

Queensland



Education (Teacher Registration) Act 1988

EDUCATION (TEACHER REGISTRATION) BY-LAW 1989

**Reprinted as in force on 6 June 1997
(includes amendments up to SL No. 84 of 1997)**

Reprint No. 1

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This by-law is reprinted as at 6 June 1997. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use different spelling consistent with current drafting practice (s 26(2))
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- renumber references s 43(4)(b)
- make all necessary consequential amendments (s 7(1)(k)).

Also see endnotes for information about when provisions commenced.

Queensland



**EDUCATION (TEACHER
REGISTRATION) BY-LAW 1989**

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EDUCATION (TEACHER REGISTRATION) BY-LAW 1989

[as amended by all amendments that commenced on or before 6 June 1997]

PART 1—PRELIMINARY

Short title

1. This by-law may be cited as the *Education (Teacher Registration) By-law 1989*.

Fees

2. The fees set out in the schedule are the fees payable to the board in relation to the matters mentioned.

Definition

2A. In this by-law—
“**approved form**” see section 24.

PART 2—REGISTRATION OF TEACHERS

Other particulars required for registration

3. The other particulars¹ about a person required to be entered in the register by the director are—

- (a) the person's former name or names (if relevant); and
- (b) the person's registration number.

Period of initial registration and changes to registration

4.(1) Initial registration is to be for the period ending 31 December following the date of admission to the register.

(2) Any change from time to time in any of the particulars entered in the register with respect to a person shall be notified by that person to the board.

Qualifications and experience for full registration

5. A person shall be entitled to full registration as a teacher if—

- (a) the person has successfully completed a course of teacher education acceptable to the board and not less than 1 year of teaching service to the satisfaction of the board; or
- (b) the person's education, experience and contribution to educational practice are, in the opinion of the board, of sufficient merit to warrant registration; or
- (c) the person has complied in all respects with the requirements of the board during a period of provisional registration.

¹ Section 36(1)(d) of the Act provides as follows—

'36.(1) A person is registered as a teacher when, on order of the board, the director enters the following details in the register—

.....
(d) any other particulars required under a by-law;'

Qualifications and experience for provisional registration

6.(1) The registration of a person may be provisional if—

- (a) while entitled to be registered in all other respects the person has not completed a period of 1 year of teaching service to the satisfaction of the board; or
- (b) while not entitled to be registered under section 5—
 - (i) the person's education, teacher education, fitness to teach and experience are sufficient, in the opinion of the board, to warrant provisional registration; and
 - (ii) the person satisfies the board that the person will be able within a reasonable time to attain a standard of teacher education and experience acceptable to the board.

(2) The initial period of provisional registration shall not exceed 1 year.

(3) Where a person is admitted to provisional registration as a teacher, the board may require such person to submit to it as and when requested a report from the principal or other person duly authorised in that behalf in the approved form upon the manner in which the person has performed duties as a teacher, together with a recommendation as to the person's suitability for registration.

Retention of name in register

7.(1) A registered teacher may, in the approved form, apply to the board for the retention of the teacher's name in the register for a period of 12 months starting on 1 January in any year.

(2) The application must be made on or before 31 December of the preceding year.

(3) The board must give written notice to a registered teacher of the retention of the teacher's name in the register.

Procedure before the board may cancel registration for failing to apply for retention

7A.(1) This section applies if—

- (a) a person is a registered teacher; and
- (b) the board has not received an application under section 7 from the person asking for the person's name to be retained in the register.

(2) The board must give written notice to the person stating the person's registration must be cancelled by the board unless the person applies, in the approved form, for retention of the person's name in the register within the time stated in the notice.

Authorisation to employ unregistered persons in teaching duties

8.(1) An application to the board for its authorisation under section 43(1) of the Act of the employment in a school as a teacher of a person who is not a registered teacher shall be made in the approved form.

(2) The application must be signed by the principal of the school or other authorised person on behalf of the employer.

(3) The authorisation of the board shall be held by the principal of the school to which the authorisation relates during the period of employment therein specified.

Annual census of teachers

9. The principal of a school or other authorised person on behalf of the employer shall, in respect of all persons employed in teaching duties at the school as at 1 April in each year, furnish to the board within 14 days of that date a return in the approved form.

Rules

11.(1) The board may, by resolution, make rules for the purposes of this part.

(2) As soon as practicable after making a rule, the board must, by gazette notice, state—

- (a) that a rule has been made; and
- (b) where a copy may be inspected.

PART 3—ELECTION TO THE BOARD OF REPRESENTATIVES OF REGISTERED TEACHERS

Representatives of registered teachers to be elected

12. The representatives of registered teachers who are nominated for appointment as members of the Board of Teacher Registration under section 3(2)(i) of the Act must be chosen by an election held under this by-law on a date decided by the board.

Roll of electors

13. The director must prepare a roll of electors entitled to vote at any election for the purposes of section 3(2)(i) of the Act comprising the names of all persons who are duly registered as teachers on the date of the publication of the notice of any election.

Notice of election

14.(1) The director must, by gazette notice, give notice about the holding of an election.

(2) The notice shall specify the date fixed for the election and the final date for the receipt of nominations.

(3) The final date for receipt of nominations shall be not less than 21 days after the date of the gazette notice and not less than 30 days before the date fixed for the election.

Nomination of candidates

15.(1) Any 6 persons whose names appear on the roll of electors may nominate an eligible person as a candidate at an election by completing and signing a nomination paper in the approved form.

(1A) Also, the nomination paper must be signed by the person, nominated in the paper as a candidate, as accepting the nomination.

(2) The nomination paper must be received by the director before 4.00 pm on the date specified as the final date for the receipt of nominations

of candidates.

(3) A person who is not nominated in accordance with this section or who has not accepted such nomination is not entitled to be a candidate at an election.

(4) A candidate may withdraw consent to the candidate's nomination at any time before 4.00 pm on the final date for the receipt of nominations by delivering, or causing to be delivered to the director, a notice of retirement in the approved form.

(5) The director, upon receipt of notice of the death of a candidate may, at any time prior to the forwarding of voting papers and provided that it is practicable so to do, cancel the nomination of that candidate.

Result if no more nominated than number to be elected

16. If no more persons are duly nominated as candidates than are required to be elected, the director must—

- (a) give notice to the Minister about the nominations; and
- (b) declare the persons, nominated as candidates, duly elected by registered teachers for nomination for appointment to the board.

Procedure where more persons nominated than number to be elected

17.(1) If more persons are duly nominated as candidates than are required to be elected, an election must be held and the director must, without unreasonable delay after the final date for receipt of nominations, cause voting papers to be prepared setting out the names of the candidates in an order to be decided by the director by lot and must forward to every person included in the roll of electors at the person's last address recorded in the register a voting paper accompanied by an open envelope addressed to the director and marked 'Voting Paper Only'.

(2) A voting paper shall be in the approved form.

(3) Each voter shall vote for the required number of candidates and indicate his or her vote on the voting paper by placing a cross in the square opposite the name of each of the candidates for whom the voter votes and, if any voter shall vote for more than the required number of candidates or make any other mark or writing on the voting paper, the vote given by the

voter on the voting paper is taken to be informal.

(4) The voter must—

- (a) enclose the voter's voting paper in the envelope forwarded to the voter under subsection (1); and
- (b) deliver the envelope to the director before 9.00 am on the day fixed for the election.

(5) Every voting paper, when returned to the director, must be deposited in a locked ballot box with a cleft or opening capable of receiving the voting papers.

(6) The director must take the steps the director considers necessary to ensure that only persons duly qualified to vote at an election have voted and that the secrecy of the ballot shall be preserved.

Statement by candidate

18.(1) The director may, at the request of a candidate, include with the ballot paper a statement not exceeding 100 words in length supplied by the candidate.

(2) The candidate may include in such statement the candidate's home address, age, qualifications, experience, current professional position and professional address and such other information as the candidate may desire.

Scrutineers

19.(1) The chairperson of the board must appoint 2 persons to be scrutineers for the examination of the voting papers in respect of an election.

(2) Each candidate may appoint, by written notice, 1 scrutineer to be present when the director opens the envelopes containing the voting papers on the day of the election.

(3) A candidate must give the notice appointing a scrutineer to the director not less than 5 days before the day fixed for the election.

(4) No election shall be invalid by reason of the failure of any candidate to appoint a scrutineer or the failure of a person appointed as a scrutineer to carry out the duties of a scrutineer.

Examination and counting of votes

20.(1) On the day fixed for the election, the director must—

- (a) open the envelopes addressed and returned to the director under section 17; and
- (b) examine the voting papers inside the envelopes.

(1A) The director may appoint persons, other than a candidate, as assistants to help the director in opening the envelopes and examining the voting papers.

(1B) The opening of the envelopes and examining of the voting papers, whether by the director or an assistant, must take place—

- (a) in the presence of the scrutineers; but
- (b) in the absence of the candidates.

(2) If the director is not satisfied that the votes indicated on a voting paper have been cast by a person duly entitled to vote at the election, the director shall reject the voting paper and the votes on the voting paper must not be counted.

(3) Where a voting paper—

- (a) is manifestly irregular; or
- (b) is so imperfectly executed that the intention of the voter cannot with certainty be ascertained; or
- (c) is taken to be informal under section 17(3);

the director must reject the voting paper and the votes on it must not be counted.

(4) After complying with subsections (1) to (3), the director must proceed to ascertain the number of votes received by each candidate.

(5) Where 2 or more candidates have received an equal number of votes, the director must decide by lot which of the candidates shall be declared elected.

Declaration of result of election

21.(1) When all the voting papers have been examined and the votes

counted, the director must prepare and sign a statement, countersigned by any scrutineers who are present and consent to sign the same, containing the numbers in words as well as figures of the votes for each candidate ascertained under section 20, and must, at the same time and place, declare to have been duly elected the required number of candidates who have received the greatest number of votes.

(2) The director must, by written notice signed by the director, certify to the Minister the names of the candidates so elected, and the date of the declaration of the result of the election.

Disposal of ballot papers

22. (1) After the declaration of the results of an election, the director must keep the ballot papers in a safe place, together with a copy of the roll signed by the director, for at least 1 year.

(2) As soon as possible after the year, the director must destroy the ballot papers and roll.

Election not to be questioned

23. No election is invalid by reason of—

- (a) any defect in the title or any want of title of any person by or before whom such election is held if such person really acted at the election; or
- (b) any formal error or defect in any declaration or other instrument or in any publication made under this by-law or intended to be so made; or
- (c) any such publication being out of time; or
- (d) any delay in holding the election at the time appointed or in taking the poll; or
- (e) any inadvertent failure to deliver or send to any elector any notice or ballot paper; or
- (f) any defect of a merely formal nature.

Approval of forms

24. The board may approve forms for use under this by-law.

SCHEDULE**FEEES**

section 2

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1.	Application for registration—	
	(a) by a person who holds a qualification from a Queensland institution for a course of teacher education successfully completed not more than 2 years before the application	nil
	(b) by a person to whom paragraph (a) does not apply .	63.00
2.	Registration	42.00
3.	Annual renewal of registration	24.00
4.	Restoration of name in register	48.00
5.	Inspection of register	1.00

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 6 June 1997. Future amendments of the Education (Teacher Registration) By-law 1989 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Education (Teacher Registration) By-law 1989 (prev Board of Teacher Registration By-law 1989)

pubd gaz 4 March 1989 pp 1527–48

commenced 6 March 1989 (see s 1.1(b))

as amended by—

by-laws published gazette (pre SL series)—

4 November 1989 pp 1731–5

commenced on 6 November 1989 (see s 1(2))

15 December 1990 pp 1965–6

commenced on 1 January 1991 (see s 3)

6 April 1991 p 2013

commenced on date of publication

Board of Teacher Registration Amendment By-law (No. 2) 1991 SL No. 94

pubd gaz 5 October 1991 pp 466–9

commenced on date of publication

Education (Teacher Registration) Amendment By-law (No. 1) 1993 SL No. 61

notfd gaz 12 March 1993 pp 1099–101

commenced on date of notification

Education (Teacher Registration) Amendment By-law (No. 2) 1993 SL No. 383

notfd gaz 22 October 1993 pp 695–7

commenced on date of notification

Education (Teacher Registration) Amendment By-law (No. 1) 1995 SL No. 311

notfd gaz 17 November 1995 pp 1142–3

commenced on date of notification

Education (Teacher Registration) Amendment By-law (No. 1) 1996 SL No. 269

notfd gaz 11 October 1996 pp 543–4

commenced on date of notification

Education (Teacher Registration) Amendment By-law (No. 1) 1997 SL No. 84

notfd gaz 4 April 1997 pp 1399–1400

commenced on date of notification

5 List of annotations

PART 1—PRELIMINARY

pt hdg sub 1993 SL No. 61 sch 2

Short title

s 1 sub 1993 SL No. 61 s 3

Repeal

s 1.2 om 1993 SL No. 61 s 3

Arrangement

- s 1.3 amd 1991 SL No. 94 s 3
om 1993 SL No. 61 s 3

Interpretation

- s 1.4 om 1993 SL No. 61 s 3

Fees

- s 2 sub 1993 SL No. 61 s 3

Definition

- s 2A ins 1995 SL No. 311 s 3

Forms

- s 1.6 om 1991 SL No. 94 s 4

PART 2—REGISTRATION OF TEACHERS

- pt hdg sub 1993 SL No. 61 sch 2

Other particulars required for registration

- s 3 amd 1991 SL No. 94 s 5; 1993 SL No. 61 sch 1; 1993 SL No. 383 sch
sub 1997 SL No. 84 s 3

Period of initial registration and changes to registration

- prov hdg sub 1997 SL No. 84 s 4(1)
s 4 amd reg pubd gaz 4 November 1989; 1991 SL No. 94 s 6; 1993 SL No. 61
sch 1; 1993 SL No. 383 sch; 1995 SL No. 311 s 4; 1997 SL No. 84
s 4(2), (3)

Qualifications and experience for full registration

- prov hdg sub 1997 SL No. 84 s 5(1)
s 5 amd 1993 SL No. 61 sch 1; 1997 SL No. 84 s 5(2)

Qualifications and experience for provisional registration

- s 6 amd 1991 SL No. 94 s 7; 1993 SL No. 61 s 4, sch 1; 1995 SL No. 311 s 4;
1997 SL No. 84 s 6

Retention of name in register

- s 7 sub 1991 SL No. 94 s 8; 1993 SL No. 61 s 5
amd 1993 SL No. 61 sch 1; 1997 SL No. 84 s 7

Procedure before the board may cancel registration for failing to apply for retention

- s 7A ins 1997 SL No. 84 s 8

Authorisation to employ unregistered persons in teaching duties

- s 8 amd 1991 SL No. 94 s 9; 1993 SL No. 61 sch 1; 1995 SL No. 311 s 4;
1997 SL No. 84 s 9

Annual census of teachers

- s 9 amd reg pubd gaz 4 November 1989; reg pubd gaz 6 April 1991; 1993 SL
No. 61 sch 1; 1995 SL No. 311 s 4

Conduct of an inquiry

- s 10 amd 1993 SL No. 61 s 6, sch 1; 1995 SL No. 311 s 5
om 1997 SL No. 84 s 10

Rules

- s 11** sub 1993 SL No. 61 s 7
amd 1993 SL No. 61 sch 1; 1997 SL No. 84 s 11

PART 3—ELECTION TO THE BOARD OF REPRESENTATIVES OF REGISTERED TEACHERS

- pt hdg** sub 1993 SL No. 61 sch 2

Representatives of registered teachers to be elected

- s 12** amd 1993 SL No. 61 sch 1; 1997 SL No. 84 s 12

Roll of electors

- s 13** amd 1993 SL No. 61 sch 1; 1997 SL No. 84 s 13

Notice of election

- s 14** amd 1993 SL No. 61 sch 1; 1997 SL No. 84 s 14

Nomination of candidates

- s 15** amd 1991 SL No. 94 s 10; 1993 SL No. 61 s 8, sch 1; 1995 SL No. 311 s 4; 1997 SL No. 84 s 15

Result if no more nominated than number to be elected

- prov hdg** amd reg pubd gaz 15 December 1990
s 16 amd 1993 SL No. 61 sch 1; 1997 SL No. 84 s 16

Procedure where more persons nominated than number to be elected

- s 17** amd 1991 SL No. 94 s 11; 1993 SL No. 61 s 9, sch 1; 1993 SL No. 383 sch; 1995 SL No. 311 s 4; 1997 SL No. 84 s 17

Statement by candidate

- s 18** amd 1993 SL No. 61 sch 1; 1997 SL No. 84 s 18

Scrutineers

- s 19** amd 1993 SL No. 61 sch 1; 1997 SL No. 84 s 19

Examination and counting of votes

- s 20** amd 1993 SL No. 61 s 10, sch 1; 1997 SL No. 84 s 20

Declaration of result of election

- s 21** amd 1993 SL No. 61 sch 1; 1997 SL No. 84 s 21

Disposal of ballot papers

- s 22** amd 1993 SL No. 61 sch 1
sub 1997 SL No. 84 s 22

Election not to be questioned

- s 23** amd 1993 SL No. 61 sch 1

Approval of forms

- s 24** ins 1995 SL No. 311 s 6

SCHEDULE—FEES

- sub reg pubd gaz 15 December 1990; 1991 SL No. 94 s 12
amd 1993 SL No. 61 s 11
sub 1993 SL No. 383 s 3; 1995 SL No. 311 s 7; 1996 SL No. 269 s 3

SECOND SCHEDULE—FORMS

amd reg pubd gaz 4 November 1989; reg pubd gaz 15 December 1990;
reg pubd gaz 6 April 1991
om 1991 SL No. 94 s 13