

## DRAFT SECOND READING SPEECH

HON. JEREMY ROCKLIFF MP

### *Teachers Registration Amendment Bill 2016*

*\*check Hansard for delivery\**

Madam Speaker

I move that the Bill now be read for a second time.

This Bill makes amendment to the *Teachers Registration Act 2000* as a consequence of, and to assist with, the implementation of the *Registration to Work with Vulnerable People Act 2013*.

The Registration to Work with Vulnerable People Act creates a centralised regulatory system that provides for the background checking and registration of people who work, or want to work, in various regulated activities with children and vulnerable people in Tasmania.

The aim of the Act is to keep children and vulnerable adults as safe as possible, by reducing the incidence of sexual, physical, psychological and emotional harm or neglect.

Similar screening, background checking and registration processes for people working with children now exist in all Australian States and Territories. The States, Territories and Commonwealth have executed a Memorandum of Understanding, allowing for the exchange between jurisdictions of expanded criminal history information, including convictions, spent convictions, pending charges and non-conviction charges, in relation to people working with children and vulnerable people. This expanded information better informs the decision making process about the risk of harm to children.

As Members will know, the community's desire to reduce the risk of harm to children and vulnerable people is as strong as it has ever been. As such, the Department of Justice has been responsible for managing the staged three year roll out and promotion of Vulnerable People Registration, which commenced on 1 July 2014.

The objective of this *Teacher Registration Amendment Bill 2016* is to facilitate the additional requirements under the Registration to Work with Vulnerable People Act, by ensuring that registration under the Registration to Work with Vulnerable People Act becomes a criterion for registration as a teacher or to be granted a Limited Authority to Teach, as determined by the Teachers Registration Board.

The Teachers Registration Act regulates the registration of teachers in Tasmania. Under section 11 of the Act, a person must not engage in any teaching activities or services unless as authorised by registration, limited authority or under the direct supervision of a registered teacher.

To grant registration or limited authority, the Teachers Registration Board must be satisfied of a number of things, including that the applicant is of 'good character' and is

'fit to be a teacher'. In addition to further criteria, these fitness and character tests apply to all four categories of teacher registration: full registration, provisional registration, specialist vocational education and training registration, and the Limited Authority to Teach.

Madam Speaker, the purpose of these assessment and screening requirements is to ensure, as far as possible, the safety and welfare of children in Tasmanian schools. However, under the new background checking and registration system established by the Registration to Work with Vulnerable People Act, the Registrar within the Department of Justice undertakes a more comprehensive risk assessment of applicants.

Madam Speaker, the checks under the Registration to Work with Vulnerable People Act are arguably more extensive than the criminal history matters taken into account by the Teachers Registration Board for the 'good character' and 'fitness' assessments.

While the nature of the assessment undertaken under the Registration to Work with Vulnerable People Act focusses primarily on whether the applicant poses a possible risk of harm to a vulnerable person or child, it does not consider the general 'good character' and 'fitness to teach' tests. This remains an important aspect of the specific registration process of teachers in Tasmania which the Teachers Registration Board is responsible for.

As soon as the requirement commences on 1 January next year, the Working with Vulnerable People Registration is to be completed first before an application to teach may be considered by the Teachers Registration Board.

Under this approach, it may be possible for an applicant to gain registration to work in a child related activity under the Registration to Work with Vulnerable People Act, but not gain registration or limited authority to teach under the Teachers Registration Act. This would be the case if an applicant fails to satisfy the Teachers Registration Board's assessment criteria, including the tests of 'good character' and 'fitness to teach', or the requirement for appropriate academic qualifications.

This Bill ensures that it will not be possible for a person to teach in a Tasmanian school after 1 January 2017 if they have failed to gain registration under the *Registration to Work with Vulnerable People Act*. To avoid any confusion or inconsistency, this Bill amends the Teachers Registration Act to ensure that as part of the teacher registration determination process, the Teacher Registration Board is satisfied that applicants hold current Working with Vulnerable People Registration under the Registration to Work with Vulnerable People Act, in order to engage in child related activities.

Due to applications opening on 1 May 2016, relevant information on any refused applications or suspended and cancelled registrations of registered teachers will be passed on by the Registrar to the Teachers Registration Board. This is in accordance with section 54B of the Registration to Work with Vulnerable People Act, which allows information relating to the registration of a person, including the result of a risk assessment, to be forwarded to a registering authority.

To this end, the Bill also expressly allows the Teachers Registration Board to take into account whether applicants have been refused registration, or had their registration

suspended or cancelled under the Registration to Work with Vulnerable People Act, when determining whether a person is of good character or fit to teach under the Teachers Registration Act.

This amendment removes any ambiguity about whether the Teachers Registration Board can instigate an inquiry to refuse or remove a person's Teacher Registration based on the information received in regard to the Working with Vulnerable People risk assessment, or ongoing monitoring, before the requirement for the person to be registered under the Registration to Work with Vulnerable People Act commences on 1 January 2017.

This will remove any potential risk of a person gaining registration under the Teachers Registration Act when they have been refused registration under the Registration to Work with Vulnerable People Act, prior to the requirement to hold registration commencing next year.

Madam Speaker, this Bill supports the implementation of the Registration to Work with Vulnerable People legislation – a key reform in providing greater protection to Tasmanian children.

I commend the Bill to the House.