

South Australia

# Teachers Registration and Standards Regulations 2016

under the *Teachers Registration and Standards Act 2004*

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### 1—Short title

These regulations may be cited as the *Teachers Registration and Standards Regulations 2016*.

### 2—Commencement

These regulations will come into operation on 1 September 2016.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*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.

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#### 4—Nomination of teachers to Teachers Registration Board

- (1) Elections must be held in accordance with this regulation whenever there is a vacancy in the office of a member of the Teachers Registration Board required to be appointed by the Governor on the nomination of the AEU under section 9(1)(c) of the Act or the IEU under section 9(1)(f) of the Act.
- (2) The returning officer of the relevant organisation must publish in a publication that is circulated to members of the relevant organisation a notice specifying—
  - (a) the number of vacancies to be filled; and
  - (b) the requirements to be satisfied in order for candidates to be eligible for nomination in respect of the vacant offices; and

**Note—**

Section 9(1)(c) of the Act provides that the 5 persons nominated by the AEU must be registered teachers, including at least 4 practising teachers.

Section 9(1)(f) of the Act provides that the 2 persons nominated by the IEU must be registered teachers, including at least 1 practising teacher.

- (c) the date (being not less than 21 days after the date of the notice) and the hour by which nominations for candidates for election in respect of those vacant offices must be received by the returning officer; and
  - (d) such other information as the returning officer thinks fit.
- (3) A nomination of a candidate for election must—
  - (a) be in writing; and
  - (b) set out whether the candidate is a registered teacher or a practising registered teacher; and
  - (c) be signed by the candidate; and
  - (d) be signed by 1 other member of the relevant organisation; and
  - (e) be lodged with the returning officer of the relevant organisation not later than the time fixed in the notice for the closure of nominations.
- (4) If the number of candidates duly nominated is the same as or less than the number of vacancies to be filled, the returning officer must, if the candidates satisfy the requirements of section 9(1)(c) or (f) (as the case may be), declare those candidates to be duly elected.
- (5) If the number of candidates duly nominated who satisfy the requirements of section 9(1)(c) or (f) (as the case may be) is greater than the number of vacancies to be filled, an election must be held by the relevant organisation at a meeting of the relevant organisation.
- (6) If an election is held under subregulation (5), the returning officer must declare those candidates who receive the highest number of votes who also satisfy the requirements of section 9(1)(c) or (f) (as the case may be) to be duly elected.
- (7) In this regulation—

*AEU* means the Australian Education Union (SA Branch);

*IEU* means the Independent Education Union (SA Branch);

*relevant organisation* means—

- (a) in relation to a vacancy in the office of a member of the Teachers Registration Board appointed by the Governor under section 9(1)(c) of the Act—the AEU;
- (b) in relation to a vacancy in the office of a member of the Teachers Registration Board appointed by the Governor under section 9(1)(f) of the Act—the IEU;

*returning officer*, in relation to a relevant organisation, means a person appointed by the relevant organisation to be the returning officer.

## 5—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.

## 6—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 higher education 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 higher education 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 higher education 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 higher education institution that is a member of Universities Australia; 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.

## **7—Fees for registration**

- (1) An application for registration as a teacher must be accompanied by the following fees:
  - (a) \$330; plus
  - (b) if the Teachers Registration Board is required to assess qualifications of the applicant obtained outside Australia or New Zealand—\$120; 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 \$330.

## **8—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 \$120.
- (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.

## **9—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.

## **10—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—\$110; or
  - (ii) if the special authority is to be in force for a period of more than 12 months—an amount of \$110 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.

## **11—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.

## **12—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.

## **13—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.

## **Schedule 1—Revocation of regulations**

### **1—Revocation of *Teachers Registration and Standards Regulations 2005***

The *Teachers Registration and Standards Regulations 2005* are revoked.

### **2—Revocation of *Teachers Registration and Standards (Elections for Board) Regulations 2005***

The *Teachers Registration and Standards (Elections for Board) Regulations 2005* are revoked.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 9 June 2016

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