



Queensland

Education (Teaching Recruitment and Support) Youth Act 2023

Youth Act No. 2 of 2023

A Youth Act to recruit and support teachers and teacher aides in Queensland by allowing an easier transition for professionals into teaching, expanding the powers of the Queensland College of Teachers, setting guidelines around teacher contracts and teacher aide duties, and providing targeted support for teachers in regional and remote schools.

[Assented to 15 November 2023]



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The Youth Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Education (Teaching Recruitment and Support) Youth Act 2023*.

2 Commencement

This Youth Act commences on a day to be fixed by proclamation.

3 Main purpose of Youth Act

The main purposes of this Youth Act are to—

- (a) address the teacher shortage by ensuring enhanced sufficiency in recruitment, professional integration, and support; and
- (b) provide professionals from diverse fields an accessible and efficient route into the education sector; and
- (c) protect teachers from being subject to unfair employment standards including violence or discrimination by any members of the community; and
- (d) ensure clear expectations, rights, and responsibilities for educational institutions surrounding contractual obligations; and
- (e) ensure teacher aides are given comprehensive training and communication to uphold the expectations of their employment terms; and

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- (f) ensure that the unique challenges faced in regional and remote schools are given appropriate adjustments and support mechanisms to overcome disadvantages.

4 Dictionary

In this Youth Act—

early career teacher means a teacher in the first 3 years of teaching.

lead teacher means a teacher recognised by the Australian Institute for Teaching and School Leadership (***AITSL***) who has completed the relevant upskilling to be a lead teacher.

mentor teacher means a teacher with 5 or more years of teaching experience who has volunteered or been nominated to mentor early career teachers within their schools.

non-contact time means scheduled time within school hours where teachers are not required to supervise or teach students.

proficient teacher means a teacher with 5 or more years of practised teaching experience who has recognised accreditation by AITSL.

remote means remote and very remote areas.

regional means inner-regional and outer-regional areas.

school means state educational institutions and non-state schools.

school administrator means a person in school staff leadership including a principal, head of school, or dean.

teacher aide means a person employed in educational institutions to provide assistance and support to teachers in various classroom activities.

teaching out of field means a teacher teaching a subject or class outside of their qualified jurisdiction.

Examples—

- A teacher with a major in science, teaching an English class.

- A teacher with a primary education bachelor, teaching in a high school class.

Part 2 Teacher Contracts

5 Standards for contract length

- (1) The minimum required contract length for a casual teacher is dependent on the length a teacher has been working, unless specified otherwise by the teacher.
- (2) If a teacher is entering the workforce, school administrators must offer the teacher a minimum casual contract of 3 months with supervision from the college, unless the teacher expresses a desire to not undertake employment for that duration where a contract involving less time may be agreed to by the teacher and the department or school administrators.
- (3) If a teacher has between 5 and 10 years of teaching experience, school administrators must offer the teacher a minimum casual contract of 6 months, unless the teacher expresses a desire to not undertake employment for that duration where a contract involving less time may be agreed to by the teacher and the department or school administrators.
- (4) If a teacher has 10 or more years of teaching experience, school administrators must offer the teacher a minimum casual contract of 9 months, unless the teacher expresses a desire to not undertake employment for that duration where a contract involving less time may be agreed to by the teacher and the department or school administrators.
- (5) A teacher contract of less than 1 month must be explicitly described as unattached within the contract.
- (6) Unattached teachers are entitled to renewed contracts.
- (7) If an unattached teacher is hired for over 1 month, the teacher is no longer considered unattached.

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6 Standards for permanent positions

- (1) If a teacher has been employed with casual contracts within a school for 5 years, school administrators must offer the teacher a permanent position.
- (2) It is up to the discretion of the teacher whether to accept the permanent position or to remain casual.
- (3) Every 3 years, teachers on permanent contracts must undergo performance reviews by school administrators.
- (4) Teachers on a permanent contract aged 60 years or over or staff who have worked as teachers for 25 years or over may request to reduce their full-time work week to 4 days per week.
- (5) A school administrator must not influence a teacher's decision to reduce or not reduce their work week.

7 Position transfers

- (1) School administrators must provide themselves as referees for eligible teachers who are changing positions in the field of education upon request by the teacher.
- (2) A teacher is eligible for support from school administrators if the teacher is—
 - (a) in a permanent position; or
 - (b) on a renewed casual contract of 4 years or over.
- (3) If a teacher is relocating to a regional or remote area, the teacher is entitled to 2 weeks' leave from the school the teacher is transferring from for the purpose of relocation.

8 Strengthening employment conditions

- (1) Teachers on full-time contracts are entitled to the equivalent of 4 weeks' salary on top of base pay as compensation for time spent outside of school hours preparing lessons and marking student assignments.

- (2) Teacher contracts must not have an end date within 4 weeks prior to when a teacher would become eligible for paid leave.

Part 3 **Teacher Aide Distribution and Training Requirements**

9 **Ratio distribution for teacher aides**

- (1) All major city schools must employ a minimum of 2 teacher aides per 100 enrolled students.
- (2) All inner and outer regional schools must employ a minimum of 4 teacher aides per 100 enrolled students.
- (3) All remote and very remote schools must employ a minimum of 3 teacher aides per 100 enrolled students.
- (4) A school with a total enrolment of less than 100 students must employ a minimum of 1 teacher aide.
- (5) The classification of schools under this section is based on a school's location under the Accessibility/Remoteness Index of Australia (ARIA).

Definitions of kinds of schools based on location

Item	Column 1	Column 2
	A school is this kind of school ...	if the school has an ARIA index value of ...
1	<i>a major city school</i>	1, or less than 1.
2	an <i>inner regional school</i>	more than 1, and less than 2.4.
3	an <i>outer regional school</i>	at least 2.4, and less than 6.
4	<i>a remote school</i>	at least 6, and less than 10.
5	<i>a very remote school</i>	at least 10, and less than or equal to 15.

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- (6) All ratios exclude teacher aides allocated to supervise specific students with additional learning support needs.

10 Literacy and numeracy skills of teacher aides

- (1) A teacher aide must have reasonable literacy and numeracy skills.
- (2) A school administrator must verify a teacher aide's evidence of literacy and numeracy skills prior to the teacher aide commencing employment.
- (3) If a teacher aide fails to demonstrate or provide evidence of literacy and numeracy skills, the teacher aide must not be employed.
- (4) Relevant evidence of literacy and numeracy skills may include—
 - (a) a Year 12 report card; or
 - (b) a written application; or
 - (c) a Certificate III in School Based Education Support; or
 - (d) proof of previous qualification certificates or equivalent; or
 - (e) any additional documentation that may support the findings of reasonable literacy and numeracy skills.
- (5) The department must monitor compliance with this section through regular audits and inspections.
- (6) If a teacher aide fails to demonstrate or provide evidence of their literacy and numeracy skills, school administrators may terminate the teacher aide's employment.

11 Qualifications of teacher aides

- (1) A teacher aide must hold a Certificate III in School Based Education Support or equivalent diploma recognised by school administrators.

- (2) A transition period of 24 months will be provided to unqualified teacher aides to gain the necessary qualifications from the date of proclamation.
- (3) School administrators must maintain records of teacher aide qualifications including—
 - (a) the name of the teacher aide; and
 - (b) all qualifications held by the teacher aide; and
 - (c) the date of initial employment of the teacher aide; and
 - (d) any additional documentation deemed necessary by the school administrator.

12 Personal development requirements for teacher aides

- (1) A teacher aide must attend a minimum of 20 hours of personal development sessions annually if—
 - (a) the teacher aide does not provide evidence of a Certificate III in School Based Education Support or equivalent upon employment but intends to commence one; or
 - (b) the teacher aide is in the process of studying to acquire a qualification of a Certificate III in School Based Education Support; or
 - (c) the school administrator deems the teacher aide's performance to be unsatisfactory and in need of further educational support, respective to the terms of their employment contract.
- (2) A teacher aide must attend a minimum of 15 hours of personal development annually if the teacher aide—
 - (a) has completed a Certificate III in School Based Education Support; or
 - (b) has progressed to a level OO4 teacher aide under the Department of Education Teacher Aides' Certified Agreement 2022; or

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- (c) has evidence of at least 10 years of experience as a teacher aide before mandatory qualifications were imposed.
- (3) Personal development session content may include topics such as—
 - (a) classroom management that addresses student behaviour and student engagement; or
 - (b) learning support techniques including how to effectively communicate with students with learning disabilities; or
 - (c) child protection and safeguarding to address creating a safe inclusive learning environment; or
 - (d) cultural competence and diversity; or
 - (e) self-care to manage stress and maintain a healthy work-life balance; or
 - (f) adhering to professional ethics and boundaries; or
 - (g) professional growth and career development.
- (4) A school administrator must ensure teacher aides fulfil personal development requirements.

Maximum penalty—22 penalty units.

13 Responsibilities of teacher aides

- (1) A teacher aide must uphold the requirements set out in the teacher aides' terms of employment and must not act outside of their qualification.

Example—

A teacher aide must not provide advanced medical attention to a child if this is not in the terms of their employment.

- (2) A teacher or school administrator may direct a teacher aide to assist with—
 - (a) behaviour management; or
 - (b) class supervision; or
 - (c) one-on-one student assistance; or

- (d) gathering lesson materials.
- (3) A teacher or school administrator must not direct a teacher aide to deliver lessons to a class of more than 15 students where
 - (a) the teacher aide does not hold appropriate qualifications to teach; and
 - (b) the teacher aide does not have prior evidence of teaching qualifications.
- (4) A teacher or school administrator may direct a teacher aide to deliver instructions for an independent learning task only if—
 - (a) the class contains 15 students or less; and
 - (b) the teacher aide has completed a Certificate III in School Based Education Support; and
 - (c) the teacher aide will be supervised by the teacher when instructions are being carried out.

14 Transferable skills to future career opportunities

- (1) A teacher aide may use each school term of full-time employment as a qualified teacher aide as credit towards unpaid placement hours for a teaching qualification.
- (2) Course administrators may determine how much credit each school term of employment contribute towards unpaid placement hours for a teaching qualification.
- (3) School administrators must allow a teacher aide flexible working conditions if the teacher aide chooses to commence and complete a teaching qualification part-time during their employment.
- (4) The department may provide financial assistance to a teacher aide who chooses to commence a teaching degree.
- (5) Teacher aides with a Certificate III or Certificate IV in School Based Education Support wishing to transition into the teaching profession may use such accreditations as credits

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towards obtaining a teaching qualification at accredited institutions.

- (6) Course administrators may determine how much credit a Certificate III or Certificate IV contributes towards a teaching qualification.

Part 4 Regional teaching

15 Needs-based funding

- (1) The department must assess all schools within regional and remote areas every 6 months to address—
 - (a) socio-educational advantage rankings; and
 - (b) reasons disadvantages are occurring; and
 - (c) areas lacking in funding; and
 - (d) whether additional financial assistance is required to address these disadvantages.
- (2) The department must allocate additional funding to remote or very remote schools where disadvantage is identified through indicators including—
 - (a) a majority of students being in the last quartile of socio-educational advantage based on the Index of Community Socio-educational Advantage (ICSEA); or
 - (b) an increased occurrence of teachers teaching out of field; or
 - (c) greater amount of teacher turnover and management inconsistencies that may include—
 - (i) increased number of unfulfilled teaching contracts of employment; or
 - (ii) multiple principal handovers; or
 - (iii) an increased number of student enrolments.

16 Out-of-field teaching

- (1) If a teacher is teaching out of field, school administrators must grant the teacher
 - (a) 2 hours of additional non-contact teaching; and
 - (b) increased personal development time for that subject area; and
 - (c) increased personal development time for that specific subject area.
- (2) Any teacher teaching out of field must gain permission to teach that subject from a school administrator.
- (3) In this section—

non-contact teaching means time a teacher is allocated to plan lessons and complete administrative tasks outside of the classroom setting but still within agreed working hours.

17 Teacher rotations in regional and remote areas

- (1) Rotations of teachers to regional or remote schools must not be less than 2 years in length.
- (2) All regional or remote rotations must commence at the beginning of the school year.

18 Relocation grants for regional and remote teachers

- (1) The department must assist teachers in regional and remote areas by offering them relocation grants.
- (2) The department must allocate a dedicated budget from its funds annually to finance a teacher relocation grant program for all regional and remote areas.
- (3) Teachers eligible for subsidised housing must—
 - (a) be employed in a designated regional or remote area for a minimum period of at least 12 months; and
 - (b) meet income thresholds determined by the department to prioritise teachers on a lesser annual salary.

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- (4) The department must ensure relocation grants remain affordable for teachers by considering contributing factors that include—
- (a) local housing market conditions; and
 - (b) teacher salaries; and
 - (c) inflation and cost of living.

Part 5

Amendment of Education (Queensland College of Teachers) Act 2005

19 Act amended

This part amends the *Education (Queensland College of Teachers Act) 2005*.

20 Amendment of s 8 (Eligibility for full registration)

- (1) Section 8(1)(a)—
omit, insert—
- (a) the person must either hold—
 - (i) an undergraduate teacher education degree, as approved by the college; or
Example of undergraduate teacher education degree—
 - Bachelor of Teaching
 - Bachelor of Education.
 - (ii) a graduate teacher education degree consisting of—
 - (A) 12 months of study, centring on content aligning with the Australian Institute for Teaching and School Leadership (the

AITSL) standards and *employment-based learning*, which includes flexible learning delivery; and

(B) at least 6 months of teaching supervised, employed as a paraprofessional remunerated at 0.8 full-time equivalent salary.

(2) After section 8(1)(4)—

omit, insert—

(5) In this section—

employment-based learning means education that immerses students in classrooms as an intern or student teacher, preparing students for their future careers.

21 Amendment of s 10 (Eligibility for permission to teach)

Section 10(1)(b)—

omit, insert—

(b) has—

- (i) knowledge, qualifications, skills or training reasonably considered by the college to be relevant to the teaching position the person has been offered; or
- (ii) has completed at least 12 months of the graduate teacher education degree, centring on the AITSL standard content; and

22 Amendment of s 233 (Primary considerations of college in performing its functions)

Section 233—

omit, insert—

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- (1) In performing its functions under this Act the primary considerations of the college are—
 - (a) the welfare and best interests of children; and
 - (b) the welfare and best interests of teachers; and
 - (c) the regulation of decisions made by school administrators including—
 - (i) the promotion of teachers within schools; and
 - (ii) and other relevant decisions.
- (2) The college must pursue these considerations in good faith.

23 Amendment of sch 3 (Dictionary)

Definition of ‘teacher’ (b)—

omit, insert—

- (b) includes principals but does not include a teacher aide, a teacher’s assistant or a student teacher.

Part 6 Teacher Entitlements and Responsibilities

24 Purpose of the Part

The purpose of this part is to protect teachers from harassment and violence from colleagues, students, media and the community, and to provide teachers with mental health support and job security.

25 Teacher protection from harassment

- (1) The department must provide reasonable protection for teachers and school staff from workplace harassment and violence from colleagues, students, media and the community.
- (2) If a teacher has been subject to harassment, the department must provide adequate support in the recovery process from the harassment through—
 - (a) a counselling service; and
 - (b) paid leave; and
 - (c) reasonable mitigation of the recurrence of the incident.

26 The right to disconnect and support services

- (1) All teachers are entitled to free mental health support from their employer.
- (2) The department must ensure that mental health and support services for staff are endorsed, promoted and supported by school administrators.

Examples of mental health and support services—

- Counselling services with an approved professional accessible to teachers during school hours.
- Employment assistance programs.

27 Non-contact time

Full-time teachers must be provided with a minimum of 2 spare periods per week of *non-contact time*.

28 Out-of-field teaching support

School administrators must provide mandatory professional development of a minimum of 3 hours prior to a teacher taking a class if the teacher is required to teach out of field.

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29 Student welfare support staff

- (1) The department must ensure full-time non-teaching staff with relevant training in mental health support are employed in every school for the purposes of student welfare support.
- (2) Relevant training in mental health support may include—
 - (a) a Certificate IV or above in Youth Work; or
 - (b) a Certificate IV or above in Mental Health; or
 - (c) a diploma or above in counselling; or
 - (d) a bachelor's degree or above in social work; or
 - (e) a bachelor's degree or above in psychology.
- (3) Student welfare support staff must be employed as per a school's designated ratio distributed where—
 - (a) all major city schools must employ a minimum of 1 student welfare support staff per 250 enrolled students; and
 - (b) all regional schools must employ a minimum of 1 student welfare support staff per 200 enrolled students; and
 - (c) all remote schools must employ a minimum of 1 student welfare support staff per 150 enrolled students.
- (4) A school with a total enrolment less than the school's specified ratio distribution is required to employ a minimum of 1 student welfare support staff.

30 Trauma-informed practice training

- (1) Teachers must complete 2 hours of student protection training annually including trauma-informed practice training.
- (2) School administrations must provide teachers with appropriate resources to complete student protection training.

31 Mentoring support for teachers

- (1) Early career teachers and mentor teachers are entitled to extra non-contact time dedicated to mentoring sessions.
- (2) School administrators must provide teachers with less than 1 year of in field teaching experience with a minimum of 8 hours of mentoring per annum delivered by a proficient teacher.
- (3) School administrators must provide teachers with between 1 to 4 years of in field teaching experience with a minimum of 6 hours of mentoring per annum delivered by a proficient teacher.
- (4) School administrators must provide teachers with 4 or more years of in field teaching experience with a minimum of 2 hours of mentoring per annum delivered by a proficient teacher if deemed necessary by school administrators and the teacher.
- (5) If a mentor teacher relocates, the hours of mentoring the mentor teacher has completed are transferred to their position in the new school.

32 Incentivising experienced teachers to mentor

Proficient teachers who are nominated by school administrators or volunteer to take on extra volunteering responsibilities will benefit through credit towards attaining a *lead teacher* title through AITSL.

33 Needs-based teacher placement support

When a student teacher is completing their mandatory placement, they are entitled to support during their placement including—

- (a) professional or mental health support offered by the placement school; or
- (b) financial grants from the department.

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34 High school graduates guarantee

- (1) When recruiting or filling graduate teacher positions, school administrators may give preferential treatment to graduate teachers who completed Year 12 at the school and have completed relevant teaching qualifications.
- (2) A school administrator must not employ the graduate teacher where it would be unreasonable to do so.

Example of when it is unreasonable to employ—

The teaching graduate is unqualified in the subject area of the position.