     **Part 9**                                   **Miscellaneous**

2     **91**             **Protection from civil liability**

- 3             (1) A person exercising a function under this Act does not incur civil  
4             liability for an act or omission done honestly and without negligence  
5             for this Act.
- 6             (2) Civil liability that would, apart from this section, attach to a person  
7             attaches instead to the Territory.

8             *Note*     A reference to an Act includes a reference to the statutory instruments  
9                         made or in force under the Act, including any regulation (see  
10                        Legislation Act, s 104).

11    **92**             **Offences—use or divulge protected information**

- 12            (1) A person to whom this section applies commits an offence if—  
13            (a) the person uses information; and  
14            (b) the information is protected information about someone else;  
15            and  
16            (c) the person is reckless about whether the information is  
17            protected information about someone else.

18            Maximum penalty: 50 penalty units, imprisonment for 6 months or  
19            both.

- 20            (2) A person to whom this section applies commits an offence if—  
21            (a) the person does something that divulges information; and  
22            (b) the information is protected information about someone else;  
23            and  
24            (c) the person is reckless about whether—  
25            (i) the information is protected information about someone  
26            else; and

- 1 (ii) doing the thing would result in the information being  
2 divulged to someone else.
- 3 Maximum penalty: 50 penalty units, imprisonment for 6 months or  
4 both.
- 5 (3) Subsections (1) and (2) do not apply if the information is used or  
6 divulged—
- 7 (a) under this Act or another territory law; or  
8 (b) in relation to the exercise of a function, as a person to whom  
9 this section applies, under this Act or another territory law; or  
10 (c) in a court proceeding; or  
11 (d) to a person administering or enforcing a corresponding law of a  
12 corresponding jurisdiction.
- 13 *Note Corresponding law*—see the dictionary.
- 14 (4) Subsections (1) and (2) do not apply to the using or divulging of  
15 protected information about a person with the person’s consent.
- 16 *Note* The defendant has an evidential burden in relation to the matters  
17 mentioned in s (3) and s (4) (see Criminal Code, s 58).
- 18 (5) A person to whom this section applies need not divulge protected  
19 information to a court, or produce a document containing protected  
20 information to a court, unless it is necessary to do so for this Act or  
21 another law applying in the territory.
- 22 (6) In this section:
- 23 *court* includes a tribunal, authority or person having power to  
24 require the production of documents or the answering of questions.
- 25 *divulge* includes—
- 26 (a) communicate; or  
27 (b) publish.

1            *person to whom this section applies* means—

- 2            (a) a person who is or has been a member of the institute board; or  
3            (b) anyone else who has exercised a function under this Act.

4            *produce* includes allow access to.

5            *protected information* means information about a person that is  
6            disclosed to, or obtained by, a person to whom this section applies  
7            because of the exercise of a function under this Act by the person or  
8            someone else.

9            **Examples—protected information**

- 10           1 information obtained by the institute about an applicant for registration or a  
11           permit to teach  
12           2 information disclosed by the institute in seeking information or advice from  
13           an entity about an approved teacher

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

17           *use information* includes make a record of the information.

18           *Note*     The *Crimes Act 1900*, s 153 also deals with disclosure of information by  
19           public employees or people performing services for the Territory or a  
20           territory authority. Section 92 applies to members of the institute board  
21           and anyone else who has exercised a function under the Act.

22           **93           Evidentiary certificates**

23           (1) The institute may give a signed certificate—

- 24           (a) stating that on a stated date or during a stated period a named  
25           person was or was not registered or a permit-holder; and  
26           (b) if the person was registered or a permit-holder—including  
27           details of the person's registration or permit to teach.

- 1 (2) The institute may give a signed certificate—  
2 (a) stating that on a stated date or during a stated period an  
3 education program was or was not accredited; and  
4 (b) if the program was accredited—including details of the  
5 accreditation.  
6 (3) A certificate under this section is evidence of the matters stated in it.  
7 (4) Unless the contrary is proved, a document that purports to be a  
8 certificate under this section is taken to be a certificate.

9 **94 Disqualification orders**

- 10 (1) If a court finds a person guilty of an offence against this Act, the  
11 court may make an order disqualifying the person from applying for  
12 registration or a permit to teach for a stated period or until a stated  
13 thing happens.  
14 (2) In this section:  
15 *offence against this Act* includes an offence against the Criminal  
16 Code in relation to anything done, or not done, under or in relation  
17 to this Act.

18 **95 Determination of fees**

- 19 (1) The Minister may determine fees for this Act.  
20 *Note* The Legislation Act contains provisions about the making of  
21 determinations and regulations relating to fees (see pt 6.3).  
22 (2) A determination is a disallowable instrument.  
23 *Note* A disallowable instrument must be notified, and presented to the  
24 Legislative Assembly, under the Legislation Act.



1    **96           Approved forms**

- 2           (1) The institute may approve forms for this Act.
- 3           (2) If the institute approves a form for a particular purpose, the
- 4           approved form must be used for the purpose.

5           *Note*     For other provisions about forms, see the Legislation Act, s 255.

- 6           (3) An approved form is a notifiable instrument.

7           *Note*     A notifiable instrument must be notified under the Legislation Act.

8    **97           Determination of standards**

- 9           (1) The institute may determine standards for this Act.

10          *Note*     Power to make a statutory instrument includes power to amend or repeal

11                   the instrument. The power to amend or repeal the instrument is

12                   exercisable in the same way, and subject to the same conditions, as the

13                   power to make the instrument (see Legislation Act, s 46).

- 14          (2) A determination is a notifiable instrument.

15          *Note*     A notifiable instrument must be notified under the Legislation Act.

16   **98           Regulation-making power**

- 17          (1) The Executive may make regulations for this Act.

18          *Note*     A regulation must be notified, and presented to the Legislative

19                   Assembly, under the Legislation Act.

- 20          (2) Without limiting subsection (1), a regulation may make provision in
- 21          relation to—

22           (a) the eligibility requirements for registration and permits to

23           teach; and

24           (b) the professional learning and development of teachers; and

25           (c) the assessment and certification of teachers; and

26           (d) the accreditation of education programs for pre-service

27           teachers and teachers.

- 1            (3) A regulation may also prescribe offences for contraventions of the  
2            regulations and prescribe maximum penalties of not more than  
3            20 penalty units for offences against a regulation.

4            **99            Legislation amended—sch 2**

5            This Act amends the legislation mentioned in schedule 2.

1     **Part 15**                    **Transitional**

2     **150**        **Definitions—pt 15**

3            In this part:

4            *commencement day* means the day this Act, section 10  
5            (Establishment of institute) commences.

6     **151**        **Teachers currently teaching**

7            (1) A teacher currently teaching—

8               (a) is taken to be an approved teacher; and

9               (b) is entitled to registration under this Act.

10          (2) The teacher must apply to the institute for registration—

11               (a) not later than a date prescribed by regulation; or

12               (b) if the institute is satisfied there are special circumstances for  
13               allowing a later date—not later than the later date.

14          (3) A fee is not payable by the teacher for registration under this  
15          section.

16          (4) Nothing in this section operates to disadvantage a person by  
17          adversely affecting the person's rights or imposing liabilities on the  
18          person.

19          (5) In this section:

20            *teacher currently teaching*—

21               (a) means a person who is employed or engaged to teach in a  
22               school, whether or not the person is teaching, immediately  
23               before the commencement day; but

- 1 (b) does not include a person who has qualified as a teacher  
2 immediately before the commencement day but has not taught  
3 since qualifying.

4 **Example**

5 a person who graduated as a teacher at the end of 2010 and is employed to teach  
6 in a school in 2011

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

10 **152 Education providers currently providing education**  
11 **programs**

12 (1) A current education program is taken to be an accredited education  
13 program under this Act.

14 (2) However, a person providing the education program must apply to  
15 the institute to have the education program accredited—

16 (a) not later than a date prescribed by regulation; or

17 (b) if the institute is satisfied there are special circumstances for  
18 allowing a later date—not later than the later date.

19 (3) In this section:

20 *current education program* means a program of learning, that  
21 immediately before the commencement day—

22 (a) prepared pre-service teachers for employment as pre-school,  
23 primary school or secondary school teachers; or

24 (b) was suitable for the professional learning and development of  
25 teachers.

1   **153**       **Transitional regulations**

- 2           (1) A regulation may prescribe transitional matters necessary or  
3           convenient to be prescribed because of the enactment of this Act.
- 4           (2) A regulation may modify this part (including in relation to another  
5           territory law) to make provision in relation to anything that, in the  
6           Executive’s opinion, is not, or is not adequately or appropriately,  
7           dealt with in this part.
- 8           (3) A regulation under subsection (2) has effect despite anything  
9           elsewhere in this Act or another territory law.

10   **154**       **Expiry—pt 15**

11           This part expires 3 years after the day it commences.

12           *Note*     Transitional provisions are kept with the original provisions for a  
13           limited time to ensure people are aware of them. However, the expiry of  
14           a transitional provision does not end their effect (see Legislation Act,  
15           s 88).

1 **Schedule 1 Reviewable decisions**

2 (see pt 8)

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
1	31 (3)	refuse to grant extension of time	person applying for registration or permit to teach
2	36 (1) (d)	refuse to register person or grant permit to teach	person applying for registration or permit to teach
3	36 (2)	provisionally register applicant who applied for full registration	person applying for full registration
4	36 (3)	grant permit to teach to applicant who applied for registration	person applying for registration
5	37 (1)	extend period for less than period applied for	person applying for extension
6	37 (1)	refuse to extend period	person applying for extension
7	38 (4)	register or grant permit to teach with additional condition	approved teacher
8	39 (1)	extend period for less than period applied for	approved teacher
9	39 (1)	refuse to extend period	approved teacher
10	41 (4) (b)	refuse to replace registration certificate, registration card, permit certificate or permit card	person applying for replacement certificate or card
11	46 (4)	refusing to amend teachers register	teacher

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
12	51 (4)	refuse to renew full registration	person applying for renewal of full registration
13	51 (4)	refuse to renew provisional registration for further period prescribed in accordance with s 48	person applying for renewal of provisional registration
14	52 (1)	renew registration with condition	person applying for renewal of registration
15	53 (4)	refuse to renew permit to teach for further period prescribed in accordance with s 49	person applying for renewal of permit to teach
16	54 (1)	renew permit to teach with condition	person applying for renewal of permit to teach
17	55 (2)	extend period for less than period applied for	person applying for extension
18	55 (2)	refuse to extend period	person applying for extension
19	56 (1)	amend registration or permit to teach on institute's own initiative	approved teacher
20	56 (3)	extend period for less than period applied for	approved teacher
21	56 (3)	refuse to extend period	approved teacher
22	57 (4) (b)	refuse to amend registration or permit to teach on application	approved teacher
23	64 (3)	extend period for less than period applied for	person whose registration or permit to teach is intended to be suspended or cancelled
24	64 (3)	refuse to extend period	person whose registration or permit to teach is intended to be suspended or cancelled

**Schedule 1**

Reviewable decisions

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
25	65 (1)	suspend or cancel registration or permit to teach	person whose registration or permit to teach is suspended or cancelled
26	68	refuse to cancel teacher's registration or permit to teach	approved teacher
27	69 (3)	cancel person's registration or permit to teach	person whose registration or permit to teach is cancelled
28	74 (1) (b)	refuse to accredit education program	education provider
29	74 (4)	accredit education program on condition	education provider
30	74 (7)	extend period for less than period applied for	education provider
31	74 (7)	refuse to extend period	education provider
32	78	accredit program for less than 5 years	education provider
33	79 (4) (b)	refuse to renew accreditation	education provider
34	79 (6)	renew accreditation on condition	education provider
35	80 (2) (a)	impose a condition in relation to accreditation after review	education provider
36	80 (4)	extend period for less than period applied for	education provider
37	80 (4)	refuse to extend period	education provider
38	82 (3)	extend period for less than period applied for	education provider
39	82 (3)	refuse to extend period	education provider



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<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
40	83 (1)	suspend or cancel accreditation	education provider
41	85 (2)	refuse to approve provision of education program under agreement	education provider
42	85 (2)	approve provision of education program under agreement for period less than 2 years	education provider

1 **Schedule 2** **Consequential amendments**

2 (see s 99)

3 **Part 2.1** **Financial Management Act 1996**

4 **[2.1] Sections 54 (1) and 76 (2)**

5 *insert*

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7 **Part 2.2** **Taxation (Government Business**  
8 **Enterprises) Regulation 2003**

9 **[2.2] Section 4**

10 *insert*

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# Dictionary

(see s 3)

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

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

- ACAT
- ACT
- adult
- Australia
- change
- chief executive (see s 163)
- contravene
- Criminal Code
- disallowable instrument (see s 9)
- document
- entity
- function
- home address
- Legislation Act
- Minister (see s 162)
- notifiable instrument (see s 10)
- penalty unit (see s 133)
- person (see s 160)
- police officer
- reviewable decision notice
- territory law
- the Territory
- writing.

***accreditation*** includes renewed accreditation.

***accreditation guidelines***—see section 75.

- 1            **accredited education program** means an education program  
2            accredited under division 7.2.
- 3            **approved code of practice**—see section 59.
- 4            **approved teacher**—see section 9.
- 5            **chief executive officer** means the chief executive officer of the  
6            institute.
- 7            **committee** means a committee established by the institute board  
8            under section 19.
- 9            **corresponding jurisdiction** means the Commonwealth, a State or  
10            New Zealand.
- 11            *Note*     **State** includes the Northern Territory (see Legislation Act, dict, pt 1,  
12            def **State**).
- 13            **corresponding law** means any law of a corresponding jurisdiction  
14            that regulates teachers in the jurisdiction.
- 15            **corresponding registering authority** means the entity responsible  
16            for regulating the teaching profession under a corresponding law.
- 17            **criminal history record**, of a person, means a written report about  
18            the person’s criminal history from an entity in another country that  
19            has access to records about the criminal history of people in that  
20            country.
- 21            **CrimTrac** means the CrimTrac agency established under the *Public*  
22            *Service Act 1999* (Cwlth), section 65 (Establishment etc of  
23            Executive Agencies).
- 24            **education program** means a program of learning—
- 25            (a) that prepares pre-service teachers for employment as  
26            pre-school, primary school or secondary school teachers; or
- 27            (b) is suitable for the professional learning and development of  
28            teachers.
- 29            **education programs register**—see section 71.

- 1           **education provider** means a person who provides, or offers to  
2           provide, an education program.
- 3           **full registration** means full registration under part 4.
- 4           **government school** means a school, pre-school or school-related  
5           institution established under the *Education Act 2004*, section 20.
- 6           **institute**—see section 10.
- 7           **institute board**—see section 14.
- 8           **non-government school**—see the *Education Act 2004*, dictionary.
- 9           **permit card**—see section 40 (2).
- 10          **permit certificate**—see section 40 (2).
- 11          **permit-holder** means a person who holds a permit to teach.
- 12          **permit to teach** means a permit to teach under part 4.
- 13          **police certificate**, for a person, means a written statement by  
14          CrimTrac, or a police service or force in the ACT, State or another  
15          territory indicating—
- 16           (a) whether, according to the records held by CrimTrac or the  
17           police service or force, the person has been charged with, or  
18           convicted of, an offence against a law of—
- 19               (i) the Territory; or
- 20               (ii) the Commonwealth; or
- 21               (iii) a State; or
- 22               (iv) another country; and
- 23           (b) if so—particulars of each offence.
- 24          **Note**     A conviction does not include a spent conviction (see *Spent Convictions*  
25                    *Act 2000*, s 16 (c) (i)).
- 26          **pre-service teacher** means a person, other than an approved teacher,  
27          who is studying for a teaching qualification.

- 1            ***provisional registration*** means provisional registration under part 4.  
2            ***registered*** means registered under this Act.  
3            ***registered school address***—see section 43.  
4            ***registered teacher*** means a person who holds full registration or  
5            provisional registration.  
6            ***registration*** means full registration or provisional registration.  
7            ***registration card***—see section 40 (1).  
8            ***registration certificate***—see section 40 (1).  
9            ***registration number*** means the registration number under  
10           section 40 (1).  
11           ***reviewable decision***, for part 8 (Notification and review of  
12           decisions)—see section 88.  
13           ***school*** means a government school or non-government school.  
14           ***school-related institution***—see the *Education Act 2004*, section 20  
15           (Establishing government schools etc).  
16           ***teacher***—see section 7.  
17           ***teachers register***—see section 42.  
18           ***teaching***—see section 8.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2010.

**2 Notification**

Notified under the Legislation Act on 2010.

**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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