



Queensland

Education (Queensland College of Teachers) Act 2005

Education (Queensland College of Teachers) Regulation 2016

Current as at 1 October 2017



Queensland

Education (Queensland College of Teachers) Regulation 2016

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Education (Queensland College of Teachers) Regulation 2016

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Education (Queensland College of Teachers) Regulation 2016*.

2 Commencement

This regulation commences on 1 January 2017.

3 Dictionary

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

4 References to a stated number of years of academic study

A reference in section 5 or 8 to a stated number of years of academic study—

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

- (b) another person the college considers can adequately inform the college about the teaching or other experience.

7 Additional requirement for professional practice for full registration

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

Division 2 Eligibility for provisional registration

8 Qualifications

For section 9(1)(a)(i) of the Act, the prescribed qualification for provisional registration is 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 Additional requirement for professional practice for provisional registration

For section 9(1)(d) of the Act, the prescribed requirement for professional practice for provisional registration is the ability to communicate in spoken and written English at a

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professional level with students, parents, teachers and other persons.

Division 3 Eligibility for permission to teach

10 Additional requirement for professional practice for permission to teach

For section 10(1)(d) of the Act, the prescribed requirement for professional practice for permission to teach is the ability to communicate in spoken and written English at a professional level with students, parents, teachers and other persons.

Division 4 Renewal of full registration

11 Particular requirements for renewal of full registration

- (1) For section 29(2)(c)(i)(A) and (ii)(A) of the Act, the prescribed duration is 6 months.
- (2) For section 29(2)(c)(i)(B) and (ii)(B) of the Act, the prescribed period is 5 years immediately before the day a teacher's full registration ends.

Division 5 Educational programs

12 Prescribed educational programs

- (1) For the Act, schedule 3, definition *teacher*, paragraph (a)(ii), each of the following educational programs is prescribed—
 - (a) an educational program based on the Australian curriculum;
 - (b) an educational program based on a syllabus developed, purchased or revised by the Queensland Curriculum and Assessment Authority under the curriculum and assessment Act;

(c) an educational program based on a kindergarten guideline developed, purchased and revised, or accredited by the Queensland Curriculum and Assessment Authority under the curriculum and assessment Act.

(2) In this section—

Australian curriculum see the curriculum and assessment Act, schedule 1.

curriculum and assessment Act means the *Education (Queensland Curriculum and Assessment Authority) Act 2014*.

kindergarten guideline see the curriculum and assessment Act, schedule 1.

Part 3 Requirements for carrying out election of practising teachers for appointment to board

Division 1 Purpose of part

13 Purpose of part

This part states, for section 240(2) of the Act, the requirements for carrying out an election (a *board member election*) of practising teachers for appointment as members of the board under section 239(1)(j) of the Act.

Division 2 Director to conduct election

14 Director to conduct election

The director must conduct the board member election, but the day for the election must be fixed by the board under section 15.

Division 3 Matters before the election

15 Election day to be fixed

- (1) The board must fix, as the election day for the board member election, 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.

16 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 notice of election is published.

17 Notice of election and of right to nominate candidates

- (1) The director must publish a notice (the *notice of election*) that contains information about the board member election, including—
 - (a) the election day; and
 - (b) the final day (the *final nomination day*) for the receipt of nominations of candidates for the election.
- (2) The final nomination day must be—
 - (a) at least 10 days after the day the notice of election is published; and
 - (b) at least 21 days before the election day.
- (3) The director must publish the notice of election in a way the director reasonably considers will, or is likely to, bring the notice to the attention of all electors.

Example—

publication in an appropriate newsletter, by email to electors or on the college's website

18 Nomination of candidates

- (1) A practising teacher may be nominated as a candidate for the board member election if—
 - (a) the practising teacher's name is on the roll of electors; and
 - (b) the teacher is nominated as a candidate by 6 registered teachers (other than the practising teacher) whose names are also on the roll of electors.
- (2) However, the practising teacher can not be nominated as both a State schools candidate and as a non-State schools candidate for the election.

19 Form of nominations and time within which nominations may be given

- (1) A nomination of a candidate for the board member election must be written and signed by—
 - (a) the candidate as accepting the nomination; and
 - (b) 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 for the election may withdraw the candidate's acceptance of the candidate's nomination before 4.00p.m. on the final nomination day by giving the director a written notice withdrawing the acceptance.
- (4) If the director becomes aware of the death of a candidate for the election before any ballots are made available by the director to voters for the election, the director may cancel the nomination of the candidate.

Division 4 When no vote is needed

20 If only 1 or 2 State schools candidates

- (1) This section applies if there are no more than 2 State schools candidates for the board member election.
- (2) The director need not conduct a vote 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 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.

21 If only 1 non-State schools candidate

- (1) This section applies if there is only 1 non-State schools candidate for the board member election.
- (2) The director need not conduct a vote 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 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 the non-State schools member; and

(iii) the day the result of the election is declared.

Division 5 If a vote is needed

22 Application of division

This division applies to the board member election, other than to the extent a vote is not needed because of the operation of section 20 or 21.

23 Order of candidate's names on ballot

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

24 Content of ballot

The ballot for the board member 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 23;
- (c) who an elector may vote for under section 27;
- (d) for each candidate, whether the candidate is—

- (i) a State schools candidate; or
- (ii) a non-State schools candidate;
- (e) instructions about how an elector may cast a vote.

25 Notice of election day and election time and how to cast a vote

The director must, at least 21 days before the election day for the board member election, give each elector a written notice stating—

- (a) the election day and election time; and
- (b) instructions about how an elector may cast a vote.

26 Statement by candidate

- (1) A candidate for the board member election may prepare a statement, in writing or as an audio or video recording, that—
 - (a) must include the candidate's academic qualifications, current professional position and professional address; and
 - (b) may include other information the candidate considers relevant to the candidate's candidacy.
- (2) The information mentioned in subsection (1)(b) must—
 - (a) if the statement is written, be not more than 100 words; or
 - (b) if the statement is as an audio or video recording, be not more than 1 minute long.
- (3) If a candidate prepares a statement under this section and gives it to the director before 4.00p.m. on the final nomination day, the director must take action the director reasonably considers will, or is likely to, make the statement accessible to each elector for the election, unless the director has a reasonable excuse.

Examples of a reasonable excuse—

- 1 The director can not take the action due to a circumstance beyond the director's control.
- 2 The statement includes material the director reasonably believes may be unlawful or defamatory.

27 Voting

- (1) An elector for the board member election 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) Voting in the election must be done in accordance with the instructions about how an elector may cast a vote stated in the ballot.

28 Director's duty about integrity and security of voting system

The director must take reasonable steps to ensure the integrity and security of the voting system used for the board member election.

29 Counting of votes

- (1) The director must arrange for the votes cast in the board member election to be counted.
- (2) As soon as practicable after the election time on the election day, the director must—
 - (a) accept each formal vote and reject each informal vote; and
 - (b) for each candidate, count and record the number of formal votes cast.

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- (3) Despite subsection (2)(a), the director may accept an informal vote if the director considers the intention of the voter is clear.
- (4) Also, if the director is not satisfied a voter is an elector for the election, the vote by the voter must not be counted.
- (5) In this section—

formal vote means a vote that is cast in accordance with the instructions mentioned in section 27(2).

informal vote means a vote that is not cast in accordance with the instructions mentioned in section 27(2).

30 Declaration of result of election

- (1) As soon as practicable after the votes for the board member election have been counted, the director must prepare and sign a notice stating—
 - (a) each candidate's name; and
 - (b) for each candidate, the number, in words and figures, of the votes for the candidate; and
 - (c) the following are declared elected—
 - (i) if a vote is needed for State schools candidates—the State schools candidates decided as provided by subsections (2) and (4);
 - (ii) if a vote is needed for non-State schools candidates—the non-State schools candidate decided as provided by subsections (3) and (4); and
 - (d) for each candidate declared elected, whether the candidate is elected as a State schools member or as a non-State schools member; and
 - (e) the day the result of the board member election is declared.
- (2) For subsection (1)(c)(i), the 2 State schools candidates with the highest, or highest and next highest number of votes are elected.

- (3) For subsection (1)(c)(ii), the non-State schools candidate with the highest number of votes is elected.
- (4) If 2 or more candidates (the *tied candidates*) receive the same number of votes, so that it is not possible to identify which of the tied candidates is elected under subsection (2) or (3), the director must decide, by lot, which of the tied candidates is elected.
- (5) The director's signing of the notice must be witnessed by 2 other persons, and both witnesses must also sign the notice.
- (6) The director must give the notice to the Minister as soon as practicable after subsection (5) is complied with for the notice.
- (7) In this section—
vote means a vote counted under section 29.

Division 6 Other matters

31 Election not to be invalid

The board member 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; or
- (e) a defect of a merely formal nature.

35 Waiver of fee—financial hardship

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

Part 5 Repeal

36 Repeal

The Education (Queensland College of Teachers) Regulation 2005 SL No. 279 is repealed.

Schedule 1 Fees

section 34

	\$
1 Eligibility application fee (Act, s 12E(3)(c)(i))	134.60
2 Registration application fee (Act, s 14(2)(b)(iii))—	
(a) for a person who holds a qualification—	
(i) from a registered higher education provider for a preservice teacher education program approved by the college under section 236 of the Act; and	
(ii) successfully completed not more than 2 years before the application is made	nil
(b) for another person	104.50
3 Permission to teach application fee (Act, s 14(2)(b)(iii))	104.50
4 Registration fee (Act, s 14(2)(b)(iv))	134.60
5 Permission to teach fee (Act, s 14(2)(b)(iv))	134.60
6 Restoration application fee (Act, s 37(1)(b)(ii))	81.75
7 Replacement fee (Act, s 63(2)(b))—	
(a) for a certificate of registration	36.90
(b) for a certificate of permission to teach	36.90
8 Annual fee, for each registration year (Act, s 66(1))	86.70
9 Fee for late payment of annual fee (Act, s 66(4))	29.50
10 Criminal history check fee (Act, schedule 3, definition <i>criminal history check fee</i>)	26.60

Schedule 2 Dictionary

section 3

board member election see section 13.

course of preservice teacher education means a course of preservice teacher education provided by a registered higher education provider.

election day means the day fixed under section 15(1) 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 16.

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 registered higher education provider.

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 section 239(1)(j)(ii) of the Act.

notice of election see section 17(1).

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.

roll of electors see section 16.

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 section 239(1)(j)(i) of the Act.

1 Index to endnotes

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2 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
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
1 January 2017	none	RA ss 7(1)(k), 40
1 October 2017	2017 SL No. 195	

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note.

Education (Queensland College of Teachers) Regulation 2016 SL No. 199

made by the Governor in Council on 10 November 2016

notfd <www.legislation.qld.gov.au> 11 November 2016

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2017 (see s 2)

exp 1 September 2027 (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 Legislation (Fees) Amendment Regulation 2017 SL No. 195

notfd <www.legislation.qld.gov.au> 29 September 2017

ss 1–2(1) commenced on date of notification

pt 5 commenced 1 October 2017 (see s 2(1))

5 List of annotations

Schedule 1—Fees

sub 2017 SL No. 195 s 13