

Special Authority to Teach as an Early Childhood Teacher (Working Towards) Policy

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**Teachers
Registration Board**
OF SOUTH AUSTRALIA

Special Authority to Teach as an Early Childhood Teacher (Working Towards) Policy

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1 Objective

Only registered teachers can provide or offer to provide pre-school, primary or secondary education. However, it is recognised that sometimes prescribed services are challenged to find an appropriately qualified, registered teacher in certain services. Part 6 of the *Teachers Registration and Standards Act 2004* (Act) is especially designed to provide for such circumstances.

Special Authorities to Teach (SAT) are temporary and alternative authorisations that enable individuals who do not meet the qualifications requirement for teacher registration to undertake the duties of a teacher. A SAT holder is authorised to teach on the basis of need, fitness and propriety and meeting all other requirements, including child safety.

The Australian Children's Education and Care Quality Authority (ACECQA) regulates the staffing requirements including teachers in early childhood settings. Regulation 242 of the *Education and Care Services National Regulations* **Persons taken to be early childhood teachers** gives reference to a person who –

- (a) is actively working towards an approved early childhood teaching qualification; and
- (b) provides the approved provider with documentary evidence that –
 - (i) the person has completed at least 50 per cent of the course; or
 - (ii) holds an approved diploma level education and care qualification

This document sets out the policy framework for the Board in considering and granting SATs for persons who are working towards the successful completion of an Early Childhood Initial Teacher Education qualification or approved ACECQA qualification and have been offered a position as an Early Childhood Teacher under the *National Quality Framework for Early Childhood Education and Care*.

The purpose of a SAT as an Early Childhood Teacher (Working Towards) is to enable employment in early childhood teaching positions for those people who are working towards meeting the minimum qualification requirements for registration as a teacher in South Australia and who have been offered a position as an Early Childhood Teacher.

2 Preamble

From 1 January 2014, in line with the *National Quality Framework for Early Childhood Education and Care*, early childhood services educating and caring for children preschool age or under (i.e. three to five years in preschools/kindergartens and birth to 35 months in early childhood services must meet the staffing requirements of an early childhood teacher(s)).

If a service has 25 or less children attending, they must have access to an Early Childhood Teacher however when more than 25 children are attending a teacher must be employed by the service.

As a result of a consequential amendment to the Act, some staff employed in early childhood services are now captured by the *Teachers Registration and Standards Act 2004* (the Act) and therefore required to hold teacher registration.

The Board has the discretion to consider an application by a person who is not a registered teacher and to grant a SAT for a period of time under conditions that are deemed appropriate. Each application is considered in accordance with this Policy and the provisions of the Act, and specifically (and by way of example only):

- s30(1)(a) *It is a condition of every special authority that a working with children check be conducted in relation to the person at least once in each 5 year period.*
- s30(2)(c) *the person consents to the conduct by the Board of a criminal record check relating to the person; and*
- s30(2)(ca) *the person is otherwise a fit and proper person to be granted a special authority to teach; and*

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- s30(2)(d) *the person meets any other requirements prescribed by regulation for the purposes of this subsection.*
- s30(3)(b) *be accompanied by the prescribed fee.*

Even upon grant, it is noted that under section 30(5) the Board may, “*without any requirement for a hearing or other process, by written notice to the holder of a special authority, vary or revoke the special authority*”.

3 Definitions

ACECQA means Australian Children’s Education and Care Quality Authority.

Act means the *Teachers Registration and Standards Act, 2004*.

director, of a prescribed service, means the person responsible for providing educational leadership in, and managing the day-to-day operations of the prescribed service.

Early Childhood qualification means the qualification by which a teacher in South Australia is granted permission to teach in an early childhood setting by condition pursuant to regulation 7 (1) (c) and regulation 7 (1) (d) of the *Teachers Registration and Standards Regulations 2021*.

Initial teacher education (ITE) qualification means an accredited ITE program qualifying teachers to teach in birth to 8 or birth to twelve settings pursuant to regulation 7 (1) (a) of the *Teachers Registration and Standards Regulations 2021*.

ITE means an Initial Teacher Education program.

NQF means National Quality Framework for Early Childhood Education and Care.

practising teacher means a person in employment for which registration is required under the Act.

prescribed service means—

- (a) a school-based preschool or stand-alone preschool under the *Education and Children’s Services Act 2019* (including a stand-alone preschool continued under Part 4 Division 3 of that Act); or
- (c) an education and care service under the *Education and Care Services National Law (South Australia)* consisting of or including pre-school education; or
- (d) any other service of a kind prescribed by the regulations for the purposes of this definition.

pre-school education means the provision of courses of education, training and instruction to children who have not yet attained compulsory school age (within the meaning of the *Education and Children’s Services Act 2019*).

principal of a school means the person responsible for providing educational leadership in the school and managing the day-to-day operations of the school.

SAT means Special Authority to Teach.

UI means Unique Identifier of a person, means a unique identifier issued to the person under the *Child Safety (Prohibited Persons) Act 2016*.

Unprofessional Conduct means a contravention of the Act or repealed provisions; or a contravention of a condition of a special authority under the Act or the repealed provisions; or incompetence; or disgraceful or improper conduct.

WWCC means Working With Children Check under the *Child Safety (Prohibited Persons) Act 2016*.

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4 Policy/Legislative context

A SAT as an Early Childhood Teacher Policy complies and is consistent with the following:

- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations*
- *Teachers Registration and Standards Act 2004 (Act)*
- *Teachers Registration and Standards Regulations 2021 (the Regulations)*
- *Code of Ethics for the Teaching Profession in South Australia*
- *Teachers Registration Board of South Australia Code of Conduct 2024*
- *Australian Children's Education and Care Quality Authority Regulation 242*

5 Provisions

5.1 Application process

When applying for a SAT as an Early Childhood Teacher (Working Towards) an applicant will complete and lodge a SAT as an Early Childhood Teacher (Working Towards) Application form.

The applicant must provide all documents, and the appropriate fee. Applicants will nominate the period of time they require the SAT as an Early Childhood Teacher (Working Towards) dependant on the years of study still to be undertaken to complete the qualification (up to three years).

5.2 Approval of application

Approval for the granting of a SAT as an Early Childhood Teacher (Working Towards) has been delegated to the Registrar of the Board in accordance with s17(1)(b) of the Act. The Registrar has authorised the Director, Regulatory Performance and Manager, Registration to authorise applications for SATs on the Registrar's behalf.

5.3 Duration

The SAT as an Early Childhood Teacher (Working Towards) can be granted until 31 January in the third year following the year in which the SAT commences. Once the applicant has provided satisfactory evidence to the Board that they have completed a recognised Initial Teacher Education (ITE) qualification or an ACECQA approved qualification (other than a Graduate Diploma or Graduate Certificate) and met all other requirements for registration, they would then be considered for the grant of provisional registration. If the holder needs further time to complete their study, their application may be varied (i.e. extended for a specified period).

5.4 English language requirement

(refer to the [English Language Policy December 2024](#)).

5.5 Professional Learning

5.5.1 Obligations

All holders of a SAT granted for a period of 12 months or more are required to undertake professional learning. Under this policy, evidence of a SAT holder's ongoing study will meet this requirement.

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5.5.2 Requirements

Applicants of a SAT Early Childhood Teacher (Working Towards) under the National Quality Framework for Early Childhood Education and Care (NQF) must be working towards completion of a recognised early childhood teaching qualification to be granted this category of SAT.

5.5.3 Audit

If a holder of a SAT as an Early Childhood Teacher (Working Towards) decides to cease their study their authority, under s30(5) of the Teachers Registration and Standards Act 2004, “*the Teachers Registration Board may, in its discretion and without any requirement for a hearing or other process, by written notice to the holder of a special authority, vary or revoke the special authority.*”

It is a condition of a SAT as an Early Childhood Teacher (Working Towards) that each holder provide evidence to the Registrar of their study completed and ongoing enrolment every 6 months.

5.6 Restrictions

A SAT as an Early Childhood Teacher (Working Towards) will restrict the holder to teaching in the early childhood service nominated at time of application to the Board. However, if the special authority holder moves sites, they may request approval by the Board to continue as a SAT holder in the new early childhood service.

The Board may, in its discretion, specify conditions relevant to the circumstances.

5.7 Register

The Board keeps a Register of persons granted a SAT in accordance with s31(1) of the Act.

The Register must include the following information for each person granted a SAT s31(2):

- *full name, personal address and business address (if applicable);*
- *qualifications attained (if applicable) that are determined by the Board to be relevant to the person’s activities under the SAT;*
- *the reference number of the person’s SAT; and*
- *unique identifier (UI);*
- *details of the most recent Working With Children Check (WWCC) conducted;*
- *details of any conditions on the person’s SAT; and*
- *expiration date of the SAT;*
- *details concerning the outcome of any action taken against the individual by the Board under the Act; and*
- *other information the Board considers relevant.*

The Registrar must make the information recorded on the Register (other than addresses of any person) available for inspection on application to the Registrar and on the Board’s website.

Information regarding the SAT holder (other than information which appears on the register of special authorities), is dealt with in accordance with the Information Privacy Principles, the *Freedom of Information Act*, 1991 and the provisions of the Act, including section 53 – confidentiality provisions.

5.8 Obligations

Under s31(A)(1) *The Teachers Registration Board or the Registrar may, at any time, require a holder of a SAT, or the employer, or a former employer of such a person, to provide information relating to the person or the person’s employment.*

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A person who fails to comply with a requirement under this section is guilty of an offence.

Maximum penalty: \$5 000. Expiation fee: \$315.

For the purposes of this section, a reference to a holder of a SAT will be taken to include a reference to a person who was, but is no longer, the holder of a SAT.

Further obligations of SAT holders and employers are listed below.

5.9 Authority Holder Obligations

- Under s31(4) *The holder of a SAT must, within 28 days after changing name or address, inform the Registrar in writing of the change.*

Maximum penalty: \$1 250. Expiration fee: \$160.

Under s31(5) The holder of a SAT must, as soon as is reasonably practicable after a working with children check is conducted in relation to the person (but in any event within 14 days), inform the Registrar in writing of that fact, and provide such details relating to the working with children check as the Registrar may require.

5.10 Employer Responsibilities

Employers of a SAT holder have the following obligations:

- The employer of a SAT holder must notify the Board where they:
 - dismiss a SAT holder for being a prohibited person; or
 - not having a WWCC conducted within the 5 preceding years;
 - or in response to an allegation of unprofessional conduct;
 - or incompetence (however described); or
 - any other reason prescribed by regulations; or
 - accept the resignation of the SAT holder arising out of any reason listed above, regardless that the employee was not “dismissed”.
- The employer of a SAT holder must also notify the Board if the employer becomes aware of any of the following in relation to the SAT holder;
 - that their capacity to teach is, or may be, seriously impaired by an illness or disability affecting the person’s behaviour or competence as a SAT holder;
 - or that an allegation of unprofessional conduct is made against the SAT holder;
 - or the SAT holder is not, in the opinion of the employer, a fit and proper person to be a SAT holder;
 - or any other matter of a kind prescribed by the regulations.
- Former employers of a SAT holder must notify the Board if, within 12 months, immediately after the SAT holder ceases to work for them, they become aware of any of the following;
 - that an allegation of unprofessional conduct was or is made against the SAT holder;
 - or any other matter of a kind prescribed by the regulations.

An employer or former employer who, without reasonable excuse, refuses or fails to comply with a requirement listed above is guilty of an offence with the maximum penalty being \$10,000.

5.11 Fitness and Propriety

For applicants to be granted a SAT all applicants must:

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- hold a Working With Children Check that has been conducted within the preceding 5 years;
- not be a prohibited person under the *Child Safety (Prohibited Persons) Act 2016*;
- consent to the conduct by the Board of a Nationally Coordinated Criminal History Check;
- where required, in accordance with the Board's Overseas Criminal History Check Policy, provide suitable evidence of Overseas Criminal History Checks; and
- otherwise be a fit and proper person to be granted a SAT s30(2)(ca).

5.12 Code of Conduct

The Board has formulated a Code of Conduct which came into operation from 1 August 2024. The Code applies to all South Australian registered teachers and SAT holders. The Code is overarching. It sets standards, supports employer guidance and conforms with Protective Practice Guidelines.

5.13 Notification of offences

Pursuant to section 52(1a), *If the Registrar becomes aware that a person who is or has been the holder of a special authority to teach granted under Part 6 has been charged with or convicted of an offence (whether an offence under the law of South Australia or elsewhere), that, in the opinion of the Registrar, raises serious concerns about the person's fitness to hold, or continue to hold, a special authority to teach, the Registrar must, as soon as practicable, give details of the matter to -*

- *the person's employer if the person is the holder of a current SAT; and*
- *the chief executives of the Department for Education, the Catholic Education Office and the Association of Independent Schools of South Australia Incorporated.*

5.14 Revocation

Pursuant to Section 30(5) of the Act: *The Teachers Registration Board may, in its discretion and without any requirement for a hearing or other process, by written notice to the holder of a special authority, vary or revoke the special authority.*

5.15 Appeal

There is no provision pursuant to the Act for a person to appeal against a decision of the Board regarding the granting, refusing or revocation of a SAT as an Early Childhood Teacher (Working Towards). Pursuant to section 49 of the Act, only decisions made by the Board under Parts 5 and 7 of the Act may be the subject of an appeal. The grant of this authority falls within Part 6 of the Act and is therefore excluded.

This exclusion does not derogate from a person's right of appeal pursuant to any other legislation or at common law, including seeking judicial review proceedings in the Supreme Court.

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6 Requirements

Overview

In relation to those persons employed as a SAT as an Early Childhood Teacher (Working Towards), the Board has determined that an applicant who does not meet the Board's minimum prescribed qualification requirement for teacher registration but who meets the following pre-requisites:

- Has met all other requirements including a satisfactory Australian National Police History Check conducted by the Board; and
- Has a WWCC that has been conducted in relation to the person within the preceding 5 years; and
- Is not a prohibited person under the *Child Safety (Prohibited Persons) Act 2016*; and
- Has provided evidence that they are to be employed as a SAT Early Childhood Teacher (Working Towards) in a specified prescribed service;

and either:

- Holds an ACECQA approved Diploma level education and care qualification (e.g. Diploma of Early Childhood Education and Care or equivalent) and is currently enrolled in a recognised early childhood teacher education qualification that, upon completion, would enable the applicant to meet the Board's minimum prescribed qualification requirements;

or

- Is currently enrolled in a recognised early childhood teacher education qualification that, upon completion, would enable the applicant to meet the Board's minimum prescribed qualification requirements and has completed at least 50% of the qualification;

can be granted a SAT as an Early Childhood Teacher (Working Towards) at the site(s) where they are to be employed.

The SAT as an Early Childhood Teacher (Working Towards) does not authorise the applicant to teach in any other prescribed service in South Australia.

The SAT as an Early Childhood Teacher (Working Towards) may be granted for up to a period until 31 January in the third year following the year in which the SAT has commenced. Once the applicant has provided satisfactory evidence to the Board that they have completed a recognised ITE qualification or an ACECQA approved qualification and met all other requirements, the Board would then consider an Application for Teacher Registration.

An applicant who has their SAT as an Early Childhood Teacher (Working Towards) granted in this way is required to provide to the Board evidence of their satisfactory progress towards completing their recognised qualification on a 6 monthly basis.

The Board would consider satisfactory progress to be the successful completion of at least one subject/course/unit per semester. If the SAT holder is unable to demonstrate their continued satisfactory progress towards completing their recognised qualification, the Board has the power to review or revoke the SAT as an Early Childhood Teacher (Working Towards).

7 Variation of Special Authority

Where the holder of a SAT as an Early Childhood Teacher (Working Towards) is successful in gaining a new position as an early childhood teacher at another prescribed service, that person can apply to have their SAT varied and transferred to their new employer.

The person is required to provide evidence that they are:

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- continuing to study toward the recognised early childhood qualification; and
- employed as an Early Childhood Teacher in a prescribed service with their new employer.

7.1 Transfer of Studies

Where the holder of a SAT as an Early Childhood Teacher (Working Towards) enrolls in a new recognised program of study, the person can apply to have their SAT varied to include the new studies.

The person is required to provide evidence of their enrolment in the new qualification and their progress towards completion of the qualification to ensure they still meet the criteria for the grant of a SAT as an Early Childhood Teacher (Working Towards).

7.2 Resignation of position

Where a holder of a SAT as an Early Childhood Teacher (Working Towards) resigns their position as an early childhood teacher, the person no longer meets the criteria for the grant of the SAT as an Early Childhood Teacher (Working Towards).

In these circumstances the SAT as an Early Childhood Teacher (Working Towards) will be revoked.

7.3 Withdrawal from Study

Where a holder of a SAT as an Early Childhood Teacher (Working Towards) withdraws from their study towards a recognised early childhood teacher education qualification that, upon completion, would enable the applicant to meet the Board's minimum prescribed qualification requirements, the person no longer meets the criteria for grant of the Special Authority to Teach as an Early Childhood Teacher (Working Towards).

In these circumstances the SAT as an Early Childhood Teacher (Working Towards) will be revoked.

7.4 Variation of Early Childhood Teacher (Working Towards) SAT

There may be times where a holder of a SAT as an Early Childhood Teacher (Working Towards) has not completed their study towards a recognised early childhood teacher education qualification at the time the SAT as an Early Childhood Teacher (Working Towards) is due to expire.

In these circumstances the holder will be afforded an opportunity to vary their SAT as an Early Childhood Teacher (Working Towards).

An application for variation of the SAT as an Early Childhood Teacher (Working Towards) will be emailed to the holder before the SAT as an Early Childhood Teacher (Working Towards) expires.

The holder will be required to complete an application to seek a variation of the SAT as an Early Childhood Teacher (Working Towards) and provide;

- Evidence they are continuing to study toward their recognised early childhood ITE qualification or ACECQA approved qualification that, upon completion, would enable the applicant to meet the Board's minimum prescribed qualification requirements;
- Evidence that they are still employed as an Early Childhood Teacher at the centre to which the SAT has been issued; and
- Any other requirements as determined by the Board

In these circumstances the SAT as an Early Childhood Teacher (Working Towards) may be varied if all requirements are met.

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7.5 Completion of Study

Upon completion of their study, the holder of a SAT as an Early Childhood Teacher (Working Towards) will provide to the Board evidence of the successful completion of their study and complete and lodge an Application for Teacher Registration with the Board in person or via post, or any other means available at the time of application.

The applicant must meet all requirements for teacher registration and if so, will be granted provisional registration.

At this time the SAT as an Early Childhood Teacher (Working Towards) previously issued will be revoked.

8 References and Links

Application form – Application for a SAT as an Early Childhood Teacher (Working Towards)

[Australian Children's Education and Care Quality Authority](#)

Legislation [Teachers Registration and Standards Act 2004](#)

Register of Special Authorities - <http://crmpub.trb.sa.edu.au/Home/TeacherSearchSP>

SAT fees - www.trb.sa.edu.au/fees

Special Authorities [Specific Authorities | Teachers Registration Board of South Australia](#)

Teachers Registration Board of South Australia Website (www.trb.sa.edu.au)