

4.2 EDUCATOR QUALIFICATIONS

4.2.1 QUALIFICATION REQUIREMENTS FOR CENTRE-BASED SERVICES WITH CHILDREN PRESCHOOL AGE OR UNDER



National Law

Section 169

The approved provider and nominated supervisor must ensure the service is meeting the minimum qualification requirements for:

- Early childhood teacher
- Diploma
- Certificate III

4.2.2 EARLY CHILDHOOD TEACHER REQUIREMENTS



National Regulations

Regulations 129–135

Centre-based services with children who are pre-school age or younger, must have access to or attendance of an early childhood teacher. The requirements are based on the number of children at the service (see the table below).

Each jurisdiction has requirements which modify these regulations for specific services. State and territory regulatory authorities will provide information specific to their jurisdiction.

These regulations do not apply if the main purpose of the centre-based service is to provide education and care to children over preschool age.

When considering whether the ‘main purpose’ of the service is to educate and care for children over preschool age, authorised officers may consider the following factors:

- the percentage of children who are enrolled and, if the information is available, who attend, the education and care service who are over preschool age – for example 60 per cent is a persuasive factor, 70 per cent would be more persuasive whereas 51 per cent would be less so
- the operating hours of the service – operating mostly or solely out of school hours may indicate the main purpose of the service is to provide education and care for school age children, and
- service advertising – advertising education and care for school age children may indicate the main purpose of the service is to provide education and care to school age children.

Services with fewer than 25 approved places or fewer than 25 children in attendance

The service must have access to an early childhood teacher for at least 20 per cent of the time that the service provides education and care.

Access to an early childhood teacher may be through information communication technology, such as video conferencing, and the access may be calculated on a quarterly basis.

A record must be kept of the period that the early childhood teacher is working directly with children and not working directly with children (regulation 152).

Services with 25 or more children

An early childhood teacher must be in attendance. In attendance means being physically present at the service, and carrying out education and care activities including one or more of the following:

- working directly with children (included in ratios)
- planning programs
- mentoring, coaching or supporting educators
- facilitating education and care research
- performing the role of educational leader.

A record must be kept of the period that the early childhood teacher is in attendance at the service (regulation 152).

A reference to the number of children being educated and cared for at a centre-based service, for the purpose of calculating early childhood teacher requirements, does not include a child being educated and cared for in an emergency under regulation 123 (5).

Visit the ACECQA website at www.acecqa.gov.au/qualifications for a list of approved qualifications, including approved early childhood teaching qualifications.



National Regulations

Regulation 239A



Centre-based services located in remote or very remote areas in the Northern Territory, NSW, Queensland, South Australia, Tasmania and Western Australia are meeting regulations 132, 133 and 134 for attendance of an early childhood teacher if the service has access to an early childhood teacher who works with the service at least 20 per cent of the time, calculated quarterly. The early childhood teacher may be working with the service through information communication technology.

This transitional provision is scheduled to expire in the ACT, NSW, Queensland, South Australia and Tasmania on **31 December 2021**, and in the Northern Territory and Western Australia on **31 December 2023**.

See the end of this section for a summary of the staffing requirements for centre-based and family day care services.

Who is an early childhood teacher?

A person can be counted as an early childhood teacher if they:

- hold an approved early childhood teaching qualification that is published on ACECQA's approved qualifications lists. This includes current approved early childhood teacher qualifications, and former approved early childhood teaching qualifications commenced before 1 January 2012
- hold a qualification that ACECQA has recognised to be an equivalent early childhood teacher qualification
- are taken to hold an approved early childhood teaching qualification under



National Regulations

Regulations 137, 139, 241

regulation 241 and approved under former state and territory laws in place before the National Law.

See *General saving and transitional provisions* below for more information.

Registration is not a requirement for early childhood teachers under the NQF but it is a requirement under some state and territory legislation.

Visit the ACECQA website for the lists of approved qualifications and teacher registration or accreditation requirements in each state or territory at www.acecqa.gov.au/qualifications.



National Regulations

Regulation 241

General saving and transitional provisions

Persons taken to hold an approved early childhood teaching qualification

A person is taken to hold an approved early childhood teaching qualification if, immediately before 1 January 2012 (1 August 2012 in WA), the person belonged to one of the below groups.

Person taken to hold an approved early childhood teaching qualification

The person was recognised under the former education and care services law, or for the purposes of a preschool funding program, of any participating jurisdiction as an early childhood teacher, and was employed or engaged in a declared approved service as an early childhood teacher

The person held a qualification on the list of former approved early childhood teaching qualifications or was enrolled in a qualification on the list of former approved early childhood teaching qualifications and has since completed the qualification

The person was registered or accredited as an early childhood teacher in accordance with the requirements of any participating jurisdiction (this sub-regulation does not apply if immediately before 1 January 2012 (1 August 2012 in WA) the person was registered or accredited as an early childhood teacher or equivalent on the basis that the person was working towards an early childhood teaching qualification or equivalent)

The person was employed to deliver a pre-preparatory learning program in Queensland under the *Education (General Provisions) Act 2006* (i.e. teachers in *Bound for Success* services)

The person was registered as a teacher under the *Teachers Registration and Standards Act 2004* of South Australia and was employed to deliver a preschool program

The person was registered as a teacher under the *Teachers Registration Act 2000* of Tasmania and was employed to deliver a preschool program at a school established or registered under the *Education Act 2016* of Tasmania

The person was registered as a teacher under the *Education (Queensland College of Teachers) Act 2005* of Queensland and held a qualification on the list of former approved diploma level education and care qualifications or on the list of approved certificate III and diploma level education and care qualifications for Queensland (international). Or, the person was registered as a teacher in Queensland and enrolled in one of these qualifications and is actively working towards the qualification or has completed the qualification. Or, the person was registered as a teacher in Queensland and enrolled in an approved diploma qualification on or before 31 December 2013 and is actively working towards the qualification or has completed the qualification.



National Regulations

Regulation 137(3)

If any restrictions applied to a person's recognition as an early childhood teacher before 1 January 2012 (1 August 2012 in WA), the person is taken to be an early childhood teacher with those same restrictions.

Recognition as an 'equivalent early childhood teacher'

ACECQA has determined that a person who holds ALL of the following is recognised as equivalent to an early childhood teacher:

- a primary teaching qualification that includes at least a focus on children aged 5 to 8 years old (for example, a qualification with a focus on children aged 3 to 8 or 5 to 12) AND
- teacher registration in Australia (called 'accreditation' in New South Wales) AND
- an ACECQA approved diploma level (or higher) education and care qualification.

This transitional measure was most recently reviewed by the ACECQA Board in June 2019 when the Board decided to extend the measure until **31 December 2021**. After the end of 2021, this transitional measure is scheduled to cease, however educators who had obtained this combination of qualifications before the end of 2021 will continue to be recognised under this provision.

Persons taken to be an early childhood teacher

In June 2019, the Education Council agreed to extend regulation 242 of the National Regulations. Under regulation 242, you are 'taken to be an ECT' if you:

- are enrolled in an ACECQA approved early childhood teaching qualification AND
- can provide evidence that you:
 - are making satisfactory progress towards completing the course AND
 - hold an approved diploma level educator qualification, or have completed at least 50 per cent of the course.

Regulation 242 does not apply in Victoria or if you are working in a centre-based service educating and caring for 30 or more children preschool age or under in NSW.

Regulation 242 is scheduled to expire in the ACT, NSW, Queensland, South Australia and Tasmania on **31 December 2021**, and in the Northern Territory and Western Australia on **31 December 2023**.

Once regulation 242 expires, an educator will need to have completed their ECT qualification to be considered a qualified ECT. However, educators 'actively working towards' an approved ECT qualification may still be counted as a certificate III or diploma level educator, depending on how much of the approved ECT qualification they have completed.



National Regulations

Regulation 242

ACT

NSW

NT

QLD

SA

TAS

WA



National Regulations

Regulation 135

Early childhood teacher illness or absence

If an early childhood teacher is absent from a centre-based service educating and caring for 25 or more children who are preschool age or under because of short-term illness or leave, the teacher may be replaced by an educator who holds:

- an approved diploma level education and care qualification, or
- a qualification in primary teaching.

This regulation does not apply:

- if the service employs or engages early childhood teacher/s on a full-time, or full-time equivalent basis.

For services where the regulation does apply, early childhood teachers can only be replaced for a combined total of no more than 60 days in any 12 month period. This limit applies to the combined periods of absence taken by all early childhood teachers at the service. It is not intended to apply to each individual early childhood teacher engaged at the service.

The 12 month period does not have a set commencement date and is not based on a calendar year. Instead, it is determined by looking at the 12 month period immediately prior to the day an early childhood teacher is replaced, and calculating whether or not the 60 day maximum has been exceeded during that period. If the service has not exceeded the 60 day limit, it can replace an early childhood teacher with one of the persons specified in regulation 135(1) (see above).

For example, Sam, an early childhood teacher intends to take a day of leave on 1 February 2019. To determine whether Sam can be replaced with a person specified under regulation 135(1), the service would look back 12 months to 1 February 2018 and calculate the total amount of days that its early childhood teachers had been replaced in that period. If the combined total between 1 February 2018 and 31 January 2019 exceeds 60 days, regulation 135 would not apply and the service cannot replace Sam with a person specified in regulation 135(1).

Authorised officers may check if a person is registered as a primary school teacher in Australia (referred to as accredited in NSW) to verify whether a person has a qualification in primary teaching.

In the ACT, Queensland, Tasmania and Western Australia, an early childhood teacher may be replaced by one of the persons specified in regulation 135(1) if the teacher is absent because of short-term illness or leave OR if the teacher has resigned.

The other requirements of regulation 135 – including the combined limit of 60 days (of absences) over a 12 month period – apply.

Regulation 272 applies to centre-based services in NSW that educate and care for 30 or more children preschool age or under and requires that these services have early childhood teachers in attendance at all times:

- 30–39 children preschool age or under – one early childhood teacher
- 40–59 children preschool age or under – two early childhood teachers



National Regulations

Regulation 272



- 60–79 children preschool age or under – three early childhood teachers
- More than 80 children preschool age or under – four early childhood teachers.

4.2.3 DIPLOMA AND CERTIFICATE III QUALIFICATION REQUIREMENTS FOR CENTRE-BASED SERVICES WITH CHILDREN PRESCHOOL AGE OR UNDER

The National Regulations set the minimum educator to child ratios.

General qualification requirements

At least 50 per cent of the educators who are required to meet the relevant educator to child ratios for the service must have (or be actively working towards) at least an approved diploma level education and care qualification.

All other educators who are required to meet ratio requirements must have (or be actively working towards) at least an approved certificate III level education and care qualification.

Working without a qualification

A three (3) month probationary period applies to new educators working without an approved qualification in VIC, QLD, WA, ACT, NT and TAS. New educators can be counted as a Certificate III qualified educator for ratio purposes for up to 3 months (from the date they commence in the service) before they need to start actively working towards their qualification. The probationary period is linked to the approved provider which means the probationary period is not extended if the educator moves to another service operated by the same approved provider. If the educator is employed by a different approved provider, they are eligible for another three month probationary period.

If an approved provider chooses have more educators than required under the ratios, the additional educators are not required to meet qualification requirements. For example, if a centre-based service requires ten educators to meet the minimum prescribed ratios at a particular time, and 12 educators are educating and caring for children at that time, the eleventh and twelfth educators are not required to hold an approved qualification.

Early childhood teachers

A person with an approved early childhood teaching qualification can be counted as if they hold an approved diploma level education and care qualification.

Actively working towards an ECT qualification

A person who is actively working towards an approved early childhood teaching qualification may be counted (for ratio purposes) as if they are actively working towards

- an approved certificate III level education and care qualification, or



National Regulations

Regulation 126



- an approved diploma level education and care qualification if they:
 - hold an approved certificate III level education and care qualification, or
 - have completed the approved components of a certificate III (see the definition of ‘actively working towards’ in the [Glossary](#)), or
 - have completed 30% of the units in an approved early childhood teaching qualification.

To check whether general educator qualification requirements are being met, authorised officers may ask to see the record of educators working directly with children (centre-based services) or the record of staff, family day care co-ordinators and family day care educator assistants (for family day care services) required under regulation 177. Staff records should include evidence of any relevant qualification held by the staff members, or that the staff member is actively working towards a qualification.

Some staff may be taken to hold a qualification under a transitional or saving provision.

More information on qualification requirements is available on the ACECQA website at www.acecqa.gov.au/qualifications.



National Regulations

Regulation 239

General saving provisions

Regulations 126 and 123 (and any regulation that applies in the place of those regulations) do not apply to a centre-based service that delivers a preschool program in a school in a class or classes where a full-time education program is also being delivered to school children (a composite class). The service is taken to comply with these regulations for the purposes of assessment and rating.



National Regulations

Regulation 240



Remote or very remote areas

An educator at a centre-based service in a remote or a very remote area in Queensland, South Australia, Tasmania and Western Australia can be included to meet educator to child ratios without holding (or ‘actively working towards’) a certificate III level education and care qualification if the educator:

- has been continuously employed as an educator in an education and care service or a children’s service for at least 15 years up to immediately before 1 January 2012 (1 August 2012 in WA) AND
- is employed by the same provider as employed the educator immediately before 1 January 2012 (1 August 2012 in WA).

This transitional provision is scheduled to expire in Queensland, South Australia and Tasmania on **31 December 2021**, and Western Australia on **31 December 2023**.