

FACT SHEET

Teachers Registration Amendment Bill 2019

The *Teachers Registration Amendment Bill 2019* amends the *Teachers Registration Act 2000* (the TR Act) to:

- provide the Teachers Registration Board (TRB) with the ability to suspend or cancel a teacher's registration if that person no longer holds registration to work with vulnerable people under the *Registration to Work with Vulnerable People Act 2013* (RWVP Act) without the need to conduct a time consuming and resource intensive disciplinary process; and
- allow the TRB to participate in a range of data sharing initiatives.

From 1 January 2017, Tasmanian teachers have been required to be registered under the RWVP Act. Since this time, it has been clear that a teacher cannot be registered under the TR Act in the absence of RWVP registration.

The Bill amends sections 16, 17A, 17BA, 17F and 17H of the TR Act to make it clear that a teacher's registration may be suspended or cancelled immediately if that person no longer holds RWVP registration in Tasmania, or the equivalent check in any other jurisdiction.

The amendments mean that the TRB may suspend or cancel the registration of a teacher without undertaking a disciplinary process under the TR Act if:

- the TRB is satisfied that the teacher does not hold vulnerable person registration; or
- that teacher's vulnerable person registration has been suspended, and the suspension has not been revoked.

The ability to take prompt action to suspend or cancel a teacher's registration in these circumstances will help provide greater protection for children by ensuring only those teachers who hold current RWVP remain on the register of teachers. The changes also remove duplication of process.

Procedural fairness is afforded a teacher by the Registrar under the RWVP Act, as part of the process of determining whether to suspend or cancel RWVP. The Registrar must provide written notice to a person of their intention to suspend or cancel RWVP. The notice must 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 TR Act.

A suspension or cancellation of registration takes effect once written notice of it has been served on the teacher. Notice must also be served on the teacher's employer and corresponding registration authorities in other jurisdictions.

The TRB may reinstate registration if satisfied that the teacher holds a current RWVP and is of good character and fit to be a teacher.

For the avoidance of doubt, the Bill clarifies that one of the options available to the Board as a result of an inquiry held under section 24 of the TR Act, should that be necessary, is to reinstate the person's teacher registration or limited authority to teach.

The Bill also adds a new section 26A to the TR Act to allow the TRB to make available to a 'relevant authority' any or all of the information it holds as set out in section 25(2) of the TR Act, as well as any other information it holds in relation to a 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.

'Relevant authority' includes a corresponding teachers' registration authority; a department or unit of administration of a State, Territory or the Commonwealth; a person acting on behalf of the State of Tasmania, another State or Territory or the Commonwealth; a statutory authority or another person or body as 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.

This provision will permit the TRB to share data it holds on registered teachers with appropriate authorities and allow participation in the Australian Teacher Workforce Data Strategy (ATWD). The ATWD is an initiative of the Australian Institute for Teaching and School Leadership (AITSL) and will provide a national, de-identified data set of the teaching workforce for use by States, Territories and the Commonwealth to understand current and potential gaps in the teacher supply chain, and to inform better planning and decision making.

There are a number of other initiatives for which the ability to share data with government agencies may be required, including the response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, recommendations from the National Review of Teacher Registration and development of the National Teacher Workforce Strategy, agreed through the National School Reform Agreement. Prior to data being shared the entities themselves, or a class of entities to which they belong, will need to be prescribed in regulations. This amendment will allow Tasmania to participate in, and benefit from, these initiatives.