

Queensland



Education (Teacher Registration) Act 1988

EDUCATION (TEACHER REGISTRATION) BY-LAW 1999

**Reprinted as in force on 21 May 2004
(includes commenced amendments up to 2004 SL No. 58)**

Reprint No. 2A

This reprint is prepared by
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Information about this reprint

This by-law is reprinted as at 21 May 2004. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Queensland



**EDUCATION (TEACHER REGISTRATION)
BY-LAW 1999**

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EDUCATION (TEACHER REGISTRATION) BY-LAW 1999

[as amended by all amendments that commenced on or before 21 May 2004]

PART 1—PRELIMINARY

1 Short title

This by-law may be cited as the *Education (Teacher Registration) By-law 1999*.

2 Definitions—the dictionary

The dictionary in schedule 2 defines particular words used in this by-law.

3 References to period of study or education

A reference in this by-law to a number of years of study or education is a reference to the stated number of years of full-time study or education, and includes a reference to an amount of study or education that the board is satisfied is the equivalent of the stated number of years of full-time study or education.

PART 2—REGISTRATION OF TEACHERS

4 Qualifications and experience for full registration—Act, s 38(1)

A person has the qualifications and experience for full registration as a teacher if—

(a) the person—

(i) has successfully completed a prescribed course of higher education; and

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- (ii) has successfully completed 1 year of teaching service, or the equivalent of 1 year of teaching service, to the satisfaction of the board; and
- (iii) has the prescribed level of English proficiency; or
- (b) the board considers the person's education, abilities, experience and contribution to education are of sufficient merit to warrant full registration.

Example for paragraph (b)—

The board may consider a person has the qualifications and experience for full registration as a teacher if the person has long and meritorious teaching experience and has held a position of responsibility in the education profession.

5 Qualifications and experience for provisional registration—Act, s 38(2)

A person has the qualifications and experience for provisional registration as a teacher if—

- (a) the person—
 - (i) has successfully completed—
 - (A) a prescribed course of higher education; or
 - (B) at least 3 years of higher education, including at least 1 year of professional studies; and
 - (ii) has the prescribed level of English proficiency; or
- (b) the board considers the person's education, abilities, experience and contribution to education are of sufficient merit to warrant provisional registration.

5A Fee for a written report about an applicant's criminal history

An application for registration or restoration must be accompanied by the fee for the board to obtain a written report about the applicant's criminal history under section 37(3) of the Act.

6 Form of reports and returns—Act, s 45(1)

The prescribed way for the principal of a school to give a report or return required under section 45 of the Act is to give it in the approved form.

7 Other particulars required for registration

For section 35(1)(d) of the Act, the other particulars about a person required to be entered in the register by the director are—

- (a) the person's former name or names (if any); and
- (b) the person's date of birth; and
- (c) the person's teacher registration number.

8 Notice of change in registered particulars

A registered teacher must, as soon as practicable, notify the board if there is a change in the registered particulars for the teacher.

9 Retention fee

(1) A registered teacher must pay the fee for retention of the teacher's name in the register (the "**retention fee**"), for a year, before the year starts.

(2) A registered teacher may pay the retention fee for 1 year, 2 years or 3 years.

(3) If a registered teacher does not pay the retention fee for a year before the year starts, the board must give the teacher a written notice stating that the teacher's registration will be cancelled unless the teacher pays the retention fee by the day (the "**due day**") stated in the notice.

(4) The due day must be at least 14 days after the day the notice is given.

(5) If a teacher pays the retention fee for a year before the year starts or, if the teacher is given a notice under this section, before the due day stated in the notice, the board must give the teacher a written notice stating that the teacher's name has been retained in the register.

(6) If a teacher is given a notice under this section and does not pay the retention fee on or before the due day stated in the notice, the board must cancel the teacher's registration and give the teacher a written notice of the cancellation.

10 Authorisation to employ unregistered persons in teaching duties

(1) This section applies to an authorisation under section 43(1) of the Act to employ as a teacher, in a school, a person who is not a registered teacher.

(2) An application for the authorisation must be in the approved form.

(3) The application must be signed by the principal of the school or by another person authorised by the employer.

(4) The authorisation must be held, during the period of employment that it covers, by the principal of the school or by another person authorised by the employer.

11 Annual census of teachers

(1) The principal of a school must give the board a return of all persons employed in teaching duties at the school as at 1 April in each year.

(2) The return must be given by 30 April in the year.

(3) The return must be in the approved form.

12 Rules

(1) The board may, by resolution, make rules for this part.

(2) As soon as practicable after making a rule, the board must, by gazette notice, state—

(a) that a rule has been made; and

(b) where a copy may be inspected.

(3) Without limiting subsection (2)(b), the board must ensure the rule is set out in full in the gazette.

PART 3—ELECTION TO THE BOARD OF REPRESENTATIVES OF REGISTERED TEACHERS

Division 1—General

13 Representatives of registered teachers to be elected

The representatives of registered teachers who are nominated for appointment as members of the board under section 3(2)(i) of the Act must be chosen by an election held under this part.

14 Board to fix election date

The board must fix a date for the election that is at least 45 days before the end of the term of appointment of the current teacher representatives.

15 Notice of election

(1) The director must publish a gazette notice stating the date fixed for the election and the final date for the receipt of nominations of candidates (the “**final nomination day**”).

(2) The final nomination day must be at least 21 days after the date of the gazette notice and at least 30 days before the date fixed for the election.

16 Roll of electors

(1) The director must prepare a roll of electors entitled to vote at the election.

(2) All persons who are registered teachers on the day of the publication of the notice of the election are entitled to vote.

17 Nomination of candidates

(1) This section applies to the nomination of a candidate for an election.

(2) The nomination must be—

(a) in the approved form; and

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(b) signed by 6 persons whose names appear on the roll of electors;
and

(c) signed by the nominated person as accepting the nomination.

(3) The nomination paper must be given to the director before 4.00 p.m. on the final nomination day.

(4) A candidate may withdraw consent to the candidate's nomination before 4.00 p.m. on the final nomination day by giving the director a notice of withdrawal in the approved form.

(5) If, before sending the voting papers to the electors, the director receives notice of the death of a candidate, the director may cancel the nomination of the candidate.

*Division 2—No election required***18 Procedure if no more persons nominated than number to be elected**

(1) This section applies if the number of persons nominated as candidates is not more than the number required to be elected.

(2) The persons nominated are taken to have been elected as a result of an election involving registered teachers.

(3) The director must—

(a) declare the persons nominated to be elected by registered teachers; and

(b) give the Minister a notice, signed by the director, stating the names of the candidates elected and the date of the declaration of the result of the election.

*Division 3—Conduct of election***19 Procedure if more persons nominated than number to be elected**

If the number of persons nominated as candidates is more than the number required to be elected, an election must be held under this division.

20 Voting papers

The director must, without unreasonable delay after the final date for receipt of nominations—

- (a) decide, by lot, the order of the candidates on the voting paper; and
- (b) have voting papers prepared in the approved form; and
- (c) send to every person included in the roll of electors, at the person's address recorded in the register, a voting paper and an open envelope marked 'Voting Paper Only'.

21 Statement by candidate

(1) A candidate may prepare a statement consisting of—

- (a) the candidate's home address, age, qualifications, experience, current professional position and professional address; and
- (b) a statement of not more than 100 words about anything else the candidate decides.

(2) If a candidate prepares a statement under subsection (1) and gives it to the director within 7 days after the final nomination day, the director must include the statement with the voting papers sent to persons included in the roll of electors, unless the director has a reasonable excuse for not including the statement.

Examples of a reasonable excuse—

1. A statement includes a matter the director believes may be unlawful or defamatory.
2. The director is not able to include the statement due to a circumstance beyond the director's control.

22 Procedures for voters

(1) Each voter must vote by placing, on the voting paper, marks in the squares opposite the names of the candidates for whom the voter votes.

(2) The voter must—

- (a) enclose the voter's voting paper in the envelope forwarded to the voter under section 20(c); and
- (b) give the envelope to the director before 11.00 a.m. on the day fixed for the election.

23 Procedures for director

(1) The director must ensure every voting paper given to the director before 11.00 a.m. on the day fixed for the election is deposited in a sealed ballot box.

(2) The director must take steps to ensure—

- (a) only persons qualified to vote at the election have voted; and
- (b) the secrecy of the ballot is preserved.

24 Scrutineers

(1) The chairperson of the board must appoint 2 persons to be scrutineers for the examination of the voting papers for the election.

(2) Each candidate may appoint, by written notice, 1 scrutineer to be present when the director opens the envelopes containing the voting papers on the day of the election.

(3) A candidate must give the notice appointing a scrutineer to the director at least 5 days before the day fixed for the election.

(4) The election is not invalid because a candidate does not appoint a scrutineer or because a person appointed as a scrutineer does not carry out the duties of a scrutineer.

25 Examination and counting of votes

(1) On the day fixed for the election, the director must—

- (a) open the envelopes returned to the director under section 22 and remove the voting papers; and
- (b) examine the voting papers; and
- (c) count the votes received by the candidates.

(2) The director may appoint persons, other than a candidate or scrutineer, as assistants to help the director in opening the envelopes, examining the voting papers and counting the votes.

(3) The opening of the envelopes, examining of the voting papers and counting of votes must take place in the presence of the scrutineers.

(4) A candidate may not be present when the envelopes are opened, the voting papers are examined or the votes are counted.

26 Certain votes not to be counted

(1) An informal vote must not be counted.

(2) A vote is informal if—

- (a) it contains votes for more than the required number of candidates; or
- (b) it contains a mark or other writing other than a vote for a candidate in the election; or
- (c) it is so imperfectly executed that the intention of the voter can not be ascertained with certainty; or
- (d) it is otherwise manifestly irregular.

(3) If the director is not satisfied a voter was entitled to vote at the election, the vote must not be counted.

27 Declaration of result of election

(1) When all the voting papers have been examined and the votes counted, the director must prepare and sign a statement declaring the result of the election.

(2) The statement may be countersigned by scrutineers who are present and consent to sign it.

(3) The statement must contain the number, in words as well as figures, of the votes for each candidate, and must, subject to section 28, declare to be elected the required number of candidates who have received the greatest number of votes.

28 Tied candidates

(1) This section applies if 2 or more candidates (the “**tied candidates**”) have received an equal number of votes and, because of the required number of candidates, not all the tied candidates are to be declared elected.

(2) The director must decide by lot which of the tied candidates is to be declared elected.

(3) The director must declare the tied candidate or candidates decided by lot to be elected under section 27.

29 Minister to be notified

The director must give the Minister a notice, signed by the director, stating the names of the candidates elected and the date of the declaration of the result of the election.

30 Ballot papers after election

(1) The director must keep the ballot papers and a copy of the roll, signed by the director, for at least 1 year after the declaration of the result of the election.

(2) The director must destroy the ballot papers and roll after the year.

31 Election not to be invalid

An election is not invalid because of—

- (a) a formal error or defect in a declaration or other instrument or in a publication made, or intended to be made, under this by-law; or
- (b) a publication being out of time; or
- (c) a delay in holding the election at the time appointed or in taking the poll; or
- (d) an inadvertent failure to give an elector a notice or ballot paper; or
- (e) a defect of a merely formal nature.

PART 4—MISCELLANEOUS**32 Fees**

The fees in schedule 1 are the fees payable to the board.

33 Approval of forms

The board may approve forms for use under this by-law.

34 Repeal

The *Education (Teacher Registration) By-law 1989* is repealed.

SCHEDULE 1**FEES**

section 32

	\$
1. Application for registration—	
(a) by a person who holds a qualification from a Queensland institution for a course of teacher education successfully completed not more than 2 years before the application	nil
(b) by a person to whom paragraph (a) does not apply .	65.00
2. Registration	45.00
3. Retention of registration, for each year	25.00
4. Application for restoration.	50.00
5. Inspection of register	1.00
6. Obtaining a written report about an applicant's criminal history	7.50

SCHEDULE 2**DICTIONARY**

section 2

“corresponding law” means a law applying, or that applied, in the Commonwealth, another State or a Territory that provides, or provided, for the same matter as the *Higher Education (General Provisions) Act 2003* or a provision of that Act.

“course of preservice teacher education” means—

- (a) a course of preservice teacher education provided by—
 - (i) a higher education institution established or recognised as a university under an Act; or
 - (ii) an interstate university; or
- (b) a course of preservice teacher education that is, or has been, accredited or recognised under the *Higher Education (General Provisions) Act 2003*, a former Act or a corresponding law.

“final nomination day” see section 15(1).

“former Act” means a repealed Act, or repealed provisions of an Act, that provided for the same matter as the *Higher Education (General Provisions) Act 2003* or a provision of that Act.

“higher education institution” see the *Higher Education (General Provisions) Act 2003*, schedule 2.

“interstate university” see the *Higher Education (General Provisions) Act 2003*, schedule 2.

“postgraduate course of preservice teacher education” means—

- (a) a postgraduate course of preservice teacher education provided by—
 - (i) a higher education institution established or recognised as a university under an Act; or
 - (ii) an interstate university; or

SCHEDULE 1 (continued)

- (b) a postgraduate course of preservice teacher education that is, or has been, accredited or recognised under the *Higher Education (General Provisions) Act 2003*, a former Act or a corresponding law.

“prescribed course of higher education” means any of the following courses—

- (a) a course of preservice teacher education consisting of at least 4 years academic study, including professional studies that are at least 2 years of academic study;
- (b) a postgraduate course of preservice teacher education consisting of professional studies that are at least 2 years of academic study;
- (c) another course of teacher education, provided by a higher education institution, the board is satisfied is the equivalent of a course mentioned in paragraph (a) or (b).

“prescribed level of English proficiency” means a level of English proficiency that enables a person to communicate in English in spoken and written language at a professional level with students, parents, teachers and other persons.

“professional studies” means studies in teacher education that include—

- (a) theoretical and practical aspects of education including, for example, psychology, philosophy, the social context of schooling, curriculum studies and studies in teaching and learning; and
- (b) supervised teaching experience.

“teacher registration number” means the number assigned by the board to a person for the purposes of the person’s registration.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 May 2004. Future amendments of the Education (Teacher Registration) By-law 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	29 October 1999	1 November 1999
1A	to 2000 SL No. 317	8 December 2000	19 December 2000
1B	to 2001 SL No. 272	21 December 2001	4 January 2002 (Column discontinued) Notes
2	to 2001 SL No. 272	21 December 2001	
2A	to 2004 SL No. 58	21 May 2004	

5 List of legislation

Education (Teacher Registration) By-law 1999 SL No. 247

made by the Board of Teacher Registration on 13 October 1999

notfd gaz 29 October 1999 pp 814–7

commenced on date of notification

exp 1 September 2010 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Education (Teacher Registration) Amendment By-law (No. 1) 2000 SL No. 317

notfd gaz 8 December 2000 pp 1374–7

commenced on date of notification

Education (Teacher Registration) Amendment By-law (No. 1) 2001 SL No. 272

notfd gaz 21 December 2001 pp 1482–8

commenced on date of notification

Education (Teacher Registration) Amendment By-law (No. 1) 2004 SL No. 58

notfd gaz 21 May 2004 pp 191–4

commenced on date of notification

6 List of annotations

Fee for a written report about an applicant's criminal history

s 5A ins 2000 SL No. 317 s 3

SCHEDULE 1—FEES

amd 2000 SL No. 317 s 4; 2001 SL No. 272 s 3

SCHEDULE 2—DICTIONARY

def “**corresponding law**” ins 2004 SL No. 58 s 3(2)

def “**course of preservice teacher education**” ins 2004 SL No. 58 s 3(2)

def “**former Act**” ins 2004 SL No. 58 s 3(2)

def “**higher education institution**” sub 2004 SL No. 58 s 3

def “**interstate university**” ins 2004 SL No. 58 s 3(2)

def “**postgraduate course of preservice teacher education**” ins 2004 SL No. 58 s 3(2)

def “**prescribed course of higher education**” sub 2004 SL No. 58 s 3