

TASMANIA

TEACHERS REGISTRATION AMENDMENT BILL 2009

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TEACHERS REGISTRATION AMENDMENT BILL 2009

*(Brought in by the Minister for Education and Skills, the
Honourable David John Bartlett)*

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:

1. Short title

This Act may be cited as the *Teachers
Registration Amendment Act 2009*.

2. Commencement

This Act commences on 1 January 2010.

3. Principal Act

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

*No. 98 of 2000

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4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

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

“amend” means insert matter, omit matter or omit matter and substitute other matter;

- (b) by omitting “established under” from the definition of “Board” and substituting “of Tasmania referred to in”;

- (c) by omitting the definition of “certificate of limited authority”;

- (d) by omitting the definition of “certificate of registration” and substituting the following definitions:

“certificate of full registration”
means a certificate issued under section 15(1);

“certificate of provisional registration” means a certificate issued under section 15(2);

- (e) by inserting the following definitions after the definition of “committee of inquiry”:

“complaint” means a complaint made under section 19;

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“corresponding registration authority” means a person, body, department or other authority in another jurisdiction within Australia or in New Zealand that is responsible under the law of that jurisdiction for the registration, licensing or other approval of teachers;

“executive officer” means the executive officer of the Board appointed under section 7C;

“fit to be a teacher” means fit to be a teacher as determined under section 17K;

“full registration” means full registration granted under section 13 or 14 or renewed under section 17A;

“fully registered”, in relation to a person, means that the person –

- (a) has been granted full registration under section 13 or 14 or had his or her full registration renewed under section 17A; and
- (b) holds a current certificate of full registration;

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(f) by omitting “referred to in section 12(2);” from the definition of “good character” and substituting “determined under section 17J;”;

(g) by inserting the following definitions after the definition of “good character”:

“hearing” means a hearing held under section 22C as part of an inquiry;

“holder of a limited authority” means a person who holds a current notice of limited authority;

(h) by omitting the definition of “limited authority” and substituting the following definition:

“limited authority” means a limited authority granted under section 17D or extended under section 17H;

(i) by inserting the following definitions after the definition of “materials”:

“notice of limited authority” means a notice referred to in section 17E;

“one full-time equivalent year of teaching” means –

(a) one year of full-time teaching; or

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- (b) part-time teaching equivalent to one year of full-time teaching; or
 - (c) a combination of full-time and part-time teaching equivalent to one year of full-time teaching;
 - (j) by omitting “part” from the definition of “practising teacher” and substituting “employed as a member”;
 - (k) by omitting “school;” from the definition of “practising teacher” and substituting “school, the Tasmanian Academy or the Tasmanian Polytechnic;”;
 - (l) by omitting the definitions of “provisional registration”, “register” and “registered” and substituting the following definitions:

“prescribed offence” means –

- (a) an offence, committed in Tasmania, in respect of which a sentence of imprisonment may be imposed (whether or not such sentence is imposed); or
- (b) an offence, committed elsewhere, in respect of which, if the offence had been committed in

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Tasmania, a sentence of imprisonment may have been imposed (whether or not such sentence is imposed);

“provisional registration” means provisional registration granted under section 13 –

- (a) on the determination of an application under section 12; or
- (b) by the operation of section 17A(5);

“provisionally registered”, in relation to a person, means that the person –

- (a) has been granted provisional registration under section 13 on the determination of an application under section 12 or by the operation of section 17A(5); and
- (b) holds a current certificate of provisional registration;

“register” means a register of registered teachers, or a register

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of holders of limited authorities,
kept under section 25;

**“register of holders of limited
authorities”** means a register of
holders of limited authorities kept
under section 25;

“register of teachers” means a
register of registered teachers
kept under section 25;

“registered school” means a school
registered under Part 5 of the
Education Act 1994;

- (m) by inserting “fully” after “is” in
paragraph (a) of the definition of
“registered teacher”;
- (n) by omitting “register;” from paragraph
(b) of the definition of “registered
teacher” and substituting “register of
teachers;”;
- (o) by omitting the definition of
“registration”;
- (p) by inserting the following definition after
the definition of “school”:

“State school” means a school
established under section 18 of
the *Education Act 1994*;

- (q) by omitting “school.” from the definition
of “student” and substituting “school, the

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Tasmanian Academy or the Tasmanian Polytechnic;”;

- (r) by inserting the following definitions after the definition of “student”:

“**Tasmanian Academy**” means the Tasmanian Academy established under section 5 of the *Education and Training (Tasmanian Academy) Act 2008*;

“**Tasmanian Polytechnic**” means the Tasmanian Polytechnic established under section 5 of the *Education and Training (Tasmanian Polytechnic) Act 2008*.

5. Part 2: Heading amended

Part 2 of the Principal Act is amended by omitting “**TEACHERS REGISTRATION BOARD**” from the heading to that Part and substituting “**TEACHERS REGISTRATION BOARD OF TASMANIA**”.

6. Sections 5 and 6 substituted

Sections 5 and 6 of the Principal Act are repealed and the following sections are substituted:

5. Continuation of Board

- (1) The Teachers Registration Board established by this Act as in force immediately before the commencement of the *Teachers Registration Amendment Act 2009* is continued as the Teachers Registration Board of Tasmania.
- (2) The Board –
 - (a) is a body corporate with perpetual succession; and
 - (b) may have a seal; and
 - (c) may sue and be sued in its corporate name.
- (3) If the Board has a seal –
 - (a) it is to be kept and used as authorised by the Board; and
 - (b) all courts and persons acting judicially must take judicial notice of the imprint of the seal on a document and presume that it was duly sealed by the Board.

6. Membership of Board

- (1) The Board consists of the following persons appointed by the Minister:
 - (a) a chairperson;

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- (b) a practising teacher appointed from nominations by practising teachers in State schools, the Tasmanian Academy and the Tasmanian Polytechnic;
- (c) a person nominated by the Department;
- (d) a person nominated by an organisation representing non-Catholic registered schools;
- (e) a person nominated by an organisation representing Catholic registered schools;
- (f) a practising teacher in a State school, the Tasmanian Academy or the Tasmanian Polytechnic nominated by the Australian Education Union (Tasmanian Branch);
- (g) a practising teacher in a non-Catholic registered school nominated by the Tasmanian Independent School Teachers' Association;
- (h) a practising teacher in a Catholic registered school nominated by the Independent Education Union Tasmania;
- (i) a person nominated by the faculty administering teacher education

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at the University of Tasmania
who is teaching in that faculty;

- (j) a person nominated by parent groups involved in education who, at the time of appointment, is a parent or guardian of a student attending a Tasmanian school, the Tasmanian Academy or the Tasmanian Polytechnic.
- (2) The Board is to appoint one of its members as deputy chairperson of the Board for a period not exceeding the period of that member's appointment as a member.
- (3) The Minister may require a body or parent group referred to in subsection (1) to provide the Minister with a list of nominations.
- (4) If the body or parent group fails to provide the list as required under subsection (3), the Minister may nominate a person for appointment to the Board.
- (5) If a body referred to in subsection (1)(f), (g) or (h) has changed its name or ceased to exist, the Governor, by order, may amend that subsection –
 - (a) by substituting the body's new name; or

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- (b) by substituting the name of another body which substantially represents the interests represented by the body that has ceased to exist.
- (6) The Minister may only appoint a person as a member of the Board if the Minister is of the opinion that the person is fit to be such a member.
- (7) Schedule 1 has effect with respect to membership and meetings of the Board.

6A. Functions of Board

The Board has the following functions:

- (a) to fully register and provisionally register persons under this Act;
- (b) to grant limited authorities to persons under this Act;
- (c) to promote the teaching profession;
- (d) to investigate complaints made under this Act;
- (e) to conduct investigations, inquiries and hearings for the purposes of this Act including, without limitation –
 - (i) investigations into complaints; and

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- (ii) investigations to determine whether persons have contravened this Act;
 - (f) if appropriate, to take disciplinary action under this Act in relation to persons who are or were registered teachers or holders of limited authorities;
 - (g) to approve teacher education courses the successful completion of which satisfies a criterion for full registration;
 - (h) to develop and improve teaching standards;
 - (i) to maintain a code of professional ethics for the teaching profession;
 - (j) to undertake relevant reviews and research projects, and to make recommendations to the Minister in relation to the funding of those reviews and projects and the appointment of persons necessary to enable the successful undertaking of those reviews and projects, as appropriate;
 - (k) to confer and collaborate with corresponding registration authorities for the purposes of –

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- (i) ensuring effective exchange of information within Australia and New Zealand; and
 - (ii) promoting consistency in the regulation of the teaching profession within Australia and New Zealand;
- (l) to investigate and recommend the prosecution of offences against this Act;
 - (m) any other functions imposed by this or any other Act.

7. Sections 7A, 7B, 7C and 7D inserted

After section 7 of the Principal Act, the following sections are inserted in Part 2:

7A. Board to consider best interests of students

In performing its functions and exercising its powers, the Board must consider the welfare and best interests of students to be of paramount importance.

7B. Delegation

The Board may delegate any of its functions and powers under this or any other Act other than this power of delegation.

7C. Executive officer

Subject to and in accordance with the *State Service Act 2000*, a person other than a member of the Board may be appointed as executive officer of the Board.

7D. Role, functions and powers of executive officer

- (1) The executive officer is responsible to the Board for the general administration and management of the Board.
- (2) The executive officer –
 - (a) must perform any functions, and may exercise any powers, delegated to the executive officer by the Board; and
 - (b) must perform any other functions imposed on, and may exercise any other powers granted to, the executive officer by this or any other Act.
- (3) The executive officer may delegate any of his or her functions or powers under this Act other than this power of delegation.

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8. Part 3 substituted

Part 3 of the Principal Act is repealed and the following Part is substituted:

**PART 3 – REGISTRATION OF TEACHERS AND
LIMITED AUTHORITIES TO TEACH**
Division 1 – Offences relating to teaching

11. Offences relating to teaching

- (1) A person must not teach at a school, the Tasmanian Academy or the Tasmanian Polytechnic unless the person –
- (a) is fully registered; or
 - (b) is provisionally registered; or
 - (c) is the holder of a limited authority; or
 - (d) is under the direct supervision of a registered teacher.

Penalty: Fine not exceeding 50 penalty units.

- (2) A person who is not fully registered must not claim, or otherwise represent in any manner, that he or she is fully registered.

Penalty: Fine not exceeding 50 penalty units.

- (3) A person who is not provisionally registered must not claim, or otherwise

represent in any manner, that he or she is provisionally registered.

Penalty: Fine not exceeding 50 penalty units.

- (4) A person who is not the holder of a limited authority must not claim, or otherwise represent in any manner, that he or she is the holder of a limited authority.

Penalty: Fine not exceeding 50 penalty units.

- (5) This section does not apply, before 1 January 2011, to a person employed as a member of the teaching staff of the Tasmanian Polytechnic.

Division 2 – Full registration and provisional registration of teachers

12. Application for full registration

- (1) A person may apply to the Board for full registration.
- (2) An application is to be –
- (a) in an approved form; and
 - (b) accompanied by the prescribed application fee.
- (3) The Board may require the applicant –

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- (a) to provide any further information it considers necessary to consider the application; and
- (b) to authorise the Board, in writing, to obtain information relating to the applicant from any corresponding registration authority or any other person, government department or government body that the Board considers may have information relevant to the determination of the application.

13. Determination of application for full registration

- (1) On receipt of an application for full registration made under section 12, the Board –
 - (a) if satisfied that the applicant satisfies the criteria for full registration, must grant the applicant full registration; or
 - (b) if not satisfied that the applicant satisfies the criteria for full registration but satisfied that the applicant meets the requirements for provisional registration, must grant the applicant provisional registration; or

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- (c) if not satisfied that the applicant satisfies the criteria for full registration or provisional registration, must refuse to grant the applicant full registration or provisional registration.
- (2) The criteria for full registration are as follows:
 - (a) the applicant –
 - (i) has successfully completed an approved course relating to teacher education and at least one full-time equivalent year of teaching to the satisfaction of the Board; or
 - (ii) has contributed to educational practice and has the education and experience that, in the opinion of the Board, are sufficient to warrant registration; or
 - (iii) has complied with the requirements of the Board during the most recent period of provisional registration;
 - (b) the applicant is of good character;

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- (c) the applicant is fit to be a teacher;
 - (d) the applicant, in the opinion of the Board, is sufficiently proficient in the English language.
- (3) The criteria for provisional registration are as follows:
 - (a) the applicant –
 - (i) has qualifications or experience as determined by the Board; or
 - (ii) is able to obtain the qualifications and experience specified in subsection (2)(a);
 - (b) the applicant is of good character;
 - (c) the applicant is fit to be a teacher;
 - (d) the applicant, in the opinion of the Board, is sufficiently proficient in the English language.
- (4) The Board may grant full registration or provisional registration subject to any reasonable conditions it considers appropriate.
- (5) In considering an application for full registration made under section 12, if –

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- (a) it appears likely that the Board may not be satisfied that the applicant is of good character or fit to be a teacher; or
 - (b) the Board is intending to grant full registration or provisional registration subject to conditions –

the Board is to give the applicant an opportunity to appear before it.

- (6) On determining an application for full registration –
 - (a) the Board is to notify the applicant, in writing –
 - (i) of that determination; and
 - (ii) if the Board grants provisional registration, or refuses to grant full registration or provisional registration, of its reasons for that determination; and
 - (iii) if the Board grants full registration or provisional registration subject to conditions, of those conditions; and
 - (b) the Board, if it grants full registration or provisional

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registration, is to make an entry
in the register of teachers in
respect of that grant.

**14. Grant of full registration following period of
provisional registration**

- (1) At any time, a person who is provisionally registered may apply to the Board for full registration.
- (2) An application is to be –
 - (a) in an approved form; and
 - (b) accompanied by a report made by the applicant's employer, in an approved form, in respect of –
 - (i) the manner in which the applicant has performed teaching duties; and
 - (ii) recommendations as to the applicant's suitability for full registration; and
 - (iii) any other matter the Board considers relevant; and
 - (c) accompanied by the prescribed application fee.
- (3) The Board may require the applicant to provide any further information it

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considers necessary to consider the application.

- (4) On receipt of an application, the Board must grant the applicant full registration under section 13 if the Board is satisfied that the applicant –
- (a) has completed at least one full-time equivalent year of teaching; and
 - (b) is recommended as suitable for full registration in the report from his or her employer; and
 - (c) has demonstrated teaching competence; and
 - (d) otherwise satisfies the criteria for full registration set out in that section.
- (5) In considering an application, if it appears likely that the Board may not be satisfied that the applicant is of good character or fit to be a teacher, the Board is to give the applicant an opportunity to appear before it.
- (6) On receipt of an application, the Board must refuse to grant the applicant full registration under section 13 if the Board is not satisfied that the applicant meets all the criteria set out in subsection (4).

15. Certificate of full registration or provisional registration

- (1) The Board is to issue a certificate of full registration in an approved form to a person granted full registration under section 13 or 14 or whose full registration is renewed under section 17A on payment of the annual registration fee.
- (2) The Board is to issue a certificate of provisional registration in an approved form to a person who is granted provisional registration under section 13 on payment of the annual registration fee.
- (3) If the Board, in writing, requires a person who is or was a registered teacher to surrender or produce to the Board his or her certificate of full registration or a certificate of provisional registration, the person must comply with that requirement within the period specified in it.

Penalty: Fine not exceeding 5 penalty units.

- (4) If a registered teacher –
 - (a) changes his or her name or any other personal details; and
 - (b) provides to the Board such proof of that change as the Board requires; and

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(c) surrenders to the Board his or her certificate of full registration or certificate of provisional registration accompanied by –

(i) a request, in writing, for the reissue of the certificate in the person's new name or with the person's new personal details; and

(ii) the prescribed fee –

the Board is to reissue the certificate in accordance with the request.

(5) If –

(a) a certificate of full registration or a certificate of provisional registration is lost, destroyed or damaged; and

(b) the registered teacher provides to the Board such proof of that loss, destruction or damage as the Board requires; and

(c) the registered teacher pays the prescribed fee; and

(d) in the case of a damaged certificate, surrenders that certificate to the Board –

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the Board is to issue a replacement certificate.

16. Period of full registration or provisional registration

- (1) The period of full registration or provisional registration is the period not exceeding 5 years determined by the Board.
- (2) Full registration –
 - (a) takes effect on the day it is granted or a later day specified in the grant of full registration; and
 - (b) ends –
 - (i) on 31 December occurring in the year specified in the grant of full registration; or
 - (ii) if no such year is specified, on 31 December fifthly occurring after the full registration takes effect.
- (3) Provisional registration –
 - (a) takes effect on the day on which it is granted or a later day specified in the grant of provisional registration; and

- (b) ends on 31 December in the year specified in the grant of provisional registration.

17. Amendment of conditions of full registration or provisional registration

On the application of a person who is fully registered or provisionally registered, or at any time on its own motion, the Board may do one or more of the following:

- (a) make the full registration or provisional registration of a person subject to such, or such additional, reasonable conditions as the Board considers appropriate;
- (b) amend one or more of the conditions to which the full registration or provisional registration is subject;
- (c) remove all or any of the conditions to which the full registration or provisional registration is subject.

17A. Renewal of full registration

- (1) A person may apply to the Board for renewal of his or her full registration.

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- (2) An application is to be –
 - (a) in an approved form; and
 - (b) accompanied by satisfactory evidence of –
 - (i) ongoing competence; or
 - (ii) professional development undertaken; and
 - (c) accompanied by the prescribed application fee.
- (3) The Board is to renew the full registration of a person on payment of the annual full registration fee if –
 - (a) satisfied that the person is of good character; and
 - (b) satisfied that the person is fit to be a teacher; and
 - (c) satisfied as to the evidence referred to in subsection (2)(b).
- (4) In considering an application, if it appears likely that the Board may not be satisfied that the applicant is of good character or fit to be a teacher, the Board is to give the applicant an opportunity to appear before it.
- (5) If the Board is not satisfied that the person has provided satisfactory evidence as required by

subsection (2)(b), the Board may grant the person provisional registration under section 13(1)(b) if satisfied as required under that section.

(6) The renewal of the full registration of a person –

(a) takes effect on 1 January first following the day on which the full registration would expire if not renewed or a later day specified in the grant of renewal; and

(b) ends –

(i) on 31 December occurring in the year specified in the grant of renewal; or

(ii) if no such year is specified, on 31 December fifthly occurring after the full registration takes effect.

17B. Annual registration fee

(1) A person –

(a) who is granted full registration;
or

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(b) whose full registration is renewed; or

(c) who is granted provisional registration –

must pay to the Board an annual registration fee prescribed in the regulations for each calendar year, or part of a calendar year, during which the full registration or provisional registration has effect.

- (2) An annual registration fee is to be paid on or before 31 December in the calendar year immediately preceding the calendar year to which the fee relates.
- (3) A person may pay more than one annual registration fee (in this section called the “advance fee”) when paying a registration fee that is due (in this section called the “due fee”), but may not pay an advance fee in respect of a calendar year that would occur after the current period of the full registration or provisional registration is due to expire.
- (4) If a person pays an advance fee of the same amount as the due fee, the amount paid for the advance fee is taken to be full payment of the annual registration fee for the calendar year in respect of which it is paid.

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- (5) The Board may provide on or after 14 November in a calendar year a list of registered teachers –
- (a) whose full registrations or provisional registrations are due to expire on 31 December in that calendar year; and
 - (b) who have not paid, in accordance with this section, the annual registration fee for the next calendar year.
- (6) A list under subsection (5) may include full names and the registration numbers of the teachers mentioned in the list.
- (7) For the avoidance of doubt, it is declared that –
- (a) before the commencement of the *Teachers Registration Amendment Act 2009*, the reference in section 14A(1), as in force before the commencement of that Act, to a person who is registered, or whose registration is renewed, included a reference to a person who was provisionally registered, or whose provisional registration was extended, under this Act before the commencement of that Act; and

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- (b) a fee demanded and paid under that section before the commencement of the *Teachers Registration Amendment Act 2009* in respect of the grant, or extension, of provisional registration is taken to have been validly demanded and paid.

Division 3 – Limited authorities to teach

17C. Application for limited authority

- (1) A person may apply to the Board for a limited authority.
- (2) An application is to be –
 - (a) in an approved form; and
 - (b) accompanied by the prescribed application fee.
- (3) The Board may require the applicant and his or her intended employer to provide any further information it considers necessary to consider the application.
- (4) The Board may require the applicant to authorise the Board, in writing, to obtain information relating to the applicant from any corresponding registration authority or other person, government department or government body that the Board considers may have information relevant to the determination of the application.

17D. Determination of application

- (1) On receipt of an application for a limited authority made under section 17C, the Board –
 - (a) if satisfied that the applicant satisfies the criteria for a limited authority, must grant the applicant a limited authority to teach –
 - (i) at any school, or at any campus of the Tasmanian Academy or the Tasmanian Polytechnic, as specified in the limited authority; and
 - (ii) in any subject specified in the limited authority; and
 - (iii) for the number of hours each week specified in the limited authority; or
 - (b) if not satisfied that the applicant satisfies the criteria for a limited authority, must refuse to grant the applicant a limited authority.
- (2) The criteria for a limited authority are that the applicant –
 - (a) does not meet the requirements of section 13(2)(a) or section 13(3)(a) but has the

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appropriate skills or experience
that available registered teachers
do not have; and

(b) is of good character; and

(c) is fit to be a teacher.

(3) In considering an application for a limited authority made under section 17C, if it appears likely that the Board may not be satisfied that the applicant is of good character or fit to be a teacher, the Board is to give the applicant an opportunity to appear before it.

(4) The Board may grant a limited authority subject to any reasonable conditions it considers appropriate.

(5) On determining an application for a limited authority –

(a) the Board is to notify the
applicant and his or her intended
employer, in writing –

(i) of that determination; and

(ii) if the Board refuses to
grant a limited authority,
of its reasons for that
determination; and

(iii) if the Board grants a
limited authority subject

to conditions, of those
conditions; and

- (b) the Board, if it grants a limited authority, is to make an entry in the register of holders of limited authorities in respect of that grant.

17E. Notice of limited authority

- (1) The Board is to issue a notice of limited authority in an approved form to a person granted a limited authority under section 17D or whose limited authority is extended under section 17H on payment of the limited authority fee.
- (2) If the Board, in writing, requires a person who is or was the holder of a limited authority to surrender or produce to the Board his or her notice of limited authority, the person must comply with that requirement within the period specified in it.

Penalty: Fine not exceeding 5 penalty units.

- (3) If the holder of a limited authority –
 - (a) changes his or her name or any other personal details; and

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- (b) provides to the Board such proof of that change as the Board requires; and
- (c) surrenders to the Board his or her notice of limited authority accompanied by –
 - (i) a request, in writing, for the reissue of the notice in the person's new name or with the person's new personal details; and
 - (ii) the prescribed fee –

the Board is to reissue the notice in accordance with the request.

(4) If –

- (a) a notice of limited authority is lost, destroyed or damaged; and
- (b) the holder of the notice provides to the Board such proof of that loss, destruction or damage as the Board requires; and
- (c) the holder of the notice pays the prescribed fee; and
- (d) in the case of a damaged certificate, the holder of the notice surrenders that notice to the Board –

the Board is to issue a replacement notice.

17F. Period of limited authority

- (1) A limited authority has effect for the period not exceeding 2 years determined by the Board.
- (2) A limited authority –
 - (a) takes effect on the day it is granted or a later day specified in the grant of limited authority; and
 - (b) ends on the day specified in the grant of limited authority.

17G. Amendment of conditions of limited authority

On the application of a holder of a limited authority, or at any time on its own motion, the Board may at any time do one or more of the following:

- (a) make the limited authority subject to such, or such additional, reasonable conditions as the Board considers appropriate;
- (b) amend one or more of the conditions to which the limited authority is subject;

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- (c) remove all or any of the conditions to which the limited authority is subject.

17H. Extension of limited authority

- (1) The holder of a limited authority may apply to the Board for an extension of the limited authority.
- (2) An application is to be –
 - (a) in an approved form; and
 - (b) accompanied by the prescribed application fee.
- (3) The Board may extend the period of a limited authority for one or more further periods, not exceeding 2 years in total, if satisfied that the holder satisfies the criteria for a limited authority set out in section 17D.
- (4) In considering an application, if it appears likely that the Board may not be satisfied that the applicant is of good character or fit to be a teacher, the Board is to give the applicant an opportunity to appear before it.
- (5) The extension of a limited authority –
 - (a) takes effect on the expiry of the limited authority or previous extension of it; and

- (b) ends on the day specified in the grant of the extension.

17I. Suspension or cancellation of limited authority

- (1) If a person holds a limited authority and –

- (a) the Board considers that there is no longer a need for the limited authority; or

- (b) the Board otherwise considers it appropriate to do so –

the Board may suspend or cancel the limited authority without conducting an inquiry.

- (2) In deciding to suspend or cancel a limited authority, the Board must comply with the rules of natural justice.

- (3) On deciding to suspend or cancel a limited authority, the Board is to give notice, in writing, of that decision to –

- (a) the holder of the limited authority; and

- (b) that person's employer if that person is employed to teach.

- (4) A suspension or cancellation of a limited authority takes effect on written notice of

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it being served on the holder of the limited authority or a later day specified in the notice.

Division 4 – Determining good character and fitness to be a teacher

17J. Determining whether person of good character

If at any time under this Act, including for the purposes of an inquiry, the Board is to determine whether a person is of good character, the Board –

- (a) is to take into account any conviction of, or charge made against, the person; and
- (b) is to take into account any behaviour of the person that –
 - (i) does not satisfy a standard of behaviour generally expected of a teacher; or
 - (ii) is otherwise disgraceful or improper; and
- (c) may take into account any other matter it considers relevant.

17K. Determining whether person fit to be teacher

- (1) If at any time under this Act, including for the purposes of an inquiry, the Board is to determine whether a person is fit to be a teacher, the Board may take into account –
 - (a) any medical, psychiatric or psychological condition of the applicant; and
 - (b) the competence of the person as a teacher; and
 - (c) any other matter it considers relevant.
- (2) For the purposes of determining whether a person is fit to be a teacher, the Board may require the person –
 - (a) to undergo a medical examination, including a psychiatric, psychological or other examination; and
 - (b) to authorise the medical practitioner, psychologist or other person undertaking the examination to provide a copy of his or her report on the person to the Board.

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17L. Police report

- (1) If a person applies under section 12 or 17C for full registration or a limited authority, that person is taken to have authorised the Board to obtain a report from the Commissioner of Police, and the Commissioner of Police to provide a report –
 - (a) for the purpose of considering and determining the application; and
 - (b) following the grant of the application –
 - (i) for the purpose of the renewal of full registration or the extension of a limited authority; and
 - (ii) for the purpose of an inquiry in respect of that person, whether or not that person is still a registered teacher or the holder of a limited authority; and
 - (iii) for any other purpose related to the administration of this Act in respect of the person while the person is a registered teacher or the

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holder of a limited
authority.

- (2) The Board may refer to the Commissioner of Police –
- (a) the name and address of a person who –
- (i) has applied for full registration or a limited authority under section 12 or 17C; or
- (ii) is or was a registered teacher or a holder of a limited authority; and
- (b) any information and documentation relating to that person that the Board considers relevant.
- (3) The Commissioner of Police must inquire into, and report to the Board on, any matters concerning the person that may be relevant to the purpose specified in subsection (1) in respect of which the Board is obtaining the report.
- (4) For the purposes of the Commissioner of Police providing a report under this section, section 22(1), section 31(1), section 45(1) and section 108 of the *Youth Justice Act 1997* do not apply to the identification in a report under subsection (3) of a youth, within the

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meaning of that Act, in respect of any
action or proceedings referred to in those
sections.

9. Section 18 substituted

Section 18 of the Principal Act is repealed and
the following sections are substituted:

**18. Notifying Board if person found guilty of or
charged with prescribed offence**

- (1) If a person who is a registered teacher or holder of a limited authority is charged with a prescribed offence in Tasmania or elsewhere, that person must give notice in writing to the Board, within 28 days after being so charged, of that charge and the details of the alleged prescribed offence.

Penalty: Fine not exceeding 10 penalty
units.

- (2) If a person who is a registered teacher or holder of a limited authority is charged with a prescribed offence in Tasmania or elsewhere and –
- (a) a court has made a finding of guilty or not guilty or another finding in relation to the charge;
or
 - (b) a court adjourns proceedings on the charge *sine die*; or

- (c) the charge is dismissed or withdrawn –

the person must notify the Board in writing of that fact and, if the person is found guilty of the charge, of the circumstances in which the prescribed offence was committed, within 28 days after the court so makes the finding or adjourns the proceedings or the charge is so dismissed or withdrawn.

Penalty: Fine not exceeding 10 penalty units.

18A. Disciplinary action if person found guilty of prescribed offence

If a person who is a registered teacher or holder of a limited authority is found guilty of a prescribed offence in Tasmania or elsewhere, the Board may –

- (a) caution the person; or
- (b) make the person's full registration, provisional registration or limited authority subject to conditions, or additional conditions, the Board thinks fit; or
- (c) amend one or more of the conditions to which the person's full registration, provisional registration or limited authority is subject, as the Board thinks fit; or

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- (d) if of the opinion that the circumstances of the offence are such that the person is no longer of good character or no longer fit to be a teacher –
 - (i) suspend the person's full registration, provisional registration or limited authority for any period, and subject to any conditions, it thinks fit; or
 - (ii) cancel the person's full registration, provisional registration or limited authority.

10. Section 19 substituted

Section 19 of the Principal Act is repealed and the following sections are substituted:

19. Complaints

- (1) A person may complain to the Board about the professional conduct of a person who is or was –
 - (a) a registered teacher; or
 - (b) a holder of a limited authority.
- (2) A complaint is to –
 - (a) be in writing; and

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- (b) disclose the name and address of the complainant; and
 - (c) be signed by the complainant.
- (3) As soon as reasonably practicable after receiving a complaint, the Board, in writing –
 - (a) is to provide notice of the making of the complaint, the name of the complainant and the contents of the complaint to –
 - (i) the person who is the subject matter of the complaint; and
 - (ii) if the employers of that person, both current and at the time the behaviour that constitutes the basis of the complaint occurred, are identifiable from the details of the complaint or otherwise known to the Board, those employers; and
 - (b) may require the complainant to provide information or documents, as the Board considers appropriate, to the Board within the reasonable period specified in the requirement.

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- (4) If a complainant changes his or her name or address, the complainant is to notify the Board, in writing, of that change.

19A. Preliminary assessment of complaint

- (1) On receiving a complaint, the Board is to conduct a preliminary assessment of it for the purpose of determining whether an inquiry should be held in respect of the complaint.
- (2) In conducting the preliminary assessment, the Board may make such inquiries, and obtain such information and documents, as it considers necessary.
- (3) On completing the preliminary assessment of the complaint, the Board may –
 - (a) determine that an inquiry should be held in respect of the complaint if reasonably satisfied that it is in the public interest to do so; or
 - (b) dismiss the complaint if –
 - (i) the Board is of the opinion that the complaint is vexatious, misconceived, frivolous or lacking in substance; or
 - (ii) the behaviour complained about has been the subject

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- of a previous complaint
that has been dismissed;
or
- (iii) the behaviour complained about has been the subject of a previous complaint in respect of which an inquiry has been held; or
 - (iv) the behaviour complained about is the subject of an existing complaint in respect of which an inquiry has been or is being held; or
 - (v) information or documents required by the Board under section 19(3)(b) have not been provided to the Board; or
 - (vi) the Board is not reasonably satisfied that it is in the public interest to hold an inquiry; or
 - (vii) the Board is of the opinion that the complaint should be made to another person, body or Agency within the meaning of the *State Service Act 2000*; or
 - (viii) the Board is of the opinion that it is

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impossible or
inappropriate to hold an
inquiry after considering
the circumstances
surrounding the behaviour
complained about and the
making of the complaint,
including the time elapsed
since the behaviour
occurred.

- (4) If the Board dismisses the complaint, it is to notify, in writing, the complainant and all persons notified of the making of the complaint under section 19(3)(a) of the reasons for dismissing it.

11. Section 20 amended (Inquiries)

Section 20 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “has or had” and substituting “holder of”;
- (b) by omitting from subsection (1)(b) “section 19.” and substituting “section 19; and”;
- (c) by inserting the following paragraph after paragraph (b) in subsection (1):
 - (c) any matter referred to in a notice under section 31.

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- (d) by omitting from subsection (2)(a) “the inquiry” and substituting “an inquiry under this section”;
- (e) by omitting paragraph (a) from subsection (3);
- (f) by inserting in subsection (3)(d) “or may have been fully registered or provisionally” after “was”;
- (g) by inserting in subsection (3)(d) “or may have obtained” after “obtained”;
- (h) by omitting from subsection (3)(e) “character.” and substituting “character or may no longer be of good character; or”;
- (i) by inserting the following paragraph after paragraph (e) in subsection (3):
 - (f) the person is no longer fit to be a teacher or may no longer be fit to be a teacher.
- (j) by inserting in subsection (4) “under this section” after “inquiry”.

12. Section 21 amended (Committee of inquiry)

Section 21 of the Principal Act is amended as follows:

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(a) by omitting paragraph (b) from subsection (1) and substituting the following paragraph:

(b) not less than 2, but not more than 4, other persons who are registered teachers.

(b) by inserting in subsection (2) “or conduct a hearing, or both,” after “an inquiry”;

(c) by inserting the following subsections after subsection (2):

(3) The Board may –

(a) appoint one of the members of a committee of inquiry as its chairperson; and

(b) give written directions to the committee relating to its proceedings and the conduct of the inquiry.

(4) Except as provided by this Act or directions given by the Board, a committee of inquiry may regulate its own proceedings.

13. Section 22 amended (Notifying person in respect of whom an inquiry is to be held)

Section 22 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “has or had” and substituting “holder of”;
- (b) by omitting paragraph (b) from subsection (2);
- (c) by omitting paragraph (e) from subsection (2) and substituting the following paragraph:
 - (e) that the person may submit to the Board, within 14 days after being served with the notice, a statement in writing that contains one or more of the following:
 - (i) a written admission of, or refutation of, the substance of any matter to be inquired into;
 - (ii) a request for the Board to hold a hearing in respect of any matter being inquired into.
- (d) by omitting subsection (3) and substituting the following subsection:
 - (3) A statement under subsection (2)(e) containing an admission of, or refutation of, the substance of any matter to be inquired into –
 - (a) is to specify the details of the matter; and

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- (b) may be accompanied by any other document the person making the statement considers appropriate.

14. Sections 22A, 22B, 22C and 22D inserted

After section 22 of the Principal Act, the following sections are inserted in Division 2:

22A. Notifying other persons of inquiry

- (1) If the Board determines that an inquiry is to be held in respect of a person who is or was a registered teacher or holder of a limited authority and the inquiry is the result of a complaint, it is to give notice of the inquiry, in writing, to the complainant.
- (2) The Board, at its discretion, may give notice of the inquiry to any other person the Board considers appropriate.
- (3) A notice under this section may state one or more of the following as the Board considers appropriate:
 - (a) the nature and details of any matter of the proposed inquiry;
 - (b) whether the inquiry is to be held by the Board or a committee of inquiry;

- (c) the names of the members of the committee of inquiry;
- (d) that the person may submit to the Board, within 14 days after being served with the notice, written submissions and other documents in relation to the matter being inquired into.

22B. Conduct of inquiry generally

- (1) In holding an inquiry, the Board or committee of inquiry –
 - (a) must proceed with as little formality, and with as much expedition, as a proper consideration of matter being inquired into permits; and
 - (b) must comply with the rules of natural justice; and
 - (c) is not bound by the rules of evidence; and
 - (d) may invite and receive written submissions from any person the Board or committee of inquiry considers relevant to the inquiry; and
 - (e) may consult with any person; and
 - (f) may request, in writing, that the person in respect of whom the

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inquiry is being held provide the Board or committee of inquiry with a report from a medical practitioner, psychologist or other health professional; and

(g) may inform itself on any matter in any manner it considers appropriate.

(2) A committee of inquiry must hold an inquiry in accordance with any directions given by the Board.

22C. Hearing

(1) In this section –

“child” means a person under the age of 17 years;

“special witness” means a person who the Board or committee of inquiry holding a hearing determines –

(a) would be, or is likely to be, unable to give evidence satisfactorily in the ordinary manner by reason of intellectual, mental or physical disability; or

(b) if required to give evidence in the ordinary manner, is likely to suffer

severe emotional trauma,
or to be so intimidated or
distressed as to be unable
to give evidence or to
give evidence
satisfactorily, by reason of
age, cultural background,
relationship to any party
to the proceeding, the
nature of the subject
matter of the evidence or
any other factor the Board
or committee of inquiry
considers relevant.

- (2) As part of an inquiry, the Board or committee of inquiry –
- (a) at its own discretion may; and
 - (b) on the request of the person in respect of whom the inquiry is being held is to –

hold a hearing in respect of a matter being inquired into.

- (3) If a hearing is to be held, the Board or committee of inquiry holding the hearing –
- (a) is to give notice of the hearing to the person in respect of whom the inquiry is being held; and

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- (b) if the inquiry is the result of a complaint, is to give notice of the hearing to the complainant; and
 - (c) may give notice of the hearing to any other person the Board or committee of inquiry considers appropriate.
- (4) Notice under subsection (3) is to be in writing and specify the time and place at which the hearing is to be held.
- (5) The person in respect of whom the inquiry is being held is entitled –
 - (a) subject to a determination under subsection (7), to be present at the hearing; and
 - (b) to give evidence at the hearing; and
 - (c) present witnesses at the hearing; and
 - (d) be represented by another person at the hearing.
- (6) The Board or committee of inquiry holding a hearing may request, in writing, any person to appear at the hearing to give evidence and produce documents.

- (7) If a child or a special witness is to give evidence, the Board or committee of inquiry holding the hearing is to –
 - (a) determine that the evidence is to be given by closed circuit television, video link or telephone or, if none of these means is available or appropriate, by such other method as the Board or committee considers appropriate; and
 - (b) determine who may be present, and by what means such persons may be present, during the giving of the evidence.
- (8) In making a determination under subsection (7), the Board or committee of inquiry is to minimise distress to the child or special witness as much as possible.
- (9) The person who is the subject of the inquiry, or his or her representative, may reasonably question –
 - (a) an adult person who appears at the hearing at the request of the Board or committee of inquiry under subsection (6); or
 - (b) if the Board or committee of inquiry holding the hearing consents, a child or special witness.

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- (10) The Board or committee of inquiry holding a hearing must not admit the public to the hearing, or any part of the hearing, unless, after taking into account any detriment to any person that might result from the admission of the public, it considers that the public interest requires it.

22D. Confidentiality

- (1) A person must not publish any information in respect of an inquiry if the information identifies, or may lead to the identification of, the person in respect of whom the inquiry is being held unless the Board, after determining the detrimental effect the publication would be likely to have on that person, determines that the public interest requires it.

Penalty: Fine not exceeding 100 penalty units.

- (2) A person must not publish any information in respect of an inquiry if the information identifies, or may lead to the identification of, a child or a person who is a special witness within the meaning of section 22C(1), who has appeared at a hearing or is otherwise relevant to the inquiry.

Penalty: Fine not exceeding 100 penalty units.

15. Section 24 amended (Decisions)

Section 24 of the Principal Act is amended as follows:

- (a) by inserting “one or more” after “make any”;
- (b) by inserting the following paragraph after paragraph (a):
 - (ab) impose a condition or further condition on the person’s full registration, provisional registration or limited authority;
- (c) by inserting in paragraph (b) “full registration, provisional” after “person’s”;
- (d) by inserting in paragraph (c) “full registration, provisional” after “person’s”.

16. Sections 24A and 24B inserted

After section 24 of the Principal Act, the following sections are inserted in Division 2:

24A. Notifying of decision

- (1) On making a decision as a result of an inquiry in respect of a person, the Board is to give notice, in writing, of that decision to –

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- (a) that person; and
 - (b) that person's employer if that person is employed to teach; and
 - (c) all other corresponding registration authorities in the case of any decision; and
 - (d) if the inquiry resulted from the making of a complaint, the complainant.
- (2) Section 22D(1) does not apply to the giving of notice of the decision under subsection (1).

24B. Emergency suspension of registration or limited authority

- (1) If the Board believes on reasonable grounds that a registered teacher or holder of a limited authority may pose a risk of harm to a student, the Board may immediately suspend his or her full registration, provisional registration or limited authority.
- (2) On suspending the full registration, provisional registration or limited authority of a person under this section, the Board is to –
 - (a) give notice, in writing, of that suspension to –
 - (i) that person; and

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- (ii) if that person is employed to teach, that person's employer; and
 - (iii) all other corresponding registration authorities; and
- (b) ensure that an inquiry into the matter giving rise to the suspension is held and concluded as expeditiously as possible but taking into account that it may be appropriate to delay the inquiry until any other investigation by a corresponding registration authority or other relevant person, or any legal proceeding or health investigation, relevant to the subject matter of the inquiry is concluded.
- (3) A suspension takes effect on written notice of it being served on the registered teacher or holder of a limited authority.

17. Sections 25, 26 and 27 substituted

Sections 25, 26 and 27 of the Principal Act are repealed and the following sections are substituted:

25. Registers

- (1) The Board is to keep –

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- (a) a register of registered teachers;
and
 - (b) a register of holders of limited
authorities.
- (2) Each register is to contain the following
information in respect of each registered
teacher or holder of a limited authority:
 - (a) full name;
 - (b) any former name;
 - (c) residential address;
 - (d) date of birth;
 - (e) qualifications;
 - (f) teaching experience at the time of
application for full registration,
provisional registration or limited
authority;
 - (g) registration number or limited
authority number;
 - (h) in the case of a registered teacher,
whether fully registered or
provisionally registered;
 - (i) date on which full registration,
provisional registration or limited
authority takes effect;

- (j) expiry date of full registration, provisional registration or limited authority;
 - (k) any conditions to which the full registration, provisional registration or limited authority is subject;
 - (l) in the case of a holder of a limited authority, particulars of the limited authority;
 - (m) particulars of any suspension of full registration, provisional registration or limited authority;
 - (n) any other particulars the Board considers appropriate.
- (3) A person must notify the Board, in the manner determined by the Board, of any change in the person's name, address and qualifications before, or within 60 days after, that change.

Penalty: Fine not exceeding 2 penalty units.

- (4) The Board –
- (a) on the request of any person, is to make available to that person only the particulars of the register of registered teachers and register of holders of limited authorities

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referred to in subsection (2)(a), (g), (h), (j) and (l); and

(b) on the request of any person, may make available to that person the particulars of the register of registered teachers and register of holders of limited authorities referred to in subsection (2)(k) if the Board considers it appropriate to do so; and

(c) on the request of a teacher employing authority, may make available to that authority –

(i) the particulars of the register of registered teachers and register of holders of limited authorities referred to in subsection (2)(d), (e) and (m); and

(ii) any other particulars in respect of which the registered teacher or holder of the limited authority has given his or her consent.

(5) For the purpose of subsection (4) –

“teacher employing authority”
means the Department, the Tasmanian Academy, the Tasmanian Polytechnic, the

Catholic Education Office,
Hobart or a person or body
referred to in section 51 of the
Education Act 1994.

- (6) The Board may publish, in such manner as it considers appropriate, a list of the full names of persons who are registered teachers or the holders of limited authorities and the information that is –
- (a) kept in the register of registered teachers or register of holders of limited authorities in relation to those persons; and
 - (b) specified in any one or more of the following paragraphs of subsection (2):
 - (i) paragraph (g);
 - (ii) paragraph (h);
 - (iii) paragraph (j);
 - (iv) paragraph (l).

26. Registers to be kept up-to-date

The Board is to keep the registers up-to-date and for this purpose is to add, remove and substitute information as necessary.

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27. Employing unregistered teachers

- (1) A person must not employ or engage a person to teach if that person is not a registered teacher, is not the holder of a limited authority or is not under the direct supervision of a registered teacher.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 50 penalty units; or
 - (b) a subsequent offence, a fine not exceeding 100 penalty units and a daily penalty of 10 penalty units for each day during which the offence continues.
- (2) Subsection (1) does not apply, before 1 January 2011, to the Tasmanian Polytechnic.

27A. Notification of charge or finding of guilt, &c.

- (1) If a person who is a registered teacher or holder of a limited authority is charged with a prescribed offence in Tasmania or elsewhere, that person must give notice in writing to the Board, within 28 days after being so charged, of that charge and the details of the alleged prescribed offence.

Penalty: Fine not exceeding 10 penalty units.

- (2) If a person who is a registered teacher or holder of a limited authority is charged with a prescribed offence in Tasmania or elsewhere and –
- (a) a court has made a finding of guilty or not guilty or another finding in relation to the charge; or
 - (b) a court adjourns proceedings on the charge *sine die*; or
 - (c) the charge is dismissed or withdrawn –

the person must notify the Board in writing of that fact and, if the person is found guilty of the charge, of the circumstances in which the prescribed offence was committed within 28 days after the court so makes the finding or adjourns the proceedings or the charge is so dismissed or withdrawn.

Penalty: Fine not exceeding 10 penalty units.

- (3) As soon as reasonably practicable after becoming aware that a registered teacher or holder of a limited authority has been found guilty of a prescribed offence in Tasmania or elsewhere, the Board is to notify, in writing, the employer of the

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registered teacher or holder of the limited authority of that fact if the employer is known to the Board.

(4) As soon as reasonably practicable after becoming aware that, in relation to a charge for a prescribed offence in Tasmania or elsewhere –

(a) a court has made a finding of guilty; or

(b) a finding of guilt has been overturned on appeal –

the Board is to notify, in writing, each corresponding registration authority of that fact.

18. Section 29 amended (Applications for review)

Section 29(2) of the Principal Act is amended by omitting “section 18 or 26.” and substituting “section 18A, 24 or 26.”.

19. Section 31 substituted

Section 31 of the Principal Act is repealed and the following section is substituted:

31. Employers to notify of disciplinary action taken and certain resignations and retirements

(1) In this section –

“employer” means the Department, the Tasmanian Academy, the Tasmanian Polytechnic, the Catholic Education Office, Hobart or a person or body referred to in section 51 of the *Education Act 1994*;

“unacceptable behaviour” means behaviour of a person that –

- (a) does not satisfy a standard of behaviour generally expected of a teacher; or
 - (b) is otherwise disgraceful or improper; or
 - (c) shows that the person is unfit to be a teacher.
- (2) If an employer employs a person who is a registered teacher or holder of a limited authority to teach and that employer –
- (a) considers any behaviour of the person to be unacceptable behaviour; and
 - (b) because of that behaviour dismisses the person, or takes any other disciplinary action against the person –

the employer must notify the Board, in writing and within 28 days after so dismissing or taking other disciplinary

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action against the person, of the action taken by the employer and the details of the relevant behaviour.

Penalty: Fine not exceeding 5 penalty units.

- (3) If a registered teacher or holder of a limited authority resigns or retires in circumstances which may have allowed his or her employer to consider any behaviour of the person to be unacceptable behaviour, the employer must notify the Board, in writing and within 28 days after the person has notified the employer of his or her resignation or retirement, of that resignation or retirement and the details of the relevant behaviour.

Penalty: Fine not exceeding 5 penalty units.

20. Section 32 amended (Annual returns)

Section 32 of the Principal Act is amended by omitting “school” and substituting “school, the Tasmanian Academy or the Tasmanian Polytechnic”.

21. Section 32A inserted

After section 32 of the Principal Act, the following section is inserted in Part 5:

32A. Providing information to corresponding bodies, &c.

- (1) The Board may provide to a corresponding registration authority any information it has or obtains in the performance and exercise of its functions and powers in relation to –
 - (a) a person who has made an application under this Act; and
 - (b) a person who is or was a registered teacher or holder of a limited authority.
- (2) Following the grant of full registration, provisional registration or a limited authority to a person, the Board may require the person, in writing, to authorise it to obtain from a corresponding registration authority any information about the person held by that body –
 - (a) for the purpose of the renewal of full registration or the extension of a limited authority; and
 - (b) for the purpose of an inquiry in respect of that person, whether or not that person is still a registered teacher or the holder of a limited authority; and
 - (c) for any other purpose related to the administration of this Act in

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respect of the person while the
person is a registered teacher or
the holder of a limited authority.

- (3) A person must comply with the requirement of the Board made under subsection (2).

Penalty: Fine not exceeding 10 penalty
units.

22. Section 33 substituted

Section 33 of the Principal Act is repealed and
the following section is substituted:

33. Annual report

- (1) The Board is to submit an annual report to the Minister by 30 April in each year on its activities for the year ending on the preceding 31 December.
- (2) The annual report is to include the financial statements of the Board, as audited by the Auditor-General, for the financial year ending on 30 June in the year to which the annual report relates.

23. Section 34A inserted

After section 34 of the Principal Act, the
following section is inserted in Part 5:

34A. Prosecutions under this Act

A prosecution for an offence against this Act may be instituted –

- (a) by the chairperson of the Board;
or
- (b) by a person authorised by the Board.

24. Section 37 amended (Replacement certificates)

Section 37 of the Principal Act is amended as follows:

- (a) by omitting “registration or certificate of limited authority” and substituting “full registration, certificate of provisional registration or notice of limited authority”;
- (b) by inserting “or notice” after “original certificate”.

25. Section 39 amended (Regulations)

Section 39(2) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (a) “full” after “for”;
- (b) by inserting in paragraph (d) “and other fees” after “fees”;

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- (c) by inserting in paragraph (d) “full registrations, provisional” after “to”;
- (d) by omitting from paragraph (g) “the” and substituting “a”.

26. Section 41 inserted

After section 40 of the Principal Act, the following section is inserted in Part 5:

41. Transitional provisions consequent on *Teachers Registration Amendment Act 2009*

- (1) In this section –

“**commencement day**” means the day on which the *Teachers Registration Amendment Act 2009* commences;

“**former member**” means a person who, immediately before the commencement day, was a member of the former Registration Board;

“**former Registration Board**” means the Teachers Registration Board as established and constituted under this Act as in force immediately before the commencement day.

- (2) Each former member is taken to have been validly appointed on the

commencement day as a member of the Board –

- (a) for a period ending on the day on which the former member's appointment to the former Registration Board would end had this Act not been amended by the *Teachers Registration Amendment Act 2009*; and
 - (b) on the same conditions as that appointment.
- (3) A certificate of registration that –
 - (a) was issued under section 15 as in force immediately before the commencement day; and
 - (b) would have had effect on the commencement day had this Act not been amended by the *Teachers Registration Amendment Act 2009* –

is taken to be a certificate of full registration.

- (4) A certificate of limited authority that –
 - (a) was issued under section 17(5) as in force immediately before the commencement day; and
 - (b) would have had effect on the commencement day had this Act

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not been amended by the
Teachers Registration
Amendment Act 2009 –

is taken to be a notice of limited
authority.

27. Schedule 1 amended (Membership and meetings of Board)

Schedule 1 to the Principal Act is amended as follows:

- (a) by inserting the following clause after clause 4:

4A. Notifying of matter that may affect Minister's opinion of character

If a member does or omits any act, or is involved in any situation or circumstances, that may affect whether the Minister would consider the member to be fit to be a member of the Board, the member must notify the Minister in writing of the act, omission, situation or circumstances as soon as is reasonable.

- (b) by inserting the following paragraph after paragraph (e) in clause 6:
 - (ea) if the Minister is of the opinion that the member –

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- (i) is no longer fit to be a member of the Board; or
- (ii) has failed to notify the Minister as required under clause 4A; or