

CLAUSE NOTES

Teachers Registration Amendment Bill 2019

- Clause 1:** **Short title**
This clause provides that the Bill will be cited as the *Teachers Registration Amendment Act 2019*.
- Clause 2:** **Commencement**
The Act will commence on the day it receives Royal Assent.
- Clause 3:** **Principal Act**
This clause provides that the Principal Act to which the amendments apply is the *Teachers Registration Act 2000*.
- Clause 4:** **Section 16 amended (Period of registration)**
Section 16 of the Principal Act provides that the period of full or provisional registration for a teacher is the period specified by the Teachers Registration Board, not exceeding 5 years.
- The amendment clarifies that a teacher's registration might end earlier than the specified period if surrendered by the teacher or cancelled by the Teachers Registration Board, in accordance with the Principal Act.
- Clause 5:** **Section 17A amended (Renewal of full registration and specialist vocational education and training registration)**
Section 17A of the Principal Act sets out the process to be followed for renewal of full registration as a teacher or specialist vocational education and training registration. The renewal of full registration or specialist vocational education and training registration is effective for a period of up to 5 years.
- The amendment clarifies that a teacher's registration may end earlier if surrendered by the teacher or cancelled by the Teachers Registration Board in accordance with the Principal Act.
- Clause 6:** **Section 17BA inserted (Cancellation or suspension of teacher registration without inquiry)**
Section 13 of the Principal Act provides that one of the requirements an applicant for full, provisional or specialist vocational education and training teacher registration must meet is to be registered under the *Registration to Work with Vulnerable People Act 2013*, in respect of a regulated child-related activity, within the meaning of that Act.
- Section 13 makes it clear that a necessary precondition for all categories of teacher registration is that the applicant holds a current registration under the *Registration to Work with Vulnerable People Act 2013*. Currently, there is

no corresponding provision that allows the Teachers Registration Board to suspend or revoke a teacher's registration in a timely way if that teacher no longer holds a current registration to work with vulnerable people. Rather, the Board is required to hold an inquiry in accordance with section 20 of the Principal Act. This can be a lengthy and time consuming process which does not allow the register of teachers to be amended promptly to reflect a teacher's loss of registration.

This amendment inserts a new section in the Principal Act which allows the Teachers Registration Board to suspend or cancel a teacher's registration if the Board is satisfied that the teacher no longer holds vulnerable person registration, or their vulnerable person registration has been suspended either in Tasmania or under a corresponding law in another jurisdiction.

The Board may suspend or cancel the teacher's registration under this section without holding an inquiry and without giving the teacher an opportunity to be heard or make submissions to the Board. This is because procedural fairness is accorded during the RWVP suspension or cancellation process.

Under section 50 of the *Registration to Work with Vulnerable People Act 2013*, if the Registrar appointed under that Act intends to suspend or cancel a person's registration, the Registrar must provide written notice to that person of their intention to do so. The notice is required to set out grounds for the suspension or cancellation and give the person 10 days in which to provide the Registrar with reasons as to why the registration should not be suspended or cancelled. This process will have happened prior to the Board suspending or cancelling a teacher's registration under the Principal Act.

The Board must then serve notice of that decision on the teacher, their employer and corresponding registration authorities in other jurisdictions. A suspension or cancellation of registration takes effect once written notice of it has been served on the teacher, or a later day as specified in the notice.

The Board may reinstate a teacher's registration if satisfied that the teacher holds vulnerable person registration and is of good character and fit to be a teacher. Notice of the reinstatement must be served on the teacher, their employer and corresponding registration authorities. The reinstatement takes effect once written notice of it has been served on the teacher, or a later day as specified in the notice.

Clause 7:

Section 17F amended (Period of limited authority)

Section 17F of the Principal Act provides that a limited authority to teach has effect for a period of up to 2 years as determined by the Board.

The amendment clarifies that a teacher's limited authority to teach may end earlier than the approved period if surrendered by the teacher or cancelled by the Teachers Registration Board in accordance with the Principal Act.

Clause 8:

Section 17H amended (Extension of limited authority)

Section 17H of the Principal Act allows the Teachers Registration Board to extend a teacher's limited authority to teach, for one or more further periods of up to 2 years.

The amendment clarifies that a teacher's limited authority to teach may end earlier than the approved period if surrendered by the teacher or cancelled by the Teachers Registration Board in accordance with the Principal Act.

Clause 9:

Section 24 amended (Decisions)

Section 24 of the Principal Act sets out the decisions the Teachers Registration Board may make as a result of holding an inquiry, should one be necessary. These include:

- a caution
- impose conditions on the person's registration or limited authority to teach
- suspend or cancel the person's registration or limited authority to teach
- determine that the person is unfit to be a teacher or not of good character
- determine that the complaint or matter being inquired into is without substance.

For the avoidance of doubt, and given the other amendments regarding when an inquiry is not needed, the amendment clarifies that a further option the Board has as a result of an inquiry is to reinstate the person's teacher registration or limited authority to teach.

Clause 10:

Section 26A inserted (Provision of information on register and other information)

Section 25(2) of the Principal Act requires the Teachers Registration Board to keep a register of registered teachers and holders of limited authorities to teach. The register is required to contain a range of information about each individual, including:

- full name, former name/s, residential address and date of birth
- qualifications
- teaching experience at time of application
- registration number
- registration type (full, provisional, specialist vocational education and training)

- date registration takes effect, and expiry date
- any conditions on registration, and particulars of any suspension
- any other particulars the Board considers appropriate

The amendment adds a new section 26A allowing the Teachers Registration Board to make available to a relevant authority, or member of a class of relevant authorities that is prescribed in regulations, any of the information referred to in section 25(2) of the Principal Act, and any other information in relation to a currently or formerly registered teacher, or holder of a limited authority to teach. The information may be made available for educational or research purposes, or any other purposes that are prescribed in regulations. The TRB must be satisfied that the authority with whom it is sharing data has procedures in place to ensure the information is protected from misuse, theft, loss, unauthorised access, modification or disclosure.

'Relevant authority' is defined to include:

- a corresponding teacher registration authority;
- a department or unit of administration of the State of Tasmania, another State or Territory or the Commonwealth;
- a person acting on behalf of the State of Tasmania, another State or Territory or the Commonwealth;
- a Statutory Authority;
- a person or body or member of a class of persons or bodies that is prescribed in regulations.

'Statutory Authority' means:

- a body which is established by or continued under State, Territory or Commonwealth legislation or royal prerogative;
- a body which, or the governing authority of which, includes a person or persons appointed by:
 - the Governor of a State, Administrator of a Territory or the Governor-General; or
 - a Minister of the Crown in any State, Territory or the Commonwealth; or
 - another statutory authority.

Clause 11:

Repeal of Act

This clause is a standard repeal provision to remove the empty shell of the Bill after all of its provisions have been transferred and have come into effect in the Principal Act.