



Queensland

Education (Queensland College of Teachers) Regulation 2005

Subordinate Legislation 2005 No. 279

made under the

Education (Queensland College of Teachers) Act 2005

Contents

		Page
Part 1	Preliminary	
1	Short title	4
2	Commencement	4
3	Dictionary	4
4	References to period of academic study or education	4
Part 2	Registration or permission to teach	
Division 1	Eligibility for full registration	
5	Qualifications	5
6	Experience	5
7	Requirement for professional practice	6
Division 2	Eligibility for provisional registration	
8	Qualifications	6
9	Requirement for professional practice	6
Division 3	Eligibility for permission to teach	
10	Requirement for professional practice	6
Division 4	Renewal of full registration	
11	Full registration—requirement for renewal	7
12	Cancellation of returning to teaching condition	7
13	Returning to teaching condition—prescribed time	7

14	Returning to teaching condition—professional development program	7
Part 3 Requirements for elections of practising teachers to board		
Division 1 Preliminary		
15	Purpose of pt 3	8
Division 2 Matters before the election		
16	Election day to be fixed	9
17	Notice of election	9
18	Roll of electors	9
19	Nomination of candidates—nominators and nominees	9
20	Form of nominations.	10
Division 3 When no ballot is needed		
21	If no more candidates than number to be elected—State schools members	10
22	If no more candidates than number to be elected—non-State schools member.	11
Division 4 When a ballot is needed		
23	Application of div 4	11
24	Ballot papers—order of candidates	12
25	Ballot papers—content	12
26	Voting papers	12
27	Statement by candidate	13
28	Voting	13
29	Director to keep ballot box	14
30	Scrutineers	14
31	Director to count votes	15
32	Declaration of result of election	16
33	Tied candidates	17
Division 5 Other matters		
34	Keeping ballot papers and roll of electors after election.	17
35	Election not to be invalid.	18
Part 4 Miscellaneous		
36	Notice of change in circumstances.	18
37	Fees	19
38	Waiver of fee—financial hardship.	19
39	Repeal	19
Schedule 1 Fees		
		20

Schedule 2	Dictionary	21
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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Education (Queensland College of Teachers) Regulation 2005*.

2 Commencement

This regulation commences on 1 January 2006.

3 Dictionary

The dictionary in schedule 2 defines particular words used in this regulation.

4 References to period of academic study or education

A reference in this regulation to a number of years of academic study or education—

- (a) is a reference to the stated number of years of full-time academic study or education; and
- (b) includes a reference to an amount of academic study or education that the college is satisfied is the equivalent of the stated number of years of full-time academic study or education.

Part 2 Registration or permission to teach

Division 1 Eligibility for full registration

5 Qualifications

For section 8(1)(a)(i) of the Act, the qualifications are successful completion of—

- (a) a course of preservice teacher education consisting of at least 4 years academic study, including professional studies that are at least 1 year of academic study; or
- (b) a graduate course of preservice teacher education consisting of professional studies that are at least 1 year of academic study; or
- (c) another course of teacher education, provided by a higher education institution, that the college is satisfied is the equivalent of a course mentioned in paragraph (a) or (b).

6 Experience

(1) For section 8(1)(a)(i) of the Act, the experience is—

- (a) successful completion of 1 year of teaching at a school; or
- (b) other experience the college is satisfied is the equivalent of successful completion of 1 year of teaching at a school.

(2) For subsection (1), the college may be satisfied a person has the experience if the college receives notice about the experience from—

- (a) the principal of the school at which the teaching was carried out; or
- (b) another person the college considers can adequately inform the college about the experience.

7 Requirement for professional practice

For section 8(1)(c) of the Act, the ability to communicate in spoken and written English at a professional level with students, parents, teachers and other persons is a requirement for professional practice.

Division 2 Eligibility for provisional registration

8 Qualifications

For section 9(1)(a)(i) of the Act, the qualifications are successful completion of—

- (a) a course of preservice teacher education consisting of at least 4 years academic study, including professional studies that are at least 1 year of academic study; or
- (b) a graduate course of preservice teacher education consisting of professional studies that are at least 1 year of academic study; or
- (c) another course of teacher education, provided by a higher education institution, that the college is satisfied is the equivalent of a course mentioned in paragraph (a) or (b).

9 Requirement for professional practice

For section 9(1)(c) of the Act, the ability to communicate in spoken and written English at a professional level with students, parents, teachers and other persons is a requirement for professional practice.

Division 3 Eligibility for permission to teach

10 Requirement for professional practice

For section 10(1)(d) of the Act, the ability to communicate in spoken and written English at a professional level with

students, parents, teachers and other persons is a requirement for professional practice.

Division 4 Renewal of full registration

11 Full registration—requirement for renewal

For section 29(2)(c) of the Act—

- (a) the prescribed duration is 1 year; and
- (b) the prescribed period is 5 years immediately before the day a teacher's full registration ends.

12 Cancellation of returning to teaching condition

For section 43(2) of the Act, the prescribed type of evidence is a notice from—

- (a) the provider of a relevant program; or
- (b) the principal of the school at which the relevant registered teacher teaches.

13 Returning to teaching condition—prescribed time

For schedule 3 of the Act, definition *returning to teaching condition*, the prescribed time is from 1 year immediately before, to 1 year immediately after—

- (a) for a teacher who is not teaching at a school when the condition is imposed—the day the teacher returns to teaching at a school; or
- (b) for a teacher who is teaching at a school when the condition is imposed—the day the condition is imposed.

14 Returning to teaching condition—professional development program

- (1) For schedule 3 of the Act, definition *returning to teaching condition*, a professional development program for returning

to teaching meets the prescribed requirements for the program if it—

- (a) includes elements that focus on the following—
 - (i) effective teaching practice;
 - (ii) contemporary issues about education;
 - (iii) legislation applying in the State, and relevant to teachers, about the care or protection of children; and
 - (b) has regard to the professional standards.
- (2) Without limiting subsection (1)(a)(ii), a program must include elements that focus on the following contemporary issues—
- (a) curriculum and assessment initiatives for Queensland schools;
 - (b) syllabus implementation for Queensland schools;
 - (c) policies about education for Queensland schools.
- (3) In this section—

professional development program means a professional learning program.

Part 3 Requirements for elections of practising teachers to board

Division 1 Preliminary

15 Purpose of pt 3

This part states, for section 240(2)¹ of the Act, the requirements for an election (a *board member election*) of

¹ Section 240 (Requirements for elections) of the Act

practising teachers for appointment as members of the board under section 239(1)(j) of the Act.

Division 2 Matters before the election

16 Election day to be fixed

- (1) The board must fix, as the election day, a day at least 45 days before the end of the term of appointment of the elected members of the board.
- (2) In this section—
elected members of the board means the board members elected for section 239(1)(j) of the Act.

17 Notice of election

- (1) The director must publish a gazette notice stating—
 - (a) the election day; and
 - (b) the final day (the *final nomination day*) for the receipt of nominations of candidates.
- (2) The final nomination day must be at least 10 days after the day of the gazette notice and at least 28 days before the election day.

18 Roll of electors

The director must prepare a roll (the *roll of electors*) of persons (each an *elector*) who are registered teachers on the day the gazette notice is published under section 17(1).

19 Nomination of candidates—nominators and nominees

- (1) A practising teacher may be nominated as a candidate for the election only if—
 - (a) the teacher's name is on the roll of electors for the election; and

- (b) the teacher is nominated as a candidate by 6 other registered teachers whose names are on the roll of electors for the election.
- (2) However, a practising teacher must not be nominated as both a State schools candidate and a non-State schools candidate.

20 Form of nominations

- (1) A nomination of a candidate must—
 - (a) be in writing; and
 - (b) be signed by—
 - (i) the candidate as accepting the nomination; and
 - (ii) the 6 registered teachers making the nomination.
- (2) The nomination must be given to the director before 4.00p.m. on the final nomination day for the election.
- (3) A candidate may withdraw his or her consent to a nomination before 4.00p.m. on the final nomination day by giving the director a notice of withdrawal.
- (4) If, before sending the voting papers to the electors for the election, the director receives notice of the death of a candidate, the director may cancel the nomination of the candidate.

Division 3 When no ballot is needed

21 If no more candidates than number to be elected—State schools members

- (1) This section applies if the number of State schools candidates for the election is not more than the number of State schools members to be elected.
- (2) The director need not conduct a ballot for the election of the State schools members.
- (3) The candidates are taken to have been elected unopposed.
- (4) The director must—

- (a) declare the candidates to be elected; and
- (b) give the Minister a notice, signed by the director, stating—
 - (i) the name of each candidate; and
 - (ii) the candidate is elected as a State schools member; and
 - (iii) the day the result of the election is declared.

22 If no more candidates than number to be elected—non-State schools member

- (1) This section applies if there is only 1 non-State schools candidate for the election.
- (2) The director need not conduct a ballot for the election of the non-State schools member.
- (3) The candidate is taken to have been elected unopposed.
- (4) The director must—
 - (a) declare the candidate to be elected; and
 - (b) give the Minister a notice, signed by the director, stating—
 - (i) the name of the candidate; and
 - (ii) the candidate is elected as a non-State schools member; and
 - (iii) the day the result of the election is declared.

Division 4 When a ballot is needed

23 Application of div 4

This division applies if a ballot is needed for the election.

24 Ballot papers—order of candidates

- (1) As soon as practicable after the final nomination day, the director must decide, by lot, the order of the candidates on the ballot paper for the election.
- (2) Subsections (3) and (4) apply if a ballot is needed for both State schools candidates and non-State schools candidates (each a *ballot group*).
- (3) The names of candidates for each ballot group must be stated separately from the names of candidates for the other ballot group.
- (4) The names of candidates for a ballot group must be stated in the order decided by the director by lot for the group.

25 Ballot papers—content

The ballot paper for the election must state the following—

- (a) the election day and election time;
- (b) the name of each candidate, listed in the order decided under section 24;
- (c) whether each candidate is a State schools candidate or a non-State schools candidate;
- (d) instructions about how a person may cast a vote.

26 Voting papers

- (1) The director must, at least 21 days before the election day, send the following (the *voting papers*) to each elector—
 - (a) a ballot paper;
 - (b) an unsealed envelope for the ballot paper (the *ballot envelope*);
 - (c) an unsealed stamped or postage paid envelope addressed to the director (the *return envelope*).
- (2) The ballot envelope must show the following—
 - (a) the name of the elector to whom it is sent;
 - (b) the identification number of the elector;

- (c) a place for the elector to sign the envelope.
- (3) However, if the voting papers are posted to an address outside Australia, the return envelope need not be stamped or postage paid.

27 Statement by candidate

- (1) A candidate for the election may prepare a statement consisting of not more than the following—
 - (a) the candidate's home address, age, academic qualifications, current professional position and professional address;
 - (b) not more than 100 words about any other matter.
- (2) If a candidate prepares a statement under subsection (1) and gives it to the director on or before the final nomination day, the director must include the statement with the voting papers sent to electors for the election, unless the director has a reasonable excuse.

Examples of a reasonable excuse—

- 1 The statement includes material 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.

28 Voting

- (1) An elector may vote for—
 - (a) if the elector is a registered teacher who identifies himself or herself as affiliated with State schooling—a State schools candidate; or
 - (b) if the elector is a registered teacher who identifies himself or herself as affiliated with non-State schooling—a non-State schools candidate.
- (2) An elector may vote for a candidate only by—
 - (a) marking a ballot paper with a cross opposite the candidate's name; and

- (b) signing the ballot envelope in the place provided for the elector's signature; and
 - (c) putting the ballot paper in the ballot envelope and sealing the ballot envelope; and
 - (d) putting the ballot envelope in the return envelope and sealing the return envelope; and
 - (e) returning the return envelope to the director by the election time.
- (3) However, an elector's vote is not invalid merely because—
- (a) the elector has not signed the ballot envelope; or
 - (b) the ballot envelope is not sealed; or
 - (c) the return envelope is not sealed.

29 Director to keep ballot box

- (1) The director must keep a ballot box for the election.
- (2) The director must place in the ballot box each sealed return envelope received by the director before the election time.
- (3) The ballot box must be sealed in a way that prevents return envelopes being taken from it until the election time.

30 Scrutineers

- (1) The chairperson of the board must appoint 2 persons to be scrutineers for—
 - (a) the opening of the return envelopes and the ballot envelopes; and
 - (b) the examination of the voting papers; and
 - (c) the counting of the votes.
- (2) Each candidate for the election may appoint 1 person to be a scrutineer for—
 - (a) the opening of the return envelopes and the ballot envelopes; and
 - (b) the examination of the voting papers; and

- (c) the counting of the votes.
- (3) An appointment under subsection (2) must be by a notice given to the director at least 5 days before the election day.
- (4) The election is not invalid because—
 - (a) a candidate does not appoint a scrutineer; or
 - (b) a person appointed as a scrutineer by a candidate does not carry out the duties of a scrutineer.

31 Director to count votes

- (1) At, or as soon as practicable after, the election time, the director must—
 - (a) open each return envelope in the ballot box; and
 - (b) check whether the person from whom the return envelope was received is an elector; and
 - (c) open each ballot envelope received from an elector; and
 - (d) accept each formal ballot paper and reject each informal ballot paper; and
 - (e) count and record the number of votes for each candidate on the formal ballot papers.
- (2) Despite subsection (1)(d), the director may accept an informal ballot paper if, in the opinion of the director, the intention of the voter is clear.
- (3) Also, if the director is not satisfied a voter is an elector for the election, the vote must not be counted.
- (4) The director may appoint persons as assistants to help the director in opening the envelopes, examining the voting papers and counting the votes.
- (5) However, the director must not, under subsection (4), appoint a person who is—
 - (a) a candidate; or
 - (b) a scrutineer appointed by a candidate or by the chairperson.

- (6) Opening of the envelopes, examining of the voting papers and counting of the votes must take place in the presence of—
- (a) the 2 scrutineers appointed under section 30(1); and
 - (b) any scrutineer who is appointed by a candidate under section 30(2) and who carries out the duties of a scrutineer.
- (7) A candidate must not be present when—
- (a) the envelopes are opened; or
 - (b) the voting papers are examined; or
 - (c) the votes are counted.
- (8) In this section—

formal ballot paper means a ballot paper marked as required under section 28(2)(a).

informal ballot paper means a ballot paper not marked as required under section 28(2)(a).

32 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 notice that states—
- (a) each candidate's name; and
 - (b) the number, in words and figures, of the votes for each candidate; and
 - (c) subject to section 33, that the following are declared elected—
 - (i) if a ballot is needed for State schools candidates—the State schools candidates who receive the greatest number, and the next highest number, of votes;
 - (ii) if a ballot is needed for non-State schools candidates—the non-State schools candidate who receives the greatest number of votes; and

- (d) for each candidate declared elected, whether the candidate is elected as a State schools member or a non-State schools member; and
 - (e) the day the result of the election is declared.
- (2) However, for subsection (1)(c)(i), if 2 candidates both receive the greatest number of votes, those 2 candidates are to be declared elected.
 - (3) The statement may be countersigned by scrutineers who are present and consent to sign it.
 - (4) The director must give the notice to the Minister as soon as practicable after the notice is prepared and signed.

33 Tied candidates

- (1) This section applies if—
 - (a) 2 or more candidates (the *tied candidates*) receive an equal number of votes; and
 - (b) because of the number of board members to be elected, not all the tied candidates can 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 to be elected under section 32 each tied candidate decided by lot to be declared elected.

Division 5 Other matters

34 Keeping ballot papers and roll of electors after election

The director must keep the following for at least 1 year after the result of the election is declared—

- (a) the ballot papers; and
- (b) a copy of the roll of electors, signed by the director.

35 Election not to be invalid

The 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 regulation; or
- (b) a publication being out of time; or
- (c) a delay in holding the election at the time appointed or in taking an action in relation the election; 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**36 Notice of change in circumstances**

- (1) For section 71(2) of the Act, a change in any of the following for an approved teacher is a prescribed change in circumstances—
 - (a) the teacher's name;
 - (b) the teacher's address;
 - (c) if the teacher is employed at a school on a permanent full-time or permanent part-time basis, the school at which the teacher is employed.
- (2) Also, removal or variation of a qualification, possession of which was relied upon by an approved teacher to obtain registration or permission to teach, is a prescribed change in circumstances for the teacher.
- (3) Subsection (4) applies to an approved teacher—
 - (a) whose registration is subject to a returning to teaching condition; and

- (b) who is not, when the condition is imposed, teaching at a school on a permanent full-time or permanent part-time basis.
- (4) Starting teaching at a school on a permanent full-time or permanent part-time basis is a prescribed change in circumstances for a teacher, the details of which include the following—
 - (a) the day the teacher starts teaching at the school;
 - (b) the school at which the teacher starts teaching.

37 Fees

The fees payable under the Act are stated in schedule 1.

38 Waiver of fee—financial hardship

The board may waive, wholly or partly, payment of a fee by a person if the board is satisfied payment of the fee would cause the person financial hardship.

39 Repeal

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

Schedule 1 Fees

section 37

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1	Registration application fee—	
	(a) for a person who holds a qualification from a higher education entity for a preservice teacher education program—	
	(i) approved by the college; and	
	(ii) successfully completed not more than 2 years before the application is made	nil
	(b) for another person	70.00
2	Permission to teach application fee	70.00
3	Criminal history check fee	22.50
4	Registration fee	90.00
5	Permission to teach fee	90.00
6	Annual fee, for each registration year	60.00
7	Fee for late payment of annual fee	20.00
8	Restoration application fee	55.00
9	Fee for replacing certificate of registration or permission to teach	25.00

Schedule 2 Dictionary

section 3

ballot envelope see section 26(1)(b).

board member election see section 15.

course of preservice teacher education means a course of preservice teacher education provided by a higher education entity.

election day means the day fixed under section 16 for a board member election.

election time, for a board member election, means the time on the election day by which votes must be returned to the director, as decided by the board.

elector see section 18.

final nomination day see section 17(1)(b).

graduate course of preservice teacher education means a graduate course of preservice teacher education provided by a higher education entity.

non-State schools candidate means a candidate for a board member election who is a practising teacher employed by the employing authority for a non-State school.

non-State schools member means a person elected for appointment as a member of the board under 239(1)(j)(ii) of the Act.

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.

return envelope see section 26(1)(c).

Schedule 2 (continued)

roll of electors see section 18.

State schools candidate means a candidate for a board member election who is a practising teacher employed by the State.

State schools member means a person elected for appointment as a member of the board under 239(1)(j)(i) of the Act.

voting papers see section 26(1).

ENDNOTES

- 1 Made by the Governor in Council on 24 November 2005.
- 2 Notified in the gazette on 25 November 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Education and the Arts.