

Exemptions and waiver scenarios - Requirement for mandatory teacher registration

Scenarios (3 Services All 75 place LDC services)	Requirements that apply		
	Funding policy waiver (Exceptional Circumstance approval) To receive kindy funding, the kindy program must be delivered by: - a fully qualified ECT: or - a 'working towards' ECT with an Exceptional Circumstance approved by the department	Regulatory waiver (National Law - Education and Care National Regulations) A service must have: - the prescribed numbers of ECTs in attendance for the number of enrolments; or - a waiver exempting the service from employing an ECT to meet attendance requirements	Teacher registration (QCT Act and Regulations) Mandatory teacher registration for ECT
Scenario 1 2 fully qualified ECTs, not delivering kindy program, working as: Director Nursery 1 'actively working towards' ECT delivering the approved kindy program	Yes - Kindy program is delivered by 'working towards' ECT; so - Service needs funding policy waiver (Exceptional Circumstance approval)	No - Number of ECTs <u>meets attendance requirements</u> for Regulation 133; so - Service <u>does not</u> require a temporary waiver under Regulation 42	Yes, for Director and ECT in the nursery Persons are employed as ECTs under the National Law, so they must be registered teachers. No, for 'working towards' ECT Person is not employed as an ECT under the National Law, so they do not need to be a registered teacher
Scenario 2 No fully qualified ECTs 1 'actively working towards' ECT delivering the approved kindy program	Yes - Kindy program is delivered by 'working towards' ECT; so - Service needs funding policy waiver (Exceptional Circumstance approval)	Yes - Number of ECTs <u>does not meet attendance requirements</u> for Regulation 133; so - Service requires a temporary waiver under Regulation 42	No - Regulatory waiver applies to exempt service from employing an ECT; so - There is no ECT/person who is required to be a registered teacher. (Mandatory registration does not apply where there is a waiver under the National Law)
Scenario 3 1 fully qualified ECT delivering the approved kindy program	No - Fully qualified ECT is delivering the kindy program; so - Service does not require a funding policy (Exceptional Circumstance approval)	Yes - Number of ECTs <u>does not meet attendance requirements</u> for Regulation 133; so - Service requires a temporary waiver under Regulation 42	Yes Person employed as an ECT under the National Law must be a registered teacher.