

I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.

Legislative Assembly Chamber,
Brisbane,

The Clerk of the Parliament.

7 May 20 19

In the name and on behalf of the Queen, I assent to this Bill.

Paul de Jersey

Government House,
Brisbane,

7 May 20 19



Queensland

No. 14 of 2019

A BILL for

**An Act to amend the Education (Queensland College of Teachers) Act 2005
and the Education (Queensland College of Teachers) Regulation 2016 for
particular purposes**



Queensland

Education (Queensland College of Teachers) Amendment Bill 2019

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2019

A Bill

for

An Act to amend the *Education (Queensland College of Teachers) Act 2005* and the *Education (Queensland College of Teachers) Regulation 2016* for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Education (Queensland College of Teachers) Amendment Act 2019*.

Part 2 Amendment of Education (Queensland College of Teachers) Act 2005

2 Act amended

This part amends the *Education (Queensland College of Teachers) Act 2005*.

3 Amendment of s 3 (Main objects of Act)

(1) Section 3(2)(b)—

insert—

(ia) certifying teachers as highly accomplished teachers or lead teachers; and

(2) Section 3(2)(b)(ia) to (iii)—

renumber as section 3(2)(b)(ii) to (iv).

4 Insertion of new ch 2A

After section 67—

insert—

Chapter 2A Certification of teachers

Part 1 Obtaining certification

67A Who may apply for certification

- (1) A teacher may apply (the *certification application*) to the college for certification as—
 - (a) a highly accomplished teacher; or
 - (b) a lead teacher.
- (2) However, the teacher may make the certification application only if the teacher—
 - (a) is an Australian citizen or permanent resident; and
 - (b) holds full registration; and
 - (c) is employed by an employing authority, prescribed by regulation, for a prescribed school.
- (3) In this section—

permanent resident means the holder of a permanent visa within the meaning of the *Migration Act 1958* (Cwlth), section 30(1).

67B Requirements for certification applications

The certification application must—

- (a) be in the approved form; and
- (b) be accompanied by the fee prescribed by regulation; and

[s 4]

- (c) comply with any other requirements prescribed by regulation.

67C Stages of assessment process

- (1) The assessment process for the certification application involves—
 - (a) a first stage (*assessment stage 1*) during which a preliminary assessment of the application is carried out; and
 - (b) a second stage (*assessment stage 2*) during which an assessment of the applicant's teaching practice is carried out.
- (2) However, if the college decides under section 67D that the certification application may not proceed to assessment stage 2, the assessment process for the application ends.

Note—

See also section 67F(3).

- (3) A regulation may prescribe requirements or procedures for assessment stage 1 or assessment stage 2.

67D Decision after assessment stage 1

- (1) As soon as practicable after carrying out assessment stage 1, the college must decide whether the certification application may proceed to assessment stage 2.
- (2) The college may decide that the certification application may proceed to assessment stage 2 only if satisfied the applicant's abilities, experience, knowledge and skills meet the requirements stated in the professional standards for the application to proceed to assessment stage 2.

67E Steps after making decision under s 67D

- (1) As soon as practicable after making a decision under section 67D, the college must give the applicant—
 - (a) notice of the decision; and
 - (b) a report about the outcome of assessment stage 1.
- (2) If the decision is that the certification application may not proceed to assessment stage 2, the notice must be an information notice for the decision.

67F Notice about intention to proceed to assessment stage 2

- (1) This section applies if the college decides that the certification application may proceed to assessment stage 2.
- (2) The applicant may give the college notice that the applicant—
 - (a) wants the certification application to proceed to assessment stage 2; or
 - (b) does not want the certification application to proceed to assessment stage 2.
- (3) Assessment stage 2 is carried out for the certification application only if—
 - (a) the applicant gives the college notice under subsection (2)(a); and
 - (b) the notice is accompanied by the fee prescribed by regulation.

67G Decision after assessment stage 2

- (1) As soon as practicable after carrying out assessment stage 2, the college must decide—

[s 4]

- (a) for an application for certification as a highly accomplished teacher—to certify, or refuse to certify, the applicant as a highly accomplished teacher; or
 - (b) for an application for certification as a lead teacher—to certify, or refuse to certify, the applicant as a lead teacher.
- (2) The college may decide to certify the applicant as a highly accomplished teacher or lead teacher only if satisfied the applicant has the abilities, experience, knowledge and skills stated in the professional standards for the certification.

67H Steps after making decision under s 67G

- (1) As soon as practicable after making a decision under section 67G, the college must give the applicant—
- (a) notice of the decision; and
 - (b) a report about the outcome of assessment stage 2.
- (2) If the decision is to certify the applicant as a highly accomplished teacher or lead teacher, the notice must state the day the certification takes effect.
- (3) If the decision is to refuse to certify the applicant as a highly accomplished teacher or lead teacher, the notice must be an information notice for the decision.

67I Duration of certification

A teacher's certification under this part as a highly accomplished teacher or lead teacher—

- (a) takes effect on the day stated under section 67H(2); and

- (b) continues in force for a period of 5 years.

Part 2 **Renewal of certification**

67J Who may apply for renewal of certification

- (1) This section applies to a teacher who—
 - (a) is certified under part 1 as a highly accomplished teacher or lead teacher; or
 - (b) is certified by a certifying entity as a highly accomplished teacher or lead teacher.
- (2) The teacher may apply (the *renewal application*) to the college for renewal of the certification.
- (3) However, the renewal application may be made only if the teacher—
 - (a) holds full registration; and
 - (b) is employed by an employing authority, prescribed by regulation, for a prescribed school.
- (4) The renewal application must be made at least 6 months before the certification stops having effect.
- (5) However, the college may accept a renewal application that is not made at least 6 months before the certification stops having effect if—
 - (a) the application is made at least 4 months before the certification stops having effect; and
 - (b) the college is reasonably satisfied exceptional circumstances exist in relation to the making of the application.

[s 4]

67K Requirements for renewal applications

The renewal application must—

- (a) be in the approved form; and
- (b) be accompanied by the fee prescribed by regulation; and
- (c) comply with any other requirements prescribed by regulation.

67L Assessment process for renewal applications

- (1) The assessment process for the renewal application involves an assessment of whether the applicant continues to have the abilities, experience, knowledge and skills stated in the professional standards for the certification.
- (2) A regulation may prescribe requirements or procedures for carrying out the assessment.

67M Decision in relation to renewal application

- (1) As soon as practicable after carrying out the assessment under section 67L, the college must decide—
 - (a) to renew the applicant's certification; or
 - (b) to refuse to renew the applicant's certification.
- (2) The college may decide to renew the certification only if satisfied the applicant continues to have the abilities, experience, knowledge and skills stated in the professional standards for the certification.
- (3) If the decision is to renew the certification, the certification is renewed for a period of 5 years starting on the day stated under section 67N(2).
- (4) However, if the certification was given by a

certifying entity, the certification is renewed for this Act only.

67N Steps after making decision

- (1) As soon as practicable after making a decision under section 67M, the college must give the applicant notice of the decision.
- (2) If the decision is to renew the certification, the notice must state the day the renewal takes effect.
- (3) If the decision is to refuse to renew the certification, the notice must be an information notice for the decision.

Part 3 Information requests

67O Application of part

This part applies in relation to—

- (a) a certification application; or
- (b) a renewal application.

67P College may make information request

- (1) Before deciding the application, the college may, by notice given to the applicant (an *information request*), ask the applicant to give the college, within a stated reasonable period of at least 14 days, further information or a document the college reasonably requires to decide the application.
- (2) The applicant may, by notice given to the college before the information request period ends, ask the college to extend the period.
- (3) The college must not refuse a reasonable request

[s 4]

to extend the information request period.

- (4) To remove any doubt, it is declared that the college may give the applicant more than 1 information request.

67Q Failure to comply with information request

The applicant is taken to have withdrawn the application if—

- (a) the college gives the applicant an information request; and
- (b) the applicant does not comply with the information request within the information request period.

Part 4 Records about certification

67R College must keep records about certification

- (1) The college must keep a record of—
 - (a) teachers whom the college has certified under part 1 as a highly accomplished teacher or lead teacher; and
 - (b) teachers whose certification has been renewed under part 2.
- (2) The record must contain the following details for each teacher—
 - (a) the name of the teacher;
 - (b) the day the teacher's certification took effect;
 - (c) whether the teacher is certified as a highly accomplished teacher or lead teacher;

(d) the day the teacher's certification ends.

5 Insertion of new s 230B

After section 230A—

insert—

230B College's functions about certification of teachers

- (1) The college has the function of administering the process for the certification of teachers under chapter 2A.
- (2) Without limiting subsection (1), the college's functions include the following—
 - (a) deciding certification applications and renewal applications;
 - (b) keeping records in relation to certifications;
 - (c) coordinating training for persons involved in the assessment of teachers for certification, or the renewal of certifications, under chapter 2A.
- (3) The college may engage another entity prescribed by regulation to assist the college in performing its functions under this section.

6 Amendment of s 235 (Professional standards)

(1) Section 235(4)—

insert—

- (c) whether to certify a teacher as a highly accomplished teacher or lead teacher, or renew a certification.

(2) Section 235(5)—

insert—

[s 7]

- (d) the abilities, experience, knowledge and skills required for a certification application to proceed to assessment stage 2;
- (e) the abilities, experience, knowledge and skills required for certification as a highly accomplished teacher or lead teacher, or the renewal of a certification.

7 Amendment of s 272 (Minister's power to give directions to college)

(1) Section 272(3)—

insert—

- (aa) a decision to certify, or refuse to certify, a teacher under chapter 2A, part 1;
- (ab) a decision under section 67M to renew, or refuse to renew, a teacher's certification as a highly accomplished teacher or lead teacher;

(2) Section 272(3)(aa) to (e)—

renumber as section 272(3)(b) to (g).

8 Amendment of s 298 (Regulation-making power)

(1) Section 298—

insert—

(2A) Without limiting subsection (2) or the *Statutory Instruments Act 1992*, sections 25 and 30B, a regulation may prescribe different fees in relation to certification applications and renewal applications made by teachers employed by different employing authorities.

(2) Section 298(2A) and (3)—

renumber as section 298(3) and (4).

9 Insertion of new ch 12, pt 16

Chapter 12—

insert—

**Part 16 Transitional provisions
for Education
(Queensland College of
Teachers) Amendment
Act 2019**

**366 Teachers certified by college before
commencement**

- (1) This section applies in relation to a teacher who, before the commencement of this section, was given notice by the college that the teacher had been assessed as having the abilities, experience, knowledge and skills stated in the professional standards for certification as a highly accomplished teacher or lead teacher.
- (2) The teacher may, under section 67J, make a renewal application in relation to the notice as if the notice were a certification under chapter 2A, part 1.
- (3) Section 67R applies in relation to the teacher as if the teacher were certified as a highly accomplished teacher or lead teacher under chapter 2A, part 1.

367 Existing applications for certification

- (1) This section applies if—
 - (a) after 1 January 2019 but before the commencement of this section, a teacher made an application to the college to be assessed as having the abilities, experience,

[s 10]

knowledge and skills stated in the professional standards for certification as a highly accomplished teacher or lead teacher; and

(b) immediately before the commencement of this section, the application had not been decided or withdrawn.

(2) On the commencement of this section, the application is taken to have been made under section 67A.

10 Amendment of sch 1 (Decisions for which information notice must be given)

Schedule 1—

insert—

- 67D college's decision that certification application may not proceed to assessment stage 2
- 67G college's decision to refuse to certify teacher as highly accomplished teacher or lead teacher
- 67M college's decision to refuse to renew certification

11 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

assessment stage 1 see section 67C(1)(a).

assessment stage 2 see section 67C(1)(b).

certification application see section 67A(1).

certifying entity means an entity, other than the college, that certifies teachers as highly accomplished teachers or lead teachers.

information request see section 67P(1).

information request period means the period mentioned in 67P(1) and any extension of that period given by the college.

renewal application see section 67J(2).

Part 3

Amendment of Education (Queensland College of Teachers) Regulation 2016

12 Regulation amended

This part amends the *Education (Queensland College of Teachers) Regulation 2016*.

13 Insertion of new pt 2A

After part 2—

insert—

Part 2A

Certification of teachers

12A Prescribed employing authorities—Act, s 67A

For section 67A(2)(c) of the Act, the following employing authorities are prescribed—

- (a) an employing authority for a State school;
- (b) an employing authority for a non-State school represented by QCEC.

12B Prescribed employing authorities—Act, s 67J

For section 67J(3)(b) of the Act, the following employing authorities are prescribed—

- (a) an employing authority for a State school;

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- (b) an employing authority for a non-State school represented by QCEC.

12C Prescribed entities—Act, s 230B

For section 230B(3) of the Act, the following entities are prescribed—

- (a) an employing authority for a State school;
- (b) an employing authority for a non-State school represented by QCEC;
- (c) QCEC.

14 Amendment of sch 1 (Fees)

Schedule 1—

insert—

9A Certification application fee (Act, s 67B(b))—

- (a) for an application made by a teacher employed by the employing authority for a State school 850.00
- (b) for an application made by a teacher employed by the employing authority for a non-State school represented by QCEC 850.00

9B Fee for notice under the Act, s 67F(2)(a) (Act, s 67F(3)(b))—

- (a) for a notice given by a teacher employed by the employing authority for a State school 650.00
- (b) for a notice given by a teacher employed by the employing authority for a non-State school represented by QCEC 650.00

9C Renewal application fee (Act, s 67K(b))—

- (a) for an application made by a teacher employed by the employing authority for a State school 100.00

- (b) for an application made by a teacher employed by
the employing authority for a non-State school
represented by QCEC 100.00

15 Amendment of sch 2 (Dictionary)

Schedule—

insert—

QCEC means the Queensland Catholic Education
Commission.

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