

Western Australia

Western Australian College of Teaching Act 2004

**Western Australian College of Teaching
Regulations 2004**

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Western Australian College of Teaching Regulations 2004

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Defined Terms

Western Australian College of Teaching Regulations 2004

1. Citation

These regulations may be cited as the *Western Australian College of Teaching Regulations 2004* ¹.

2. Commencement

These regulations come into operation on the day on which the *Western Australian College of Teaching Act 2004* comes into operation.

3. Definitions

In these regulations —

membership year means the year beginning on 1 April in any calendar year;

mutual recognition principle means the principle applying to occupations as set out in Part 3 of the *Mutual Recognition Act 1992* (Commonwealth), as adopted by the *Mutual Recognition (Western Australia) Act 2010*;

quarter, in relation to a membership year, means the period of 3 calendar months beginning on 1 April, 1 July, 1 October or 1 January in the membership year;

Trans-Tasman mutual recognition principle means the principle applying to occupations as set out in Part 3 of the *Trans-Tasman Mutual Recognition Act 1997* (Commonwealth), as adopted by the *Trans-Tasman Mutual Recognition (Western Australia) Act 2007*.

[Regulation 3 amended in Gazette 22 May 2012 p. 2162-3.]

4. Criminal record check

- (1) The bodies or agencies prescribed for the purposes of the definition of “criminal record check” in section 3(1) of the Act are as follows —
 - (a) the Australian Bureau of Criminal Intelligence established by an agreement made on 6 February 1981 between the Commonwealth, the States and the Northern Territory;
 - (b) the CrimTrac Agency established as an Executive Agency under section 65 of the *Public Service Act 1999* of the Commonwealth.
- (2) For the purposes of section 35(c) of the Act, a person has successfully completed a prescribed police criminal record check if the Board has obtained a criminal record check that indicates that there is no record showing that the person has been convicted or found guilty of —
 - (a) an offence described in Schedule 2 of the Act;
 - (b) an offence under a law of the Commonwealth or of another State or a Territory that corresponds to an offence described in Schedule 2 of the Act; or
 - (c) any other offence under a law of the Commonwealth, a State or a Territory, the nature of which renders the person unfit to be a teacher.

5. Fee for copy of minutes of Board meeting (section 12(5))

- (1) The fee payable for a copy of the minutes of a meeting of the Board is \$20.00.
- (2) The College may at its discretion waive payment of the fee.

6. When unpaid volunteers are “teaching”

For the purposes of paragraph (d) of the definition of “teaching” in section 3(1) of the Act, an unpaid volunteer is teaching if —

- (a) the volunteer is delivering an educational programme designed to implement the curriculum framework approved under the *Curriculum Council Act 1997*, and is solely or principally responsible for the delivery of the programme, or the assessment of student participation in the programme, or both; or
- (b) the volunteer is administering an educational programme of a kind referred to in paragraph (a), and is solely or principally responsible for its administration.

7. Other requirements for provisional registration (section 33(d))

An applicant for provisional registration meets the requirements referred to in section 33(d) of the Act if the applicant is not prohibited under a law of the Commonwealth, a State or a Territory from engaging in paid work as a teacher in Australia.

8. Fee for provisional registration (section 32(1)(b))

The provisional registration fee is \$70.00.

[Regulation 8 amended in Gazette 2 Dec 2011 p. 5058.]

9. Registration of teachers not working in schools (section 35(f)(ii))

- (1) This regulation applies to an applicant who does not comply with the requirement for registration referred to in section 35(f)(i) of the Act but who has undertaken duties equivalent to teaching in a place in Western Australia other than a school.
- (2) The applicant has complied with the requirements under section 35(f)(ii) of the Act as to professional involvement if, within the 5 years preceding the application, the applicant has,

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for at least one year, been undertaking duties (whether or not on a full-time basis) in a place other than a school that include —

- (a) the delivery of an educational programme designed to implement the curriculum framework approved under the *Curriculum Council Act 1997*;
 - (b) the assessment of student participation in such an educational programme; or
 - (c) the administration, at any level, of any such educational programme.
- (3) Despite anything else in this regulation, the year referred to in subregulation (2) may include periods during which the applicant was undertaking duties of a kind referred to in subregulation (2) in a school.
- (4) The duties referred to in subregulation (2) do not include duties of the kind undertaken by —
- (a) a teacher's aide, a teacher's assistant or a student teacher; or
 - (b) an unpaid volunteer (except an unpaid volunteer who is teaching as provided in regulation 6).

**10. Registration of teachers from another jurisdiction
(section 35(f)(ii))**

- (1) This regulation applies to an applicant for registration who does not comply with the requirement under section 35(f)(i) of the Act, but who has been undertaking duties equivalent to teaching in another State or a Territory.
- (2) The applicant has complied with the requirements under section 35(f)(ii) of the Act as to professional involvement if, at the time of making the application for registration, the applicant is a member of a college of teaching (however described) that was established under a corresponding law.
- (3) If, at the time of making the application, the applicant is not a member of an institution referred to in subregulation (2), the

applicant has complied with the requirements under section 35(f)(ii) of the Act as to professional involvement if, during the 5 years preceding the application, the applicant has, for periods totalling at least one school year, been wholly or principally responsible under a corresponding law —

- (a) for delivering an educational programme designed to implement a curriculum framework (however described) established under a corresponding law;
 - (b) for assessing student participation in such an educational programme; or
 - (c) for the administration of any such educational programme.
- (4) The duties referred to in subregulation (1) do not include duties of the kind undertaken by —
- (a) a teacher's aide, a teacher's assistant or a student teacher; or
 - (b) an unpaid volunteer (except an unpaid volunteer who is teaching as provided in regulation 6).
- (5) In this regulation —
- corresponding law*** —
- (a) in relation to a college of teaching, means a law of the Commonwealth, another State or a Territory, that corresponds to the Act; or
 - (b) in relation to a curriculum framework, means a law of the Commonwealth, another State, or a Territory that corresponds to the *Curriculum Council Act 1997*.

11. Other registration requirements (section 35(g))

An applicant for registration meets the requirements referred to in section 35(g) of the Act if the applicant is not prohibited under a law of the Commonwealth, a State or a Territory from engaging in paid work as a teacher in Australia.

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12. Registration fee (section 34(1)(b))

The registration fee is —

- (a) \$70.00, if the grant of registration is in accordance with the mutual recognition principle or the Trans-Tasman mutual recognition principle; or
- (b) \$100.00, otherwise.

[Regulation 12 inserted in Gazette 2 Dec 2011 p. 5058.]

13. Requirements for limited authority to teach (section 37(1)(e))

An applicant for a limited authority to teach meets the requirements referred to in section 37(1)(e) of the Act if the applicant is not prohibited under a law of the Commonwealth, a State or a Territory from engaging in paid work as a teacher in Australia.

14. Fee for limited authority to teach (section 36(1)(b))

The fee for a limited authority to teach is \$150.00.

[Regulation 14 amended in Gazette 2 Dec 2011 p. 5058.]

15. Associate membership fee (section 38(1)(b))

The fee for associate membership of the College is \$20.00.

16. Fee for membership applications (section 40(2)(d))

- (1) The fee for an application for membership of the College in a category referred to in section 40(1)(a) of the Act is —
 - (a) \$330.00, if the application involves the consideration for approval of a qualification or qualifications conferred by a body that is not established, or primarily based, in Australia or New Zealand; or
 - (b) \$50.00, if the application is in accordance with the mutual recognition principle or the Trans-Tasman mutual recognition principle; or

- (c) \$50.00, otherwise.
- (2) However, the application fee is reduced by \$30.00 if the applicant includes with the application —
 - (a) a criminal record check about the applicant that was provided not more than 12 months before the date on which the application is received by the College; and
 - (b) a statutory declaration attesting that the applicant has not been charged with or convicted of —
 - (i) an offence described in Schedule 2 of the Act;
 - (ii) an offence under a law of the Commonwealth or of another State or a Territory that corresponds to an offence described in Schedule 2 of the Act; or
 - (iii) any other offence under a law of the Commonwealth, a State or a Territory, the nature of which renders the person unfit to be a teacher.

*[Regulation 16 amended in Gazette 2 Dec 2011 p. 5058;
20 Dec 2011 p. 5374.]*

17. Annual fees (section 46(1))

- (1) The annual fee payable by a member of the College (except an associate member) is \$80.00.
- (2) The annual fee payable by an associate member of the College is \$20.00.
- (3) The annual fee for a membership year is payable on or before 31 March in the previous membership year.
- (4) However, if an application for membership is made after 1 April in a membership year, the annual fee payable by the member for that membership year is to be a proportion of the annual fee for that year, calculated on a pro rata basis having regard to the number of quarters of the membership year and any remainder of part of a quarter of the membership year during which the member will be registered.

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[(5) deleted]

*[Regulation 17 amended in Gazette 3 Dec 2010 p. 6088;
2 Dec 2011 p. 5058.]*

18. Professional education and development (section 41(3)(c))

- (1) This regulation sets out the further professional education or development requirements for renewal of registration.
- (2) An applicant for renewal of registration must be able to demonstrate to the College that, during the period since the applicant was last registered, he or she actively undertook or participated in 3 or more activities of a kind referred to in subregulation (3) that would assist the applicant —
 - (a) to keep up-to-date in his or her area of expertise, or in education theory generally;
 - (b) to increase his or her understanding of a particular subject area or area of education theory; and
 - (c) to develop and consolidate his or her teaching skills and other skills relevant to the supervision and management of students.
- (3) The following activities may be undertaken by a member for the purposes of this regulation —
 - (a) acting as a mentor providing guidance to a student teacher, new teacher, re-entry teacher or another colleague;
 - (b) obtaining advice and support in a working relationship with a mentor;
 - (c) developing curriculum materials in response to the needs of his or her students;
 - (d) reflecting on and evaluating his or her own teaching practices for the purpose of improving the content and delivery of education programmes for which the applicant is responsible;

- (e) reviewing, developing, implementing and evaluating strategies for instruction and assessment of students;
 - (f) carrying out research into matters concerned with education, alone or in collaboration with colleagues;
 - (g) participating with colleagues in formal or informal study groups for the purpose of developing teaching skills, or leadership skills, or the ability to communicate effectively with students, parents or carers of students, and the wider community;
 - (h) applying research findings in the classroom;
 - (i) presenting research findings to colleagues at seminars, workshops or conferences;
 - (j) presenting information about classroom methodology or other teaching-related topics to groups of colleagues;
 - (k) progressively integrating information technology into his or her teaching, learning and assessment practices;
 - (l) participating in the activities of a professional education association as a member of the association;
 - (m) working with members of the community to improve public understanding of the content and aims of school education programmes and activities;
 - (n) undertaking postgraduate studies or other further education in a relevant subject;
 - (o) developing education policy.
- (4) On the request of the College, the applicant must make available to the College any notebooks, teaching plans or records, portfolios, diaries, conference papers, certificates obtained from an education institution, assessments by colleagues or any other material showing the nature and extent of the applicant's participation in the activities undertaken by the applicant for the purposes of this regulation.

19. Fee for copy of register or entry in register (section 48(3))

- (1) The fee payable for a certified copy of the register is \$20.00.
- (2) The fee payable for a certified copy of an entry in the register is \$20.00.

20. Further notice to consent to criminal record check (section 53(3))

The form set out in Schedule 1 is the form for a further notice to provide written consent for the College to obtain a criminal record check in respect of a member.

21. Unprofessional conduct (section 63(2))

- (1) A person has been *seriously incompetent as a teacher* if, without reasonable excuse, the person has consistently or frequently carried out his or her duties as a teacher at a standard that is significantly lower than the standard that can reasonably be expected of the person, having regard to —
 - (a) the person's education, training and experience; and
 - (b) the standard met by other teachers with comparable education, training and experience when carrying out similar duties.
- (2) A person has engaged in *serious misconduct the nature of which renders the person unfit to be a teacher* if —
 - (a) despite being warned or counselled by a supervisor, the person has consistently or repeatedly used language or engaged in behaviour that is offensive, indecent or improper, having regard to the standard of conduct expected of a teacher by members of the teaching profession; or
 - (b) the person has used language or engaged in behaviour that is profoundly offensive, indecent or improper, having regard to the standard of conduct expected of a teacher by members of the teaching profession.

22. Notice of disciplinary inquiry (section 66)

- (1) A notice to be given to an affected person before an inquiry commences is to contain, or be accompanied by, a copy of Part 7 of the Act.
- (2) Service of the notice by post is sufficient if the system of post used results in the production of an acknowledgment signed by the affected person to the effect that the notice was delivered to that person.

23. Publication of adverse findings (section 75(1))

Publication in the *Gazette* is required for the purposes of section 75(1) of the Act.

Schedule 1 — Form of notice

[r. 20]

Western Australian College of Teaching Act 2004, section 53

NOTICE REQUESTING CONSENT FOR A CRIMINAL RECORD CHECK TO BE UNDERTAKEN

[r. 20]

MEMBER OF THE WESTERN AUSTRALIAN COLLEGE OF TEACHING TO WHOM THIS NOTICE APPLIES

Member's name

Address Postcode

YOUR MEMBERSHIP OF THE WESTERN AUSTRALIAN COLLEGE OF TEACHING MAY BE CANCELLED

Your membership of the Western Australian College of Teaching may be cancelled under section 57 of the *Western Australian College of Teaching Act 2004* unless you provide written consent for the Western Australian College of Teaching to obtain a criminal record check about you.

CRIMINAL RECORD CHECK

A ***criminal record check*** means information provided by the Australian Federal Police, the Police Force of a State or Territory, or another body or agency prescribed by the regulations, regarding the criminal convictions of a person for offences under the law of the Commonwealth or a State or Territory. See section 3(1) of the *Western Australian College of Teaching Act 2004*.

TIME WITHIN WHICH CONSENT TO UNDERTAKE THE CRIMINAL RECORD CHECK IS TO BE GIVEN

To comply with this notice you must give your written consent to the Western Australian College of Teaching by 20

If a time is not specified in this notice, the consent is to be provided to the College within 7 days of receiving this notice.

Notes

- ¹ This is a compilation of the *Western Australian College of Teaching Regulations 2004* and includes the amendments made by the other written laws referred to in the following table ^{1a}.

Compilation table

Citation	Gazettal	Commencement
<i>Western Australian College of Teaching Regulations 2004</i>	3 Sep 2004 p. 3863-78	15 Sep 2004 (see r. 2 and <i>Gazette</i> 3 Sep 2004 p. 3849)
<i>Western Australian College of Teaching Amendment Regulations 2010</i>	3 Dec 2010 p. 6087-8	r. 1 and 2: 3 Dec 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Dec 2010 (see r. 2(b))
<i>Western Australian College of Teaching Amendment Regulations 2011</i>	2 Dec 2011 p. 5057-9	r. 1 and 2: 2 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2012 (see r. 2(b))
<i>Western Australian College of Teaching Amendment Regulations (No. 2) 2011</i>	20 Dec 2011 p. 5373-4	r. 1 and 2: 20 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2012 (see r. 2(b) and <i>Gazette</i> 2 Dec 2011 p. 5057-9)
<i>Western Australian College of Teaching Amendment Regulations 2012</i>	22 May 2012 p. 2162-3	r. 1 and 2: 22 May 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 23 May 2012 (see r. 2(b))

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Teacher Registration Act 2012</i> s. 133 ²	16 of 2012	3 Jul 2012	To be proclaimed (see s. 2(b))

- ² On the date as at which this compilation was prepared, the *Teacher Registration Act 2012* s. 133 had not come into operation. It reads as follows:

**133. *Western Australian College of Teaching Regulations 2004*
repealed**

The *Western Australian College of Teaching Regulations 2004* are repealed.

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
corresponding law	10(5)
criminal record check.....	Sch. 1,
membership year	3
mutual recognition principle	3
quarter	3
serious misconduct the nature of which renders the person	
unfit to be a teacher.....	21(2)
seriously incompetent as a teacher	21(1)
Trans-Tasman mutual recognition principle	3