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TEACHER REGISTRATION ACT 2012

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TEACHER REGISTRATION  
(GENERAL)  
REGULATIONS 2012



Western Australia

## **Teacher Registration (General) Regulations 2012**

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## Teacher Registration Act 2012

**Teacher Registration (General)  
Regulations 2012**

Made by the Governor in Executive Council.

**Part 1 — Preliminary****1. Citation**

These regulations are the *Teacher Registration (General) 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 —

**ACARA** means the Australian Curriculum, Assessment and Reporting Authority established under the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Commonwealth) section 5;

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***CrimTrac agency*** means the CrimTrac agency established as an Executive Agency under the *Public Service Act 1999* (Commonwealth) section 65;

***educational programme*** has the meaning given in the *School Education Act 1999* section 4;

***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*;

***professional learning activities*** means activities that are referred to in, described by or in compliance with the Board's policy about professional learning activities published under regulation 9;

***registration card*** means a certificate of registration issued by the Board;

***school*** has the meaning given in the *School Education Act 1999* section 4;

***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*.



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## General provisions

**Part 2****r. 4****Part 2 — General provisions****4. Prescribed bodies or agencies (s. 3)**

For the purposes of the definition of *criminal record check* in section 3 of the Act, the following bodies or agencies are prescribed —

- (a) the Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Commonwealth);
- (b) the CrimTrac agency.

**5. Places where centre-based services operate are educational venues (s. 3)**

For the purposes of the definition of *educational venue* paragraph (e) in section 3 of the Act, a place where a centre-based service, as defined in the *Education and Care Services National Regulations 2012* regulation 4(1), operates is prescribed as an educational venue.

**6. Prescribed curriculum (s. 3)**

For the purposes of the definition of *teach* paragraph (a) in section 3 of the Act, each of the following is a prescribed curriculum —

- (a) Belonging, Being and Becoming: The Early Years Learning Framework for Australia, part of the national education and care services quality framework and referred to in the *Education and Care Services National Regulations 2012* regulation 254(1)(a);
- (b) the national school curriculum, known as the “Australian curriculum”, developed and administered under the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Commonwealth) section 6(a);

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- (c) the outline of curriculum and assessment in schools established by the School Curriculum and Standards Authority under the *School Curriculum and Standards Authority Act 1997* section 9(1)(a);
- (d) a course developed, or caused to be developed, by the School Curriculum and Standards Authority under the *School Curriculum and Standards Authority Act 1997* section 9(1)(c);
- (e) a course accredited by the School Curriculum and Standards Authority under the *School Curriculum and Standards Authority Act 1997* section 9(1)(d);
- (f) an alternative curriculum framework published by ACARA on its Recognition Register;
- (g) a course registered as accredited on the State Register under the *Education and Training Reform Act 2006* (Victoria) as being suitable for the purposes of a certificate in general education for adults;
- (h) the Advanced Placement Program, developed by the College Board (USA);
- (i) the International Baccalaureate Diploma programme offered by the International Baccalaureate educational foundation.

**7. When unpaid volunteers are teaching (s. 3)**

For the purposes of the definition of **teach** paragraph (e) in section 3 of the Act, an unpaid volunteer is teaching if —

- (a) the volunteer is solely or principally responsible for the delivery of, and the assessment of student participation in, an educational programme designed to implement a curriculum referred to in regulation 6; or
- (b) the volunteer is administering an educational programme designed to implement a curriculum referred to in regulation 6 and is solely or principally responsible for its administration.

**Teacher Registration (General) Regulations 2012**

## General provisions

**Part 2****r. 8****8. Other persons who are not teaching (s. 3)**

For the purposes of the definition of *teach* paragraph (f) in section 3 of the Act, the following persons are prescribed —

- (a) an educator, as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), unless the educator is an early childhood teacher, as defined in the *Education and Care Services National Regulations 2012* regulation 4(1);
- (b) a person who delivers and assesses, or administers, an educational programme that is not designed to implement a curriculum referred to in regulation 6;
- (c) a person who delivers and assesses, or administers, an educational programme —
  - (i) if the programme is included in an approved VET course as defined in the *Vocational Education and Training Act 1996* section 5(1); and
  - (ii) the person is a trainer or an assessor within the meaning of those terms in the *AQTF Essential Conditions and Standards for Initial Registration (2010)* or the *AQTF Essential Conditions and Standards for Continuing Registration (2010)*, part of the Australian Quality Training Framework as defined in the *Skilling Australia's Workforce Act 2005* (Commonwealth) section 3(1);
- (d) a person who delivers and assesses, or administers, an educational programme —
  - (i) if the programme is included in a VET accredited course as defined in the *National Vocational Education and Training Regulator Act 2011* (Commonwealth) section 3; and
  - (ii) the person is a trainer or an assessor within the meaning of those terms in the *Standards for NVR*

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*Registered Training Organisations (2011) made under the National Vocational Education and Training Regulator Act 2011 (Commonwealth) section 185(1).*

**9. Professional learning activities**

- (1) The Board is to have a written policy about professional learning activities.
- (2) The policy is to be used to determine which activities are professional learning activities.
- (3) Professional learning activities are activities that are relevant to the achievement by a person of the abilities, experience, knowledge or skills expected of registered teachers.
- (4) The Board is to make its policy about professional learning activities available for inspection on a website maintained by the Board.
- (5) The Board may amend its policy about professional learning activities from time to time in writing and is to ensure that all amendments to the policy are also available for inspection on a website maintained by the Board.

**Teacher Registration (General) Regulations 2012**

Registration

**Part 3****r. 10****Part 3 — Registration****10. English language skills for full and provisional registration (ss. 15(d) and 16(d))**

- (1) For the purposes of sections 15(d) and 16(d) of the Act, the English language skills prescribed as suitable for full or provisional registration are that the requirements of one of subregulations (2) to (4) are met in relation to the applicant.
- (2) The applicant has, within the period of 2 years before applying for registration under section 10 —
  - (a) undertaken the International English Language Testing System (Academic) test and achieved —
    - (i) an average of level 7.5 or more across the 4 components of listening, speaking, reading and writing; and
    - (ii) no score below level 7 in any of those components; and
    - (iii) a score of level 8 or more in the components of speaking and listening;
  - or
  - (b) undertaken the Professional English Assessment for Teachers test and achieved Band A in each of the components of listening, speaking, reading and writing.
- (3) The applicant has undertaken all of the components of a teaching qualification referred to in section 15(a) or 16(a) of the Act, as are relevant to the application, in the English language in one or more of the following countries —
  - (a) Australia;
  - (b) New Zealand;
  - (c) the United Kingdom;
  - (d) the United States of America;
  - (e) Canada;

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(f) the Republic of Ireland.

(4) In the opinion of the Board —

- (a) exceptional circumstances exist in relation to the applicant; and
- (b) the applicant's English language skills, both written and oral, are suitable for registration.

**11. English language skills for limited registration (s. 17(c))**

- (1) For the purposes of section 17(c) of the Act, the English language skills prescribed as suitable for limited registration are that the requirements of one of subregulations (2) to (6) are met in relation to the nominee.
- (2) The nominee has, within the period of 2 years before the application for registration under section 10 is made —
  - (a) undertaken an International English Language Testing System (Academic) test and achieved —
    - (i) an average of level 7.5 or more across the 4 components of listening, speaking, reading and writing; and
    - (ii) no score below level 7 in any of those components; and
    - (iii) a score of level 8 or more in the components of speaking and listening;
  - or
  - (b) undertaken a Professional English Assessment for Teachers test and achieved Band A in each of the components of listening, speaking, reading and writing.
- (3) The nominee has undertaken all of the components of a requirement under regulation 12(2), as are relevant to the application, in the English language in one or more of the following countries —
  - (a) Australia;

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## Registration

**Part 3****r. 11**

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- (b) New Zealand;
  - (c) the United Kingdom;
  - (d) the United States of America;
  - (e) Canada;
  - (f) the Republic of Ireland.
- (4) If the teaching position is to teach, or to teach in, a language other than English, the nominee has —
- (a) within the period of 2 years before the application for registration under section 10 is made, undertaken a test referred to in subregulation (2)(a) or (b); and
  - (b) achieved a result that the Board is satisfied is sufficient for the nominee to adequately perform the duties of the teaching position.
- (5) In the opinion of the Board —
- (a) exceptional circumstances exist in relation to the nominee; and
  - (b) the nominee's English language skills, both written and oral, are suitable for registration.
- (6) If the teaching position is to teach, or to teach in, an indigenous language —
- (a) the nominee is an Aboriginal person or a Torres Strait Islander; and
  - (b) the applicant has informed the Board in writing that the applicant is satisfied that the nominee's English language skills are suitable for the teaching position.
- (7) In subregulation (6)(a) —
- Aboriginal person** means a person who is a descendant of the Aboriginal people of Australia;
- Torres Strait Islander** means a person who is a descendant of the indigenous inhabitants of the Torres Strait Islands.

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- (8) The Board may impose a condition on the limited registration of a person who meets the requirements referred to in subregulation (4) relevant to ensuring the improvement of the person's English language skills, both written and oral.

**12. Other requirements for limited registration (s. 17(d))**

- (1) In this regulation —  
*Australian university* and *overseas university* have the meanings given in the *Higher Education Act 2004* section 3.
- (2) For the purposes of section 17(d) of the Act, a nominee offered a teaching position is to meet one of the following requirements —
- (a) the nominee —
    - (i) holds a qualification that is, in the Board's opinion, a teaching qualification; and
    - (ii) meets the professional standards approved by the Board for full or provisional registration, or has done so within the previous 5 years;
  - (b) the nominee holds a qualification from an Australian university or an overseas university that is, in the Board's opinion, relevant to the teaching position;
  - (c) the nominee has, in the opinion of the Board, expertise or skills in a subject relevant to the teaching position;
  - (d) the nominee is currently enrolled in an accredited initial teacher education programme delivered in a manner approved by the Board for the purposes of this paragraph;
  - (e) the nominee has successfully completed all of the course requirements for, but has not yet received, a teaching qualification from an accredited initial teacher education programme.



**Teacher Registration (General) Regulations 2012**

## Registration

**Part 3****r. 13**

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**13. Renewal of registration — requirements for professional engagement and professional learning activities (s. 22(2)(c))**

- (1) For the purposes of section 22(2)(c) of the Act, the additional requirements for the renewal of registration set out in subregulations (2), (3) and (4) are prescribed.
- (2) For the renewal of full registration, that the teacher has, since the registration was last granted or renewed —
  - (a) taught —
    - (i) for at least 100 full working days; or
    - (ii) for a period of time that would be equivalent in hours to at least 100 full working days;and
  - (b) undertaken at least 100 hours of professional learning activities.
- (3) For the renewal of provisional or limited registration that was last granted or renewed for 3 years, that the teacher has, since the registration was last granted or renewed —
  - (a) taught —
    - (i) for at least 60 full working days; or
    - (ii) for a period of time that would be equivalent in hours to at least 60 full working days;and
  - (b) undertaken at least 60 hours of professional learning activities.
- (4) For the renewal of provisional or limited registration that was last granted or renewed for less than 3 years, that the teacher has, since the registration was last granted or renewed —
  - (a) taught for a period of time calculated on a pro rata basis for the period since the registration was last granted or renewed, at the rate of 20 full working days for each year; and

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- (b) undertaken professional learning activities for a period of time calculated on a pro rata basis for the period since the registration was last granted or renewed, at the rate of 20 hours of professional learning activities for each year.

- (5) The requirements of subregulations (2)(b), (3)(b) or (4)(b) do not apply in relation to the renewal of registration of a teacher if, in the opinion of the Board, extenuating circumstances exist.

**14. Intention to apply for limited registration (s. 23(3)(a))**

For the purposes of section 23(3)(a) of the Act, the form prescribed for notice of intention to make an application for a grant of limited registration is Form 1 in Schedule 2.

**15. Non-practising registration does not expire**

Non-practising registration is granted for an indefinite period.

**16. Condition on non-practising registration (s. 25(2))**

- (1) A person who holds non-practising registration may teach on the condition that the person satisfies the Board that he or she meets the professional standards approved by the Board for either full or provisional registration, as is relevant, under section 15(b) or 16(b) of the Act.
- (2) The Board is to be satisfied in accordance with subregulation (1) within —
  - (a) one year after the person commences teaching while holding non-practising registration; or
  - (b) where extenuating circumstances exist, such longer period as is approved by the Board.
- (3) Within 14 days after a teacher first commences teaching while holding non-practising registration the teacher is to give written notice of that fact to the Board.

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## Registration

**Part 3****r. 17****17. Condition on limited registration (s. 25(2))**

The limited registration of a teacher is subject to the condition that the teacher may only carry out such teaching activities as are required for the teacher to undertake the duties of the teaching position, or positions, offered to the teacher, as referred to in section 17(a) of the Act.

**18. Applicant may change category of registration applied for**

- (1) A person who has applied for registration in a particular category may, by written notice to the Board, change the category of registration applied for at any time before the application is granted or refused.
- (2) If the category of registration that an application is made in respect of is changed, as referred to in subregulation (1), the registration fee payable in respect of the application is the fee payable for the new category of registration and —
  - (a) the applicant is to pay to the Board any additional amount necessary to pay the fee in respect of the application; or
  - (b) the Board is to refund to the applicant any extra amount paid in respect of the application.

**19. Provision of information about eligibility for registration**

- (1) In this regulation —  
**relevant information** means information about a matter referred to in section 24 of the Act.
- (2) The Board may provide written advice on the following matters to a person who is considering making an application for registration —
  - (a) advice regarding —
    - (i) whether or not a qualification held by the person would meet the requirement to hold a teaching

**Teacher Registration (General) Regulations 2012****Part 3** Registration**r. 20**

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- qualification for registration in a particular category; and
- (ii) any additional qualifications required so that a person would meet the requirement to hold a teaching qualification for full or provisional registration;
- (b) advice regarding whether or not, taking into account the relevant information provided to the Board, a person would be a fit and proper person to be registered.
- (3) The Board may provide the advice referred to in subregulation (2) —
  - (a) at the written request of a person; and
  - (b) on payment of the relevant fee set out in Schedule 1.
- (4) The fee referred to in subregulation (3)(b) is not refundable.
- (5) If the Board provides advice under subregulation (2)(b), based on relevant information provided to the Board, that a person would be a fit and proper person to be registered, then the person is to be taken to be a fit and proper person to be registered for the period of 5 years from the date of the advice.
- (6) Subregulation (5) does not apply in respect of a person if, when assessing an application for registration made by the person, more relevant information is available to the Board than the relevant information on which the advice of the Board was based.

**20. Registration cards**

- (1) This regulation applies if the Board implements a registration card system for teachers.
- (2) The Board is to ensure that each teacher is given a registration card —
  - (a) as soon as practicable after the commencement of the registration card system; and

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Registration

**Part 3****r. 20**

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- (b) on each grant or renewal of the person's registration.
- (3) A registration card given to a teacher is to contain the following information about the teacher —
  - (a) the teacher's full name;
  - (b) the category of registration that the teacher holds;
  - (c) the teacher's registration number;
  - (d) the date of expiry of the teacher's registration.
- (4) The Board may, at the request of a teacher who has lost a registration card, provide a replacement registration card on payment of the relevant fee set out in Schedule 1.

**Teacher Registration (General) Regulations 2012****Part 4** Disciplinary and impairment matters**r. 21**

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**Part 4 — Disciplinary and impairment matters****21. Complaints**

A complaint made in writing to the Board about the conduct of a registered teacher is to describe —

- (a) approaches made by the complainant to the teacher's principal, supervisor or employer in an attempt to resolve the matter complained of; or
- (b) if the complainant has not approached the teacher's principal, supervisor or employer regarding the matter complained of, why the complainant did not do so.

**22. Prescribed sexual offences (s. 46)**

For the purposes of paragraph (b) of the definition of ***sexual offence*** in section 46 of the Act, an offence against a provision listed in the *Working with Children (Criminal Record Checking) Act 2004* Schedules 1 and 2 (if the offence complies with any condition specified in the relevant Schedule relating to the age of the victim) is prescribed.

**Teacher Registration (General) Regulations 2012**

## Miscellaneous

**Part 5****r. 23****Part 5 — Miscellaneous****23. Payment of relief teachers during Board or committee meetings**

- (1) In this regulation —

**account** means the Teacher Registration Board Account referred to in section 115 of the Act;

**meeting** means a meeting of the Board or a committee;

**relief teacher**, in relation to a member of the Board or a committee who is a registered teacher, means another registered teacher who teaches in the place of that member.

- (2) If moneys held in the account are applied to meet the reasonable cost of providing a relief teacher while a member of the Board or a committee is attending a meeting during school hours, then that member is not entitled to any remuneration under the Act in respect of attendance at that meeting.

**24. Retention of criminal record checks**

- (1) In this regulation —

**criminal record check** includes any document or record embodying the criminal record check.

- (2) A criminal record check obtained by the Board from the CrimTrac agency in respect of a person under this Act is to be retained by the Board for a period of 7 years from the day on which the Board last communicated with, or received communication from, the person.

**25. Employer to supply information about teachers**

- (1) At the written request of the Board, an employer of registered teachers is to provide to the Board in writing —
- (a) a list, in accordance with subregulation (2), of each person who is currently employed by the employer to

**Teacher Registration (General) Regulations 2012****Part 5** Miscellaneous**r. 26**

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teach at each educational venue specified by the Board in the request; or

- (b) either, or both, as is specified in the request, of the following types of information about a person who is currently employed by the employer at an educational venue —
  - (i) the terms and conditions on which the person is employed by the employer;
  - (ii) a full description of the duties of the person's position at the educational venue.
- (2) A list provided by an employer at the request of the Board under subregulation (1)(a) is to set out in respect of each person —
  - (a) the person's name and date of birth; and
  - (b) either —
    - (i) the category of registration that the person holds and the person's registration number; or
    - (ii) the reason why the employer believes that the person is not required to be registered under the Act (including a reference to the relevant provision of the Act).
- (3) An employer is to comply with a request by the Board under subregulation (1) within 14 days of receiving the request.  
Penalty: a fine of \$1 000.

**26. Notice to be given by employer about suspension, dismissal or resignation of registered teacher — investigations and serious incompetence (s. 42)**

- (1) For the avoidance of doubt, an investigation referred to in section 42(1) of the Act includes the following —
  - (a) any investigation, inquiry or decision (however described) that results in a teacher being summarily dismissed from a teaching position;



**Teacher Registration (General) Regulations 2012**

Miscellaneous

**Part 5****r. 26**

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- (b) any investigation, inquiry or decision (however described) that leads to action being taken under the *Public Sector Management Act 1994* section 79(3);
  - (c) an investigation referred to in the *Public Sector Management Act 1994* section 79(5);
  - (d) dealing with a matter as a disciplinary matter, or any investigation, inquiry or decision (however described) that leads to disciplinary action being taken, under the *Public Sector Management Act 1994* Part 5 Division 3;
  - (e) a special disciplinary inquiry held, or continued, under the *Public Sector Management Act 1994* section 87(1A);
  - (f) a performance review (however described) that results in a teacher resigning, or being removed, from teaching at an educational venue.
- (2) For the avoidance of doubt, section 42(1) of the Act applies even if an investigation has not been completed or finalised.
- (3) For the avoidance of doubt, the phrase “seriously incompetent as a teacher” in section 42(1)(b)(i) of the Act includes anything that constitutes substandard performance as defined in the *Public Sector Management Act 1994* section 3(1).
- (4) A notice under section 42 of the Act is to set out the following information about the teacher —
- (a) the teacher’s full name;
  - (b) the category of registration that the teacher holds;
  - (c) the teacher’s registration number;
  - (d) the date of commencement of the investigation;
  - (e) the reasons for the commencement of the investigation;
  - (f) the decision, if any, reached by the employer as a result of the investigation and the reasons for that decision.
- (5) An employer that notifies the Board under section 42 of the Act incurs no civil liability as a result of giving the notification.

**Teacher Registration (General) Regulations 2012****Part 5**                      **Miscellaneous****r. 27**

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**27.      Board may require information to be verified by a statutory declaration**

An applicant, or other person supplying information to the Board under the Act or these regulations, is to verify the information by statutory declaration if required by the Board to do so.

**28.      Fees**

- (1) The fees set out in Schedule 1 are prescribed in respect of the matters specified in that Schedule.
- (2) A fee set out in Schedule 1 items 1 to 5 is payable by the applicant.
- (3) If a person who applies for registration has paid a fee set out in Schedule 1 item 11 for advice about whether or not the person has particular requirements for registration, then the fee payable for the application is reduced by the amount of the fee paid for the advice provided that the application for registration is made within 2 years of the person receiving the advice.
- (4) The annual fee set out in Schedule 1 item 6 —
  - (a) is payable by 31 March in each year; and
  - (b) may be paid in advance for some or all of the period of registration.
- (5) Despite subregulation (4)(a), an annual fee for a particular year may be paid between 1 April and 30 April in that year if it is accompanied by the late payment processing fee set out in Schedule 1 item 9.
- (6) If a person who had paid an annual fee in advance ceases to be registered for the whole of a year in respect of which the annual fee has been paid in advance, the Board is to refund to the person the annual fee for that year.

***Teacher Registration (General) Regulations 2012***

Miscellaneous

**Part 5****r. 28**

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- (7) For the avoidance of doubt, a fee prescribed in respect of registration, including an application for registration, applies also in respect of registration under section 137 of the Act.

**Teacher Registration (General) Regulations 2012****Part 6** Transitional matters**r. 29**

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**Part 6 — Transitional matters****29. Terms used**

In this Part —

**College** means the Western Australian College of Teaching established under the *WACOT Act* section 5;

**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*.

**30. Renewal of registration — requirements for professional engagement and professional learning activities for the first 5 years after commencement**

- (1) During the period of 5 years beginning on commencement day —
  - (a) regulation 13 does not apply in respect of the renewal of registration of a teacher; and
  - (b) for the purposes of section 22(2)(c) of the Act, the additional requirements for the renewal of registration set out in subregulations (2) and (3) are prescribed.
- (2) The requirements for renewal of registration of a teacher during the year beginning on commencement day (the **first year**), are that the teacher is to meet the requirements that would have applied in respect of the teacher under the WACOT Act immediately before commencement day as if the renewal was for renewal of membership of the College.
- (3) The requirements for renewal of registration of a teacher during each of the successive 4 years beginning after the first year (that is, the second, third, fourth and fifth years after commencement day) are that in respect of, but not necessarily during, each year that has passed beginning on commencement day (including the

**Teacher Registration (General) Regulations 2012**

## Transitional matters

**Part 6****r. 31**

year during which the application for renewal is made) the teacher is to have —

- (a) taught —
  - (i) for at least 20 full working days; or
  - (ii) for a period of time that would be equivalent in hours to at least 20 full working days;
- and
- (b) undertaken at least 20 hours of professional learning activities.

- (4) The requirement of subregulation (3)(b) does not apply in relation to the renewal of registration of a teacher if, in the opinion of the Board, extenuating circumstances exist.

**31. Requirement for limited registration — applications made within 18 months (ss. 17(d) and 149)**

- (1) A nominee may, instead of meeting a requirement prescribed in regulation 12, meet the requirements set out in the *Education and Care Services National Regulations 2012* regulation 242(2) for the purposes of section 17(d) of the Act.
- (2) Subregulation (1) applies only in respect of applications for limited registration that are made during the period starting on commencement day and ending on the day that is 18 months after that day.

**32. Teachers taken to be registered on commencement day do not need to meet requirements for teaching qualifications when renewing that registration**

Despite section 22 of the Act, the requirements for registration set out in section 15(a) or 16(a) of the Act, as is relevant, do not apply to the renewal of the registration of a teacher who, on commencement day, is taken under section 136 of the Act to hold registration.

***Teacher Registration (General) Regulations 2012*****Part 6** Transitional matters**r. 33**

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**33. Provisionally registered teachers — renewal**

During the first year beginning on commencement day, section 22(3) of the Act does not apply to the renewal of the provisional registration of a teacher who, on commencement day, is taken under section 136 of the Act to hold provisional registration.

**Teacher Registration (General) Regulations 2012****Fees Schedule 1****Schedule 1 — Fees**

[r. 28]

Type of fee		Provision of Act or regulations	Fee
1.	Fee payable by a person who applies for provisional registration —	s. 10(2)(e)	
(a)	if the applicant has a teaching qualification from an accredited initial teacher education programme		\$120
(b)	if the applicant has a teaching qualification conferred in Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to a teaching qualification from an accredited initial teacher education programme		\$120
(c)	if the applicant has a teaching qualification conferred in a country other than Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to a teaching qualification from an accredited initial teacher education programme		\$400

**Teacher Registration (General) Regulations 2012****Schedule 1 Fees**

		<b>Type of fee</b>	<b>Provision of Act or regulations</b>	<b>Fee</b>
	(d)	if the application is in accordance with the mutual recognition principle or the Trans-Tasman mutual recognition principle		\$120
	(e)	if the applicant holds non-practising registration		no fee
2.	Fee payable by a person who applies for full registration —		s. 10(2)(e)	
	(a)	if the applicant has a teaching qualification from an accredited initial teacher education programme		\$150
	(b)	if the applicant has a teaching qualification conferred in Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to such a qualification		\$150
	(c)	if the applicant has a teaching qualification conferred in a country other than Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to such a qualification		\$430
	(d)	if the application is in accordance with the mutual recognition principle or the Trans-Tasman mutual recognition principle		\$120



**Teacher Registration (General) Regulations 2012****Fees Schedule 1**

		<b>Type of fee</b>	<b>Provision of Act or regulations</b>	<b>Fee</b>
	(e)	if the applicant holds provisional or non-practising registration		no fee
3.		Fee payable by a person who applies for limited registration —	s. 10(2)(e)	
	(a)	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		\$480
	(b)	if the application involves a nominee participating in a teacher exchange programme approved by the Board for the purpose of this item		no fee
	(c)	otherwise		\$200
4.		Fee payable by a person who applies for non-practising registration —	s. 10(2)(e)	
	(a)	eligible under section 18(a)		no fee
	(b)	eligible under section 18(b) —		
	(i)	if the applicant has a teaching qualification from an accredited initial teacher education programme		\$150

**Teacher Registration (General) Regulations 2012****Schedule 1 Fees**

	<b>Type of fee</b>	<b>Provision of Act or regulations</b>	<b>Fee</b>
	(ii) if the applicant has a teaching qualification conferred in Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to such a qualification		\$150
	(iii) if the applicant has a teaching qualification conferred in a country other than Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to such a qualification		\$430
5.	Fee payable by a person who applies for the renewal of registration	s. 11(2)(d)	\$30
6.	Annual fee —	s. 35	
	(a) for the first year after registration is granted if it is granted in January, February, March, October, November or December		\$40
	(b) otherwise		\$80
7.	Fee payable by a person for a criminal record check, obtained by Board with consent of the person under section 44	s. 128(2)(i)	\$50

**Teacher Registration (General) Regulations 2012****Fees Schedule 1**

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Type of fee		Provision of Act or regulations	Fee
8.	Fee payable by a person who applies for a certified copy of the register or an entry in the register for the copy	s. 37(5)	\$50 per entry up to a maximum fee of \$150
9.	Late payment processing fee	r. 28(5)	\$50
10.	Fee payable for a replacement registration card	r. 20(4)	\$50
11.	Fee payable by a person seeking advice about additional qualifications required for registration	r. 19(2)(a)(i) or (ii)	\$280
12.	Fee payable by a person seeking advice about being a fit and proper person to be registered	r. 19(2)(b)	\$50

**Teacher Registration (General) Regulations 2012****Schedule 2** Form for notice of intention to apply for limited registration

## Schedule 2 — Form for notice of intention to apply for limited registration

[r. 14]

**Form 1 — Notice of intention to apply for limited registration**

To be submitted by or on behalf of one or more employers in respect of a teaching position offered in one or more educational venues on or before the first day of employment of a single nominee for limited registration.

<b>Nominee's Details</b>		
Title (please tick) <input type="checkbox"/> Dr <input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other		
Family name		
Given name		Other name(s)
Date of birth		

<b>PRIMARY APPLICANT</b>		
<b>Employer Details</b>		
Name of employer e.g. Department of Education; governing body of named non-government school		
Employer's postal address		
	Postcode	
<b>Employer's Delegate Details</b> (any other delegates to sign over the page)		
Name of employer's delegate		
Position at venue e.g. principal; nominated supervisor		

**Teacher Registration (General) Regulations 2012**Form for notice of intention to apply for limited registration **Schedule 2**

Email address		
Telephone	Work	Mobile
Delegate's signature		
Date		
<b>Educational Venue</b>		
Please provide details of the school or centre where the nominee is to be employed		
Name of venue e.g. school/centre		
Postal address of venue		
	Postcode	
Date of commencement of employment		

<b>ADDITIONAL APPLICANTS (if any)</b>		
<b>Employer 2 Details</b> (only required if a second employer jointly applies)		
Name of employer		
Employer's postal address		
	Postcode	
<b>Employer's Delegate at Venue 2 Details</b>		
Name of employer's delegate		
Position at venue		
Email address		
Telephone	Work	Mobile
Delegate's signature		
Date		

**Teacher Registration (General) Regulations 2012****Schedule 2** Form for notice of intention to apply for limited registration

<b>Educational Venue 2</b>	
Please provide details of the second school or centre where the nominee is to be employed	
Name of venue	
Postal address of venue 2	
	Postcode
Date of commencement of employment	

<b>Employer 3 Details</b> (only required if a third employer jointly applies)		
Name of employer		
Employer's postal address		
	Postcode	
<b>Employer's Delegate at Venue 3 Details</b>		
Name of employer's delegate		
Position at venue		
Email address		
Telephone	Work	Mobile
Delegate's signature		
Date		
<b>Educational Venue 3</b>		
Please provide details of the third school or centre where the nominee is to be employed		
Name of venue		
Postal address of venue 3		
	Postcode	

***Teacher Registration (General) Regulations 2012***Form for notice of intention to apply for limited registration **Schedule 2**

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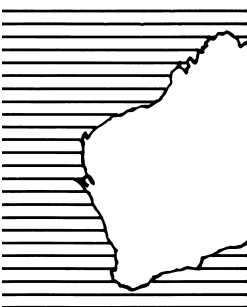
Date of commencement of employment	
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By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

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TEACHER REGISTRATION ACT 2012

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**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

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

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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**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**

**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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**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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- (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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**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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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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**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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**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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**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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**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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- (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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- (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.

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

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**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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**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.