

FACT SHEET

Teachers Registration Amendment Bill 2009

This Bill is an amendment Bill which amends the *Teachers Registration Act 2000*. The Bill will provide for a new Act which will be cited as the *Teachers Registration Amendment Act 2009* to commence on 1 January 2010.

Teachers Registration Act 2000

The *Teachers Registration Act 2000* provides for the registration of teachers in Tasmania. Proclaimed on 1 January 2002 and amended in April 2003, the purpose of the Act is to ensure that all children in Tasmanian schools are taught by skilled and qualified teachers who are of good character and that appropriate standards of professional conduct for teachers are being met and maintained.

In order to fulfil this purpose the Act provides for the establishment of the Teachers Registration Board and describes the functions of the Board and the processes by which registration of teachers will occur.

A process of identifying a further set of amendments to the Act and gaining stakeholder support for these began in 2004 as experience gained from implementing the Act over time highlighted inconsistencies, omissions, lack of clarity and wording anomalies.

Teachers Registration Amendment Bill 2009

The amendments contained in this Bill do not alter the basic process of teacher registration or the basic functions of the Board, but rather, the amendments provide clarification and greater guidance to the Board and stakeholders in relation to the Board's powers, actions and decisions under the Act.

The proposed amendments fall into four categories – amendments that clarify Board powers and functions, amendments that facilitate communication, amendments to improve the registration process and amendments to remove wording and definition anomalies.

Amendments to clarify Board powers and functions include changes to the Functions section of the Act. As mentioned above, these will not alter the basic functions of the Board but will clearly spell out some functions that are currently implicit rather than explicit in the Functions section. For example, the function of approving teacher education courses is contained in Part 3 of the current Act but not explicitly expressed in the Functions. This will now stand as a discrete function in the new Act.

Other amendments that clarify Board powers and functions include provisions to:

1. require the Board to consider the welfare and best interests of students when fulfilling its functions,
2. establish the position of executive officer, and
3. allow the power of delegation.

The Board will also be an incorporated body allowing it to fully participate in the national association of teacher regulatory authorities: Australasian Teacher Regulatory Authorities (ATRA)

Amendments to facilitate communication include providing the Board with the power to publish the register of teachers on-line and allowing for replacement certificates for changes of name. The Board will also be able to notify other regulatory authorities about the outcomes of inquiries and other disciplinary actions. Similarly the Board will be able to request information on registrants from other regulatory authorities and other bodies as appropriate.

Processes for the lodgement and management of complaints, inquiries and hearings have been rewritten to provide more clarity and guidance to the Board, registrants and those who may wish to lodge a complaint about a registered teacher.

Amendments to improve the registration process include an increase in the cycle of registration from 3 years to 5 years, provision for the placement of conditions on full registration, changes to provide for English language proficiency requirements as part of the criteria for registration and the capacity to have ongoing communication with Tasmania Police in relation to record of convictions checks for registrants.

The definitions of good character and fit to teach have been clarified to ensure that the Board is able to appropriately determine the character and fitness of an applicant or registrant. Employers are now required to notify the Board of any disciplinary action taken against a registered teacher in the course of his/her employment.

The new legislation also changes the fee structure associated with registration, making this more logical and less confusing. As the new legislation provides for a registration cycle of up to 5 years the total cost of registration may be perceived to have increased however this is not the case. The legislation provides for registrants to pay registration in annual instalments – no-one will be required to pay for 5 years of registration in advance.

Amendments to remove wording and definition anomalies include, for example, changing references to 'resignation' in Section 31 to 'resignation and retirement', describing registration as either provisional registration or full registration and providing for a notice of Limited Authority rather than a certificate.

As part of the implementation of the Tasmania *Tomorrow* initiative, agreement was reached between the Teachers Registration Board, the Australian Education Union and the CEOs of the Tasmanian Academy and the Tasmanian Polytechnic that employment of teachers in the Academy and the Polytechnic will be subject to teacher registration. The new legislation now provides for this.

The legislation also allows for a full year of transition for teachers in the Polytechnic as many have never before been required to gain registration. Therefore registration in the Polytechnic will take full effect as of 1 January 2011.

To be granted registration Polytechnic and Academy teachers will need to be of good character, be competent and have appropriate teaching qualifications. The Board will expect Polytechnic teachers to have qualifications that are relevant for the Polytechnic context. The Board will not require Polytechnic teachers to gain teacher qualifications that are better suited to primary or secondary school settings. The Board will work with the Polytechnic senior executive to identify and recognise the appropriate qualifications.