

Education Legislation (Registration of Early Childhood Teachers) Amendment Bill 2026

Explanatory Notes

Short title

The short title of the Bill is the Education Legislation (Registration of Early Childhood Teachers) Amendment Bill 2026 (the Bill).

Policy objectives and the reasons for them

The Bill amends the *Education (Queensland College of Teachers) Act 2005* (QCT Act) and *Education (Queensland College of Teachers) Regulation 2016* to make it mandatory for persons employed as Early Childhood Teachers (ECT) in approved education and care services (ECS) to be registered teachers.

Queensland has responded strongly to the *Review of Child Safety Arrangements under the National Quality Framework* (NQF) identifying educator safeguards and teacher registration as important to strengthening child safety in early childhood education and care services (ECS). The review recognised teacher registration as an important safeguard for child safety in ECS.

Queensland has already led and contributed to implementation of significant national child safety reforms. These include tighter controls on personal device use, stronger online safety requirements, reduced notification timeframes for allegations of instances of physical or sexual abuse, nationally consistent child safety and child protection training, expanded enforcement powers, stronger information-sharing provisions and increased transparency for families. National actions also include establishment of a national early childhood worker register.

Queensland has taken strong measures to uplift the early childhood education and care (ECEC) workforce through implementation of *Queensland's Early Childhood Workforce Strategy* (the Strategy), which commits to expanding teacher registration pathways to all ECTs. The Strategy recognises ECTs need clear pathways, accessible qualifications, practical supports and opportunities to develop through their careers.

Queensland is continuing its commitment to improving the safety of children in ECS and uplifting the professional status of ECTs through introduction of mandatory teacher registration for ECTs in ECS. This will foster confidence in families and communities about the quality and safety of the ECS they choose for their children.

The policy objectives of the Bill for mandatory teacher registration of ECTs are to expand the existing mandatory registration framework for teachers in Queensland schools to apply to persons employed as an ECT in an ECS in Queensland, and to ECS employing authorities in Queensland. The amendments expand the eligible qualifications for teacher registration to include ECT qualifications approved by the national entity responsible under the Education and Care Services National Law for guiding the administration of the National Quality Framework (NQF) (currently the Australian Children's Education and Care Quality Authority (ACECQA)) or assessed by ACECQA as equivalent.

This strengthens child safety in ECS and uplifts the status of ECTs in the teaching profession.

The amendments allow the QCT to enter into information sharing agreements with ACECQA.

The objects of the QCT Act are to uphold the standards of the teaching profession, maintain public confidence in the teaching profession, and protect children and the public by ensuring education in schools is provided in a professional and competent way by approved teachers.

The Queensland College of Teachers (QCT) is established under the QCT Act with functions and powers to administer the teacher registration framework in Queensland.

To gain registration, teachers must undergo extensive checks into their suitability, hold prescribed qualifications and meet other eligibility requirements. ECTs who do not hold qualifications to teach in a school will be limited to teach in ECS.

In certain circumstances, a person who does not hold the prescribed qualifications may be granted permission to teach (PTT) in a school. Registered teachers and PTT holders are collectively referred to as approved teachers, and only approved teachers may teach in Queensland schools. Registration has previously been voluntary for ECTs in ECS who hold eligible qualifications but will become mandatory. PTT holders will not be eligible for employment as ECTs in ECS. In summary, there is no equivalent for PTT in ECS.

The QCT may impose conditions on teacher registration to be satisfied the person meets the eligibility requirements. Approved teachers and employing authorities are subject to ongoing requirements under the QCT Act. The QCT has powers to support regulatory compliance, including obtaining information, investigation, suspension or cancellation of registration.

Non-compliance with some provisions is an offence for which penalties apply. This includes teaching or engaging a person to teach if the person is not an approved or registered teacher and failing to meet requirements to notify the QCT of: allegations of harm or risk of harm to a child due to the conduct of a teacher; the outcome of an employing authority dealing with an allegation of harm; and dismissal where the circumstances call into question the teacher's competency to be employed as a teacher.

The Queensland Government is committed to ensuring the safety of children in ECEC. National reviews have identified key issues for the ECEC sector, including the need to: enhance child safety oversight and provisions; lift the professional status of ECTs; improve national consistency in registration requirements for ECTs; increase workforce mobility and career pathways; and improve teaching quality.

All Australian jurisdictions committed to introducing teacher registration for ECTs through endorsement of the national *Shaping Our Future, National Children's Education and Care Workforce Strategy 2022–2031* (national strategy). In December 2023, ACECQA released the *Review of Child Safety Arrangements Under the National Quality Framework* (Review) which stated that, where possible, mandatory registration of all ECTs should be enabled to ensure the safeguards provided by teacher registration apply to all teachers, regardless of workplace setting. It was recommended that teacher registration categories be expanded to include ECTs with qualifications approved by ACECQA.

The amendments support the Queensland Government's broader child safety reform agenda. The amendments complement existing child safety mechanisms such as the blue card system under the *Working With Children Check Act 2000*, and the child protection information-sharing reforms associated with the *Community Protection and Public Sex Offender Register (Daniel's Law) Act 2025*. Together, these measures strengthen the regulatory framework applying to persons working with children.

Achievement of policy objectives

The Bill achieves the policy objectives for mandatory teacher registration for ECTs by amending the QCT Act and the *Education (Queensland College of Teachers) Regulation 2016* (Regulation) to require all persons employed as an ECT in an ECS approved under the *Education and Care Services National Law (Queensland) 2011* (National Law) to be registered teachers. This includes long day care, kindergarten and preschool, but not outside school hours care or family day care.

The legislative framework for regulation of the teaching profession is retained and amended as necessary to apply to ECTs and ECS employing authorities, in an equivalent way to teachers in schools, and school principals and school employing authorities.

The definition of teacher is extended to include duties undertaken at an ECS but excludes educators who are not an ECT under the *Education and Care Services National Regulation (Queensland) 2022*.

Persons who hold an ECT qualification approved by ACECQA, that is not also a qualification approved or accredited by the QCT to teach in schools, must be registered with a condition that restricts them to teaching only at an ECS (an ECS condition).

Provisional or full teacher registration may be granted with an ECS condition, which will be on the publicly available part of the QCT's register of teachers.

The employing authority for an ECS is subject to equivalent notification requirements to the QCT as a school employing authority, including in relation to allegations of harm or potential harm to a child due to the conduct of a teacher, as well as outcomes of investigations if the employing authority deals with such allegations or dismissal of a teacher where competency to be employed as a teacher is in question.

The amendments provide that an employing authority for an ECS must not employ a person as an ECT unless the person is a registered teacher or the ECS has a waiver under the National Law from complying with a requirement to employ an ECT. The amendments also provide that a person who is not a registered teacher must not teach as an ECT at an ECS.

Non-compliance with these provisions is an offence, and penalties apply. The provisions are equivalent to requirements and offences for school employing authorities and persons teaching in schools, and the penalties are the same.

The QCT's power to request information from school principals is extended to apply to ECS employing authorities. The power to enter into information sharing agreements is extended to apply to ACECQA.

Alternative ways of achieving policy objectives

Legislative amendments are the most effective way to achieve the policy objectives.

Similarly, the framework for teacher registration is provided for in legislation, so expanding this framework for ECTs and ECS employing authorities requires legislative amendment.

Estimated cost for government implementation

There will be minimal costs for government to implement the amendments in the Bill.

Overall, costs are likely to be incurred in developing supporting materials to communicate changes to ECS employing authorities, ECTs, parents and the early childhood community, and delivering minor system changes.

Costs will be met from within the existing budget.

DoE will provide transition supports for an initial period, particularly aimed at supporting ECTs to transition to and maintain registration. These will be delivered in various ways including through existing programs for recognition of early childhood workforce expertise and elevation of the status of the profession and will be met within existing budget allocation.

Consistency with fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* (LSA) states that fundamental legislative principles (FLP) are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law. Under section 4(2) of the LSA, to be consistent with FLPs, legislation must have sufficient regard to FLPs, the rights and liberties of individuals, and to the institution of Parliament.

Under section 4(3)(c) of the LSA, sufficient regard to rights and liberties of individuals depends on whether the legislation allows the delegation of administrative power only in appropriate cases and to appropriate persons. Under section 4(4)(c) of the LSA, the legislation must have sufficient regard to the institution of Parliament and whether the Bill authorises the amendment of an Act only by another Act.

The Bill has been drafted having due regard to the FLPs by achieving the appropriate balance between individual rights and protection of early childhood education and care communities. FLPs that may be perceived to be impacted are addressed below.

The legislative changes will automatically mandate teacher registration for all persons employed as an ECT. There will be no ability for an ECT to object to the requirement. ECS employing authorities will be able to apply, in certain circumstances, for a waiver under the NQF exempting them from the requirement to have an ECT, but if an ECS employing authority employs an ECT, they will be subject to the requirement that the ECT be a registered teacher, with no appeal or review.

While it is acknowledged that the change will impact some persons currently working as ECTs, and require them to obtain registration, the new mandatory registration framework is important to strengthen child safety in ECS. ECS employing authorities and ECTs have been aware that mandatory teacher registration was under review by DoE and have been given the opportunity to be heard through targeted consultation.

A transition period until 1 July 2028 will allow time for current or aspiring ECTs and ECS employing authorities to prepare in readiness for mandatory registration.

On balance, it is considered that the potential breach of principles of natural justice arising from mandatory teacher registration of ECTs in ECS is justified on the basis that this is critical to further strengthening child safety in Queensland ECS. Delivering early childhood education and care and operating an ECS entails a high degree of risk to children, with ECTs acting in loco parentis for very young children. A proportionately high degree of oversight and regulation is expected and justified.

Director Liability

Given the importance of child safety, the current section 228 of the QCT Act provides that if a corporation commits an offence in relation to certain matters under Chapter 3 it is deemed an executive liability provision. Each executive officer of the corporation is taken to have committed the offence if the officer authorised or permitted the corporation's conduct constituting the offence; or the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. These offences relate to the employment of a teacher in a school who is not registered (section 82), the requirement of an employing authority to notify the QCT of allegations against a registered teacher (section 76), the outcomes in relation to an allegation (section 77) and the dismissal of a registered teacher due to competency (section 78)).

The Bill extends the application of section 228 to ECS employing authorities in the same way that it applies to school employing authorities. This aligns with the policy intent of strengthening the safety of children in ECS. The extension of the registration framework to ECTs reflects the importance of ensuring a person who provides education and care for children as an ECT in ECS is appropriate to perform such an important role. It is therefore essential that offence provisions, including any associated director liability, apply to ECS in an equivalent way to schools.

Consultation

To inform the Bill, targeted consultation was undertaken between October 2025 and January 2026, comprising nine online stakeholder information sessions attended by about 180 persons including ECS employing authorities, ECTs, unions and peak bodies. A total of 917 online survey responses and 11 written responses were received. There was broad support for introducing mandatory registration for ECTs in Queensland, with expansion of the range of eligible qualifications to include ACECQA-approved ECT qualifications and a transition period. Stakeholders cited: benefits for child safety; consistency with other jurisdictions; and the upskilling, retention and professionalism of ECTs.

The Early Childhood Stakeholder Advisory Group, comprising key ECS employing authorities, was consulted on the model in the Bill. There was general support for mandatory teacher registration for ECTs.

The Chair of the QCT Board and Chief Executive Officer of the QCT were provided with a working draft of the Bill and consulted on the model and key aspects of the legislative changes. The QCT supports mandatory teacher registration for ECTs and provided feedback about terminology and the operations of provisions in the Bill, which was considered and incorporated in further drafting.

Consistency with legislation of other jurisdictions

All jurisdictions have committed to introducing registration for ECTs through endorsement of the national strategy.

New South Wales, Victoria, South Australia, Western Australia and the Northern Territory already have mandatory teacher registration for ECTs. Tasmania is progressing mandatory teacher registration for ECTs. The Australian Capital Territory implemented voluntary ECT registration in 2024.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the short title of the Act is the *Education Legislation (Registration of Early Childhood Teachers) Amendment Bill 2026*

Clause 2 provides for commencement of provisions:

- clauses 9, 22, 23, 24, and 25 commence on 1 July 2028;
- all other clauses commence on assent.

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

Clause 3 provides that Part 2 amends the *Education (Queensland College of Teachers) Act 2005* (QCT Act).

Clause 4 amends section 3 of the QCT Act to extend its main objects to registered teachers at education and care services (ECS).

Clause 5 inserts new section 6A to provide a definition of teacher for the purposes of the QCT Act, moved from schedule 3, to include a teacher who undertakes prescribed duties of a teacher at an ECS, but does not include an educator employed at an ECS if that person is not an early childhood teacher (ECT) under the *Education and Care Services National Law* (National Law). It also inserts new section 6B which provides for a definition of approved teacher and clarifies that a registered teacher with an ECS condition is not an approved teacher for teaching at a school.

Clause 6 amends section 8 to extend eligibility for full registration as a teacher to include teachers with qualifications to work only in an ECS. The *Education (Queensland College of Teachers) Regulation 2016* (QCT Regulation) is amended in a later clause to provide for the qualifications for full registration as a teacher in an ECS.

Clause 7 amends section 9 to extend eligibility for provisional registration as a teacher to include teachers with qualifications to work only in an ECS. The QCT Regulation is amended in a later clause to provide for the qualifications for provisional registration as a teacher in an ECS.

Clause 8 amends section 10 to clarify that permission to teach only applies to schools, not ECS.

Clause 9 amends section 12, which provides for considerations the QCT must take regarding suitability to teach decisions, to extend a reference to schools to also include ECS, to reflect the new framework.

Clause 10 amends section 12F, which provides for decisions on eligibility applications, to extend a reference to school to also include ECSs, to reflect the new framework.

Clause 11 amends section 20 to clarify that a decision of the Queensland College of Teachers (QCT) about an application for registration as a teacher will be subject to mandatory conditions requirements for teachers who can only teach in an ECS under section 20A.

Clause 12 inserts new section 20A to provide that if the QCT grants an applicant full or provisional registration and is reasonably satisfied the person is only qualified to teach in an ECS, not a school, then they must be subject to an ECS condition limiting their ability to work as a teacher to an ECS.

Clause 13 amends section 24 to clarify how conditions other than the ECS condition provided for in section 20A, are to be dealt with in relation to an application for full registration by the holder of provisional registration.

Clause 14 inserts new section 24A to provide for how an ECS condition will be considered in relation to a person with provisional registration with an ECS condition who applies for full registration.

Clause 15 amends section 29, which provides for requirements for renewal of full registration, to extend a reference to school to also include ECS, to reflect the new framework.

Clause 16 amends section 32 to provide for how the QCT may decide an application for renewal of registration in relation to conditions, including an ECS condition, on the registration.

Clause 17 amends section 38, which is consequential to the amendments in section 32, aligning sectional references.

Clause 18 amends section 40 to clarify how a review of an ECS condition to teach only in an ECS by the QCT must be dealt with.

Clause 19 amends section 43 to provide for the cancellation of an ECS condition to teach only in an ECS by the QCT if reasonably satisfied the person meets additional eligibility requirements to teach in a school.

Clause 20 amends section 67, which provides for the effect of suspension on a registration, to extend a reference to schools to also include ECS, to reflect the new framework.

Clause 21 amends section 73 to extend the definition of relevant teacher for chapter 3 of the QCT Act to include a person who is or was a registered teacher at an ECS to reflect the new framework.

Clause 22 amends section 76 to extend the requirements to notify the QCT about particular allegations in relation to harming a child in relation to a teacher to an employing authority for an ECS, to reflect the new framework.

Clause 23 amends section 77 to extend reporting requirements under this section, about outcomes of allegations against a teacher, to an employing authority for an ECS, to reflect the new framework.

Clause 24 amends section 78 to require an employing authority for an ECS to notify the QCT about a dismissal of a teacher, in relation to the teacher's competency to be employed as a teacher. This mirrors requirements for employing authorities of schools.

Clause 25 amends section 79 to extend reporting requirements under this section (reports requested by the QCT) in relation to information about a teacher, to an employing authority for an ECS, to reflect the new framework.

Clause 26 amends section 82, which provides that it is an offence for an employing authority to employ an unregistered person as a teacher in a school, to clarify this section applies to schools, to align with the new section 6B.

Clause 27 inserts new section 82A to ensure that if a person is employed under the National Law as an ECT, they must be registered. Section 82A creates an offence for an employing authority for an ECS to employ a person to satisfy an ECT requirement under the National Law without them being registered. A maximum penalty of 200 penalty units applies, mirroring the maximum penalty for an employing authority for a prescribed school under section 82.

Clause 28 amends section 83, which provides that it is an offence for an unregistered person to work as a teacher in a school, to clarify this section applies to schools, to align with the new section 6B.

Clause 29 inserts new section 83A, which creates an offence for an unregistered person to teach at an ECS to satisfy an ECT requirement under the National Law. A maximum penalty of 100 penalty units applies, mirroring the maximum penalty for a person working in a prescribed school unregistered under section 83.

Clause 30 amends section 124 to provide that a practice and conduct committee that is responsible for hearing matters in relation to registered teachers can be constituted with a legally qualified person familiar with either a school or ECS environment, to reflect the new framework.

Clause 31 amends section 160, which provides for disciplinary actions that the Queensland Civil and Administrative Tribunal (QCAT) may take against an approved teacher to clarify that an ECS condition cannot be imposed, removed or changed under this section.

Clause 32 amends section 164, which provides for who the QCT may notify about a QCAT decision against a relevant teacher, to allow them to notify the employing authority for an ECS.

Clause 33 amends section 228 to extend the current director liability provision to offences under new section 82A, mirroring the current director liability for offences under section 82. This extends the application of section 228 to employing authorities for education and care services in the same way that it applies to a school employing authority. This aligns with the policy intent of ensuring the same protections apply for children in an ECS as they do for children in schools. The extension of the registration framework to ECTs reflects the importance of ensuring a person who teaches young children is appropriate to perform such an important role, having responsibility for the protection and care of children in attendance at the ECS. It is therefore essential that offence provisions, including any associated director liability, that apply to schools also apply to ECS.

Clause 34 amends section 287 to provide that the national EC authority is a relevant agency with which the QCT can enter into information sharing agreements. The national EC authority is the entity responsible under the Education and Care Services National Law (Queensland) for guiding the administration of the National Quality Framework (currently the Australian Children's Education and Care Quality Authority).

Clause 35 amends section 288 to provide that the register of approved teachers can record the ECS that a teacher is working at, as well as a condition on a teacher's registration that limits their ability to work at an ECS only.

Clause 36 amends section 289 to provide that the record of an ECS condition on a teacher's registration (that limits their ability to work at an ECS only) is part of the information on the register that can be made publicly available, to ensure transparency.

Clause 37 inserts transitional provisions to address how matters regarding teacher registration applications will be dealt with on commencement of the new framework. To allow a period of implementation for employing authorities and ECTs, the offences under chapter 3, part 2, applying to employment at an ECS will not be prosecuted until 1 July 2028 under transitional section 375. This will give employing authorities sufficient time to ensure persons employed as ECTs are registered. Transitional section 376 provides clarity for how any applications on foot at the time of commencement for registration by a person will be treated. Their application will be considered under the new registration framework.

Clause 38 amends Schedule 3 to provide appropriate definitions for the new framework including a definition for education and care service, the national EC authority, and an expansion of the definition of employing authorities to include education and care services.

Part 3 Amendment of Education (Queensland College of Teachers) Regulation 2016

Clause 39 provides that part 3 amends the QCT Regulation.

Clause 40 amends section 5 to prescribe the qualifications for a person eligible for full registration to teach in an ECS. A teacher may meet the qualifications to teach in an ECS but not the qualifications to teach in a school.

Clause 41 amends section 6 to prescribe the appropriate level of experience for a person to be eligible for full registration to teach in an ECS. This mirrors the one-year relevant experience required for teachers in a school.

Clause 42 amends section 8 to prescribe the qualifications for a person eligible for provisional registration to teach in an ECS. A teacher may meet the qualifications to teach in an ECS but not the qualifications to teach in a school.

Clause 43 amends section 12 to align with amendments to the Act in relation to references to prescribed educational programs in the definition of teacher.

Clause 44 amends section 32 to require an ECT to notify the QCT of a change in circumstances in relation to the ECT being employed at an ECS (to mirror what applies to school teachers under section 32(c)).

Part 4 Other amendments

Clause 45 provides that schedule 1 of the Bill amends the legislative instruments it mentions. Section 1 of the schedule amends the *Child Safe Organisations Regulation 2025* to provide that the QCT is a sector regulator for education and care services for the purposes of the *Child Safe Organisations Act 2024*.