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TEACHER REGISTRATION ACT 2012

**TEACHER REGISTRATION
(ACCREDITATION OF INITIAL
TEACHER EDUCATION
PROGRAMMES)
REGULATIONS 2012**

Western Australia

Teacher Registration (Accreditation of Initial Teacher Education Programmes) Regulations 2012

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Teacher Registration Act 2012

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Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Teacher Registration (Accreditation of Initial Teacher Education Programmes) Regulations 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Teacher Registration Act 2012* section 3 comes into operation.

3. Terms used

In these regulations, unless the contrary intention appears —
accreditation standards means the standards referred to in regulation 9;

accredited initial teacher education programme means a programme accredited as referred to in regulation 4;

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AITSL means the Australian Institute for Teaching and School Leadership Limited (ABN 17 117 362 740);

application means an application under Part 2 Division 1;

ATRA means the Australasian Teacher Regulatory Authorities, an association incorporated in Victoria;

education provider means any of the following —

- (a) Curtin University of Technology established under the *Curtin University of Technology Act 1966*;
- (b) Edith Cowan University established under the *Edith Cowan University Act 1984*;
- (c) Murdoch University established under the *Murdoch University Act 1973*;
- (d) The University of Notre Dame established under the *University of Notre Dame Australia Act 1989*;
- (e) The University of Western Australia established under the *University of Western Australia Act 1911*;
- (f) an authorised non-university institution, an Australian university or a recognised overseas university, as those terms are defined in the *Higher Education Act 2004* section 3;
- (g) a registered higher education provider, as defined in the *Tertiary Education Quality and Standards Agency Act 2011* (Commonwealth) section 5, that is established in Western Australia;

programme means an initial teacher education programme —

- (a) designed to qualify a graduate of the programme to teach in a school; and
- (b) that is authorised or permitted to be provided (however described) by an education provider under and in accordance with —
 - (i) the *Higher Education Act 2004*; or
 - (ii) the *Tertiary Education Quality and Standards Agency Act 2011* (Commonwealth).

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Preliminary

Part 1

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4. Accredited initial teacher education programmes

A programme is accredited for the purposes of the Act if —

- (a) it is accredited by the Board under Part 2; or
- (b) it is accredited (however described) for the purposes of a national accreditation scheme for initial teacher education programmes by another body that is a member of ATRA or is recognised by AITSL as authorised to accredit programmes.

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Part 2 Accreditation of programmes by the Board

Division 1 Applications for accreditation

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Part 2 — Accreditation of programmes by the Board

Division 1 — Applications for accreditation

5. Application for accreditation of programme

- (1) An application may be made to the Board for the accreditation of a programme.
- (2) An application may be made only by an education provider.
- (3) An application for the accreditation of a programme is to —
 - (a) be in writing in such form, if any, as is approved by the Board; and
 - (b) be accompanied by the fee of \$2 000.
- (4) The fee referred to in subregulation (3)(b) is not refundable.

6. Application for re-accreditation of programme

- (1) An application may be made to the Board for the re-accreditation of a programme.
- (2) An application may be made only by the education provider that holds the accreditation.
- (3) An application must be made at least 6 months before the expiry of the accreditation.
- (4) An application for the re-accreditation of a programme is to —
 - (a) be in writing in such form, if any, as is approved by the Board; and
 - (b) be accompanied by the fee of \$2 000.
- (5) The fee referred to in subregulation (4)(b) is not refundable.

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Accreditation of programmes by the Board

Part 2

Accreditation standards

Division 2

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7. Information in support of application

- (1) The Board may, in writing, request an applicant to do any or all of the following —
 - (a) provide the Board with such further information relevant to the application as the Board requires;
 - (b) verify any further information by statutory declaration;
 - (c) provide the Board with the applicant's written consent to seek, from another person or body specified by the Board, information about the programme that is relevant to the application.
- (2) The Board or a committee may, in writing, request an applicant to attend before the Board or the committee for the purpose of satisfying the Board or the committee as to any matter relevant to the application.
- (3) The Board may refuse an application if the applicant does not comply with a request made under this regulation.

8. Board may refuse to consider some applications

The Board may refuse to consider, or consider further, an application if it is not made in accordance with these regulations.

Division 2 — Accreditation standards

9. Accreditation standards for programmes

- (1) Accreditation standards are to be developed by the Board and approved by the Minister.
- (2) The purpose of the accreditation standards is to detail the structure, content, duration, admission and graduation criteria, and outcomes of programmes that are suitable for accreditation.

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Part 2 Accreditation of programmes by the Board

Division 3 Accreditation of programmes

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- (3) The accreditation standards may adopt the text of any code, rules, specifications, standard or other document issued, published or approved by another person or body.
- (4) The text referred to in subregulation (3) may be adopted —
 - (a) wholly or in part or as modified by the accreditation standards; and
 - (b) as it exists at a particular date or as amended from time to time.
- (5) The Board is to make the accreditation standards available for inspection on a website maintained by the Board.

Division 3 — Accreditation of programmes

10. Accreditation

The Board may accredit a programme if satisfied that the programme meets the accreditation standards and is a programme that is suitable for accreditation.

11. Re-accreditation

The Board may re-accredit a programme if satisfied that —

- (a) the programme meets the accreditation standards and is a programme that is suitable for accreditation; and
- (b) any conditions to which the accreditation is subject are being complied with.

12. National accreditation scheme

- (1) In implementing and administering a national accreditation scheme for initial teacher education programmes the Board may liaise with other bodies, including AITSL.
- (2) For the avoidance of doubt, matters on which the Board may liaise include matters with respect to decisions about accreditation to be made under these regulations.

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Accreditation of programmes by the Board **Part 2**
Conditions on accreditation and cancellation of accreditation **Division 4**
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13. Duration of accreditation

- (1) The period of accreditation, or re-accreditation, is 5 years, or such shorter period as is approved by the Board, from the day that the accreditation or re-accreditation was granted.
- (2) However, if an application for re-accreditation is made in accordance with regulation 6, the accreditation is taken to continue until the application is decided.

14. Notice of significant change to accredited programme to be given to Board

- (1) An education provider must give written notice to the Board if the education provider intends to make a significant change to an accredited programme.
- (2) The notice is to —
 - (a) be given at least 3 months before the change is to be implemented; and
 - (b) set out the details of the proposed change to the programme.

**Division 4 — Conditions on accreditation and cancellation
of accreditation**

15. Accreditation may be subject to conditions

- (1) Accreditation of a programme under this Part is subject to any condition imposed by the Board.
- (2) The Board may impose a condition, or conditions, on the accreditation of a programme under this Part —
 - (a) when accrediting or re-accrediting the programme; or
 - (b) during the currency of the accreditation.
- (3) The Board may at any time, on the application of an education provider or on its own initiative, on reasonable grounds, modify

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Part 2 Accreditation of programmes by the Board

Division 4 Conditions on accreditation and cancellation of accreditation

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or cancel a condition on the accreditation of a programme under this Part.

- (4) Conditions imposed or modified by the Board under this regulation must be reasonable and relevant to ensuring that the programme meets or continues to meet the accreditation standards.
- (5) A condition imposed by the Board may apply indefinitely or for a specified period of time as the Board thinks fit.
- (6) A decision to impose, modify or cancel a condition on the accreditation of a programme under this Part made during the currency of the accreditation takes effect —
 - (a) on the day on which notice of the decision is given to the education provider under regulation 21; or
 - (b) on a later day specified in the notice.

16. Cancellation of accreditation by Board

- (1) The Board is to cancel the accreditation of a programme under this Part as soon as possible after the Board forms the view that —
 - (a) the programme does not meet or no longer meets the accreditation standards; or
 - (b) a condition to which the accreditation is subject is not being complied with.
- (2) Cancellation of the accreditation of a programme under this regulation takes effect —
 - (a) on the day on which notice of the cancellation is given to the education provider under regulation 22; or
 - (b) on a later day specified in the notice.

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Accreditation of programmes by the Board **Part 2**
Conditions on accreditation and cancellation of accreditation **Division 4**
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17. Cancellation of accreditation at education provider's request

- (1) The Board is to cancel the accreditation of a programme under this Part at the written request of the education provider that holds the accreditation.
- (2) Cancellation of the accreditation of a programme under this regulation takes effect —
 - (a) on the day on which notice of the cancellation is given to the education provider under regulation 22; or
 - (b) on a later day specified in the notice.

18. Cancellation of accreditation if programme is no longer an accredited or authorised higher education course

- (1) The Board is to cancel the accreditation of a programme under this Part immediately after it comes to the attention of the Board that the programme is no longer authorised or permitted to be provided (however described) by an education provider under and in accordance with —
 - (a) the *Higher Education Act 2004*; or
 - (b) the *Tertiary Education Quality and Standards Agency Act 2011* (Commonwealth).
- (2) Cancellation of the accreditation of a programme under this regulation takes effect —
 - (a) on the day on which notice of the cancellation is given to the education provider under regulation 22; or
 - (b) on a later day specified in the notice.

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Part 2 Accreditation of programmes by the Board

Division 4 Conditions on accreditation and cancellation of accreditation

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19. Board to take into account submissions and interests of students before making decisions

Before making a decision referred to in this Division, the Board is to take into account —

- (a) any submissions made under regulation 23 as to why the decision should not be made; and
- (b) where relevant, the interests of the students undertaking the programme.

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Notice of decisions	Division 1
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Part 3 — Notice of decisions, opportunity to show cause why some decisions should not be made and review of some decisions

Division 1 — Notice of decisions

20. Notice of decisions on accreditation

- (1) The Board is to give written notice of the outcome of an application to the applicant no later than 14 days after deciding on the outcome of the application.
- (2) If an application is granted the notice is to contain the following —
 - (a) that accreditation or re-accreditation is granted;
 - (b) the duration of the accreditation or re-accreditation and the date on which it expires;
 - (c) any conditions imposed;
 - (d) if a condition has been imposed —
 - (i) the reasons for the imposition of the condition; and
 - (ii) a statement that the applicant has a right to a review under regulation 24.
- (3) If an application is refused the notice is to contain —
 - (a) the reasons why accreditation or re-accreditation has been refused; and
 - (b) a statement that the applicant has a right to a review under regulation 24.

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Part 3 Notice of decisions, opportunity to show cause why some decisions should not be made and review of some decisions

Division 1 Notice of decisions

r. 21

21. Notice of decisions to impose, modify or cancel conditions made during the currency of the accreditation

- (1) The Board is to give written notice to the education provider that holds the accreditation of a decision under regulation 15 to impose, modify or cancel a condition on the accreditation during the currency of the accreditation no later than 14 days after making the decision.
- (2) The notice is to contain —
 - (a) the reasons for the decision; and
 - (b) if the decision is to impose or modify a condition on the accreditation during the currency of the accreditation, a statement that the education provider has a right to a review under regulation 24.

22. Notice of cancellation of accreditation

- (1) The Board is to give written notice of the cancellation of accreditation to the education provider that holds the accreditation no later than 14 days after —
 - (a) making the decision to cancel the accreditation under regulation 16 or 18; or
 - (b) receiving the request of the education provider under regulation 17.
- (2) The notice is to contain —
 - (a) a reference to the provision of these regulations under which the accreditation was cancelled; and
 - (b) if the accreditation is cancelled —
 - (i) under regulation 16 or 18, the reasons for the cancellation; and
 - (ii) under regulation 16, a statement that the education provider has a right to a review under regulation 24.

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**Division 2 — Opportunity to show cause why some decisions
should not be made**

- 23. Board to give reasonable opportunity to show cause why some decisions should not be made**
- (1) Before making any of the following decisions, the Board is to give the applicant a reasonable opportunity to show cause why the decision should not be made —
- (a) the refusal of an application;
 - (b) the granting of an application subject to a condition.
- (2) Before making any of the following decisions, the Board is to give the education provider that holds the accreditation a reasonable opportunity to show cause why the decision should not be made —
- (a) a decision under regulation 15 to impose or modify a condition on accreditation during the currency of the accreditation;
 - (b) the cancellation of the accreditation under regulation 16.

Division 3 — Review of accreditation decisions

- 24. Review by Minister**
- (1) In this regulation —
- accreditation decision*** means a decision referred to in regulation 23(1) or (2);
- applicant*** means —
- (a) the applicant, in relation to a decision referred to in regulation 23(1); or
 - (b) the education provider, in relation to a decision referred to in regulation 23(2).

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Part 3 Notice of decisions, opportunity to show cause why some decisions should not be made and review of some decisions

Division 3 Review of accreditation decisions

r. 24

- (2) An applicant may request that the Minister review an accreditation decision.
- (3) A request for the review of an accreditation decision must —
 - (a) be made within 30 days after the receipt by the applicant of notice of the decision under Part 3 Division 1; and
 - (b) set out the grounds on which the applicant is seeking a review of the decision.
- (4) On receipt of a request for the review of an accreditation decision, the Minister is to ensure that a review of the decision is undertaken as soon as is practicable by the Minister or by a suitably qualified person or persons appointed by the Minister to undertake the review and report to the Minister.
- (5) The Minister, or person or persons undertaking the review of the accreditation decision, must give the applicant a reasonable opportunity to show cause why the accreditation decision should be varied or reversed.
- (6) Before making a decision to confirm, vary or reverse the accreditation decision under review, the Minister is to take into account —
 - (a) any report of a person or persons who have undertaken the review under subregulation (4) but is not bound to follow any recommendations in that report; and
 - (b) any submission made by the applicant under subregulation (5) as to the variation or reversing of the accreditation decision; and
 - (c) where relevant, the interests of the students undertaking the programme.

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Notice of decisions, opportunity to show cause why some decisions should not be made and review of some decisions	Part 3
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- (7) The Minister is to give written notice of the subsequent decision and written reasons for that decision to —
- (a) the applicant; and
 - (b) the Board.
- (8) A decision made by the Minister under this regulation is final and not subject to appeal or further review.

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Part 4 Register of accredited programmes

r. 25

Part 4 — Register of accredited programmes

25. Register of accredited programmes to be kept

- (1) The Board is required to keep an accurate and up-to-date register that records the following information in respect of each programme accredited by the Board —
 - (a) the name of the accredited programme;
 - (b) the education provider that made the application to have the programme accredited;
 - (c) the title of the teaching qualification conferred on the successful completion of the programme;
 - (d) the date of commencement of the accreditation;
 - (e) the date on which the accreditation will expire;
 - (f) any conditions to which the accreditation is subject;
 - (g) any other matters the Board thinks relevant.
- (2) The register may be kept in any way the Board thinks appropriate, including by electronic means, and may form part of a national register of accredited initial teacher education programmes kept by AITSL.

26. Inspection of register

- (1) Information on the register is to be made available for inspection in any way the Board thinks appropriate, which may include on a website maintained by the Board.
- (2) Information on the register is to be made available for inspection, in accordance with subregulation (1), by members of the public during normal office hours.
- (3) A person may, on application to the Board and payment of \$50, obtain a certified copy of all or some of that information.

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Transitional regulations

Part 5

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Part 5 — Transitional regulations

27. Terms used

In this Part —

commencement day means the day on which section 3 of the Act comes into operation;

WACOT Act means the *Western Australian College of Teaching Act 2004*.

28. Programmes taken to be accredited

- (1) An initial teacher education programme that, immediately before commencement day, is accredited (however described) by a body that is a member of ATRA is to be taken on that day to be an accredited initial teacher education programme for the purposes of the Act.
- (2) A teacher education programme that confers, on the successful completion of the programme, a qualification approved, immediately before commencement day, under the WACOT Act section 33 or 35 is to be taken on that day to be an accredited initial teacher education programme for the purposes of the Act.
- (3) A programme taken to be an accredited initial teacher education programme under this regulation remains accredited, subject to the Act and these regulations, until —
 - (a) the programme ceases to be accredited (however described) by the body that accredited it; or
 - (b) the programme's accreditation is cancelled under Part 2 Division 4; or
 - (c) the day that is 5 years after commencement day,whichever occurs first.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.