



Queensland

# Education (Queensland College of Teachers) Regulation 2016

## Subordinate Legislation 2016 No. 199

made under the

*Education (Queensland College of Teachers) Act 2005*

*Statutory Instruments Act 1992*

*Transport Operations (Marine Safety) Act 1994*

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	4
2	Commencement . . . . .	4
3	Dictionary . . . . .	4
4	References to a stated number of years of academic study . . . .	4
<b>Part 2</b>	<b>Registration or permission to teach</b>	
<b>Division 1</b>	<b>Eligibility for full registration</b>	
5	Qualifications . . . . .	5
6	Experience . . . . .	5
7	Additional requirement for professional practice for full registration	6
<b>Division 2</b>	<b>Eligibility for provisional registration</b>	
8	Qualifications . . . . .	6
9	Additional requirement for professional practice for provisional registration . . . . .	6
<b>Division 3</b>	<b>Eligibility for permission to teach</b>	
10	Additional requirement for professional practice for permission to teach . . . . .	7
<b>Division 4</b>	<b>Renewal of full registration</b>	
11	Particular requirements for renewal of full registration . . . . .	7

Contents

---

<b>Division 5</b>	<b>Educational programs</b>	
12	Prescribed educational programs . . . . .	7
<b>Part 3</b>	<b>Requirements for carrying out election of practising teachers for appointment to board</b>	
<b>Division 1</b>	<b>Purpose of part</b>	
13	Purpose of part . . . . .	8
<b>Division 2</b>	<b>Director to conduct election</b>	
14	Director to conduct election . . . . .	8
<b>Division 3</b>	<b>Matters before the election</b>	
15	Election day to be fixed . . . . .	9
16	Roll of electors . . . . .	9
17	Notice of election and of right to nominate candidates . . . . .	9
18	Nomination of candidates . . . . .	10
19	Form of nominations and time within which nominations may be given . . . . .	10
<b>Division 4</b>	<b>When no vote is needed</b>	
20	If only 1 or 2 State schools candidates . . . . .	11
21	If only 1 non-State schools candidate . . . . .	11
<b>Division 5</b>	<b>If a vote is needed</b>	
22	Application of division . . . . .	12
23	Order of candidate’s names on ballot . . . . .	12
24	Content of ballot . . . . .	12
25	Notice of election day and election time and how to cast a vote . . . . .	13
26	Statement by candidate . . . . .	13
27	Voting . . . . .	14
28	Director’s duty about integrity and security of voting system . . . . .	14
29	Counting of votes . . . . .	14
30	Declaration of result of election . . . . .	15
<b>Division 6</b>	<b>Other matters</b>	
31	Election not to be invalid . . . . .	16
<b>Part 4</b>	<b>Miscellaneous</b>	
32	Changes in approved teacher’s circumstances to be notified to college . . . . .	17
33	National professional standards . . . . .	17
34	Fees . . . . .	17
35	Waiver of fee—financial hardship . . . . .	18

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<b>Part 5</b>	<b>Repeal</b>	
36	Repeal . . . . .	18
<b>Part 6</b>	<b>Amendment of other legislation</b>	
<b>Division 1</b>	<b>Amendment of Statutory Instruments Regulation 2012</b>	
37	Regulation amended . . . . .	18
38	Amendment of sch 2 (Exemptions from expiry under part 7 of the Act) . . . . .	18
<b>Division 2</b>	<b>Amendment of Transport Operations (Marine Safety) Regulation 2016</b>	
39	Regulation amended . . . . .	19
40	Amendment of s 68 (Qualifying for training program approval) . .	19
<b>Schedule 1</b>	<b>Fees</b> . . . . .	20
<b>Schedule 2</b>	<b>Dictionary</b> . . . . .	21

[s 1]

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## **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.

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## **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 prescribed qualification for full 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).

#### **6                      Experience**

(1) For section 8(1)(a)(i) of the Act, the prescribed experience for full registration is—

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

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

- (a) the principal of the school at which the teaching was carried out; or

[s 7]

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- (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;

[s 13]

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(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.



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## 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

[s 18]

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## **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.

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## **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

[s 22]

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(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.

[s 27]

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*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.

- (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.

[s 31]

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- (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.



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## Part 4 Miscellaneous

### 32 Changes in approved teacher's circumstances to be notified to college

For section 71(2) of the Act, definition *prescribed change in circumstances*, a change in any of the following for an approved teacher is prescribed—

- (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;
- (d) if the teacher relied on possession of a qualification to obtain registration or permission to teach—removal or variation of the qualification.

### 33 National professional standards

(1) For section 235(8) of the Act, definition *national professional standards*, the national professional standards prescribed are the professional standards for teachers approved by the Ministerial Council.

(2) In this section—

*Ministerial Council* means the Council of Commonwealth, State and Territories Ministers with responsibility for school education, as it exists from time to time.

### 34 Fees

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

[s 35]

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**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.

**Part 6 Amendment of other legislation**

**Division 1 Amendment of Statutory Instruments Regulation 2012**

**37 Regulation amended**

This division amends the *Statutory Instruments Regulation 2012*.

**38 Amendment of sch 2 (Exemptions from expiry under part 7 of the Act)**

Schedule 2, part 2, entry for *Education (Queensland College of Teachers) Regulation 2005*—  
*omit.*

**Division 2**                      **Amendment of Transport  
Operations (Marine Safety)  
Regulation 2016**

**39**            **Regulation amended**

This division amends the *Transport Operations (Marine Safety) Regulation 2016*.

**40**            **Amendment of s 68 (Qualifying for training program  
approval)**

Section 68(1)(e)(ii), '2005'—

*omit, insert—*

*2016*

## Schedule 1 Fees

section 34

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1 Eligibility application fee (Act, s 12E(3)(c)(i))	130.05
2 Registration application fee (Act, s 14(2)(b)(iii))—	
(a) for a person who holds a qualification from a registered higher education provider for a preservice teacher education program—	
(i) 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	100.95
3 Permission to teach application fee (Act, s 14(2)(b)(iii))	100.95
4 Registration fee (Act, s 14(2)(b)(iv))	130.05
5 Permission to teach fee (Act, s 14(2)(b)(iv))	130.05
6 Restoration application fee (Act, s 37(1)(b)(ii))	79.00
7 Fee for replacing (Act, s 63(2)(b))—	
(a) certificate of registration	35.65
(b) certificate of permission to teach	35.65
8 Annual fee, for each registration year (Act, s 66(1))	83.75
9 Fee for late payment of annual fee (Act, s 66(4))	28.50
10 Criminal history check fee (Act, schedule 3, definition <i>criminal history check fee</i> )	26.40

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## 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.

ENDNOTES

- 1 Made by the Governor in Council on 10 November 2016.
- 2 Notified on the Queensland legislation website on 11 November 2016.
- 3 The administering agency is the Department of Education and Training.

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