



New South Wales

# Teacher Accreditation Amendment Regulation 2016

under the

Teacher Accreditation Act 2004

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Teacher Accreditation Act 2004*.

ADRIAN PICCOLI, MP  
Minister for Education

## Explanatory note

The object of this Regulation is to amend the *Teacher Accreditation Regulation 2015* as a consequence of amendments made to the *Teacher Accreditation Act 2004* by the *Education and Teaching Legislation Amendment Act 2016* (the **amending Act**), particularly with respect to:

- (a) the Board of Studies, Teaching and Educational Standards changing its name to the NSW Education Standards Authority (the **Authority**), and
- (b) the abolition of the Quality Teaching Council and its re-establishment as the Quality Teaching Committee, being a committee of the Board of the Authority, with 5 (rather than 11) elected members.

This Regulation is made under the *Teacher Accreditation Act 2004*, including sections 13 (1) (a) (as amended by the amending Act) and 52 (the general regulation-making power) and clauses 2 (2), 3 (2) and 5 (2) of Schedule 2.

## **Teacher Accreditation Amendment Regulation 2016**

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Teacher Accreditation Act 2004

### **1 Name of Regulation**

This Regulation is the *Teacher Accreditation Amendment Regulation 2016*.

### **2 Commencement**

This Regulation commences on 1 January 2017 and is required to be published on the NSW legislation website.

## Schedule 1 Amendment of Teacher Accreditation Regulation 2015

**[1] Whole of Regulation (except where otherwise amended by this Schedule)**

Omit “the Council”, “the Board” and “The Board” wherever occurring.

Insert instead “the QTC”, “the Authority” and “The Authority”, respectively.

**[2] Clause 3 Definitions**

Omit clause (3) (1). Insert instead:

(1) In this Regulation:

*casual teacher* means a person employed as a teacher on a casual basis.

*Chief Executive Officer* means the Chief Executive Officer of the Authority.

*elected member* means an elected member of the QTC as referred to in section 13 (1) (a) of the Act.

*election of a representative of early childhood education centre teachers* means an election for the purposes of electing a representative of early childhood education centre teachers as a member of the QTC for the purposes of section 13 (1) (a) of the Act.

*election of a representative of government school teachers and principals* means an election for the purposes of electing a representative of government school teachers and principals as a member of the QTC for the purposes of section 13 (1) (a) of the Act.

*election of a representative of non-government school teachers and principals* means an election for the purposes of electing a representative of non-government school teachers and principals as a member of the QTC for the purposes of section 13 (1) (a) of the Act.

*electoral list* means the list referred to in section 17 of the Act.

*part-time teacher* means a person employed as a teacher on a part-time basis.

*the Act* means the *Teacher Accreditation Act 2004*.

**[3] Clause 8 Application of section 13 (3) of the Act (requirement that elected members be accredited teachers from certain date)**

Omit the clause.

**[4] Parts 3 and 4, headings**

Omit “Council”. Insert instead “QTC”.

**[5] Clause 9 Definitions**

Omit clause 9 (1). Insert instead:

(1) In this Part (and in Schedules 1 and 2):

*category of election* means one of the categories of elections specified in the definition of *election* in this subclause.

*close of nominations* means the time and date for the close of nominations for an election that have been fixed under this Part by the notice of the election, by a call for further nominations or, if that close has been postponed, the time and date to which that close has been postponed.

*close of the ballot* means the time and date for the close of any ballot for an election that have been fixed under this Part by the notice of the election or, if

that close has been postponed, the time and date to which that close has been postponed.

**close of the electoral list** means the time and date for the close of the electoral list for an election that have been fixed under this Part by the notice of the election or, if that close has been postponed, the time and date to which that close has been postponed.

**election** means an election of one of the following categories:

- (a) an election of a representative of government school teachers and principals,
- (b) an election of a representative of non-government school teachers and principals,
- (c) an election of a representative of early childhood education centre teachers.

**elector** means a person entitled to vote in an election.

**Electoral Commissioner** means the person for the time being holding or acting in the office of Electoral Commissioner under the *Parliamentary Electorates and Elections Act 1912*.

**electoral list** for an election means the electoral list delivered to the returning officer under Division 8.

**enrolled** means enrolled on the electoral list.

**non-rural area** means a part of the State that is not a rural area.

**non-rural teacher**, in relation to a candidate for an election, means a person who, at the close of the nominations for an election, was enrolled as a person employed as a teacher or principal in a government school in a non-rural area or (if the person is a casual teacher) as a person employed to teach in a government school and whose home address is in a non-rural area.

**notice of an election** means a notice under clause 17.

**optional preferential method** means the method of counting the votes set out in Schedule 2.

**representative of early childhood education centre teachers**—see clause 11 (1) (c).

**representative of government school teachers and principals**—see clause 11 (1) (a).

**representative of non-government school teachers and principals**—see clause 11 (1) (b).

**returning officer** means the returning officer designated under clause 12.

**rural area** means a part of the State that is specified as a rural area in the rules of the Authority.

**rural teacher or principal**, in relation to a candidate for an election, means a person who, at the close of the nominations for an election, was enrolled as a person employed as a teacher or principal in a government school in a rural area or, if the person is a casual teacher, a person employed to teach in a government school and whose home address is in a rural area.

[6] **Clause 11**

Omit the clause. Insert instead:

**11 Election of members to represent categories of teachers and principals**

There are to be 3 categories of elected members of the QTC, as follows:

- (a) 3 members are to be elected from persons employed as a teacher or principal in a government school (*representative of government school teachers and principals*) and of those 3 members at least 1 must be a rural teacher or principal,
- (b) 1 member is to be elected from persons employed as a teacher or principal in a non-government school (*representative of non-government school teachers and principals*),
- (c) 1 member is to be elected from persons employed as a teacher in an early childhood education centre (*representative of early childhood education centre teachers*).

**[7] Clause 17 Notice of election**

Omit clause 17 (2) (a). Insert instead:

- (a) must state that an election is to be held for the purpose of electing:
  - (i) one or more representatives of government school teachers and principals, or
  - (ii) one representative of non-government school teachers and principals, or
  - (iii) one representative of early childhood education centre teachers, and

**[8] Clause 20 Qualifications to be nominated**

Omit clause 20 (2)–(8). Insert instead:

**(2) Election of representative of government school teachers and principals**

Any person who, at the time of nomination:

- (a) is employed as a teacher or principal in a government school, and
- (b) is enrolled as such a teacher or principal,

is qualified to be nominated as a candidate for an election of one or more representatives of government school teachers and principals.

**(3) Election of representative of non-government school teachers and principals**

Any person who, at the time of nomination:

- (a) is employed as a teacher or principal in a non-government school, and
- (b) is enrolled as such a teacher or principal,

is qualified to be nominated as a candidate for an election of a representative of non-government school teachers and principals.

**(4) Election of representative of early childhood education centre teachers**

Any person who, at the time of nomination:

- (a) is employed to teach in an early childhood education centre, and
- (b) is enrolled as such a teacher,

is qualified to be nominated as a candidate for an election of a representative of early childhood education centre teachers.

**[9] Clause 22 (3) and (4), 33 (1)–(3), 56 (1) and 57 (2) and (3)**

Omit “President” wherever occurring.

Insert instead “Chief Executive Officer”.

**[10] Part 3**

Omit Divisions 6 and 7. Insert instead:

**Division 6 Procedure on close of nominations (election of 3 representatives of government school teachers)**

**25 Application of Division**

This Division applies to an election of 3 representatives of government school teachers.

**26 Procedure on close of nominations**

- (1) If no person has been duly nominated as a candidate by the close of nominations, then the returning officer must call for further nominations in accordance with Division 7A.
- (2) If only 1 person has been duly nominated as a candidate by the close of nominations, then:
  - (a) that person is taken to have been elected, and
  - (b) the returning officer must call for further nominations in accordance with Division 7A.
- (3) If only 2 persons have been duly nominated as candidates by the close of nominations and at least one of those persons is a rural teacher or principal, then:
  - (a) those persons are taken to have been elected, and
  - (b) the returning officer must call for further nominations in accordance with Division 7A.
- (4) If only 3 persons have been duly nominated as candidates by the close of nominations and at least 1 of the persons is a rural teacher or principal, then those 3 persons are taken to have been elected.
- (5) If 3 or more persons have been duly nominated as candidates by the close of nominations and none of those persons is a rural teacher or principal, then none is taken to have been elected and the returning officer must call for further nominations in accordance with Division 7A.
- (6) If 4 or more persons have been duly nominated as candidates by the close of nominations and 1 of those persons is a rural teacher or principal, then:
  - (a) the rural teacher or principal is taken to have been elected, and
  - (b) a ballot must be held to fill the remaining 2 positions.
- (7) If 4 or more persons have been duly nominated as candidates by the close of nominations and 2 or more of those persons are rural teachers or principals, then a ballot must be held to fill all 3 positions.
- (8) If the returning officer is required by this clause to call for further nominations, then the persons duly nominated but not taken to have been elected after the first call for nominations are to be treated as having been nominated after the call for further nominations. No ballot is to be held until the call for further nominations has closed.

**27 Procedure on close of further nominations**

- (1) Clause 26 applies to determine the procedure after the close of further nominations in the same way that it applies to the first close of nominations,

but any person who has been taken to have been elected is taken to have been nominated as a rural or non-rural teacher or principal, as the case requires.

- (2) Clause 26 does not so apply until after the close of further nominations.

## **Division 7 Procedure on close of nominations (other elections)**

### **28 Application of Division**

This Division applies to an election that is not an election of 3 representatives of government school teachers.

### **29 Contested elections**

- (1) If no person has been duly nominated as a candidate by the close of nominations, then the returning officer must call for further nominations in accordance with Division 7A.
- (2) If the number of persons who have been duly nominated as candidates for an election exceeds 1, a ballot must be held.

### **30 Uncontested elections**

If only one person has been duly nominated as a candidate for an election, that person is taken to be elected.

## **Division 7A Call for further nominations**

### **31 Call for further nominations**

- (1) As soon as possible after determining (in accordance with clause 26 or 29) that a call for further nominations must be made, the returning officer must cause a notice calling for further nominations:
- (a) to be sent to the Chief Executive Officer, and
  - (b) to be published in the Gazette, and
  - (c) to be published in a daily newspaper circulating generally throughout the State.
- (2) The notice:
- (a) must state that an election is to be held for the purpose of electing a representative or representatives of a particular category or categories, and
  - (b) must specify that nominations will be accepted from both rural and non-rural teachers and principals though in some cases only a rural teacher or principal will be elected and non-rural teachers and principals will be on the replacement list for filling casual vacancies, and
  - (c) must specify the number of members required to be elected, and
  - (d) must call for nominations of candidates, and
  - (e) must advise where nomination forms may be obtained and where nominations may be lodged, and
  - (f) must specify the qualifications that qualify a person to nominate a candidate or be nominated as a candidate, and
  - (g) must fix the time and date for the close of nominations.
- (3) The close of nominations is to be not less than 21 days, and not more than 28 days, after the date when the notice of the call is first published in a daily

newspaper circulating generally in New South Wales and not the date specified under clause 17.

- (4) The close of the ballot is to be not less than 28 days after the close of nominations and not less than 56 days after the notice of the call is first published in a daily newspaper circulating generally in New South Wales and not the date specified under clause 17.
- (5) A notice can relate to more than one category of election, but if it does it must make clear who is qualified to nominate, to be nominated and to vote in each election.

**[11] Clause 35 Information concerning government school teachers and principals**

Omit “employed to teach in a government school” and “employed to teach” wherever occurring.

Insert instead “employed as a teacher or principal in a government school” and “so employed”, respectively.

**[12] Clause 39 Form of ballot-papers**

Insert “and principals” after “teachers” in clause 39 (4) (c).

**[13] Clause 55 Special provisions for election of a representative of government school teachers and principals**

Insert “and principals” after “teachers” in clause 55 (1).

**[14] Clause 55 (2)**

Omit “2 rural teachers”. Insert instead “1 rural teacher or principal”.

**[15] Clause 62 Appointment of persons to act temporarily in office of elected member**

Insert “and principals” after “school teachers” in clause 62 (5).

**[16] Clause 62 (5)**

Omit “be fewer than 2 rural teachers” and “who teaches” wherever occurring.

Insert instead “be no rural teachers or principals” and “who is employed”, respectively.

**[17] Clause 63 Filling of casual vacancy in office of elected member in first 30 months of term of office**

Insert “and principals” after “school teachers” wherever occurring clause 63.

**[18] Clause 63 (2)**

Omit “who teaches” and “be fewer than 2 rural teachers” wherever occurring.

Insert instead “who is employed” and “be no rural teachers or principals”, respectively.

**[19] Clause 63 (4)**

Omit “rural teachers”. Insert instead “rural teachers or principals”.

**[20] Clause 64 Filling of vacancy in office of member appointed to fill casual vacancy**

Insert “and principals” after “school teachers” in clause 64 (2).

**[21] Clause 66 Maintenance of electoral list**

Omit “(whether or not as a principal but otherwise than as a casual teacher or part-time teacher)” from clause 66 (1).



**[22] Clause 66 (1) (b)**

Omit the paragraph. Insert instead:

- (b) the single category of election of elected members of the QTC for which the person is entitled to vote, in accordance with the following:
  - (i) any person who is enrolled only as a person employed to teach (whether or not as a principal) in a government school is entitled to vote at an election of representatives of government school teachers and principals on the QTC,
  - (ii) any person who is enrolled only as a person employed to teach (whether or not as a principal) in a non-government school is entitled to vote at an election of a representative of non-government school teachers and principals on the QTC,
  - (iii) any person who is enrolled only as a person employed to teach in an early childhood education centre is entitled to vote at an election of a representative of early childhood education centre teachers on the QTC,

**[23] Clause 66 (2) (a)**

Omit the paragraph. Insert instead:

- (a) the single category of election of elected members of the QTC for which the person is entitled to vote, which is to be:
  - (i) an election of a representative of government school teachers and principals on the QTC, or
  - (ii) an election of a representative of non-government school teachers and principals on the QTC, or
  - (iii) an election of a representative of early childhood education centre teachers on the QTC,depending on the category of election that the person nominated on the roll of teachers,

**[24] Clause 67A**

Insert after clause 67:

**67A CEO to designate interim elected members of QTC**

For the purposes of clause 14 of Schedule 3 to the Act, the interim elected members of the QTC are:

- (a) 3 former elected members who are employed in a government school and of those 3 members at least 1 must be a rural teacher or principal, and
- (b) 1 former elected member who is employed in a non-government school, and
- (c) 1 former elected member who is employed in an early childhood education centre,

as designated by the Chief Executive Officer having regard to the highest number of votes in an election for each category of election, if any.

**[25] Schedule 1 Forms**

Omit “**the Council**” from the heading in Form 1. Insert instead “**the QTC**”.

**[26] Schedule 1, Form 2, heading**

Omit “**President**”. Insert instead “**Chief Executive Officer**”.

**[27] Schedule 1, Form 2**

Omit “President of the Board of Studies, Teaching and Educational Standards”.

Insert instead “Chief Executive Officer of the NSW Education Standards Authority”.

**[28] Schedule 1, Form 3, heading**

Insert “**and principals**” after “**school teachers**”.

**[29] Schedule 1, Form 3**

Omit “**Election of government school teacher representative members of Quality Teaching Council**”.

Insert instead “**Election of government school teachers and principals representative members of Quality Teaching Committee**”.

**[30] Schedule 1, Form 4**

Omit “**the Quality Teaching Council**”. Insert instead “**Quality Teaching Committee**”.

**[31] Schedule 2 Counting of votes under optional preferential system**

Omit “or more” and “and every subsequent” wherever occurring in clause 5.