



TASMANIA

**TEACHERS REGISTRATION AMENDMENT ACT
2020**

No. 33 of 2020

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TEACHERS REGISTRATION AMENDMENT ACT 2020

No. 33 of 2020

An Act to amend the *Teachers Registration Act 2000*

[Royal Assent 17 November 2020]

Be it enacted by Her 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 2020*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

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

4. Section 16 amended (Period of registration)

Section 16 of the Principal Act is amended as follows:

- (a) by inserting in subsection (2)(b) “, subject to this Act” after “ends”;
- (b) by inserting in subsection (3)(b) “, subject to this Act,” after “ends”.

5. Section 17A amended (Renewal of full registration and specialist vocational education and training registration)

Section 17A(6)(b) of the Principal Act is amended by inserting “, subject to this Act” after “ends”.

6. Section 17BA inserted

After section 17B of the Principal Act, the following section is inserted in Division 2:

17BA. Cancellation or suspension of teacher registration without inquiry

- (1) In this section –

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corresponding law has the same meaning as in the *Registration to Work with Vulnerable People Act 2013*;

regulated activity means an activity to which vulnerable person registration relates under the *Registration to Work with Vulnerable People Act 2013* or a corresponding law;

vulnerable person registration, in relation to a teacher, means –

- (a) the registration of the teacher, under the *Registration to Work with Vulnerable People Act 2013*, in respect of a regulated activity that primarily relates to children; or
 - (b) the registration, licence, or other authorisation, of the teacher under a corresponding law, in respect of a regulated activity that primarily relates to children.
- (2) The Board may suspend or cancel the registration of a registered teacher, if the Board is satisfied that –

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- (a) the teacher does not hold vulnerable person registration; or
 - (b) the teacher's vulnerable person registration has been suspended and the suspension has not been revoked.
- (3) The Board may, under subsection (2), suspend or cancel the registration of a registered teacher –
 - (a) without conducting an inquiry; and
 - (b) without giving the teacher an opportunity to be heard by, or to make submissions to, the Board.
- (4) On deciding to suspend or cancel under subsection (2) the registration of a registered teacher, the Board is to serve notice, in writing, of that decision on –
 - (a) the teacher; and
 - (b) the teacher's employer, if the teacher is employed to teach; and
 - (c) corresponding registration authorities.
- (5) A suspension or cancellation under subsection (2) of the registration of a registered teacher takes effect on written notice of it being served on the teacher or a later day specified in the notice.

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- (6) The Board may revoke the suspension under subsection (2) of the registration of a registered teacher if the Board is satisfied that the teacher –
- (a) holds vulnerable person registration; and
 - (b) is of good character; and
 - (c) is fit to be a teacher.
- (7) On deciding to revoke under subsection (6) the suspension under subsection (2) of the registration of a registered teacher, the Board is to serve notice, in writing, of that decision on –
- (a) the teacher; and
 - (b) the teacher's employer, if the teacher is employed to teach; and
 - (c) corresponding registration authorities.
- (8) The revocation under subsection (6) of the suspension under subsection (2) of the registration of a registered teacher takes effect on written notice of it being served on the teacher or a later day specified in the notice.

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7. Section 17F amended (Period of limited authority)

Section 17F(2)(b) of the Principal Act is amended by inserting “, subject to this Act,” after “ends”.

8. Section 17H amended (Extension of limited authority)

Section 17H(5)(b) of the Principal Act is amended by inserting “, subject to this Act,” after “ends”.

9. Section 24 amended (Decisions)

Section 24 of the Principal Act is amended by inserting after paragraph (b) the following paragraph:

- (ba) revoke the suspension of the person’s registration or limited authority;

10. Section 26A inserted

After section 26 of the Principal Act, the following section is inserted in Part 5:

26A. Provision of information on register and other information

- (1) The Board may make available to a relevant authority that is prescribed, or that is a member of a class of relevant authorities that is prescribed, any or all of the following:

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- (a) information consisting of any or all of the particulars referred to in section 25(2) in relation to a person who is or was a registered teacher or who is or was the holder of a limited authority;
- (b) any other information in relation to a person who is or was a registered teacher or who is or was the holder of a limited authority –

for educational purposes or research purposes, or any other purposes that are prescribed.

- (2) Information referred to in subsection (1) may only be made available by the Board under that subsection to a relevant authority, including a member of a class of relevant authorities that is prescribed, if the Board is satisfied that the relevant authority has procedures or processes in place that are sufficient to ensure that the information is protected from misuse, theft, loss, unauthorised access, modification or disclosure.
- (3) Information referred to in subsection (1) may be made available by the Board under that subsection –
 - (a) either on a case-by-case basis or on an ongoing basis; and

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(b) by electronic transmission, by the provision of electronic access to the database on which the register is kept, or otherwise.

(4) In subsection (1) –

relevant authority means –

- (a) a corresponding registration authority; and
- (b) a department, or unit of administration, of the State, another State, a Territory or the Commonwealth; and
- (c) a person or body acting on behalf of the State, another State, a Territory or the Commonwealth; and
- (d) a statutory authority; and
- (e) a person, or body, that is prescribed or is a member of a class of persons or bodies that is prescribed;

statutory authority means an incorporated or unincorporated body –

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- (a) which is established, constituted or continued by or under –
 - (i) an Act of the State, another State, a Territory or the Commonwealth;
or
 - (ii) the royal prerogative of the State, another State, a Territory or the Commonwealth;
and
- (b) which is a body which, or of which the governing authority, wholly or partly comprises a person, or persons, appointed by –
 - (i) the Governor of the State or of another State or the Governor-General; or
 - (ii) the Administrator of a Territory; or
 - (iii) a Minister of the Crown in the right of the State,

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another State, a
Territory or the
Commonwealth;
or

(iv) another statutory
authority.

11. Repeal of Act

This Act is repealed on the first anniversary of
the day on which it commenced.

*[Second reading presentation speech made in:–
House of Assembly on 15 September 2020
Legislative Council on 29 October 2020]*