

CLAUSE NOTES

Teachers Registration Bill 2026

PART 1 - PRELIMINARY

Clause 1 Short Title

Specifies the name of the proposed Act.

Clause 2 Commencement

Provides that the Act commences on days to be proclaimed.

Clause 3 Objects of this Act

Provides clarity about the purpose of the Act and assists in interpreting provisions where there is uncertainty or ambiguity.

Clause 4 Interpretation

Defines key words in the Act, including *child and family learning centres, early childhood service, educational program, non-school setting, professional learning, professional standards for teaching, registration*.

It also defines the term ‘alternative authorisation to teach’, which serves the same purpose as a Limited Authority to Teach under the current Act. The terminology has been updated to be consistent with the Framework for Teacher Registration in Australia.

Clause 5 Meaning of *educational setting*

Educational setting includes a school, a child and family learning centre, an early childhood service. It excludes settings such as tertiary education, vocational education and training if it is not provided at a school, and an approved home education program.

Clause 6 *Meaning of teach*

‘Teach’ occurs in an educational setting. It includes the delivery of an educational program to students, assessment of those students in respect of that educational program, and the management and supervision of others while they are undertaking those duties such as the role of principals. It excludes teacher assistants.

Clause 7 *Determination of whether person of good character*

Provides the criteria that the Board must, is to or may take into account in determining if a person is of good character.

Suitability to teach is a requirement under the Framework for Teacher Registration in Australia. It covers both the safety and competence of a teacher. These issues are addressed in the assessment by the Board of good character and fitness to teach.

A good character determination is a requirement under the current *Act* (s17J).

Clause 8 *Determination of whether person fit to be teacher*

Specifies that the Board is to determine if a person is fit to be a teacher and matters that the Board may take into account in this determination.

Fitness to teach is a requirement under the Framework for Teacher Registration in Australia.

A fitness to teach determination is a requirement under the current *Act* (s17K).

Clause 9 *Principles for performing functions and exercising powers under this Act*

Principles set expectations as to how functions or powers under legislation will be exercised. This clause continues the requirement in the current *Act* (s7A) that the safety, welfare and best interests of students are paramount. In line with the United Nation Convention on the Rights of the Child, to which Australia is a signatory, it also now sets an expectation that learners, where practicable, have the right to participate in decisions that affect them and have their opinions taken into account when determining what is in their best interests having regard to the age and understanding of the learners.

Clause 9 consolidates the principles into one clause as it also removes reference in the current Act (s4A) to *Education Act 2016* principles.

Clause 10 Act binds Crown

Provides for the Crown to be bound by the Act, and officers, employees and agents of the Crown to be liable for prosecution for an offence under the Act.

Same as s4 of the current Act.

PART 2 – TEACHERS REGISTRATION BOARD OF TASMANIA

Clause 11 Continuation of Board

Provides for the Board established under the current Act to continue. The Board continues to be a body corporate and may sue and be sued in its corporate name.

Same as s5 of the current Act, with minor updates.

Clause 12 Membership of Board

Sets the requirements for membership of and appointment to the Board.

Same as s6 of the current Act.

Clause 13 Functions and powers of Board

Sets out the functions and powers of the Board, including to register people as teachers and investigate complaints.

It enables the Board to approve teacher education courses, as is the case under the current *Act*. It also clarifies that the Board can monitor, evaluate and audit these courses.

It replaces the function ‘to develop and improve teaching standards’ with a function to ensure that the professional standards for teaching are applied in an impartial and fair manner. The professional standards for teaching are a key pillar of the Teacher Registration Framework in Australia. The clause also allows the Board to recommend additional standards to the Minister.

The functions no longer include a requirement for the Board to ‘promote the teaching profession’ as there is a potential conflict of interest for the Board in promoting the profession and also regulating it. Promotion of confidence in the teaching profession is

now included in the Objects and Principles clauses as it applies to the system as a whole.

This clause removes the power of the Board to direct and control staff because they are employed and subject to direction under the *State Service Act 2000*.

Functions and powers of the Board are at s6A and s7 of the current *Act*.

Clause 14 Board to establish review process

Requires the Board to establish a review process for its decisions and to make it publicly available.

It does not replace the right of a person to apply to the Tasmanian Civil and Administrative Tribunal for an independent review of a decision, which is at clause 114.

Same as s29A of the current *Act*.

Clause 15 Board not liable to direction

Prohibits the Minister and Secretary from directing the Board in relation to an individual decision.

Same as s7AB(2) of the current *Act*.

Clause 16 Delegation

Enables the Board and Registrar to delegate functions, duties and powers.

Same as s7B of the current *Act*.

Clause 17 Registrar

Enables the Secretary to appoint a State Service officer or employee to be the Registrar.

Same as s7C of the current *Act*.

Clause 18 Role, functions and powers of Registrar

Sets out the role, functions and powers of the Registrar. The Registrar is responsible to the Board for the performance of functions or powers delegated to it by the Board. The Registrar is responsible to the Secretary DECYP for the performance of any other powers under this Bill or other Acts such as the State Service Act 2000. This reflects the policy intent from the Review of Education Regulation that the Board is responsible for regulatory decision making and the Registrar for administrative matters.

Same as s7D of the current Act.

Clause 19 Staff

Enables the Board to arrange with the Secretary for State Service officers and employees to be made available to enable the Board to perform and exercise its functions and powers.

Same as s8 of the current Act.

Clause 20 Framework agreement by Board

Requires the Board to enter into an agreement with the Secretary in relation to issues such as budget, staffing and information-sharing arrangements.

Same as s10C of the current Act.

Clause 21 Ministerial statement of expectations

Requires the Minister, before 31 December in each year, to give the Board a statement of the Minister's expectations for the Board for the next 12 months. It sets out how that statement is to be prepared and what it may contain. The requirement to make the Ministerial statement of expectations publicly available has been moved to clause 32.

Similar to s10A of the current Act.

Clause 22 Corporate Plan

Requires the Board to prepare a corporate plan for each financial year, details how that plan is to be developed and approved.

Similar to s10B of the current Act. The requirement to make the corporate plan publicly available has been moved to clause 32.

Clause 23 Annual report

Requires the Board to prepare an annual report. Details what it must include and requirements for tabling in Parliament.

Same as s33 of the current Act.

Clause 24 Accounts

Sets the obligations for the Board in keeping proper records and accounts, ensuring proper authorisation of expenditure and control of assets and liabilities.

Same as s34 of the current Act.

Clause 25 Treasurer's Instructions

Requires the Board to comply with Treasurer's Instructions.

Similar to s34AA of the current *Act*.

Clause 26 Registers

Requires the Board to keep a register of teachers, those who hold an alternative authorisation to teach (AAT) and those who have been refused registration or an AAT under this *Act*.

The Bill sets out the matters that must be kept on the register such as full name, qualifications and places of employment. Regulations will be used to prescribe additional information that may be required, the categories into which the register is to be provided, criteria for each category and who is entitled to access information on the register.

The current *Act* sets out the information that should be kept on the register and provides the Board with the power to collect other particulars the Board considers appropriate.

The Bill changes this so that the detail of what will be collected will be done by Regulation to support the balance between proven need for information and privacy considerations, and to enable the register to remain contemporary.

The current *Act* includes a requirement for the Board to keep registers (s25).

Cause 27 Change of certain details on Register

Requires a registered teacher or an alternative authorisation to teach (AAT) holder to notify the Board of changes of details such as their name, address and qualifications within 14 days after that change occurs.

Requires an employer to notify the Board of a change in a teacher's or AAT's place of employment within 14 days after that change occurs. Notification by an employer is a new requirement and was a Commission of Inquiry recommendation (recommendation 6.11).

This requirement will commence as soon as practicable and within three years to enable employers and the Teachers Registration Board time to develop the necessary systems to ensure this can be done in a way that is least burdensome for schools.

Section 25(3) of the current *Act* sets out notification requirements. The timeframe in which to advise the Board has been shortened

from 60 to 14 days to ensure the Board holds up-to-date information to better support child safety.

Clause 28 Register to be kept up to date

Requires the Board to keep a register up to date.

Same as s26 of the current *Act*.

Clause 29 Committees

Enables the Board to establish committees to assist it.

Similar to s9 of the current *Act*.

Clause 30 Remuneration of committee members

Enables the Minister to determine that a committee member may be paid remuneration or allowances.

Same as s10 of the current *Act*.

Clause 31 Notification of decisions of Board

Requires the Board to notify a person or an employer of that person in writing of any decisions affecting that person and its reasons.

Same as s28 of the current *Act*.

Clause 32 Certain documents to be made publicly available

Requires the Board to ensure the Ministerial statement of expectations and corporate plan are publicly available.

Same requirement is in the current *Act* (s10B).

Clause 33 Independent review of Board

Enables the Minister to establish an independent review of the operation of the Board.

Same as s10D of the current *Act*.

PART 3 – REGISTRATION AND ALTERNATIVE AUTHORISATIONS

Clause 34 Persons required to hold registration or alternative authorisation to teach

Defines those persons authorised to teach in an educational setting.

Increases the penalty units for breaching the requirement to be registered from a fine not exceeding 50 penalty units to a fine not exceeding 200 penalty units. This is because such a breach is fundamentally inconsistent with the purpose of teacher registration and reflects the importance of holding registration or an AAT to support child safety and teaching quality. It allows for discretion in setting the level of the penalty to consider issues such as the seriousness of the breach or repeat offending. It is consistent with the penalty units for breaching the registration requirements under the *Registration to Work with Vulnerable People Act 2013*. An individual fined under this section would be able to appeal the fine to the Tasmanian Civil and Administrative Tribunal under clause 114.

Similar to s11 in the current Act but broadened to cover 'educational setting' as defined in the Bill not just schools.

Currently, under the *Education and Care National Regulations 2011* a person studying to become an early childhood teacher (ECT) may be "taken to be an ECT" under the National Quality Framework if they are actively working towards an approved qualification and have either completed at least 50 per cent of the course or hold an approved diploma-level qualification. Clause 34(c) allows these people to continue teaching. This national provision may change over time but is necessary at the moment to ensure early childhood education and care services can continue to operate.

Clause 34(d) provides flexibility to enable a prescribed class of persons to teach should this be required into the future. Any class of persons to be prescribed under clause 34(d) would go through the subordinate legislation process and, therefore, parliamentary scrutiny.

Clause 35 Person must act in accordance with registration or alternative authorisation to teach

Requires registered teachers and alternative authorisation to teach holders to teach in accordance with the terms and conditions of their registration.

Penalty units increased as per clause 34 above.

Similar to s11 of the current Act.

Clause 36 Effect of registration

Defines what full and provisional registration means. Sets a five-year limit for provisional registration, which can be extended by the Board.

Provisional registration is designed to enable a teaching graduate to be employed as a teacher and undertake workplace learning and development that equips them to meet requirements for becoming fully registered.

This reflects the Teacher Registration Framework in Australia, which sets a maximum of five years as the period for provisional registration, with the ability for the Board to extend such registration on a case-by-case basis.

Clause 37 Effect of alternative authorisation to teach

Defines what an alternative authorisation to teach holder is authorised to do under the *Act*.

Section 17D of the current *Act* sets similar requirements in relation to limited authority to teach.

Clause 38 Application for registration to teach

Provides for a person to apply to the Board for registration and the contents of that application.

Similar to s12 of the current *Act*.

Clause 39 Criteria for all registrations

Provides criteria that must be met for provisional, full and specialist Vocational Education and Training (specialist VET) registration. These criteria reflect those set out in the Framework for Teacher Registration in Australia.

Sections 13 and 17D of the current *Act* set similar requirements, with the English proficiency requirement being extended to those applying for an alternative authorisation to teach.

Enables the Board to specify the qualifications required for registration similar to section 13 of the current *Act*.

Clause 40 Criteria for provisional registrations to teach

Specifies the qualifications required for provisional registration as a teacher.

Provisional registration enables teaching graduates to be employed as a teacher and undertake workplace learning and development

that equips them to meet requirements for becoming fully registered. This is consistent with the Framework for Teacher Registration in Australia.

This provision has been extended to include early childhood teachers (ECTs) teaching in the early childhood education and care sector. This gives effect to an agreement by all governments in Australia to extend registration to ECTs in this sector. It is also consistent with the Framework for Teacher Registration in Australia.

Clause 41 Criteria for full registration

Specifies the qualifications and experience required for a provisionally registered teacher to be fully registered, including having completed one full-time equivalent year of teaching.

Section 13 of the current *Act* sets similar requirements.

Clause 42 Criteria for specialist VET registration

Provides for the Board to determine the qualifications and experience required for specialist VET registration.

Similar to s13(3A) of the current *Act*.

Clause 43 Rights of applicants for registration before application determined

Requires the Board to give an applicant an opportunity to appear before it or make a submission to it if it is likely that it will not approve registration of that applicant or may grant the registration subject to conditions.

Similar to s13A of the current *Act*.

Clause 44 Determination of application for registration

Requires the Board to grant full, provisional or specialist VET registration provided the applicant meets the respective criteria for these. It also requires the Board to not grant the applicant registration if the applicant has not met the required criteria.

The process for determining an application for registration may be specified in a Ministerial Instruction.

Subject to any relevant Ministerial instructions, Clause 44(4) allows the Board to grant registration subject to conditions it considers appropriate.

Requires the Board to notify the applicant of its determination and its reasons for refusal of registration if applicable.

Similar to s13, s13A, s14 of the current *Act*.

Clause 45 Surrender of registration

Enables a registered teacher to notify the Board of the surrender of their registration, and in so doing that person ceases to be a registered teacher.

Clause 46 Duration of registration

Provides for the Board to determine the term of registration but not to exceed five years, plus the commencement and expiry dates of registration.

The provision for the end date for registration has been changed from the current *Act* where all registrations end on 31 December. This is because people apply for registration throughout the year and it will enable that to be taken into account in setting the period of registration. It will also help to spread the workload for the Board and staff from the peak in January and February.

Similar to s16 of the current *Act*.

Clause 47 Amendment of registration

Enables the Board to amend a teacher's registration to impose, amend or remove conditions at the request of the registered teacher or on the Board's own initiative.

Similar to s17 of the current *Act*.

A new provision at clause 47(2) enables the Board to suspend a registration for a fixed period at the request of a teacher. This could, for example, include suspending registration at a teacher's request for maternity leave or serious ill health.

Clause 48 Renewal of registration

Enables registered teachers to apply for renewal of their registration by demonstrating they meet the professional standards for teaching and providing evidence of continued professional learning.

Similar to s17A of the current *Act*.

- Clause 49 Late applications for renewal of registration**
- Provides for the Board to charge a fee for the late payment of renewal of full registration or specialist VET registration. This is consistent with modern regulatory practice.
- Clause 50 Annual registration fee**
- Requires a registered teacher to pay to the Board a registration fee each calendar year. Enables the Board to determine the amount of an annual registration fee (which cannot be greater than the prescribed maximum annual registration fee) and when it is to be paid.
- Includes a new provision to enable the Board to charge a pro rata amount of the annual registration fee and the circumstances in which a pro rata amount may be paid.
- Similar to s17B of the current *Act*.
- Clause 51 Application for registration other than to teach**
- Enables a fully registered or specialist VET teacher to apply for non-practising registration where they do not intend to teach.
- This is a new category of registration. It allows fully registered teachers who are not in direct teaching roles (eg, non-school based teachers and school counsellors who are registered teachers) to maintain their registration. The Framework for Teacher Registration in Australia provides for a non-practising category of registration.
- Clause 52 Criteria for non-practising registration**
- Provides the criteria for non-practising registration.
- Clause 53 Rights of applicants for non-practising registration before application determined**
- Requires the Board to provide an applicant with the opportunity to appear before or make a submission to it where it is likely that the Board may not grant non-practising registration.
- Clause 54 Determination of application for non-practising registration**
- Enables the Board to grant or refuse to grant non-practising registration.
- Requires the Board to advise the applicant in writing of its determination and reasons for its decision not to grant registration

if applicable. Requires the Board to update the register if it grants non-practising registration.

Clause 55 Effect of non-practising registration under this section

Provides that a person holding such registration is not entitled to teach and the process required for determination.

Clause 56 Person holding non-practising registration may apply for registration

Enables a person holding non-practising registration to apply for full registration or specialist VET registration in order to be able to teach again.

Sets out responsibilities of the Board in determining such applications.

Clause 57 Renewal of non-practising registration

Enables a person holding non-practising registration to apply for renewal of that registration.

Sets out responsibilities of the Board in determining such applications.

Clause 58 Late applications for renewal of non-practising registration

Enable the Board to charge a fee for late payment of non-practising registration renewals.

Clause 59 Application for alternative authorisation to teach

Enables persons who are not eligible for provisional or full teacher registration to be entitled to teach, in clearly defined circumstances and under specified conditions. Such applications must include endorsement by the intended employer. In practice, they are initiated by the employer in conjunction with the applicant.

The purpose of an alternative authorisation to teach is to address workforce shortages where a school cannot find a suitable registered teacher for a role or to provide a pathway to registration for those working towards an initial teacher education qualification.

This provision is consistent with the Framework for Teacher Registration in Australia (FTRA).

Termed 'Limited Authority to Teach' in the current Act (Division 3). The terminology has been updated to be consistent with the FTRA.

Clause 60 Criteria for alternative authorisation to teach

Requires applicants to meet the criteria for all registrations in clause 39 above (for example, good character, Work with Vulnerable People registration, English proficiency) and recognises that the applicant may not meet the requirements to hold full or provisional registration but has skills and experience that available registered teachers do not have.

Similar to s17D(2) of the current *Act*.

Clause 60(2) excludes early childhood teachers (ECTs) teaching in settings regulated under the *Education and Care National Law Act 2010* from applying for an alternative authorisation to teach. This is because arrangements for those who do not meet the requirements to hold full or provisional registration in these settings (eg, long day care) are managed on a nationally consistent basis through Regulation 242 of the *Education and Care Services National Regulations 2011*.

Clause 61 Rights of applicants for alternative authorisation before application determined

Requires the Board to give an applicant an opportunity to appear before the Board or make a submission to it if it is likely that the Board will not approve registration of that applicant or may grant the registration subject to conditions.

Similar to s17D(3) of the current *Act*.

Clause 62 Determination of application for alternative authorisation to teach

Requires the Board to grant the applicant an alternative authorisation to teach provided the applicant meets the specified criteria. It also requires the Board to not grant the applicant registration if the applicant has not met the required criteria.

Similar to s17D of the current *Act*.

Clause 63 Notice of alternative authorisation to teach

Provides for the issue and reissue of a notice of alternative authorisation to teach. Also requires the applicant to pay the prescribed fee for such notices.

Similar to s17E of the current *Act*.

Clause 64 Surrender of alternative authorisation to teach

Enables an AAT holder to surrender their alternative authorisation to teach by notifying the Board in writing and in so doing that person ceases to be an AAT holder.

Clause 65 Duration of alternative authorisation to teach

Provides for an alternative authorisation to teach to be in effect for up to two years as determined by the Board.

Similar to s17F of the current *Act*.

Clause 66 Amendment of alternative authorisation to teach

Enables the Board to amend the conditions of the alternative authorisation to teach at the request of the holder, their employer or Board.

Similar to s17G of the current *Act*.

Clause 67 Extension of alternative authorisation to teach

Enables the Board, on application by the employer of the alternative authorisation to teach holder to extend the AAT for one or more further periods not exceeding two years.

Similar to s17H of the current *Act*.

Clause 68 Cancellation or suspension of registration

Enables the Board to suspend or cancel registration of a person without conducting an inquiry if the person does not hold a registration to work with vulnerable people or it has been suspended, or the person has not paid a fee or levy under the Act.

Also provides for the Board to set conditions on suspension or cancellation of that person's teacher registration, requires the Board to advise the person and their employer as soon as practicable. It also enables the Board to revoke a suspension.

Similar to s17BA under the current *Act*.

Clause 69 Cancellation or suspension of alternative authorisation to teach

Enables the Board to suspend or cancel an alternative authorisation to teach (AAT) without conducting an inquiry in a range of circumstances including if the person does not hold a registration to work with vulnerable people or if there is no longer a need for the AAT, specifies the criteria for suspension or cancellation, and enables the suspension or cancellation to be subject to conditions.

Similar to s171 of the current *Act*.

Clause 70 Immediate suspension of registration or alternative authorisation to teach

Enables the Board to immediately suspend the registration of a teacher or a person holding an alternative authorisation to teach, and the grounds on which it can do so.

Requires that the Board must suspend the registration of a teacher where it reasonably believes that the teacher has been charged with a relevant offence that involves the safety or well-being of a child. Relevant offences are offences which carry a maximum penalty of 12 months or more and include murder, rape, child sexual abuse, abduction, persistent family violence. They generally carry a maximum term of imprisonment of 12 months or more.

This was a Commission of Inquiry recommendation (recommendation 6.13).

Clause 71 Certificate of registration

Provides for the Board to issue a certificate of registration to a person who is granted registration, or a person whose registration is renewed.

Clause 72 Professional learning requirements

Requires a registered teacher to complete training in respect of child safety and safeguarding. Mandatory child safeguarding training for initial and continuing registration was a Commission of Inquiry recommendation (recommendation 6.15)

Also provides for a registered teacher to complete such continuing education as prescribed or specified by the Board.

Regulations will be used to prescribe the professional learning requirements for registration renewal set out in the Framework for

Teacher Registration in Australia (FTRA). This is 100 hours of professional learning activities referenced to the Teacher Standards, undertaken in the previous five years. It will be done by Regulation to provide flexibility in the event the FTRA changes in the future.

Enables the Board to exempt a registered teacher from one or more of the requirements to complete continuing education. This could, for example, include a person who suffered abuse as a child and does not wish to be exposed to the training material.

Clause 73 Additional certifications

Enables the Board to issue additional certifications, including recognition as a highly accomplished or lead teacher.

These may be stand-alone or issued as a condition of registration. The Regulations may prescribe matters for which additional certification may be issued, the method of application, manner of assessment, criteria for these certifications and any fee in respect of an application.

Clause 74 Police checks and reports

Enables the Board to obtain required police checks for the assessment of an application for registration, alternative authorisation to teach or additional certification.

Satisfactory criminal records checks are a requirement for suitability to teach under the Framework for Teacher Registration in Australia.

Similar to s17L of the current *Act*.

PART 4 – COMPLAINTS, INQUIRIES AND DISCIPLINARY ACTIONS

Clause 75 Complaints

Specifies the criteria for the assessment of complaints and the processes to be followed.

Similar to s19 of the current *Act*.

Additional provisions have been included to give the Board flexibility to better protect complainants, including children, and to manage any competing legal matters. The Board must still provide natural justice and procedural fairness when conducting inquiries and making decisions (clause 116).

Clause 76 Initial assessment of complaints

Provides for the Board to conduct an initial assessment of a complaint and make such inquiries and obtain such information and documents as necessary to determine if an inquiry should be conducted.

Similar to s19A of the current *Act*.

Clause 77 Actions after completion of assessment of complaints

Provides for the Board to determine whether an inquiry should be conducted or whether the complaint should be dismissed, and the grounds for dismissal.

It also provides for the Board to notify those concerned in writing of the dismissal of the complaint, and the criteria under which written notice need not be provided.

Similar to s19A of the current *Act*.

Clause 78 Inquiries

Provides for the Board to conduct an inquiry and the type of matters that are subject to such an inquiry. Requires the Board to be satisfied that conducting an inquiry is in the public interest. Enables an inquiry to be undertaken by the Board or a committee appointed by the Board.

Similar to s20 of the current *Act*.

Clause 79 Committee of inquiry

Provides for the membership of a committee of inquiry and how it is to conduct an inquiry.

Similar to s21 of the current *Act*.

Clause 80 Notice of inquiry

Provides for the Board to provide notice of an inquiry to those affected, the subject matter of the inquiry, membership of the committee of inquiry and courses of action available to the person who is subject to the inquiry.

Similar to s22A of the current *Act*.

Clause 81 Conduct of inquiry generally

Provides for requirements and guidelines for the presiding entity to follow in conducting the inquiry. This includes keeping the best interests of a child who is associated with an inquiry paramount. The Board must still provide natural justice and procedural fairness when conducting inquiries and making decisions (clause 116).

Similar to s22B of the current *Act*.

Clause 82 Inquiries involving interviews with children

A new provision that sets out requirements when children are involved in inquiries to ensure they are appropriately supported during interviews and that they are conducted in a trauma informed manner.

Clause 83 Hearings generally

Provides for when hearings can be held, notice of hearings, and rights of the person subject to the inquiry.

Similar to s22C of the current *Act*.

Clause 84 Hearings to be conducted in private

Provides for hearings to be conducted in private unless otherwise determined by the presiding entity for the inquiry.

Similar to s22C of the current *Act*.

Clause 85 Additional requirements for certain witnesses at hearings

Provides for the presiding entity for the inquiry to determine if a child or other special witness may give evidence by the appropriate means to minimise distress to the child or special witness.

Similar to s22C of the current *Act*.

Clause 86 Committee of inquiry to report to Board on conclusion of hearing

Provides for the committee to report to the Board on its findings and recommendations and for the Board to take these into account when making a decision in respect of the inquiry.

Similar to s23 of the current *Act*.

Clause 87 Board to make decision in respect of inquiry

Provides for the types of decisions that the Board may make in respect of an inquiry.

Similar to s24 of the current *Act*.

Clause 88 Notification of decision in respect of inquiry

Provides for who is to be notified of the Board's decision in respect of an inquiry. A new provision has been included as to when notification is not to be made as a consequence of other legal matters.

Similar to s24A of the current *Act*.

Clause 89 Persons must provide assistance to an inquiry

Requires persons to provide assistance to an inquiry when requested and includes a penalty fine for non-compliance.

Similar to s30 of the current *Act*.

The penalty units for not providing assistance have been increased from 2 to a maximum of 200 penalty units to act as a deterrent for a person who is the subject of an inquiry refusing to participate. It is consistent with s52A of the *Registration to Work with Vulnerable People Act 2013*.

Clause 90 Confidentiality of inquiry

Makes it an offence to publish information in respect of an inquiry that may identify the subject of that inquiry, a child or special witness. The Board may publish information that may identify the subject of an inquiry following consideration of any detrimental effects if it determines it is in the public interest.

Also provides for the publication of information in respect of a child or special witness once they have turned 18, if they wish to do so.

Also provides for penalties for non-compliance. The penalty units have been decreased from a maximum of 100 to a maximum of 50. It is consistent with s54 of the *Registration to Work with Vulnerable People Act*.

Similar to s22D of the current *Act*.

Clause 91 Board to be notified of certain charges and convictions

Requires a teacher to advise the Board in writing if they have been charged with a relevant offence (as defined in the Interpretations section) and the time for notification. It also provides for a teacher to advise the Board if they have been charged with a relevant offence and details of the findings by a court in relation to the charge.

Includes penalties for non-compliance, which have been increased from a maximum of 10 penalty units to a maximum of 50 to reflect the seriousness of the issue. It is consistent with s24 of the Registration to Work with Vulnerable People Act.

Similar to s27A of the current *Act*.

Clause 92 Board may take certain actions if persons found guilty of relevant offence

Provides for the actions the Board can take in respect of a registered teacher found guilty of a relevant offence.

Similar to s18A of the current *Act*.

PART 5 – INFORMATION SHARING

Clause 93 Board may require or request information or documents

Enables the Board to require the provision of information relevant to the Board's functions and powers from any person within Tasmania and request such information from persons outside Tasmania. Includes a penalty for non-compliance and the ability for the Board to seek a Magistrates Court order requiring the person to provide the Board the document or information specified in the order.

This was a Commission of Inquiry recommendation (recommendation 6.10).

Clause 94 Employers to notify Board of certain allegations

Requires an employer to notify the Board of allegations, suspicions or commencement of a formal investigation about child abuse by a teacher or holder of an alternative authorisation to teach that it employs. This must be done within 3 days of becoming aware and again within commencing formal investigation.

Similar to s31 of the current Act.

This clause contributes to implementation of Commission of Inquiry recommendation 6.10(b).

Clause 95 Certain employers to notify the Board of reportable behaviour

Requires employers to notify the Board if it commences formal investigations, dismisses or takes other disciplinary action against a person it employs in respect of reportable behaviour. Similar to the current Act, it also requires the employer to notify the Board if it believes that a registered teacher has resigned or retired because of reportable behaviour.

Similar to s31 of the current Act.

This clause contributes to implementation of Commission of Inquiry recommendation 6.10(b).

Clause 96 Certain entities to notify Board in certain circumstances

Provides for a relevant entity to notify the Board as soon as practicable after it becomes aware that there has been an allegation of child abuse by a registered teacher. The clause provides criteria for when it is appropriate to notify the Board, the circumstances in which notification is not appropriate and the type of information to be provided.

This was a Commission of Inquiry recommendation (recommendation 6.10).

Clause 97 Board may disclose information or documents

Enables the Board to disclose information about a registered teacher or holder of an alternative authorisation to teach to other specified entities, and the conditions and manner in which that information may be provided.

Similar to s26A of the current Act.

Clause 98 Board may provide information to corresponding bodies

Enables the Board to share information with a teacher registration authority in another jurisdiction about a person making an application under this Act, subject to conditions.

Similar to s32A of the current Act.

Clause 99 Board to notify of certain charges and convictions

Requires the Board to notify an employer if it becomes aware that a registered teacher or holder of an alternative authorisation to

teach has been found guilty of a relevant offence (as defined in the Interpretations section) in Tasmania or elsewhere.

Also allows the Board to notify a corresponding registration authority.

Clause 100 Board may refuse to disclose information in certain circumstances

The Board may refuse to provide information if satisfied that the disclosure would, for example, prejudice the administration of justice, endanger the safety of a person or hinder an inquiry under this *Act*.

A similar provision exists in the *Registration to Work with Vulnerable People Act 2013*.

Clause 101 Board may require authorisation to disclose information

Enables the Board to require a person who is a teacher or holder of an alternative authorisation to teach to authorise it to obtain information from a teacher regulatory authority in another jurisdiction for the purposes of the *Act*.

This provision is consistent with the Framework for Teacher Registration in Australia.

Clause 102 Retention of documents

Enables the Board to retain documents for the purposes of the *Act*. It also enables the Board to share documents if satisfied the person is entitled to a copy.

Clause 103 Restriction on use of documents and information

Provides that the Board may only use information or documents it obtains for the purpose for which it was required, or for the administration of the *Act*.

Clause 104 Certain Acts do not apply to information sharing under this Act

Provides for the exemption of the Board and staff from the *Right to Information Act 2009* and the *Personal Information Protection Act 2004*. This is to ensure they can exercise their functions and powers under the *Act*. The PIP Act exemption enables the sharing of information about employees suspected of child sexual abuse, between the Department and the Board. It reinforces the information sharing provisions in the Bill.

This exemption is also provided in the *Child and Youth Safe Organisations Act 2023* and the *Registration to Work with Vulnerable People Act 2013*.

PART 6 - OFFENCES

Clause 105 Person must not misrepresent as being registered or holding alternative authorisation to teach

Creates an offence and fine for a person misrepresenting themselves as being registered as a teacher or holding an alternative authorisation to teach.

The penalty units are unchanged from the current *Act*.

Similar to s11 of the current *Act*.

Clause 106 Person must not teach under suspended authorisation

Creates an offence for teaching while a person's registration or alternative authorisation to teach is suspended.

The penalty units are consistent with s17 of the *Registration to Work with Vulnerable People Act*.

Similar to s11 of the current *Act*.

Clause 107 Employing unregistered teachers

Creates an offence and fine for an employer to engage a person to teach who is not a registered teacher or otherwise authorised to teach.

The penalty units for a first offence remain the same as the current *Act* with subsequent offences increasing from a fine not exceeding 100 to 200 penalty units and a daily fine increasing from 10 to 20 penalty units.

Similar to s27 of the current *Act*.

Clause 108 False and misleading information

Creates an offence and fine for a person to provide false or misleading information under this *Act*. The penalty units have been increased from a maximum of 10 to a maximum of 50. This is consistent with s54A of the *Registration to Work with Vulnerable People Act*.

Similar to s36 of the current *Act*.

Clause 109 Prosecutions under this Act

Enables prosecutions for offences under this Act to be instituted by the chair of the Board or by a person authorised by the Board. Similar to s34A of the current *Act*.

Clause 110 Immunity from liability

Provides for immunity from liability for any person or member of the Board for an honest act or omission in the exercise of a power or performance of a function under this *Act*.

Similar to s35 of the current *Act*.

Clause 111 Infringement notices

Defines an infringement notice and enables the Board to issue such a notice and the conditions of issue.

Enabling the Board to issue infringement notices was a Commission of Inquiry recommendation (recommendation 6.12).

PART 7 - MISCELLANEOUS

Clause 112 Ministerial instructions

Enables the Minister to issue instructions in relation to how the Act is administered. A Ministerial Instruction may not direct the Board in the performance of its functions or exercise of its powers in respect of a specific circumstance or individual case.

This clause is similar to that under the *Education Act 2016*, which currently enables the Minister to issue instructions under the *Teachers Registration Act 2000*. It is being moved to the Teachers Registration Act as a stand-alone provision rather than being cross-referenced to another *Act*.

Clause 113 Application of Ministerial instructions

Requires the Board, its staff, its committees, employers, registered teachers and alternative authorisation to teach holders to have regard to Ministerial Instructions when performing a function or exercising a power under the *Act*.

Clause 114 Applications for review

Enables a person to apply to the Tasmanian Civil and Administrative Tribunal (TASCAT) for a review of a Board decision made about them under clause 31.

It also enables TASCAT to order the Board to take an action under certain sections of the *Act*.

Similar to s29 of the current *Act*.

Clause 115 Registration information

Enables the Board to require an employer to provide the Board with information about the teachers it employs.

Enables the Board to provide an employer with a list of teachers it believes are employed that employer. Enables the Board to provide an employer with a list of alternative authorisation to teach holders whose authorisation will expire in that calendar year. This is to assist employers in managing their obligations under the *Act*.

Similar to s32 of the current *Act*.

Clause 116 Natural justice and procedural fairness

For the avoidance of doubt, specifies that a decision made or an inquiry held under this *Act* is subject to the principles of natural justice and procedural fairness.

Clause 117 Fees, penalties and charges

Provides for fees, levies, penalties and charges to be paid to the Board unless otherwise specified.

Similar to s38 of the current *Act*.

Clause 118 Regulations

Enables the Governor to make regulations for the purposes of this Act.

Similar to s39 of the current *Act*.

Clause 119 Further amendment of regulations not prevented

Enables the further amendment of regulations made by this Act or another *Act*.

Clause 120 Savings and transitional provisions

Enables the provisions in Schedule 2 to have effect.

Clause 121 Administration of the Act

Provides that the administration of the Act is to be under the Minister for Education, with the responsible Department being the Department for Education, Children and Young People, until such a time as amended by the *Administrative Arrangements Act 1990*.

Clause 122 Consequential amendments

Enables the legislation specified in Schedule 3 to be amended.

Clause 123 Legislation repealed

Enables the legislation specified in Schedule 4 to be repealed.

SCHEDULE MEMBERSHIP AND MEETINGS OF BOARD

1

This schedule sets out membership, it remains unchanged from the current *Act*.

Clause 1 Interpretation

Defines the term ‘member’.

Clause 2 Term of office

Sets out the appointment period for a member

Clause 3 Reappointment of members

Provides for the Minister to reappoint members.

Clause 4 Conditions of appointment

Sets out the conditions of appointment for members.

- Clause 5 Holding other office**
Provides that a holder of another office is not disqualified from holding that office in conjunction with the office of a member.
- Clause 6 Notifying of matter that may affect Minister's opinion of character**
Provides that a member must notify the minister if they do or omit an act that may affect whether the Minister would consider the member to be fit to be a member of the Board.
- Clause 7 Resignation**
Provides that a member may resign by signed notice given to the Minister.
- Clause 8 Removal of member**
Provides for the circumstances when a Minister may remove a member of office.
- Clause 9 Filling of vacancies**
Provides for procedure when a member vacates office.
- Clause 10 Defect does not invalidate appointment**
Provides that an appointment of a member is not invalid merely because of a defect in the appointment.
- Clause 11 Convening of meetings**
Provides for the convening of Board meetings.
- Clause 12 Presiding at meetings**
Provides for who can preside at a Board meeting.
- Clause 13 Conduct of meetings**
Sets out how Board meetings are to be conducted.
- Clause 14 Quorum and voting at meetings**
Provides for quorum and voting at Board meetings.

- Clause 15 Registrar to attend meetings**
Provides that the Registrar is to attend Board meetings.
- Clause 16 Minutes**
Provides that the Board is to keep minutes.
- Clause 17 Resolutions without meetings**
Provides for resolutions to be made without a meeting of the Board
- Clause 18 Presumptions**
Provides that in any proceeding by or against the Board, proof is not required for the constitution of the Board and any resolution of the Board – among other things.
- Clause 19 Validity of proceedings**
Provides that proceedings of the Board are not invalid by reason only that at the time of the act, there was a vacancy in the Board membership.

SCHEDULE SAVINGS AND TRANSITIONAL PROVISIONS
2

- Clause 1 Interpretation**
Sets out definitions of former Act and former Board
- Clause 2 Ministerial statement of expectations**
Provides that the Ministerial statement of expectations in force under the current Act remains in place under the same terms and conditions.
- Clause 3 Corporate plan**
Provides that a corporate plan in force under the current Act is taken to be a corporate plan under the new Act.
- Clause 4 Ministerial instructions taken to be in force under this Act**
Provides that Ministerial instructions issued under the *Education Act 2016* in respect of the current Act or the Board are taken to be a Ministerial instruction issued under the new Act.
- Clause 5 Certain registrations and approvals**
Provides that those who were registered under the current Act will automatically be registered in the same category under the new

Act. This section takes into account holders of Limited Authority to Teach, will move to the newly titled Alternative Authority to Teach.

Clause 6 References to certain terms

Provides that references to registered teachers or AAT holders under the previous act will include reference to a registered teacher under the new *Act*.

Clause 7 Application of this Act to persons not required to be registered under former Act

This clause enables the transition for non-school teachers to the new *Act*.

Enables those currently teaching in non-school settings to continue to teach in these settings once this part of the Act is proclaimed. This is the case until either an application for registration has been granted or refused, or three years have expired from proclamation.

Also provides for those persons who have been teaching in non-school settings to be 'deemed' as fully registered, provided they have been teaching for at least five years and meet the other criteria specified in this clause. These include a requirement for them to apply for full registration under this *Act* within three years after this clause commences.

Clause 8 Certain provisional registrations taken to be full registration in certain circumstances

Enables the 'deeming' of provisionally registered teachers as fully registered provided they meet set criteria once this clause commences.

Provides a transitional period of three years for persons who have held provisional registration to apply to the Board for full registration. Requires the Board to approve the application for full registration provided the person meets the criteria outlined in this clause.

Clause 9 Application of this Act to persons who held provisional registration under former Act

Provides for those teachers provisionally registered under the current Act to remain so for up to five years, after this clause commences.

Clause 10 Effect of complaints and inquiries under former Act

At the point the new *Act* comes into force, sets out whether it applies or the *2000 Act* applies in relation to complaints and inquiries. This will depend on which step a complaint or inquiry has reached in the relevant process.

SCHEDULE CONSEQUENTIAL AMENDMENTS

3

Enables various Acts and Regulations to be updated with the name of the new Act – *Teachers Registration Act 2026*.

Removes the power for the Minister to issue Ministerial Instructions in respect of the TRB under the Education Act 2016. This power is now in the new *Act*.

Amends the *Child and Youth Safe Organisations Regulations 2023* to include the Board as an entity that can share information with other entities specified in the *Child and Youth Safe Organisations Act 2023*. This further strengthens the information requesting and notification powers for the Board recommended by the Commission of Inquiry in recommendation 6.10.

SCHEDULE LEGISLATION REPEALED

4

Provides for repeal of the *Teachers Registration Act 2000* once this new Act is proclaimed under Clause 2.