



New South Wales

Teacher Accreditation Regulation 2023

under the

Teacher Accreditation Act 2004

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

PRUE CAR, MP
Minister for Education and Early Learning

Explanatory note

The object of this regulation is to repeal and remake, without any significant changes, the *Teacher Accreditation Regulation 2015*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation provides for the following—

- (a) to specify additional particulars to be included on the accreditation list,
- (b) to prescribe additional conditions for teachers who are accredited under the *Teacher Accreditation Act 2004* (**the Act**), Part 4,
- (c) to prescribe the process of determining the equivalent relevant period for casual or part-time teachers who are provisionally accredited under the Act, section 30,
- (d) to prescribe the process of determining the equivalent relevant period for casual or part-time teachers who are conditionally accredited under the Act, section 31,
- (e) to exempt NVR registered training organisations from the requirements in the Act, section 28(2) to employ accredited teachers in particular circumstances.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Section 8 may be made under a Henry VIII provision because the exemption impliedly amends the Act by affecting the application of the Act.

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Teacher Accreditation Regulation 2023

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Teacher Accreditation Regulation 2023*.

2 Commencement

This regulation commences on the day on which it is published on the NSW legislation website.

Note— This regulation repeals and replaces the *Teacher Accreditation Regulation 2015*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definition

In this regulation—

the Act means the *Teacher Accreditation Act 2004*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

Part 2 Accreditation of teachers

4 Additional particulars on accreditation list—the Act, s 18

For the Act, section 18(1)(d), the following information is prescribed—

- (a) contact details, including postal address, telephone numbers and email address, if any,
- (b) tertiary education qualifications,
- (c) details of current employer,
- (d) employment history,
- (e) history of professional development undertaken to maintain accreditation,
- (f) first language, if not English,
- (g) country of citizenship,
- (h) country of residency,
- (i) Aboriginal or Torres Strait Islander status, but only if the relevant person has consented to the inclusion of that information on the list.

5 Conditions of accreditation—the Act, s 23A

For the Act, section 23A(1), the following conditions are prescribed—

- (a) the person must provide the Authority with updated details within 21 days of a change in the following particulars—
 - (i) contact details, including name, postal address, telephone numbers and email address, if any,
 - (ii) tertiary education qualifications,
 - (iii) details of current employer,
- (b) the person must notify the Authority of the following within 21 days—
 - (i) employment with a school on a permanent basis,
 - (ii) employment with a school on a temporary basis for a period of at least 6 months,
- (c) the person must, on an annual basis, provide the Authority with details of the professional development undertaken by the person to maintain accreditation during the previous year.

6 Relevant period for provisionally accredited persons—the Act, s 30

For the Act, section 30(6), definition of *relevant period*, paragraph (b)(i), the period of 5 years following the date the person was provisionally accredited is commensurate with the 3-year period for a person employed on a full-time basis.

7 Relevant period for conditionally accredited persons—the Act, s 31

For the Act, section 31(5), definition of *relevant period*, paragraph (b)(i), the period of 6 years following the date the person was conditionally accredited is commensurate with the 4-year period for a person employed on a full-time basis.

8 Exemption from requirement to employ accredited teachers only—the Act, s 52

- (1) For the Act, section 52(2), a person (*the employer*) who employs an unaccredited person is exempt from the Act, section 28(2) if—
 - (a) the unaccredited person is employed to teach in a non-government school, and
 - (b) the employer is a NVR registered training organisation, and

- (c) the unaccredited person is employed only to teach the necessary courses, and
 - (d) the Authority is satisfied that the employer has not been able to find an appropriate person who is accredited to teach the necessary courses.
- (2) In this section—
- necessary courses** means the courses required to complete a Certificate III qualification for the purposes of the Higher School Certificate.
- NVR registered training organisation** has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.
- unaccredited person** means a person who is not accredited.

Part 3 Miscellaneous

9 Fees

- (1) The fees set out in the Schedule are payable in relation to the matters referred to in the Schedule.
- (2) A fee payable under the Act, section 25 is payable on or before an annual date as determined by the Authority.
- (3) The Authority may waive, in whole or part, a fee payable under the Act or this regulation if the Authority is satisfied it is appropriate because—
 - (a) the person who must pay the fee is suffering financial hardship, or
 - (b) special circumstances exist.

10 Repeal and savings

- (1) The *Teacher Accreditation Regulation 2015* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Teacher Accreditation Regulation 2015*, had effect under that regulation continues to have effect under this regulation.

Schedule 1 Fees

section 9(1)

Provision of Act	Matter for which fee payable	Fee \$
Section 22(4)(a)	Application for preliminary assessment of person at a highly accomplished or lead teacher level	65
Section 22(4)(a)	Application for accreditation at highly accomplished teacher level—	
	(a) if the applicant has been preliminarily assessed in relation to that level within the last 3 years, or	555
	(b) otherwise	605
Section 22(4)(a)	Application for accreditation at lead teacher level—	
	(a) if the applicant has been preliminarily assessed in relation to that level in the last 3 years, or	655
	(b) otherwise	715
Section 22(4)(a)	Assessment of overseas qualifications held by a person who is an Australian citizen or permanent resident—	
	(a) for up to 2 qualifications, or	200
	(b) for 3 or 4 qualifications, or	300
	(c) for 5 or more qualifications	400
Section 22(4)(a)	Assessment of overseas qualifications held by a person other than an Australian citizen or permanent resident—	
	(a) for up to 2 qualifications, or	350
	(b) for 3 or 4 qualifications, or	450
	(c) for 5 or more qualifications	550
Section 25(2)	Annual fee for accredited teachers	100
Section 33(2)(a)	Provisional re-accreditation of a person	100