

TASMANIA

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**TEACHERS REGISTRATION AMENDMENT  
BILL 2004**

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# **TEACHERS REGISTRATION AMENDMENT BILL 2004**

*(Brought in by the Minister for Education, the Honourable  
Paula Catherine Wriedt)*

## **A BILL FOR**

### **An Act to amend the *Teachers Registration Act 2000***

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

#### **Short title**

1. This Act may be cited as the *Teachers Registration Amendment Act 2004*.

#### **Commencement**

2. This Act commences on a day to be proclaimed.

#### **Principal Act**

3. In this Act, the *Teachers Registration Act 2000*\* is referred to as the Principal Act.

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\*No. 98 of 2000

**Section 3 amended (Interpretation)**

4. Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definition before the definition of “approved”:

**“another State”** includes –

- (a) a Territory; and
- (b) New Zealand;
- (b) by omitting the definition of “certificate of limited authority”;
- (c) by inserting the following definitions after the definition of “committee of inquiry”:

**“fit to teach”** means fit to teach in the opinion of the Board after taking into account any matter it considers relevant;

**“full registration”** means full registration –

- (a) granted under section 13, whether or not extended under section 13A; or
- (b) renewed under section 14;

**“fully registered”** means having full registration;

- (d) by inserting the following definition after the definition of “materials”:

**“notice of limited authority”** means a notice of limited authority referred to in section 17(5);

- (e) by inserting “, whether or not extended under section 16A” after “section 16” in the definition of “provisional registration”;
- (f) by inserting the following definition after the definition of “provisional registration”:

**“provisionally registered”** means  
having provisional registration;

- (g) by omitting “registered under section 13 or 14” from the definition of “registered” and substituting “fully registered or provisionally registered”;
- (h) by omitting “or provisionally registered” from paragraph (a) of the definition of “registered teacher”;
- (i) by omitting “registration under section 13 or 14” from the definition of “registration” and substituting “full registration or provisional registration”.

### **Section 5 amended (Establishment of Board)**

5. Section 5(1) of the Principal Act is amended by inserting after paragraph (b) the following paragraph:

- (ba) a legal practitioner within the meaning of the *Legal Profession Act 1993*;

### **Section 11 amended (Applications)**

6. Section 11 of the Principal Act is amended as follows:

- (a) by omitting paragraphs (a) and (b) from subsection (1) and substituting the following paragraph:
  - (a) is a registered teacher; or
- (b) by omitting from subsection (2) “registration, provisional”;
- (c) by omitting subsection (4).

**Section 12 amended (Criteria for full registration)**

7. Section 12 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “registered” and substituting “granted full registration”;
- (b) by omitting from subsection (1)(a)(i) “teaching” and substituting “teaching, or the equivalent of one year of full-time teaching.”;
- (c) by omitting from subsection (1)(b) “character.” and substituting “character; and”;
- (d) by inserting the following paragraph after paragraph (b) in subsection (1):
  - (c) he or she is fit to teach.
- (e) by omitting from subsection (2)(b)(ii) “or” second occurring and substituting “and”;
- (f) by omitting subparagraph (iii) from subsection (2)(b);
- (g) by omitting subsections (3) and (4).

**Section 13 amended (Registration)**

**8.** Section 13(1) of the Principal Act is amended by omitting “register” and substituting “grant full registration to”.

**Section 13A amended (Extension of registration)**

**9.** Section 13A of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “full” after “whose”;
- (b) by inserting in subsection (2) “full” after “whose”;
- (c) by inserting the following subsection after subsection (3):

**(4)** The Board is to extend a registration that is the subject of an application under this section.

**Section 14 amended (Renewal of registration)**

**10.** Section 14 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “who is fully registered” after “person”;
- (b) by inserting in subsection (1) “that” after “of”;
- (c) by omitting from subsection (2)(b) “of –” and substituting “of one or both of the following matters as required by the Board.”;
- (d) by omitting from subsection (2)(b)(i) “or”;

- (e) by inserting in subsection (3) “fully registered” after “a”;
- (f) by inserting the following paragraph after paragraph (a) in subsection (3):
  - (ab) satisfied that the person is fit to teach; and

**Section 15 amended (Certificate of registration)**

**11.** Section 15 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “full” after “of”;
- (b) by omitting from subsection (1) “section 13” and substituting “section 13, whether or not extended under section 13A,”;
- (c) by inserting in subsection (2) “or section 16A” after “section 16(3)”.

**Section 16 amended (Criteria for provisional registration)**

**12.** Section 16 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “character.” and substituting “character; and”;
- (b) by inserting the following paragraph after paragraph (b) in subsection (1):
  - (c) the person is fit to teach.
- (c) by inserting the following subsection after subsection (1):



**(1A)** If the Board determines that a fully registered person applying for renewal of his or her registration does not meet the requirements of section 14(3), the Board may grant provisional registration to that person subject to any conditions the Board considers appropriate.

- (d) by omitting from subsection (6) “teaching” and substituting “full-time teaching or the equivalent of one year of full-time teaching”.

**Section 16A amended (Extension of provisional registration)**

**13.** Section 16A of the Principal Act is amended by inserting after subsection (3) the following subsection:

**(4)** The Board is to extend a registration that is the subject of an application under this section.

**Section 17 amended (Criteria for limited authority)**

**14.** Section 17 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “is to” and substituting “may”;
- (b) by omitting paragraphs (b) and (c) from subsection (1) and substituting the following paragraphs:
  - (b) is of good character; and
  - (c) is fit to teach.
- (c) by omitting subsection (5) and substituting the following subsection:

(5) The Board is to issue a notice of limited authority –

- (a) to a person granted a limited authority; and
- (b) to the person initiating the request for the limited authority.

### **Section 19 amended (Complaints)**

**15.** Section 19 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

(1) By notice in writing to the Board, a person may complain about the conduct of a person who is or was a registered teacher, or has or has had a limited authority, if –

- (a) the conduct occurred while the person was employed, or engaged, as a teacher; and
- (b) the person complaining believes that the conduct indicates –
  - (i) that the teacher is not of good character; or
  - (ii) that the teacher is not fit to teach.

### **Section 19A inserted**

**16.** After section 19 of the Principal Act, the following section is inserted in Division 2:

**Notification**

**19A. (1)** In this section –

**“teacher”** means a person who is or was a registered teacher or has or has had a limited authority.

**(2)** By notice in writing, an employer must notify the Board about any conduct of a teacher if –

- (a) the conduct occurred while the teacher was employed, or engaged, by the employer to teach; and
- (b) the employer believes that the conduct indicates –
  - (i) that the teacher is not of good character; or
  - (ii) that the teacher is not fit to teach.

**Section 20 amended (Inquiries)**

**17.** Section 20(3) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “resigned” and substituting “resigned, or retired,”;
- (b) by omitting from paragraph (e) “character.” and substituting “character; or”;
- (c) by inserting the following paragraph after paragraph (e):
  - (f) the person is no longer fit to teach.

**Section 24A inserted**

**18.** Before section 25 of the Principal Act, the following section is inserted in Part 5:

**Right of person to be heard**

**24A. (1)** The Board is to give a person an opportunity to appear before it if the Board believes that it may not be satisfied that the person is of good character or is fit to teach.

**(2)** A person may appear before the Board accompanied by any other person.

**Section 27A inserted**

**19.** After section 27 of the Principal Act, the following section is inserted in Part 5:

**Information may be given to like body**

**27A. (1)** The Board may disclose to a person responsible for the registration of teachers in another State information it has about, or arising from, any of the following matters:

- (a) an application for registration as a teacher;
- (b) a teacher's registration;
- (c) action taken by the Board in relation to a registered teacher.

**(2)** In disclosing information under subsection (1), the Board does not contravene an obligation not to disclose the information, whether imposed by an Act or by another rule of law.

**Section 31 amended (Notice of dismissal and resignation)**

**20.** Section 31(b) of the Principal Act is amended as follows:

- (a) by omitting “resignation” first occurring and substituting “resignation or retirement”;
- (b) by inserting “or retirement” after “after the resignation”.

**Section 32 amended (Annual returns)**

**21.** Section 32 of the Principal Act is amended by omitting “teaching” and substituting “employed or engaged to teach”.

**Section 37 amended (Replacement certificates)**

**22.** Section 37 of the Principal Act is amended as follows:

- (a) by omitting “certificate” second occurring and substituting “notice”;
- (b) by omitting “that the original certificate is lost or misplaced” and substituting “that there is good reason for the replacement”.

**Section 39 amended (Regulations)**

**23.** Section 39 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(d) “and limited authorities”;

(b) by inserting the following paragraph after paragraph (d) in subsection (2):

(da) any annual fees relating to limited authorities; and

(c) by inserting the following subsection after subsection (3):

**(3A)** A fee imposed by the regulations may be imposed so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.