



New South Wales

Teacher Accreditation Amendment Bill 2014

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Teacher Accreditation Act 2004* (the *principal Act*) as follows:

- (a) to require all persons who teach in schools to be accredited under the principal Act (at present only new school teachers or persons who started or returned to teaching in schools after the principal Act commenced are required to be accredited),
- (b) to require persons who teach in early childhood education centres to be accredited under the principal Act,
- (c) to make it an offence for a person to teach in a school or early childhood education centre unless the person is accredited (at present, in the case of schools, only the person's employer commits an offence if the person is not accredited),
- (d) to provide for the voluntary accreditation of certain qualified persons who do not teach but who are employed in areas related to teaching or education,
- (e) to enable the Board of Studies, Teaching and Educational Standards (the *Board*) to accredit teachers at a provisional or conditional level and to also provisionally re-accredit persons whose accreditation has ceased or been revoked,
- (f) to enable the Board, on application by a person who is accredited, to place the person's accreditation on hold during an extended period of absence from teaching,
- (g) to provide that a person cannot be accredited as a teacher unless the person holds a working with children check clearance,
- (h) to make a number of other amendments of an administrative, minor or consequential nature.

The Bill also makes consequential amendments to the *Board of Studies, Teaching and Educational Standards Act 2013*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Teacher Accreditation Act 2004

Accreditation of all teachers

Schedule 1 [41] (proposed section 28) makes it an offence for a person to teach in a school unless the person is accredited. In the case of school teachers who are not currently required to be accredited (ie those who were employed as a school teacher before 1 October 2004 and who have remained employed as a teacher since that time), the requirement to be accredited will not apply until a later date to be appointed by proclamation (see proposed section 28 (3)).

Schedule 1 [3] extends the definition of *teach* to cover persons who undertake teaching duties in early childhood education centres. **Schedule 1 [41]** (proposed section 28) also makes it an offence for a person to teach in an early childhood education centre unless the person is accredited under the principal Act. However this requirement will not apply until a later date to be appointed by proclamation (see proposed section 28 (4)). **Schedule 1 [1], [19]–[21] and [23]–[25]** are consequential on the principal Act being extended to persons who teach in early childhood education centres.

Accreditation of persons by Board

Persons are currently accredited as teachers under the principal Act by teacher accreditation authorities. This includes the provisional or conditional accreditation of a person who has a relevant degree or teacher qualification but who does not meet the requirements for full accreditation in accordance with the professional teaching standards approved by the Minister. **Schedule 1 [41]** (proposed sections 30 and 31) modifies the accreditation process by authorising the Board to accredit persons at provisional or conditional level before progression to full accreditation by a teacher accreditation authority. **Schedule 1 [41]** (proposed section 33) also authorises the Board to provisionally re-accredit a person whose accreditation has been revoked or has ceased because the person has not satisfied the requirements for full accreditation within the required time (which is usually 3 years).

Schedule 1 [48] (proposed section 40A) will enable (but not require) non-teaching school counsellors and qualified teachers who are not actually teaching in schools or early childhood education centres to be accredited by the Board. The new section covers non-teaching executives (such as principals) and qualified teachers working in areas related to teaching but does not affect the requirement for those school or centre executives and school counsellors who teach to be accredited.

Schedule 1 [5] provides that the Board (or a person or body approved by the Board) will be the teacher accreditation authority for persons who teach in early childhood education centres and also for certain qualified persons who are voluntarily accredited under proposed section 40A. **Schedule 1 [6]–[8] and [26]** are consequential amendments.

Schedule 1 [22] makes it clear that only the Board may accredit teachers at provisional or conditional level.

Additional functions of Board

Schedule 1 [9] provides that the Board is to monitor, evaluate and report on the quality of the teacher education courses and programs approved by the Minister under the professional teaching standards.

Schedule 1 [10] provides that the Board has the function of making recommendations to the Minister as to approval by the Minister of teacher education courses and programs and persons or bodies to provide professional development for teachers. At present the Board may provide advice to the Minister in relation to these matters. Recommendations by the Board that the Minister not approve any such course or program or person or body will be subject to administrative review (see **Schedule 1 [40]**).

Schedule 1 [37] enables the Board, on application by a person who is accredited, to place the person's accreditation on hold during a period (of up to 5 years) that the person takes leave of absence from teaching. A person whose accreditation is placed on hold is not required to pay the annual accreditation fee under section 25 of the Act. **Schedule 1 [33]** is a consequential amendment.

Schedule 1 [38] enables the Board to suspend the accreditation of a person for failure to pay the annual fee to the Board under section 25 of the principal Act. **Schedule 1 [31], [32], [35] and [36]** are consequential amendments.

Grounds for revocation of accreditation

Schedule 1 [29] clarifies the grounds on which a person's accreditation may be revoked and consolidates the provisions of the principal Act under which a person's accreditation may be revoked. The grounds for revocation will include being a disqualified person under the *Child Protection (Working with Children) Act 2012* (which applies mainly to persons convicted of offences involving children) or being found guilty of an offence punishable by imprisonment for 12 months or more or of an offence under the principal Act. The amendment removes the need for the regulations to prescribe the offences for which a person's accreditation may be revoked. It will be grounds for revocation if the person has been dismissed from employment as a teacher, or listed as a person who is not to be employed in the Teaching Service, because of misconduct that is of a nature that would reflect adversely on a teacher's professional standing or integrity or suitability or competence to teach. This ground replaces serious misconduct as defined by the regulations. **Schedule 1 [30], [45] and [47]** are consequential amendments.

Schedule 1 [29] also provides that the Board may revoke a person's accreditation even though the person was accredited by another teacher accreditation authority. **Schedule 1 [34]** makes a similar amendment in relation to the suspension of a person's accreditation.

Miscellaneous amendments

Schedule 1 [2] omits certain definitions and inserts new definitions as a consequence of the amendments made by the proposed Act.

Schedule 1 [4] updates references relating to the Secretary of the Department of Education and Communities.

Schedule 1 [11] provides that the Quality Teaching Council is to include an additional elected member (such persons are teachers who are elected in accordance with the regulations) and an additional member appointed by the Minister. It is intended that the additional elected member will be an early childhood education teacher. **Schedule 1 [54]** is a consequential amendment.

Schedule 1 [12] provides that the additional appointed member of the Quality Teaching Council will be a person who has knowledge and expertise in early childhood education. The amendment also makes minor modifications to the membership of the Council (including updating the names of certain nominating bodies).

Schedule 1 [13] specifies circumstances in which a person is not to be enrolled on the electoral list of the roll of teachers maintained by the Board.

Schedule 1 [14] omits a superfluous note.

Schedule 1 [17], [18] and [44] change the terminology relating to the different levels of accreditation under the principal Act. Accreditation at professional competence level becomes proficient teacher level, accreditation at professional accomplishment level becomes highly accomplished teacher level and accreditation at professional leadership level becomes lead teacher level.

Schedule 1 [28] provides that the accreditation of a person is subject to conditions specified in the rules of the Board made under the *Board of Studies, Teaching and Educational Standards Act 2013*. **Schedule 1 [27]** is a consequential amendment.

Schedule 1 [39] provides that a person cannot be accredited as a teacher unless the person holds a working with children check clearance.

Schedule 1 [42] omits provisions relating to the accreditation of persons classified as “transition scheme teachers” under the principal Act (ie persons who were teaching before the commencement of the principal Act but who did not have teaching qualifications or a degree in a relevant area). When the principal Act commenced these teachers were required to be accredited at conditional level and work under supervision until such time as they became fully accredited (which was required generally within 7 years). In phasing out the transitional scheme for these teachers, **Schedule 1 [56]** provides that the scheme will, in the case of any such teachers who are still conditionally accredited, continue to apply until such time as they become fully accredited or their conditional accreditation ceases. **Schedule 1 [14]–[16], [43], [46] and [49]** are consequential on the deletion of provisions relating to the accreditation of transition scheme teachers.

Schedule 1 [50] requires an employer who makes a decision to dismiss a teacher or to preclude a person from being employed in the Teaching Service to notify the Board of the decision. **Schedule 1 [2]** provides that *dismiss* includes an annulment of an appointment on probation or dispensing with the services of a person.

Schedule 1 [51] enables regulations to be made in relation to the requirements for accreditation.

Schedule 1 [52] makes it clear that the office of an appointed or elected member of the Quality Teaching Council becomes vacant on the revocation of the member’s accreditation as a teacher under the principal Act.

Schedule 1 [53] enables the Minister to suspend a person from office as a member of the Quality Teaching Council while the person’s accreditation as a teacher is suspended.

Schedule 1 [55] enables regulations of a savings and transitional nature to be made as a consequence of the proposed Act (or any other Act that amends the principal Act) and **Schedule 1 [56]** inserts other savings and transitional provisions.

Schedule 2 Amendment of Board of Studies, Teaching and Educational Standards Act 2013

Schedule 2 [1] is a consequential amendment relating to the extension of the teacher accreditation scheme to persons who teach in early childhood education centres.

Schedule 2 [2] ensures that the premises of an early childhood education centre may be inspected by Board inspectors in connection with the accreditation of persons who teach in such centres.



New South Wales

Teacher Accreditation Amendment Bill 2014

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Teacher Accreditation Act 2004 No 65	3
Schedule 2 Amendment of Board of Studies, Teaching and Educational Standards Act 2013 No 89	18



New South Wales

Teacher Accreditation Amendment Bill 2014

No. , 2014

A Bill for

An Act to amend the *Teacher Accreditation Act 2004* to make further provision with respect to the accreditation of teachers; and for other purposes.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Teacher Accreditation Amendment Act 2014*.

3

2 Commencement

4

This Act commences on a day or days to be appointed by proclamation.

5

Schedule 1	Amendment of Teacher Accreditation Act 2004	1
	No 65	2
[1] Long title		3
	Omit “school”.	4
[2] Section 3 Definitions		5
	Omit the definitions of <i>curriculum</i> , <i>degree</i> , <i>Director-General</i> , <i>serious misconduct</i> and <i>teacher</i> .	6 7
	Insert in alphabetical order:	8
	<i>approved course</i> means an initial teacher education course or program approved by the Minister in accordance with the professional teaching standards.	9 10 11
	<i>degree</i> means a degree that meets the specifications under the <i>Australian Qualifications Framework</i> .	12 13
	<i>dismiss</i> includes:	14
	(a) in the case of a teacher who is appointed on probation—the annulment of that appointment, or	15 16
	(b) in the case of a teacher employed on a casual basis—dispensing with the services of the teacher.	17 18
	<i>early childhood education centre</i> or <i>centre</i> means an approved education and care service within the meaning of the <i>Children (Education and Care Services) National Law (NSW)</i> or the <i>Children (Education and Care Services) Supplementary Provisions Act 2011</i> and includes a service or facility of a class declared by the regulations to be an early childhood education centre for the purposes of this Act.	19 20 21 22 23 24
	<i>ECEC executive</i> means a person:	25
	(a) who is employed as the person in charge of an early childhood education centre or as a member of the executive staff of a centre, and	26 27
	(b) who holds a degree or teaching qualification recognised by the Board.	28
	<i>non-centre based teacher</i> means a person:	29
	(a) who holds a degree or teaching qualification recognised by the Board, and	30 31
	(b) who is not teaching in an early childhood education centre but has taught in an early childhood education centre for a period of not less than the period prescribed for the purposes of this definition by the regulations or the rules of the Board, and	32 33 34 35
	(c) who is employed to undertake any of the following:	36
	(i) duties relating to the development or implementation of the curriculum for early childhood education,	37 38
	(ii) duties relating to the learning and wellbeing of children who attend early childhood education centres,	39 40
	(iii) duties relating to curriculum teaching and learning in early childhood education centres,	41 42
	(iv) duties as an early childhood education lecturer or tutor in a university or other higher education institution in New South Wales,	43 44 45
	(v) duties as an educational consultant for early childhood education centres.	46 47

<i>non-school based teacher</i> means a person:	1
(a) who holds a degree or teaching qualification recognised by the Board, and	2 3
(b) who is not teaching in a school but has taught in a school for a period of not less than the period prescribed for the purposes of this definition by the regulations or the rules of the Board, and	4 5 6
(c) who is employed to undertake any of the following:	7
(i) duties relating to the development or implementation of the curriculum (including assessment and reporting) for primary and secondary education,	8 9 10
(ii) duties relating to the learning and wellbeing of school students,	11
(iii) duties relating to curriculum teaching and learning in schools,	12
(iv) duties as a K–Year 12 education lecturer or tutor in a university or other higher education institution in New South Wales,	13 14
(v) duties as an educational consultant for schools.	15
<i>non-teaching ECEC executive</i> means an ECEC executive who is not teaching in a centre but who has taught in a centre for a period of not less than the period prescribed for the purposes of this definition by the regulations or the rules of the Board.	16 17 18 19
<i>non-teaching school counsellor</i> means a school counsellor who is not teaching in a school.	20 21
<i>non-teaching school executive</i> means a school executive who is not teaching in a school but who has taught in a school for a period of not less than the period prescribed for the purposes of this definition by the regulations or the rules of the Board.	22 23 24 25
<i>rules of the Board</i> means rules made by the Board under section 25 of the <i>Board of Studies, Teaching and Educational Standards Act 2013</i> .	26 27
Note. The rules of the Board only have effect if approved by the Minister.	28
<i>school counsellor</i> means a person:	29
(a) who is employed in a school to undertake duties relating to the learning and wellbeing of school students, and	30 31
(b) who holds a degree or teaching qualification recognised by the Board.	32
<i>school executive</i> means a person:	33
(a) who is employed as the principal of a school or as a member of the executive staff of a school, and	34 35
(b) who holds a degree or teaching qualification recognised by the Board.	36
<i>Secretary</i> means the Secretary of the Department of Education and Communities.	37 38
[3] Section 3A	39
Omit the section. Insert instead:	40
3A Meaning of “teach”	41
(1) In this Act, <i>teach</i> means:	42
(a) in relation to a school—to undertake duties that include:	43
(i) delivering courses of study that are designed to implement the school curriculum under the <i>Education Act 1990</i> , and	44 45
(ii) assessing the participation, performance and progress of students in those courses, and	46 47

(b)	in relation to an early childhood education centre—to undertake duties that include:	1
		2
(i)	delivering an educational program based on an approved learning framework under the <i>Children (Education and Care Services) National Law (NSW)</i> , and	3
		4
		5
(ii)	assessing the participation, performance and progress of children in that educational program,	6
		7
	whether or not the person who is undertaking any such duties undertakes other duties in the school or centre (such as those of a school executive, school counsellor or ECEC executive).	8
		9
		10
(2)	A reference in this section to undertaking duties in relation to a school or early childhood education centre is a reference to undertaking duties on the premises of a school or centre in the course of providing services conducted by the school or centre.	11
		12
		13
		14
[4]	Sections 4 (1)–(3), 22 (2), 42A (2) and 45 (2)	15
	Omit “Director-General” wherever occurring. Insert instead “Secretary”.	16
[5]	Section 4 Meaning of “teacher accreditation authority”	17
	Insert at the end of section 4 (1) (b):	18
	, or	19
(c)	in relation to an early childhood education centre:	20
(i)	the Board, or	21
(ii)	such other person or body as may be approved for the time being by the Board under subsection (5A).	22
		23
[6]	Section 4 (1A)	24
	Insert after section 4 (1):	25
(1A)	The Board is also the teacher accreditation authority under this Act in relation to:	26
		27
(a)	the provisional or conditional accreditation of persons under Part 4, and	28
(b)	the accreditation of any of the following persons under section 40A:	29
(i)	non-teaching school executives,	30
(ii)	non-teaching ECEC executives,	31
(iii)	non-teaching school counsellors,	32
(iv)	non-school based teachers,	33
(v)	non-centre based teachers.	34
[7]	Section 4 (5A) and (5B)	35
	Insert after section 4 (5):	36
(5A)	The Board may approve a person or body to be the teacher accreditation authority in relation to an early childhood education centre or a particular class of centres for the purposes of this Act.	37
		38
		39
(5B)	The approval of any such person or body by the Board:	40
(a)	authorises the person or body to accredit, in accordance with Part 4, persons at such levels of accreditation as may be determined by the Board, and	41
		42
		43

	(b) is subject to the requirement that the person or body complies with:	1
	(i) the accreditation procedures and guidelines set out in the professional teaching standards, and	2
	(ii) the conditions imposed by or under this Act, and	3
	(iii) such other conditions as the Board thinks fit to impose, and	4
	(c) may be suspended or revoked at any time by the Board for such reasons as the Board thinks fit.	5
		6
		7
[8]	Section 7 Functions of Board under this Act	8
	Insert “other” after “assist” in section 7 (2) (c).	9
[9]	Section 7 (2) (f)	10
	Insert after section 7 (2) (e):	11
	(f) to monitor, evaluate and report on the quality of initial and continuing teacher education courses and programs approved by the Minister under the professional teaching standards.	12
		13
		14
[10]	Section 7 (3)	15
	Omit the subsection. Insert instead:	16
	(3) The functions of the Board under this Act also include making recommendations to the Minister as to whether or not the Minister approve:	17
	(a) a teacher education course or program for the purposes of this Act, or	18
	(b) a person or body to provide professional development in accordance with the requirements of the professional teaching standards.	19
		20
		21
[11]	Section 13 Membership of Council	22
	Omit “10 persons” from section 13 (1) wherever occurring. Insert instead “11 persons”.	23
[12]	Section 13 (2)	24
	Omit the subsection. Insert instead:	25
	(2) The appointed members are as follows:	26
	(a) a nominee of the NSW Teachers Federation,	27
	(b) a nominee of the NSW Independent Education Union,	28
	(c) a nominee of the Secretary,	29
	(d) a nominee of the Catholic Education Commission, NSW,	30
	(e) a nominee of the Association of Independent Schools of NSW,	31
	(f) a nominee of the NSW Council of Deans of Education,	32
	(g) a person who, in the opinion of the Minister, has knowledge and expertise in early childhood education,	33
	(h) a person who, in the opinion of the Minister, represents the interests of parents of school-age children,	34
	(i) 2 persons who, in the opinion of the Minister, represent the interests of teachers, with at least one such person being a member of the Professional Teachers’ Council NSW,	35
	(j) a person who, in the opinion of the Minister, has such qualifications or experience as to enable the person to make a valuable contribution to maintaining and improving teacher quality.	36
		37
		38
		39
		40
		41
		42

[13] Section 17 Electoral list	1
Omit section 17 (2). Insert instead:	2
(2) However, a person is not to be enrolled on the electoral list:	3
(a) if, in the case of a person who is required to be accredited, the person's accreditation ceases or has been revoked, or	4
(b) during any period that the person's accreditation is suspended, or	5
(c) if, in the case of a person who is not required to be accredited, the person has been dismissed or suspended from employment as a teacher for any reason for which the accreditation of a person may be revoked or suspended.	6
	7
	8
	9
	10
[14] Section 18 Accreditation list	11
Omit the note to section 18 (3).	12
[15] Sections 19 (1) (b) and 40 (5)	13
Omit "or 4" wherever occurring.	14
[16] Section 19 (1) (c)	15
Omit the paragraph. Insert instead:	16
(c) accreditation at proficient teacher level under Division 3 or 5,	17
[17] Sections 19 (1) (d), 39 (2) (a) (ii) and (6) and 40 (2) (a) (i) and (5)	18
Omit "professional accomplishment" wherever occurring.	19
Insert instead "highly accomplished teacher".	20
[18] Sections 19 (1) (e), 39 (2) (a) (iii) and (6) and 40 (2) (a) (ii) and (5)	21
Omit "professional leadership" wherever occurring. Insert instead "lead teacher".	22
[19] Section 21 Accreditation of teachers at schools and early childhood education centres	23
	24
Insert "or early childhood education centre" after "a school" in section 21 (1).	25
[20] Section 21 (1)	26
Insert "or centre" after "the school" wherever occurring.	27
[21] Section 21 (1) (b) (ii)	28
Insert "or centre" after "other school".	29
[22] Section 21 (1A)	30
Insert after section 21 (1):	31
(1A) Subsection (1) does not apply in relation to the provisional or conditional accreditation of a person by the Board under this Part.	32
	33
[23] Section 21 (2)	34
Insert "or early childhood education centre" after "school".	35
[24] Section 21 (3)	36
Omit "or expertise". Insert instead ", learning or expertise".	37

[25] Section 21 (3)	1
Omit “areas of study”. Insert instead “areas of study or learning”.	2
[26] Section 22 Accreditation decisions to be provided to Board	3
Omit “or the Minister” from section 22 (2). Insert instead “, the Minister or the Board”.	4
[27] Section 23 Procedural matters	5
Omit section 23 (3).	6
[28] Section 23A	7
Insert after section 23:	8
23A Conditions of accreditation	9
(1) The accreditation of a person under this Part is subject to such conditions as are imposed by this Act or prescribed by the regulations.	10 11
(2) The accreditation of a person under this Part is also subject to such conditions as may be specified in the rules of the Board.	12 13
[29] Section 24	14
Omit the section. Insert instead:	15
24 Revocation of accreditation	16
(1) A teacher accreditation authority may revoke the accreditation of a person on any of the following grounds:	17 18
(a) the authority is satisfied that the person is a disqualified person within the meaning of the <i>Child Protection (Working with Children) Act 2012</i> ,	19 20
(b) the person is found guilty of an offence punishable by imprisonment for 12 months or more,	21 22
(c) the person is found guilty of an offence under this Act,	23
(d) the person is found guilty more than once during the period of 5 years immediately before the revocation of any other type of offence that, in the opinion of the authority, involves an act or conduct that is of a nature that would reflect adversely on a teacher’s professional standing or integrity or suitability or competence to teach,	24 25 26 27 28
(e) the person has:	29
(i) been dismissed from employment as a teacher (whether on a permanent, temporary, part-time or casual basis) or has resigned from such employment before being dismissed, or	30 31 32
(ii) been included in the list of persons maintained by the Secretary under section 7 (1) (e) of the <i>Teaching Service Act 1980</i> as a person who is not to be employed in the Teaching Service,	33 34 35
because of any misconduct that, in the opinion of the authority, is of a nature that would reflect adversely on a teacher’s professional standing or integrity or suitability or competence to teach,	36 37 38
(f) the authority is satisfied that the person has failed to comply with any condition to which the person’s accreditation is subject,	39 40
(g) the authority is satisfied that the person has failed to comply with any of the requirements of the professional teaching standards that apply to the person.	41 42 43

(2)	The Board may exercise the function of a teacher accreditation authority under this section in relation to a person even though the person was accredited by a teacher accreditation authority other than the Board.	1 2 3
[30]	Section 24A Suspension of accreditation	4
	Omit “serious” wherever occurring in section 24A (1) (b) and (2) (a) and (c).	5
[31]	Section 24A (1), note	6
	Omit the note.	7
[32]	Section 24A (3)	8
	Omit the subsection. Insert instead:	9
(3)	This section does not authorise the suspension of a person’s accreditation for failure to pay the annual fee required under section 25.	10 11
	Note. Section 25 (4) authorises the Board to suspend a person’s accreditation for failure to pay the annual fee.	12 13
[33]	Section 24A (4)	14
	Insert “whether under this or any other section of this Act” after “suspended”.	15
[34]	Section 24A (5)	16
	Insert after section 24A (4):	17
(5)	The Board may exercise the function of a teacher accreditation authority under this section in relation to a person even though the person was accredited by a teacher accreditation authority other than the Board.	18 19 20
[35]	Section 24B Criteria for determining revocation or suspension of accreditation on general grounds	21 22
	Insert “or 25 (4)” after “section 24A”.	23
[36]	Section 24C Notice to be given of intention to suspend or revoke accreditation	24
	Insert after section 24C (2):	25
(3)	This section also applies in relation to the suspension by the Board of a person’s accreditation for failure to pay the annual fee under section 25.	26 27
[37]	Section 24D	28
	Insert after section 24C:	29
24D	Placing accreditation on hold during leave of absence from teaching	30
(1)	The Board may, on application by a person who is accredited, place the person’s accreditation on hold during any period that the person takes leave of absence from teaching in New South Wales.	31 32 33
(2)	Any such period may not, except in any particular case approved by the Board, be less than 6 months or more than 5 years.	34 35
(3)	A person is taken not to be accredited under this Act during any period that the person’s accreditation is placed on hold under this section. However, the person may, during that period, undertake courses or carry out duties for the purposes of enabling the person to satisfy the requirements of the professional teaching standards relating to professional development and continuing teacher education once the accreditation is no longer on hold.	36 37 38 39 40 41

(4)	The placing of a person’s accreditation on hold under this section also has the effect of suspending the period in which the person is required to satisfy conditions for continuing accreditation under the professional teaching standards.	1 2 3 4
	Note. See also sections 30 (7) and 31 (6) which provide that any period that a person’s accreditation is placed on hold under this section is to be disregarded when determining the period of a person’s provisional or conditional accreditation.	5 6 7
[38]	Section 25 Annual fee	8
	Omit section 25 (4). Insert instead:	9
(4)	The Board may suspend the accreditation of a person for failure to pay the annual fee.	10 11
(5)	The Board must, before suspending a person’s accreditation for failure to pay the annual fee, give at least 14 days’ notice of its intention to do so to the person’s employer.	12 13 14
[39]	Section 25A	15
	Insert after section 25:	16
	25A Working with children check clearances	17
(1)	A person cannot be accredited under this Part by a teacher accreditation authority unless the person holds a working with children check clearance under the <i>Child Protection (Working with Children) Act 2012</i> .	18 19 20
(2)	It is a condition of the accreditation of a person under this Part that the person holds a working with children check clearance under the <i>Child Protection (Working with Children) Act 2012</i> .	21 22 23
[40]	Section 27 Administrative review of certain decisions	24
	Insert after section 27 (1) (b):	25
(c)	a recommendation of the Board under section 7 (3) that the Minister not approve:	26 27
(i)	a teacher education course or program, or	28
(ii)	a person or body to provide professional development.	29
[41]	Part 4, Division 3	30
	Omit the Division. Insert instead:	31
	Division 3 Mandatory accreditation	32
	28 Requirement for teachers to be accredited	33
(1)	A person must not teach in a school or early childhood education centre unless the person is accredited.	34 35
	Maximum penalty: 100 penalty units.	36
(2)	A person must not employ another person to teach in a school or early childhood education centre unless the other person:	37 38
(a)	is accredited, and	39
(b)	if conditionally accredited under section 31—is working under the on-site supervision of a teacher who is not provisionally or conditionally accredited.	40 41 42
	Maximum penalty: 100 penalty units.	43

(3)	Subsections (1) and (2) do not apply in relation to a person who:	1
(a)	was employed as a school teacher before 1 October 2004, and	2
(b)	has remained employed as a school teacher,	3
	until the date appointed by proclamation for the purposes of this subsection.	4
(4)	Subsections (1) and (2) do not apply in relation to a person who is employed as a teacher in an early childhood education centre until the date appointed by proclamation for the purposes of this subsection.	5 6 7
29	Provisions relating to employment	8
(1)	The employment of a person as a teacher may be terminated by the person's employer if the person's accreditation is revoked under this Act.	9 10
(2)	A person who is required to be accredited may be suspended from employment as a teacher by the person's employer during any period in which the person's accreditation is suspended.	11 12 13
(3)	A person who is suspended from employment as a teacher under this section for any period is, for the purposes of section 28 (2), taken not to be employed as a teacher during that period.	14 15 16
(4)	Nothing in this Act requires an employer who terminates or suspends the employment of a person as a teacher in accordance with this Act to provide alternative employment to the person.	17 18 19
	Note. In the case of government school teachers, the employer's power under this section to terminate or suspend a person's employment as a teacher is separate from any power under the <i>Teaching Service Act 1980</i> .	20 21 22
30	Provisional accreditation	23
(1)	The Board may, on application by a person who is required to be accredited:	24
(a)	provisionally accredit the person, or	25
(b)	refuse to provisionally accredit the person.	26
(2)	The Board may provisionally accredit a person if the Board is satisfied that:	27
(a)	the person meets the requirements specified in the professional teaching standards for provisional accreditation, and	28 29
(b)	the person has completed an approved course and will receive a qualification in relation to that course.	30 31
(3)	In the case of a person referred to in subsection (2) (b), it is a condition of a person's provisional accreditation that the person provides the Board with evidence of the person's qualification as soon as practicable after receiving his or her qualification in relation to the approved course.	32 33 34 35
(4)	The Board may also provisionally accredit a person who is conditionally accredited if the person:	36 37
(a)	has, within the first 12 months of the person's conditional accreditation, completed an approved course, and	38 39
(b)	has provided the Board with evidence of that completion.	40
(5)	The provisional accreditation of a person ceases (unless sooner revoked under this Act):	41 42
(a)	at the end of the relevant period, or	43
(b)	if the person is accredited at proficient teacher level by a teacher accreditation authority before the end of the relevant period.	44 45

(6)	In this section:	1
	<i>relevant period</i> , in relation to a person who is provisionally accredited under this section, means:	2
		3
(a)	if the person is employed on a full-time basis—the period of 3 years (or such longer period as may be determined by the Board in any particular case) following the date on which the person was provisionally accredited, or	4
		5
		6
		7
(b)	if the person is employed on a casual or part-time basis:	8
(i)	the period determined in accordance with the regulations to be commensurate with the 3-year period for persons employed on a full-time basis, or	9
		10
		11
(ii)	such longer period as may be determined by the Board in any particular case,	12
		13
	following the date on which the person was provisionally accredited.	14
(7)	However, any period during which a person’s accreditation is placed on hold under section 24D is to be disregarded for the purposes of determining the relevant period for a person.	15
		16
		17
31	Conditional accreditation	18
(1)	This section applies to a person who is required to be accredited and who meets the requirements specified in the professional teaching standards for provisional accreditation but who has not completed an approved course.	19
		20
		21
(2)	The Board may, on application by a person to whom this section applies:	22
(a)	conditionally accredit the person, or	23
(b)	refuse to conditionally accredit the person.	24
(3)	The Board may conditionally accredit a person only if:	25
(a)	the person:	26
(i)	holds a degree in an area that, in the opinion of the Board, is relevant to the area in which the person is or is to be employed to teach, and	27
		28
		29
(ii)	produces evidence of an offer of employment as a teacher, or	30
(b)	the Board is satisfied that the person has completed a substantial part of an approved course.	31
		32
(4)	The conditional accreditation of a person under this section ceases (unless sooner revoked under this Act):	33
		34
(a)	at the end of the relevant period, or	35
(b)	if the person is provisionally accredited by the Board before the end of the relevant period, or	36
		37
(c)	if the person is accredited at proficient teacher level by a teacher accreditation authority before the end of the relevant period.	38
		39
(5)	In this section:	40
	<i>relevant period</i> , in relation to a person who is conditionally accredited under this section, means:	41
		42
(a)	if the person is employed on a full-time basis—the period of 4 years (or such longer period as may be determined by the Board in any particular case) following the date on which the person was conditionally accredited, or	43
		44
		45
		46

(b)	if the person is employed on a casual or part-time basis:	1
(i)	the period determined in accordance with the regulations to be commensurate with the 4-year period for persons employed on a full-time basis, or	2 3 4
(ii)	such longer period as may be determined by the Board in any particular case,	5 6
	following the date on which the person was conditionally accredited.	7
(6)	However, any period during which a person's accreditation is placed on hold under section 24D is to be disregarded for the purposes of determining the relevant period for a person.	8 9 10
32	Accreditation of teachers at proficient teacher level	11
(1)	A teacher accreditation authority may, on application by a person who is required to be accredited, accredit the person at proficient teacher level if the person:	12 13 14
(a)	is provisionally accredited under section 30, or	15
(b)	is conditionally accredited under section 31 and has completed an approved course, or	16 17
(c)	satisfies any requirements for accreditation that are prescribed by the regulations or specified in the rules of the Board,	18 19
	and the authority is satisfied that the person meets the requirements for accreditation at proficient teacher level.	20 21
(2)	A teacher accreditation authority may refuse an application to accredit a person at proficient teacher level.	22 23
(3)	The decision by a teacher accreditation authority to accredit a person at proficient teacher level has no effect unless the person has completed an approved course.	24 25 26
(4)	A person who is accredited at proficient teacher level may for any purpose be referred to as a person who is fully accredited.	27 28
	Note. Under transitional arrangements referred to in Schedule 3, persons formerly referred to in this Act as "transition scheme teachers" may also be accredited by a teacher accreditation authority at proficient teacher level.	29 30 31
33	Provisional re-accreditation	32
(1)	This section applies to a person:	33
(a)	whose accreditation by a teacher accreditation authority at proficient teacher level has been revoked on the grounds that the person has failed to comply with the continuing accreditation requirements under the professional teaching standards, or	34 35 36 37
(b)	whose provisional accreditation under section 30 has ceased because the person has failed to be accredited at proficient teacher level by a teacher accreditation authority within the relevant period under that section, or	38 39 40 41
(c)	whose accreditation at any level has been revoked on any of the grounds referred to in section 24 (1) (b)–(g).	42 43
(2)	The Board may, on application by a person to whom this section applies:	44
(a)	provisionally re-accredit the person, or	45
(b)	refuse to provisionally re-accredit the person.	46

(3)	The Board may determine the criteria for provisional re-accreditation and the conditions to which a person's provisional re-accreditation is subject.	1 2
(4)	The provisional re-accreditation of a person ceases (unless sooner revoked):	3
(a)	at the end of the period determined by the Board as the person's provisional re-accreditation period, or	4 5
(b)	if the person is accredited at proficient teacher level by a teacher accreditation authority before the end of that period.	6 7
(5)	A reference in any other provision of this Act to provisional accreditation includes a reference to provisional re-accreditation under this section.	8 9
[42]	Part 4, Division 4	10
	Omit the Division.	11
[43]	Section 39 Voluntary accreditation of teachers at various levels	12
	Omit section 39 (1). Insert instead:	13
(1)	This section applies to any person who is a teacher but who is not required to be accredited under this Act.	14 15
	Note. The accreditation of a person under this section may be revoked under section 24.	16 17
[44]	Sections 39 (2) (a) (i) and (6) and 40 (5)	18
	Omit "professional competence" wherever occurring. Insert instead "proficient teacher".	19
[45]	Section 39 (5)	20
	Omit the subsection.	21
[46]	Section 40 Voluntary accreditation of teachers at higher levels	22
	Omit section 40 (1). Insert instead:	23
(1)	This section applies to any person who is accredited by a teacher accreditation authority at proficient teacher level.	24 25
	Note. The accreditation of a person under this section may be revoked under section 24.	26 27
[47]	Section 40 (4)	28
	Omit the subsection.	29
[48]	Section 40A	30
	Insert after section 40:	31
40A	Voluntary accreditation of certain qualified persons	32
(1)	This section applies to the following persons:	33
(a)	non-teaching school executives,	34
(b)	non-teaching ECEC executives,	35
(c)	non-teaching school counsellors,	36
(d)	non-school based teachers,	37
(e)	non-centre based teachers.	38
	Note. The accreditation of a person under this section may be revoked under section 24.	39 40

(2)	The Board may, on application by a person to whom this section applies:	1
(a)	accredit the person at a particular level if the Board is satisfied that the person meets the requirements for accreditation at that level, or	2
(b)	refuse to accredit the person.	3
(3)	The Board may vary the accreditation of a person under this section at a particular level if satisfied that the person has failed to comply with any of the requirements of the professional teaching standards for accreditation at that level.	4
		5
		6
		7
		8
[49]	Section 42A Payment of suspended teachers	9
	Omit “or 35” from section 42A (1).	10
[50]	Section 42B	11
	Insert after section 42A:	12
42B	Board to be notified of certain decisions	13
(1)	The employer who makes a relevant decision in relation to a person must notify the Board of the decision in accordance with the rules of the Board.	14
	Maximum penalty: 50 penalty units.	15
		16
(2)	A <i>relevant decision</i> in relation to a person is a decision:	17
(a)	to dismiss the person from employment as a teacher for any reason for which the accreditation of a person may be revoked under this Act, or	18
(b)	to include the person in the list of persons maintained by the Secretary under section 7 (1) (e) of the <i>Teaching Service Act 1980</i> as a person who is not to be employed in the Teaching Service.	19
		20
		21
		22
[51]	Section 52 Regulations	23
	Insert after section 52 (1A) (b):	24
(c)	the requirements for accreditation of teachers of a specified class or in specified circumstances.	25
		26
[52]	Schedule 2 Provisions relating to members and procedure of the Council	27
	Insert after clause 6 (1):	28
(1A)	Without limiting subclause (1), the office of an appointed member or an elected member becomes vacant if the member’s accreditation is revoked under this Act.	29
		30
		31
[53]	Schedule 2, clause 6A	32
	Insert after clause 6:	33
6A	Suspension from office while accreditation is suspended	34
(1)	If the accreditation of a member is suspended under this Act, the Minister may suspend the member from office while the person’s accreditation is suspended.	35
		36
(2)	A member, while suspended from office under this clause:	37
(a)	is not entitled to exercise any functions of the office, and	38
(b)	is not entitled to any fee or other remuneration to which he or she would otherwise be entitled as the holder of the office.	39
		40

[54] Schedule 2, clause 9	1
Omit “12 members”. Insert instead “13 members”.	2
[55] Schedule 3 Savings and transitional provisions	3
Insert at the end of clause 1 (1):	4
any other Act that amends this Act	5
[56] Schedule 3, Part 4	6
Insert after Part 3:	7
Part 4 Provisions consequent on enactment of Teacher Accreditation Amendment Act 2014	8
	9
7 Definition	10
In this Part, <i>amending Act</i> means the <i>Teacher Accreditation Amendment Act 2014</i> .	11
	12
8 Existing provisional and conditional accreditation by teacher accreditation authorities	13
	14
Any provisional or conditional accreditation by a teacher accreditation authority in force under this Act immediately before the substitution of sections 30 and 31 by the amending Act is, on that substitution, taken to be a provisional or conditional accreditation (as the case requires) by the Board under section 30 or 31 as so substituted.	15
	16
	17
	18
	19
9 Existing accreditation of transition scheme teachers	20
(1) Any accreditation by a teacher accreditation authority under section 37 that was in force immediately before the repeal of that section by the amending Act is, on that repeal, taken to be an accreditation by the authority at proficient teacher level under section 32 (as inserted by the amending Act).	21
	22
	23
	24
(2) Division 4 of Part 4 of this Act continues, despite its repeal by the amending Act, to apply in relation to those persons whose conditional accreditation by a teacher accreditation authority under that Division was still in force immediately before that repeal.	25
	26
	27
	28
10 Change in terminology relating to levels of accreditation	29
(1) A person who, immediately before the commencement of this clause, was accredited under this Act at professional competence level is, on that commencement, taken to have been accredited at proficient teacher level.	30
	31
	32
(2) A person who, immediately before the commencement of this clause, was accredited under this Act at professional accomplishment level is, on that commencement, taken to have been accredited at highly accomplished teacher level.	33
	34
	35
	36
(3) A person who, immediately before the commencement of this clause, was accredited under this Act at professional leadership level is, on that commencement, taken to have been accredited at lead teacher level.	37
	38
	39
11 Existing early childhood education centre teachers	40
A person who was employed as a teacher in an early childhood education centre immediately before the date appointed by proclamation for the purposes	41
	42

of section 28 (4) (as inserted by the amending Act) is taken to have been
accredited at proficient teacher level.

1
2

Schedule 2	Amendment of Board of Studies, Teaching and Educational Standards Act 2013 No 89	1
		2
[1] Section 6 Objectives and functions of Board		3
	Insert “and early childhood education centres under the <i>Teacher Accreditation Act 2004</i> ”	4
	after “all schools” in section 6 (3) (c).	5
[2] Section 14 Inspection of education premises		6
	Insert at the end of paragraph (b) of the definition of <i>education premises</i> in section 14 (6):	7
	, or	8
	(c) an early childhood education centre within the meaning of the <i>Teacher Accreditation Act 2004</i> .	9
		10