

South Australia

# Teachers Registration and Standards Regulations 2005

under the *Teachers Registration and Standards Act 2004*

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## Legislative history

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### 1—Short title

These regulations may be cited as the *Teachers Registration and Standards Regulations 2005*.

### 3—Interpretation

In these regulations—

*Act* means the *Teachers Registration and Standards Act 2004*;

*mandatory notification course* means a course of instruction approved by the Teachers Registration Board relating to child abuse and neglect and the requirements under Part 4 Division 1 of the *Children's Protection Act 1993* for notification of suspected child abuse or neglect.

### 3A—Exemptions from requirement to be registered

- (1) Pursuant to section 61 of the Act, a person employed as a director at a prescribed education and care service is exempt from the operation of section 20(1)(a) of the Act.
- (2) Pursuant to section 61 of the Act, a person who employs a person as a director at a prescribed education and care service is exempt from the operation of section 20(2) of the Act in respect of that employment.
- (3) In this regulation—

*approved education and care service* has the same meaning as in the *Education and Care Services National Law (South Australia)*;

*out of school hours care* means the provision of recreational and leisure programs to children before or after school hours, or during school vacation time;

*prescribed education and care service* means an approved education and care service comprising—

- (a) out of school hours care that consists of, or includes, pre-school education; or
- (b) the provision of centre-based long day care services that consist of, or include, pre-school education to children who have not yet commenced school.

#### **4—Prescribed qualifications, experience and requirements for registration as teacher**

- (1) For the purposes of section 21(1)(a) of the Act, the qualifications required for registration as a teacher are as follows:
  - (a) an approved teacher education degree, diploma or other qualification awarded on satisfactory completion of a tertiary course of pre-service teacher education in pre-school, primary or secondary education that—
    - (i) is of at least 4 years' full-time duration or part-time equivalent duration; and
    - (ii) includes a practical student teaching component undertaken at a school or pre-school; or
  - (b) —
    - (i) an approved non-teacher education degree, diploma or other qualification awarded on satisfactory completion of a tertiary course that is of at least 3 years' full-time duration or part-time equivalent duration; and
    - (ii) an approved postgraduate degree, diploma or other qualification awarded on satisfactory completion of a tertiary course of pre-service teacher education in pre-school, primary or secondary education that—
      - (A) is of at least 1 year's full-time duration or part-time equivalent duration; and
      - (B) includes a practical student teaching component undertaken at a school or pre-school.
- (2) For the purposes of section 21(1)(a) of the Act, the experience required for registration as a teacher is 1 year's full-time (or part-time equivalent of 200 days') satisfactory service as a teacher at a school or pre-school in Australia or New Zealand.
- (3) For the purposes of section 21(1)(b) of the Act, a person must have satisfactorily completed a mandatory notification course during the period of 12 months before an application for registration as a teacher is made.
- (4) However, subregulation (3) does not apply to a person who applies for registration as a teacher—
  - (a) before 1 March 2006; or

- (b) within 2 years after having satisfactorily completed a course of teacher education referred to in subregulation (1) during which the person satisfactorily completed a mandatory notification course.
- (5) In this regulation—
- approved** degree, diploma or other qualification means—
- (a) a degree, diploma or other qualification awarded by a tertiary education institution that is a member of the Australian Vice-Chancellor's Committee; or
  - (b) a degree, diploma or other qualification that was at any time nationally registered by the former Australian Council on Awards in Advanced Education or the former Australian Council on Tertiary Awards,
- but does not include a degree, diploma or other qualification that the Teachers Registration Board has determined is not an appropriate qualification for registration.

### **5—Fees for registration**

- (1) An application for registration as a teacher must be accompanied by the following fees:
  - (a) \$300; plus
  - (b) if the Teachers Registration Board is required to assess qualifications of the applicant obtained outside Australia or New Zealand—\$110; plus
  - (c) if the application is made by a person whose name has been removed from the register following a failure to apply for renewal of registration before the expiry of the registration—\$100.
- (2) An application for renewal of registration as a teacher must be accompanied by a fee of \$300.

### **6—Assessment by Teachers Registration Board of qualifications**

- (1) The Teachers Registration Board may, on application, make an assessment as to whether a qualification is an appropriate qualification for registration.
- (2) An application for assessment of a qualification must—
  - (a) be made to the Teachers Registration Board in the manner and form approved by the Board; and
  - (b) be accompanied by a fee of \$110.
- (3) An applicant for assessment of a qualification must provide the Teachers Registration Board with any information required by the Board for the purposes of determining the application, verified, if the Board so requires, by statutory declaration.

### **7—Replacement of certificate of registration**

If a person satisfies the Teachers Registration Board by statutory declaration that his or her certificate of registration as a teacher has been lost or destroyed, the Registrar must, on payment of a fee of \$25, issue to the person a duplicate certificate of registration.

## **8—Fee to accompany application for special authority for unregistered person to teach**

An application for a special authority under Part 6 of the Act must be accompanied by the following fees:

- (a) —
  - (i) if the special authority is to be in force for a period of not more than 12 months—\$100; or
  - (ii) if the special authority is to be in force for a period of more than 12 months—an amount of \$100 for each 12 month period, or part of such period, during which the special authority is to be in force; plus
- (b) an amount specified by the Teachers Registration Board, being the amount payable by the Board for the conduct by the Board of a criminal record check relating to the applicant.

## **9—Special authority to teach and completion of mandatory notification course**

- (1) A person granted a special authority under Part 6 of the Act, must within 3 months after the grant of the authority, satisfactorily complete a mandatory notification course.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) However, subregulation (1) does not apply to a person if the person's application for a special authority was made—
  - (a) before 1 March 2006; or
  - (b) within 12 months after having satisfactorily completed a mandatory notification course.

## **10—Remission of fees**

The Teachers Registration Board may, if satisfied that reasonable cause exists for doing so, remit a fee prescribed by these regulations in whole or in part.

## **11—Information to be reported by employers relating to unprofessional conduct or incapacity**

For the purpose of section 37(1) or section 39(1) of the Act, the report to the Teachers Registration Board must contain (in addition to the information required under that section)—

- (a) the name, address and teacher registration number of the teacher; and
- (b) the name and address of the school or other place at which the teacher is (or was at the relevant time) employed; and
- (c) the names and addresses of all persons who the employer believes may be able to give material evidence relevant to the question of the teacher's alleged unprofessional conduct or incapacity, as the case may be.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Teachers Registration and Standards Regulations 2005* revoked the following:

*Education (Teachers Registration) Regulations 1996*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2005	16	<i>Gazette 31.3.2005 p761</i>	31.3.2005: r 2
2008	231	<i>Gazette 21.8.2008 p3801</i>	1.9.2008: r 2
2011	215	<i>Gazette 15.9.2011 p4041</i>	22.9.2011: r 2
<b>2013</b>	<b>13</b>	<b><i>Gazette 21.2.2013 p486</i></b>	<b>21.2.2013: r 2</b>
2014	220	<i>Gazette 14.8.2014 p4028</i>	15.8.2014: r 2

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Regulations 2002</i>	<i>1.9.2008</i>
<b>r 3A</b>	<b>inserted by 13/2013 r 4</b>	<b>21.2.2013</b>
r 5		
r 5(1)	varied by 231/2008 r 4(1)—(3)	1.9.2008
	varied by 215/2011 r 4(1)—(3)	22.9.2011
r 5(2)	varied by 231/2008 r 4(4)	1.9.2008
	varied by 215/2011 r 4(4)	22.9.2011
r 6		
r 6(2)	varied by 231/2008 r 5	1.9.2008
	varied by 215/2011 r 5	22.9.2011

r 8	varied by 231/2008 r 6	1.9.2008
	varied by 215/2011 r 6	22.9.2011
<i>Sch 1</i>	<i>omitted under Legislation Revision and Publication Regulations 2002</i>	<i>1.9.2008</i>

## **Historical versions**

1.9.2008  
22.9.2011