TASMANIA

TEACHERS REGISTRATION ACT 2026

No. 23 of 2026

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Objects of Act
4. Interpretation
5. Meaning of *educational setting*
6. Meaning of *teach*
7. Determination of whether person of good character
8. Determination of whether person fit to be teacher
9. Principles for performing functions and exercising powers under Act
10. Act binds Crown

PART 2 – TEACHERS REGISTRATION BOARD OF TASMANIA

Division 1 – Teachers Registration Board of Tasmania continued

11. Continuation of Board
12. Membership of Board
13. Functions and powers of Board
14. Board to establish review process
15. Board not liable to direction
16. Delegation

Division 2 – Registrar and staff of Board

17. Registrar
18. Role, functions and powers of Registrar
19. Staff

Division 3 – Governance of Board

20. Framework agreement by Board
21. Ministerial statement of expectations
22. Corporate plan
23. Annual report
24. Accounts
25. Treasurer's Instructions

Division 4 – Registers

26. Registers
27. Change of certain details on Register
28. Register to be kept up-to-date

Division 5 – Other administrative provisions

29. Committees
30. Remuneration of committee members
31. Notification of decisions of Board
32. Certain documents to be made publicly available
33. Independent review of Board

PART 3 – REGISTRATION AND ALTERNATIVE AUTHORISATIONS

Division 1 – Preliminary

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

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

36. Effect of registration

37. Effect of alternative authorisation to teach

Division 2 – Registration to teach

38. Application for registration to teach

39. Criteria for all registrations

40. Criteria for provisional registrations to teach

41. Criteria for full registration

42. Criteria for specialist VET registration

43. Rights of applicants for registration before application determined

44. Determination of application for registration

45. Surrender of registration

46. Duration of registration

47. Amendment of registration

48. Renewal of registration

49. Late applications for renewal of registration

50. Annual registration fee

Division 3 – Non-practising registration

51. Application for registration other than to teach

52. Criteria for non-practising registration

53. Rights of applicants for non-practising registration before application determined

54. Determination of application for non-practising registration

55. Effect of non-practising registration under this section

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

57. Renewal of non-practising registration

58. Late applications for renewal of non-practising registration

Division 4 – Alternative authorisation to teach

59. Application for alternative authorisation to teach

60. Criteria for alternative authorisation to teach

61. Rights of applicants for alternative authorisation before application determined

62. Determination of application for alternative authorisation to teach

63. Notice of alternative authorisation to teach

64. Surrender of alternative authorisation to teach

65. Duration of alternative authorisation to teach

66. Amendment of alternative authorisation to teach

67. Extension of alternative authorisation to teach

Division 5 – Suspension or cancellation of registration or alternative authorisation to teach

68. Cancellation or suspension of registration

69. Cancellation or suspension of alternative authorisation to teach

70. Immediate suspension of registration or alternative authorisation to teach

Division 6 – Miscellaneous

71. Certificate of registration

72. Professional learning requirements

73. Additional certifications

74. Police checks and reports

PART 4 – COMPLAINTS, INQUIRIES AND DISCIPLINARY ACTIONS

Division 1 – Complaints

75. Complaints

76. Initial assessment of complaints

77. Actions after completion of assessment of complaints

Division 2 – Inquiries

78. Inquiries

79. Committee of inquiry

80. Notice of inquiry

81. Conduct of inquiry generally

82. Inquiries involving interviews with children

83. Hearings generally

84. Hearings to be conducted in private

85. Additional requirements for certain witnesses at hearings

86. Committee of inquiry to report to Board on conclusion of inquiry

87. Board to make decision in respect of inquiry

88. Notification of decision in respect of inquiry

89. Persons must provide assistance to inquiry

90. Confidentiality of inquiry

Division 3 – Other disciplinary actions

91. Board to be notified of certain charges and convictions

92. Board may take certain actions if person found guilty of relevant offence

PART 5 – INFORMATION SHARING

93. Board may require or request information or documents

94. Employers to notify Board of certain allegations

95. Certain employers to notify Board of reportable behaviour

96. Certain entities to notify Board in certain circumstances

97. Board may disclose information or documents

98. Board may provide information to corresponding bodies

99. Board to notify of certain charges and convictions

100. Board may refuse to disclose information in certain circumstances

101. Board may require authorisation to disclose information

102. Retention of documents

103. Restriction on use of documents and information

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

PART 6 – OFFENCES

Division 1 – Offences

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

106. Person must not teach under suspended authorisation

107. Employing unregistered teachers

108. False and misleading information

Division 2 – Legal proceedings for offences

109. Prosecutions under this Act

110. Immunity from liability

111. Infringement notices

PART 7 – MISCELLANEOUS

112. Ministerial instructions

113. Application of Ministerial instructions

114. Applications for review

115. Registration information

116. Natural justice and procedural fairness

117. Fees, penalties and charges

118. Regulations

119. Further amendment of regulations not prevented

120. Savings and transitional provisions

121. Administration of Act

122. Consequential amendments

123. Legislation repealed

SCHEDULE 1 – MEMBERSHIP AND MEETINGS OF BOARD

SCHEDULE 2 – SAVINGS AND TRANSITIONAL PROVISIONS

SCHEDULE 3 – CONSEQUENTIAL AMENDMENTS

SCHEDULE 4 – LEGISLATION REPEALED

TEACHERS REGISTRATION ACT 2026

No. 23 of 2026

An Act to provide for the registration of teachers

[Royal Assent 20 November 2026]

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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Teachers Registration Act 2026*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Objects of Act

The objects of this Act are –

(a) to provide for the registration of teachers, and the regulation and recognition of the teaching profession, within Tasmania; and

(b) to ensure that persons uphold the standards expected of the teaching profession; and

(c) to ensure that public confidence in the teaching profession is maintained; and

(d) to protect all learners in educational settings by providing a safe and professional environment and appropriately qualified and competent teachers; and

(e) to ensure that all participants in educational settings work collaboratively to achieve the best educational outcomes for participants.

4. Interpretation

(1) In this Act –

AAT holder means a person who holds an alternative authorisation to teach;

alternative authorisation to teach, in relation to a person, means that –

(a) the Board has granted an alternative authorisation to teach to the person; and

(b) the alternative authorisation to teach is still in force under this Act;

approved form means the form approved by the Board including, but not limited to, an electronic or digital form;

Board means the Teachers Registration Board of Tasmania continued under section 11;

certificate of registration means a certificate issued under section 71;

child means a person who has not attained the age of 18 years;

child and family learning centres means centres that –

(a) are operated by, or on behalf of, the department responsible for the administration of the *Education Act 2016*; and

(b) are providing an educational program to children who have not attained the age of 5 years;

committee of inquiry means a committee appointed under section 79;

complaint means a complaint under section 75;

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;

early childhood service includes –

(a) an education and care service within the meaning of the Education and Care National Law; and

(b) a child care service within the meaning of the *Child Care Act 2001*;

educational program means an organised set of learning activities designed –

(a) to enable a child to develop knowledge, understanding and skills relevant to the child's need; and

(b) to implement –

(i) a prescribed curriculum in respect of the child; or

(ii) a curriculum, or program, required to be delivered in respect of the child under the Education and Care National Law;

educational setting – see section 5;

Education and Care National Law means the Education and Care Services National Law (Tasmania);

employ includes engage under a contract for services;

employer, in relation to a person, means the person who has employed the person to teach in an educational setting;

fit to be a teacher – see section 8;

full registration means registration that authorises the holder of that registration in accordance with section 36(1);

good character – see section 7;

hearing, in relation to an inquiry, means a hearing conducted under section 83 in respect of the inquiry;

inquiry means an inquiry conducted under Division 2 of Part 4;

learner means a child, or other person, enrolled in an educational setting;

Ministerial instruction means an instruction of the Minister issued under section 112;

non-practising registration means registration under Division 3 of Part 3;

non-school setting includes –

(a) early childhood services; and

(b) child and family learning centres; and

(c) such other setting as is prescribed for the purposes of this definition;

notice of alternative authorisation to teach means a notice issued under section 63;

ongoing education, in relation to a person, means that the person has voluntarily completed education, training or learning, in a formal or informal setting, for the purpose of maintaining and enhancing the knowledge and skills of the person as a teacher or AAT holder;

presiding entity, in relation to an inquiry, means –

(a) if the inquiry is to be conducted by the Board, the Board; or

(b) if the inquiry is to be conducted by a committee of inquiry, that committee;

professional learning, in relation to a person, means education, training or learning, in a formal or informal setting, that is required under this Act –

(a) for the person to be registered as a teacher or to be granted an

alternative authorisation to teach; and

(b) for the purpose of maintaining and enhancing the knowledge and skills of the person as a teacher or AAT holder;

professional standards for teaching means –

(a) the Australian Professional Standards for Teachers, as published by the Australian Institute for Teaching and School Leadership (ABN 17 117 362 740), as amended or substituted from time to time; or

(b) another standard as prescribed;

provisional registration means registration that authorises the holder of that registration in accordance with section 36(2);

Register means a register kept under Division 4 of Part 2;

registered school has the same meaning as in the *Education Act 2016*;

registered teacher means a person who –

(a) holds registration under this Act other than non-practising registration; and

(b) is entered into the Register as a registered teacher;

Registrar means the person appointed to be the Registrar under section 17;

registration includes –

(a) full registration; and

(b) provisional registration; and

(c) non-practising registration; and

(d) specialist VET registration;

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

relevant offence means –

(a) an offence which is punishable by a term of imprisonment; or

(b) an offence committed in another jurisdiction which, if the offence were committed in Tasmania, would be punishable by a term of imprisonment;

RWVP registration, in relation to a teacher, means 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;

school has the same meaning as in the *Education Act 2016*;

Secretary means Secretary of the Department;

specialist VET registration means registration that primarily relates to vocational education and training within the meaning of the *Training and Workforce Development Act 2013*;

TasTAFE means TasTAFE as continued by the *TasTAFE (Skills and Training Business) Act 2021*;

teach – see section 6.

(2) In this Act, a reference to one full-time equivalent year of teaching means –

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

(b) a number of hours of part-time teaching that the Board is satisfied is equivalent to the number of hours in one year of full-time teaching; or

(c) a combination of part-time teaching and full-time teaching, that the Board is satisfied is equivalent to the number of hours in one year of full-time teaching.

5. Meaning of *educational setting*

(1) Except as specified in subsection (2), an educational setting includes, but is not limited to –

(a) a child and family learning centre; and

(b) an early childhood service; and

(c) a school; and

(d) distance education, within the meaning of the *Education Act 2016*; and

(e) a setting, or a class of settings, that is prescribed as being an educational setting; and

(f) any other setting where a person is employed to teach an educational program to people who have not attained the age of 18 years.

(2) For the purposes of this Act, the following settings are not educational settings:

(a) tertiary education provided at a university or other tertiary education institution;

(b) vocational education and training, within the meaning of the *Training and Workforce Development Act 2013*, if it is not provided at a school;

(c) an apprenticeship or traineeship under a training contract approved under the *Training and Workforce Development Act 2013*;

(d) an approved home education program, within the meaning of the *Education Act*

2016, if that program is not being provided for consideration;

(e) a setting, or a class of settings, that is prescribed as not being an educational setting for the purposes of this Act.

6. Meaning of *teach*

(1) For the purposes of this Act, a person teaches in an educational setting if the person undertakes duties that include, but are not limited to –

(a) the delivery of an educational program to learners in the educational setting; and

(b) the assessment of those learners in respect of such an educational program being delivered; and

(c) the management, and supervision of others, while they are undertaking those duties; and

(d) other prescribed duties.

(2) In this Act, a person does not teach in an educational setting solely on the basis that the person undertakes one or more of the following duties:

(a) assisting a registered teacher, or AAT holder, with the delivery of an educational program or assessment;

(b) a duty specified in subsection (1) during a placement that occurs as part of tertiary education in teaching;

(c) a duty undertaken by a person at an educational setting that does not include a duty specified in subsection (1);

(d) tutoring a learner as part of a private agreement between the learner and the tutor or the tutor's employer;

(e) other prescribed duties.

7. Determination of whether person of good character

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

(a) must take into account whether –

(i) any previous registration, or alternative authorisation to teach, held by the person has been suspended or cancelled; and

(ii) the equivalent of a registration to teach, or alternative authorisation to teach, held by the person in another jurisdiction has been suspended or cancelled; and

(b) is to take into account whether –

(i) the person has been convicted, or charged, for any offence; and

(ii) the person has been refused registration under the *Registration to Work with Vulnerable People Act 2013* or a corresponding law within the meaning of that Act; and

(iii) the person's RWVP registration has been suspended or cancelled; and

(c) is to take into account whether the conduct or behaviour of the person –

(i) does not meet the standard of behaviour that is generally acceptable for a teacher; or

(ii) is otherwise improper or unbecoming; and

(d) may take into account such other matters that the Board considers relevant to the circumstances.

8. Determination of whether person fit to be teacher

(1) If at any time under this Act, including as part 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 condition, or psychiatric or psychological impairment, of the person; and

(b) the competence of the person as a teacher; and

(c) such other matters that the Board considers relevant to the circumstances.

(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 assessment, at the expense of the person; and

(b) to authorise the medical practitioner, psychologist or other person undertaking the examination or assessment to provide to the Board a copy of the report in relation to the examination or assessment of the person.

9. Principles for performing functions and exercising powers under Act

A person performing a function, or exercising a power, under this Act is to ensure that –

(a) when performing the function, or exercising the power, the safety, welfare and best interests of learners are paramount; and

(b) learners, where practicable, have the right to –

(i) participate in decisions that affect them, having regard to the age and understanding of the learners involved; and

(ii) give opinions that are taken into account when determining what is in the best interests of those learners, having regard to the age and understanding of the learners involved; and

(c) the performance of the function, or the exercise of the power, takes into account that teachers need to uphold high standards of ethical conduct and skill; and

(d) the performance of the function, or the exercise of the power, is to promote public confidence in the teaching profession; and

(e) the performance of the function, or the exercise of the power, is likely to further the objects of this Act.

10. Act binds Crown

(1) This Act binds the Crown in right of Tasmania and, in so far as the legislative power of Parliament permits, in all its other capacities.

(2) The Crown is not liable for prosecution for an offence under this Act, but an officer, employee

or agent of the Crown is liable for prosecution for an offence under this Act.

PART 2 – TEACHERS REGISTRATION BOARD OF TASMANIA

Division 1 – Teachers Registration Board of Tasmania continued

11. Continuation of Board

(1) The Teachers Registration Board of Tasmania, established under the *Teachers Registration Act 2000* and as in force immediately before the commencement of this section, is continued.

(2) The Board –

(a) is a body corporate with perpetual succession; and

(b) may sue and be sued in its corporate name.

12. Membership of Board

(1) The Board consists of such number of members, including the chairperson, not exceeding 7 but not fewer than 5, as the Minister appoints.

(2) Before appointing a person as a member under subsection (1), the Minister is to give notice so that persons interested in being members may provide written expressions of interest to the Minister.

(3) Notice given under subsection (2) –

(a) is to be given by publication in one or more daily newspapers published and circulating in the State; and

(b) may be given –

(i) by publication in a journal, periodical or other document; and

(ii) by publication or broadcast, by means of the internet, in any format; and

(iii) in print, or electronic communication, meant for one or more persons.

(4) In appointing members to the Board under this section, the Minister –

(a) is to ensure that the members –

(i) collectively, have the following skills:

(A) general board governance skills;

(B) skills relevant to the Board's functions;

(C) relevant teaching skills and practical experience as a registered teacher; and

(ii) represent the diversity of the community; and

(iii) each hold current registration under the *Registration to Work with Vulnerable People Act 2013*; and

(b) is to have regard to all expressions of interest provided to the Minister as a result of a notice given under subsection (2); and

(c) may have regard to advice sought from an advisory council established under section 249 of the *Education Act 2016*; and

(d) may have regard to advice from any existing members of the Board regarding the skills required.

(5) The Minister is to appoint a member of the Board as chairperson.

(6) Schedule 1 has effect with respect to membership and meetings of the Board.

13. Functions and powers of Board

(1) The Board has the following functions:

(a) to register persons, and to grant alternative authorisations to teach to persons, under this Act;

(b) to investigate complaints made under this Act;

(c) to conduct audits, investigations, inquiries and hearings for the purposes of this Act including, without limitation –

(i) investigations into complaints; and

(ii) investigations to determine whether persons have contravened this Act;

(d) if appropriate, to take disciplinary action under this Act in relation to persons who are or were registered teachers or holders of alternative authorisations to teach;

(e) to approve teacher education courses, the successful completion of which satisfies a criterion for registration, subject to such conditions as the Board considers appropriate in the circumstances;

(f) to monitor, evaluate and audit teacher education courses approved by the Board;

(g) to make recommendations to the Minister in respect of appropriate standards to implement in respect of teachers;

(h) to apply the professional standards for teaching in an impartial and fair manner;

(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;

(k) to confer and collaborate with corresponding registration authorities for the purposes of –

(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.

(2) The Board has the power to –

(a) produce any materials necessary to perform its functions; and

(b) enter into an agreement with any person or body to sell any materials it provides; and

(c) charge a fee for any service provided by the Board under this Act, if that fee –

(i) is not in excess of any fee prescribed in respect of that service; and

(ii) is reasonable, having regard to the cost to the Board of providing that service; and

(d) do anything necessary or convenient to perform its functions.

(3) The Board is responsible –

(a) to the Minister, in relation to any functions and powers performed and exercised under this section; and

(b) to the Secretary in relation to all other functions and powers performed and exercised by the Board in accordance with this or any other Act.

(4) In performing a function, or exercising a power, under this Act, the Board is to have regard to any relevant matter specified in a Ministerial instruction under this Act or the *Education Act 2016*.

14. Board to establish review process

(1) The Board is to establish a process for the review of a decision or determination, made by the Board under this Act, that complies with this Act.

(2) The Board is to ensure that the process established under subsection (1) –

(a) is regularly reviewed and updated; and

(b) is published on a website maintained by, or on behalf of, the Board in a manner that is freely available to members of the public.

15. Board not liable to direction

Neither the Minister nor the Secretary may direct the Board in relation to an individual decision made under this Act.

16. Delegation

(1) The Board may delegate any of its functions, duties or powers under this or any other Act, other than this power of delegation.

(2) The Registrar may delegate to a State Service officer or State Service employee of the Department any of the Registrar's functions, duties or powers under this or any other Act, including a function, duty or power delegated to the Registrar by the Board, other than this power of delegation.

Division 2 – Registrar and staff of Board

17. Registrar

The Secretary may appoint a State Service officer or State Service employee of the Department, other than a member of the Board, to be the Registrar and that State Service officer or State Service employee may hold the office of

Registrar in conjunction with State Service employment.

18. Role, functions and powers of Registrar

(1) The Registrar is responsible to the Board for the general administration and management of the Board.

(2) The Registrar –

(a) must perform any functions, and may exercise any powers, delegated to the Registrar by the Board; and

(b) must perform any other functions imposed on, and may exercise any other powers granted to, the Registrar by this or any other Act.

(3) The Registrar may delegate any of the Registrar's functions or powers under this Act other than this power of delegation.

(4) The Registrar is responsible –

(a) to the Board, in relation to any functions or powers delegated under subsection (2)(a); and

(b) to the Secretary, in relation to all other functions and powers performed and exercised by the Registrar in accordance with this or any other Act.

19. Staff

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

Division 3 – Governance of Board

20. Framework agreement by Board

The Board is to enter into an agreement with the Secretary that includes the following matters:

(a) the budget of the Board;

(b) the staff made available to the Board under section 19, and details regarding their selection and performance management;

(c) support and functions to be provided to the Board by the Secretary;

(d) the information-sharing arrangements between the Board and the Secretary;

(e) the application to the Board of the policies, procedures and guidelines of the Department;

(f) the manner in which the Board is accountable to the Secretary in relation to budget outcomes and other outcomes;

(g) any cost recovery arrangements between the Secretary and the Board.

21. Ministerial statement of expectations

(1) The Minister, before 31 December in each year, is to give to the Board a statement of the Minister's expectations for the Board (a ***Ministerial statement of expectations***) in relation to –

(a) the period of 12 months commencing on 1 July of the following year; or

(b) such other period as may be determined by the Minister.

(2) A Ministerial statement of expectations, and an amendment of such a statement, is to be in writing and signed by the Minister.

(3) In preparing a Ministerial statement of expectations, the Minister –

(a) is to have regard to the Board's functions and powers; and

(b) may consult with the Board or such other persons as the Minister considers appropriate.

(4) The Minister, on the Minister's own motion or at the request of the Board, may at any time amend a Ministerial statement of expectations.

(5) A provision of a Ministerial statement of expectations is void to the extent that the provision –

(a) prevents the Board from –

(i) performing a function that it is required to perform; or

(ii) exercising a power that it is entitled to exercise; or

(iii) otherwise complying with any Act; or

(b) extends the functions or powers of the Board; or

(c) seeks to direct the Board in relation to a decision made under this Act regarding an individual case.

(6) The Board must perform its functions and duties, and exercise its powers, in a manner consistent with an applicable Ministerial statement of expectations.

22. Corporate plan

(1) The Board is to prepare a corporate plan for each financial year.

(2) A corporate plan is to include targets that measure the performance outcomes of the functions of the Board for the financial year to which the corporate plan applies.

(3) A corporate plan is to be –

(a) prepared in the context of the applicable Ministerial statement of expectations given under section 21; and

(b) in such form, if any, as specified in a Ministerial instruction.

(4) In preparing a corporate plan, the Board –

(a) is to consult the Minister; and

(b) may consult such other persons as the Board considers appropriate.

(5) After preparing a corporate plan, the Board is to submit a draft of the plan to the Minister for approval.

(6) The Minister may –

(a) approve the draft corporate plan as submitted; or

(b) require the Board to amend the draft corporate plan and resubmit it to the Minister until the Minister is satisfied that it is suitable for approval.

(7) If a draft corporate plan is approved by the Minister –

(a) it takes effect as the corporate plan of the Board for the period specified in the corporate plan; and

(b) the Board is to act in accordance with the corporate plan during that period.

(8) At any time, the Board may amend a corporate plan while it is in force and this section applies to the preparation of the amendment as if it were a new corporate plan.

23. Annual report

(1) The Board, in each year, is to provide to the Minister a report on the performance and exercise of its functions and powers for the period of 12 months that ended on the last preceding 30 June (or such other period of 12 months as may be determined by the Minister).

(2) The annual report –

(a) is to include –

(i) a statement regarding the achievement of targets set out in the corporate plan approved and in effect under section 22; and

(ii) 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 (or such other period as determined by the Minister); and

(iii) details of any changes to the membership of the Board; and

(iv) any information required by the Minister; and

(b) may include such other information as the Board considers relevant; and

(c) is to be completed by the date determined by the Minister.

(3) In each year, the Minister is to cause a copy of the report provided to the Minister under subsection (1) to be laid on the table of each House of Parliament –

(a) on or before 31 October; or

(b) on such other date as may be prescribed, being a date not later than 4 months after the end of the period of 12 months referred to in subsection (1).

(4) If the Minister is unable to comply with subsection (3) by reason of the fact that either House of Parliament is not sitting on the relevant date under that subsection, the Minister is to –

(a) forward a copy of the report provided to the Minister under subsection (1) to the Clerk of the Legislative Council and the Clerk of the House of Assembly; and

(b) make the report available to the public; and

(c) within the next 7 sitting-days of that House, is to cause a copy of the report to be laid before that House.

(5) If 31 October or such other date as is prescribed under subsection (3) is a Sunday or any day which is a bank holiday or a public holiday throughout the State (an ***excluded day***), subsection (4) is taken to be complied with if a copy of the report is forwarded to the Clerk of the Legislative Council and the Clerk of the House of Assembly, and is made available to the public, on the next day afterwards, not being an excluded day.

24. Accounts

(1) The Board is to –

(a) keep proper accounts and records in relation to all its operations; and

(b) ensure that all payments made by it are correctly made and properly authorised; and

(c) ensure that adequate control is maintained over –

(i) any assets of, or in the custody of, the Board; and

(ii) the incurring of liabilities of the Board.

(2) The Board is to prepare and forward to the Auditor-General a copy of its financial statements for each financial year in accordance with the *Audit Act 2008*.

25. Treasurer's Instructions

(1) Subject to this section, Treasurer's Instructions issued under the *Financial Management Act 2016* apply to and in relation to the Board as if it were an Agency within the meaning of that Act.

(2) The Treasurer, by written notice to the Board, may modify how Treasurer's Instructions apply to the Board.

(3) If the Treasurer gives the Board a notice under subsection (2) in respect of how Treasurer's Instructions are to apply to the Board, the Treasurer's Instructions that apply to and in respect of the Board are to be taken to be, for the purposes of this Act and the *Financial Management Act 2016*, modified in accordance with the notice.

(4) The Board is to comply with all relevant Treasurer's Instructions unless the Treasurer has provided an exemption to the Board from the obligation to comply with all, or part, of a Treasurer's Instruction.

Division 4 – Registers

26. Registers

(1) The Board is to keep a register of –

(a) all persons who hold, or who have previously held, registration under this Act; and

(b) all persons who have been refused registration under this Act; and

(c) all persons who hold, or who have previously held, an alternative authorisation to teach under this Act; and

(d) all persons who have been refused an alternative authorisation to teach under this Act.

(2) An entry in a register, kept under this section, that relates to a person is to include –

(a) the full name of the person; and

(b) the residential address of the person; and

(c) the qualifications held by the person; and

(d) the places where the person is employed to teach.

(3) A register kept under this section –

(a) may be kept in more than one format, as determined by the Board; and

(b) may be kept as a single register or as multiple registers; and

(c) may be kept as a single document or in multiple documents, as determined by the Board.

(4) The regulations may prescribe –

(a) the categories into which the register is to be divided; and

(b) the criteria for a person to be entered into each such category; and

(c) information that is to be recorded in each entry in the register including, but not limited to, the information that should be recorded in an entry into a specific category of the register; and

(d) who is entitled to access information on the register and the information that may be disclosed from the register in specified circumstances.

27. Change of certain details on Register

(1) In this section –

relevant detail, in relation to a person, includes –

(a) the name of the person; and

(b) the residential address of the person; and

(c) qualifications held by the person; and

(d) places where the person is employed to teach.

(2) If a person who is a registered teacher, or an AAT holder, has a change to the person's

relevant details, the person must notify the Board, in the approved form, no later than 14 days after that change occurs.

Penalty: Fine not exceeding 10 penalty units.

(3) If an employer becomes aware that there has been a change in the places where a registered teacher, or an AAT holder, is employed to teach by the employer, the employer must notify the Board within 14 days of becoming aware of the change.

Penalty: Fine not exceeding 5 penalty units.

28. Register to be kept up-to-date

The Board is to ensure that a Register required under this Division –

(a) is kept as up-to-date as is reasonably practicable; and

(b) is amended as necessary to ensure that the Register is up-to-date.

Division 5 – Other administrative provisions

29. Committees

(1) The Board may establish one or more committees to advise and assist the Board in the performance and exercise of its functions and powers under this Act or any other Act.

(2) A committee established under this section consists of such members as the Board appoints including, but not limited to, members of the Board.

(3) A member of a committee established under this section holds office on such conditions, in relation to matters not provided for by this Act, as are specified in the instrument of appointment.

(4) A committee established under this section –

(a) must keep accurate minutes of its meetings; and

(b) except as provided in this Act, may otherwise regulate its own proceedings.

30. Remuneration of committee members

(1) The Minister may determine that a member of a committee established under section 29 is entitled to be paid remuneration or allowances, or both.

(2) If a determination is made under subsection (1), the member is entitled to be paid such remuneration or allowances, or both, as the Minister determines.

(3) A member of a committee who is a State Service officer or State Service employee is not entitled to remuneration or allowances under this section except with the approval of the Minister administering the *State Service Act 2000*.

31. Notification of decisions of Board

The Board is to give a person (the ***notified person***) notice in writing of –

(a) any decision it makes under this Act that affects –

(i) the notified person; or

(ii) a person employed by the notified person; and

(b) the reasons for that decision; and

(c) if relevant, any right of appeal available to the notified person in respect of the decision.

32. Certain documents to be made publicly available

The Board is to ensure that the following documents are freely available to members of the public, as the Board determines, while the documents are in force:

(a) the Ministerial statement of expectations under section 21;

(b) a corporate plan under section 22.

33. Independent review of Board

(1) In this section –

independent review means a review conducted by persons who –

(a) in the Minister's opinion, are appropriately qualified for that task; and

(b) include one or more persons who are not State Service employees or State Service officers or employees of any agency of the State.

(2) The Minister may require an independent review of the operation of the Board to be conducted, including of the performance and exercise of its functions and powers.

(3) The persons who conduct an independent review are to give the Minister a written report on its outcome.

PART 3 – REGISTRATION AND ALTERNATIVE AUTHORISATIONS

Division 1 – Preliminary

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

A person must not teach in an educational setting unless the person –

(a) holds full registration, provisional registration or specialist VET registration; or

(b) is an AAT holder; or

(c) is authorised under the Australian Qualifications Framework, within the meaning of the *Education Act 2016*, to teach in an early childhood service while obtaining the qualifications required for registration under this Act; or

(d) is a member of a prescribed class of persons; or

(e) holds a prescribed qualification or prescribed authorisation.

Penalty: Fine not exceeding 200 penalty units.

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

(1) A person who is a registered teacher must not teach other than in accordance with the terms and conditions of the person's registration.

Penalty: Fine not exceeding 200 penalty units.

(2) A person who is an AAT holder must not teach other than in accordance with the terms and conditions of the person's alternative authorisation to teach.

Penalty: Fine not exceeding 200 penalty units.

36. Effect of registration

(1) A person who holds full registration, or specialist VET registration, is authorised to teach in an educational setting.

(2) A person who holds provisional registration is authorised to teach in an educational setting for a 5-year period that commences when the person is granted provisional registration.

(3) Despite subsection (2), the Board may extend the period for which a person may hold provisional registration under this Act, if the Board is satisfied that it is reasonable in the circumstances to do so.

37. Effect of alternative authorisation to teach

A person who holds an alternative authorisation to teach is authorised to –

(a) teach at the locations specified in the alternative authorisation to teach granted in respect of the person; and

(b) teach in accordance with the terms and conditions imposed on the person under the alternative authorisation to teach granted in respect of the person.

Division 2 – Registration to teach

38. Application for registration to teach

(1) A person may apply to the Board for registration if the person intends to teach under the registration.

(2) An application under subsection (1) is to be –

(a) in an approved form; and

(b) accompanied by the prescribed application fee; and

(c) if the applicant is applying for full registration after holding provisional registration, is to be accompanied by a report made by the applicant's employer, in an approved form, that –

(i) includes an assessment of the applicant against the professional standards for teaching; and

(ii) specifies recommendations as to the applicant's suitability for full registration; and

(iii) specifies any other matter that the Board considers relevant.

(3) The Board may require the applicant to do either or both of the following:

(a) to provide any further information that it considers necessary to consider the application;

(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.

39. Criteria for all registrations

It is a criterion for any form of registration under this Act that the applicant for registration –

(a) is of good character; and

(b) is fit to be a teacher; and

(c) is registered under the *Registration to Work with Vulnerable People Act 2013* in respect of a regulated activity, within the meaning of that Act, that primarily relates to children; and

(d) in the opinion of the Board, is sufficiently proficient in the English language; and

(e) has completed each course, and qualification, prescribed for the purposes of this section.

40. Criteria for provisional registrations to teach

(1) In this section –

initial teacher education course means an educational course that –

(a) is designed to educate potential teachers; and

(b) is approved by the Board as meeting the professional standards for teaching.

(2) In addition to section 39, it is a criterion for provisional registration that the applicant for provisional registration –

(a) has the qualifications and experience approved by the Board for provisional registration; and

(b) has successfully completed or met –

(i) an initial teacher education course; or

(ii) the approved early childhood teaching qualification requirements, within the meaning of the regulations made under the Education and Care National Law; or

(iii) a prescribed qualification; or

(iv) a qualification, or requirement, that the Board is satisfied is substantially equivalent to a qualification or requirement specified in this paragraph; and

(c) is able to obtain the qualifications and experience specified in section 41.

41. Criteria for full registration

In addition to section 39, it is a criterion for full registration that the applicant for full registration –

(a) has successfully completed, to the satisfaction of the Board, at least one full-time equivalent year of teaching; and

(b) if the applicant is applying for full registration after holding provisional registration, is recommended as suitable for full registration in the report from the applicant's employer; and

(c) has complied with the requirements of the Board during the applicant's most recent period of provisional registration.

42. Criteria for specialist VET registration

In addition to section 39, it is a criterion for specialist VET registration that the applicant for specialist VET registration has the qualifications and experience approved by the Board for specialist VET registration generally.

43. Rights of applicants for registration before application determined

In considering an application for registration made under section 38, the Board is to give the applicant an opportunity to appear before the Board, or make written submissions to the Board, before the application is determined if –

(a) it appears likely that the Board may not be satisfied that the applicant –

(i) is of good character; or

(ii) is fit to be a teacher; or

(b) the Board is intending to grant registration subject to conditions.

44. Determination of application for registration

(1) On receipt of an application for registration made under section 38, the Board –

(a) must grant the applicant full registration, or specialist VET registration, if the Board is satisfied that the applicant –

(i) meets the criteria for registration as specified in the application; and

(ii) meets any relevant requirements specified in the Ministerial instructions required for registration as specified in the application; or

(b) must grant the applicant provisional registration if the Board –

(i) is not satisfied that the applicant satisfies the criteria for full registration; and

(ii) is satisfied that the applicant meets the requirements for provisional registration; or

(c) must refuse to grant the applicant registration if the Board is not satisfied that the applicant meets the criteria for registration as specified in the application.

(2) Nothing in subsection (1) prevents the Board from granting to an applicant more than one form of registration if appropriate in the circumstances.

(3) The Board must determine an application for registration in accordance with any relevant Ministerial instructions.

(4) Subject to any relevant Ministerial instructions, the Board may grant registration under this Act subject to any conditions that it considers appropriate in the circumstances.

(5) As soon as practicable after determining an application for registration made under section 38, the Board –

(a) is to notify the applicant in writing –

(i) of that determination; and

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

(iii) if the Board grants provisional registration when the application was for full registration, of its reasons for that determination; and

(iv) if the Board grants registration subject to conditions, of those conditions and the reasons for those conditions; and

(b) if the Board grants registration to the applicant, is to make an entry in the Register in respect of that grant.

45. Surrender of registration

(1) A registered teacher may surrender, at any time to the Board, their registration under this Act by notifying the Board, in writing, that the registered teacher has surrendered that registration.

(2) If a person surrenders registration under this section, the person ceases to be a registered teacher.

46. Duration of registration

(1) The registration of a person under this Act is for a term, not exceeding 5 years, determined by the Board.

(2) The registration of a person under this Act –

(a) takes effect on the day on which the person is registered or on such later date as is specified in the grant of registration; and

(b) expires, subject to this Act, on the date specified in the grant of registration as the day on which the registration expires.

47. Amendment of registration

(1) The Board may do one or more of the following actions at the request of a registered teacher or on the Board's own initiative:

(a) make the registration of the registered teacher subject to such additional conditions as the Board considers reasonable in the circumstances;

(b) amend one or more of the existing conditions imposed on the registration of the registered teacher;

(c) remove one or more of the existing conditions imposed on the registration of the registered teacher.

(2) In addition to subsection (1), the Board may, at the request of the registered teacher, amend the registration of the registered teacher to –

(a) defer the registration for a fixed period of not less than 6 months and not more than 12 months; and

(b) adjust the date specified in the grant of registration, as the day on which the registration expires, to reflect the period for which the registration is to be deferred.

48. Renewal of registration

(1) A registered teacher who holds full registration, or specialist VET registration, may apply to the Board for the renewal of that registration under this Act.

(2) An application for the renewal of full registration, or specialist VET registration, is to be –

(a) in an approved form; and

(b) accompanied by –

(i) evidence, to the satisfaction of the Board, that the applicant meets the professional standards for teaching; and

(ii) evidence, to the satisfaction of the Board, of professional learning and ongoing education undertaken by the applicant while the applicant was so registered; and

(iii) the relevant prescribed application fee; and

(c) lodged with the Board before the full registration, or specialist VET registration, to be renewed is to expire.

(3) Subject to section 49, an application for the renewal of full registration, or specialist VET registration, may be made even though the registration has expired.

(4) The Board may require the applicant to do either or both of the following:

(a) to provide any further information that it considers necessary to consider the application;

(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.

(5) Sections 41, 43 and 44 apply to an application under this section as if the application were an application for registration made under section 38.

(6) If an application for the renewal of full registration, or specialist VET registration, is made before the expiry of the registration to be renewed, the full registration, or specialist VET registration, of the applicant continues in force until the application is determined.

49. Late applications for renewal of registration

(1) The Board, at its discretion, may accept an application under section 48 for the renewal of full registration, or specialist VET registration, that is lodged after, but no later than 3 months after, the registration expires.

(2) In addition to the requirements and fees payable under section 48 for an application for renewal of registration, an application that is lodged after

the registration to be renewed expires must also be accompanied by the relevant prescribed late fee.

(3) If an application for the renewal of full registration, or specialist VET registration, is made under section 48 after that registration expires –

(a) the period of registration so renewed is taken, for the purpose of calculating the annual registration fee and the period of registration, to run from the day on which the full registration, or specialist VET registration, to be renewed expired; and

(b) for all other purposes, the applicant is taken not to be registered under this Act from the day after the day on which the full registration, or specialist VET registration, to be renewed expired until the day on which the registration is renewed.

50. Annual registration fee

(1) Each person who holds registration under this Act in a calendar year must pay to the Board an annual registration fee for each calendar year during which the registration has effect.

(2) The Board may determine –

(a) the amount of an annual registration fee payable in respect of a category of

registration, being an amount that is not greater than the prescribed maximum annual registration fee for that category of registration; and

(b) the method of calculating a pro rata amount of an annual registration fee payable in respect of a category of registration and the circumstances in which a pro rata amount may be paid; and

(c) when the annual registration fee is payable in respect of a specific calendar year; and

(d) whether the annual registration fee is payable in instalments and, if the fee is payable in instalments, when each instalment is payable.

Division 3 – Non-practising registration

51. Application for registration other than to teach

(1) A person who holds full registration, or specialist VET registration, may apply to the Board for registration if the person does not intend to teach under the registration.

(2) An application under subsection (1) is to be –

(a) in an approved form; and

(b) accompanied by the prescribed application fee.

(3) The Board may require the applicant to do either or both of the following:

(a) to provide any further information that it considers necessary to consider the application;

(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.

52. Criteria for non-practising registration

It is a criterion for non-practising registration under this Division that the applicant for non-practising registration under section 51 –

(a) holds full registration, specialist VET registration or non-practising registration; and

(b) has the education and experience that, in the opinion of the Board, are sufficient to warrant registration; and

(c) is of good character; and

(d) is fit to be a teacher; and

(e) is registered under the *Registration to Work with Vulnerable People Act 2013* in respect of a regulated activity, within

the meaning of that Act, that primarily relates to children; and

(f) in the opinion of the Board, is sufficiently proficient in the English language.

53. Rights of applicants for non-practising registration before application determined

In considering an application for non-practising registration made under section 51, the Board is to give the applicant an opportunity to appear before the Board, or make written submissions to the Board, before the application is determined if the Board is likely not to be satisfied that the applicant –

(a) is of good character; or

(b) is fit to be a teacher.

54. Determination of application for non-practising registration

(1) On receipt of an application for non-practising registration made under section 51, the Board must –

(a) grant the applicant non-practising registration if the Board is satisfied that the applicant meets the criteria specified in section 52; or

(b) refuse to grant the applicant non-practising registration if the Board is not

satisfied that the applicant meets the criteria specified in section 52.

(2) As soon as practicable after determining an application for non-practising registration made under section 51, the Board –

(a) is to notify the applicant in writing –

(i) of that determination; and

(ii) if the Board refuses to grant the non-practising registration, of its reasons for that determination; and

(b) if the Board grants non-practising registration to the applicant, is to make an entry in the Register in respect of that grant.

55. Effect of non-practising registration under this section

For the avoidance of doubt, a person who holds registration under this Division –

(a) is not a registered teacher for the purposes of this Act; and

(b) is not entitled to teach under that registration.

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

(1) A person who holds non-practising registration may apply for full registration or specialist VET registration.

(2) An application under subsection (1) is to be –

(a) in an approved form; and

(b) accompanied by the prescribed application fee.

(3) The Board may require the applicant to do either or both of the following:

(a) to provide any further information that it considers necessary to consider the application;

(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.

(4) The Board may only refuse an application for registration under this section if the Board is satisfied that the applicant –

(a) no longer meets the criteria for full registration, or specialist VET

registration, as required under Division 2; or

(b) is no longer –

(i) of good character; or

(ii) fit to be a teacher.

(5) In considering an application for registration made under this section, the Board is to give the applicant an opportunity to appear before the Board, or make written submissions to the Board, before the application is determined if –

(a) it appears likely that the Board may not be satisfied that the applicant –

(i) is of good character; or

(ii) is fit to be a teacher; or

(b) the Board is intending to grant registration subject to conditions other than conditions that have previously applied to registration held by the applicant.

(6) If an application for registration is granted under this section –

(a) the applicant must pay the relevant annual registration fee payable under Division 2; and

(b) the registration –

(i) is granted for the period remaining on the applicant's non-practising registration; and

(ii) may be granted subject to any conditions that the Board considers appropriate in the circumstances; and

(c) this Act applies to the registration as if the registration were granted under Division 2.

57. Renewal of non-practising registration

(1) A person who holds non-practising registration may apply to the Board for the renewal of that registration under this Act.

(2) An application for the renewal of registration under this Division is to be –

(a) in an approved form; and

(b) accompanied by –

(i) evidence, to the satisfaction of the Board, that the applicant meets the professional standards for teaching; and

(ii) evidence, to the satisfaction of the Board, of professional learning and ongoing education undertaken by the applicant while the applicant was so registered; and

(iii) the relevant prescribed application fee.

(3) Subject to section 58, an application for the renewal of non-practising registration may be made even though the registration has expired.

(4) The Board may require the applicant to do either or both of the following:

(a) to provide any further information that it considers necessary to consider the application;

(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.

(5) Sections 52, 53 and 54 apply to an application under this section as if the application were an application for non-practising registration made under section 51.

(6) If an application for the renewal of non-practising registration is made before the expiry of the non-practising registration that is to be renewed, the non-practising registration of the applicant continues in force until the application is determined.

58. Late applications for renewal of non-practising registration

(1) The Board, at its discretion, may accept an application under section 57 for the renewal of non-practising registration that is lodged less than 14 days before the registration is to expire but no later than 3 months after the registration expires.

(2) In addition to the requirements and fees payable under section 57 for an application for renewal of non-practising registration, an application that is lodged less than 14 days before the registration is to expire must also be accompanied by the relevant prescribed late fee.

(3) If an application for the renewal of non-practising registration is made under section 57 after that registration expires –

(a) the period of registration so renewed is taken, for the purpose of calculating the period of non-practising registration, to run from the day on which the non-practising registration to be renewed expired; and

(b) for all other purposes, the applicant is taken not to be registered under this Act from the day after the day on which the non-practising registration to be renewed expired until the day on which the non-practising registration is renewed.

Division 4 – Alternative authorisation to teach

59. Application for alternative authorisation to teach

(1) A person may apply to the Board for alternative authorisation to teach.

(2) Before an application is made to the Board under subsection (1) by a person, the application –

(a) must be endorsed by the intended employer, of the applicant, with a statement that the application relates to a vacancy that is suitable to be filled by an AAT holder; and

(b) is to be –

(i) in an approved form; and

(ii) accompanied by the prescribed application fee.

(3) The Board may require the applicant, or the intended employer of the applicant, to do either or both of the following:

(a) to provide any further information that it considers necessary to consider the application;

(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.

60. Criteria for alternative authorisation to teach

(1) It is a criterion for an alternative authorisation to teach that the applicant for the alternative authorisation to teach –

(a) may not meet the requirements to hold full registration or provisional registration under this Act but has such relevant skills or experience that available registered teachers do not have; and

(b) is of good character; and

(c) is fit to be a teacher; and

(d) is registered under the *Registration to Work with Vulnerable People Act 2013* in respect of a regulated activity, within the meaning of that Act, that primarily relates to children; and

(e) in the opinion of the Board, is sufficiently proficient in the English language; and

(f) has completed each course, and qualification, prescribed for the purposes of this section.

(2) Subsection (1)(a) does not apply to a person who is teaching in an education and care service, within the meaning of the Education and Care

National Law, as authorised under that National Law.

61. Rights of applicants for alternative authorisation before application determined

In considering an application for alternative authorisation to teach made under section 59, the Board is to give the applicant an opportunity to appear before the Board, or make written submissions to the Board, before the application is determined if –

(a) it appears likely that the Board may not be satisfied that the applicant –

(i) is of good character; or

(ii) is fit to be a teacher; or

(b) the Board is intending to grant the alternative authorisation to teach subject to conditions.

62. Determination of application for alternative authorisation to teach

(1) On receipt of an application for alternative authorisation to teach made under section 59, the Board must –

(a) if the Board is satisfied that the applicant meets the criteria specified in section 60, grant the applicant alternative authorisation to teach –

(i) at such schools, or such class of schools, as are specified in the alternative authorisation to teach; and

(ii) such subjects, or such class of subjects, are as specified in the alternative authorisation to teach; and

(iii) up to the maximum number of hours specified in the alternative authorisation to teach; or

(b) refuse to grant the applicant alternative authorisation to teach if the Board is not satisfied that the applicant meets the criteria specified in section 60.

(2) The Board may grant an alternative authorisation to teach under this Act subject to any conditions that it considers appropriate in the circumstances.

(3) As soon as practicable after determining an application for alternative authorisation to teach made under section 59, the Board –

(a) is to notify the applicant in writing –

(i) of that determination; and

(ii) if the Board refuses to grant the alternative authorisation to teach, of its reasons for that determination; and

(iii) if the Board grants the alternative authorisation to teach subject to conditions, of those conditions; and

(b) if the Board grants to the applicant an alternative authorisation to teach, is to make an entry in the Register in respect of that grant.

63. Notice of alternative authorisation to teach

(1) The Board is to issue a notice of alternative authorisation to teach, in an approved form, to a person –

(a) who is granted an alternative authorisation to teach under this Act; or

(b) whose alternative authorisation to teach is extended under section 67.

(2) The Board may refuse to issue a notice of alternative authorisation to teach to a person if the person has not paid the prescribed fee for the issue of an alternative authorisation to teach.

64. Surrender of alternative authorisation to teach

(1) An AAT holder may surrender, at any time to the Board, an alternative authorisation to teach issued to the AAT holder by notifying the Board, in writing, that the AAT holder has surrendered the alternative authorisation to teach.

(2) If a person surrenders an alternative authorisation to teach under this section, the person ceases to be an AAT holder.

65. Duration of alternative authorisation to teach

(1) An alternative authorisation to teach issued under this Act is in effect for a term, not exceeding 2 years, as determined by the Board.

(2) An alternative authorisation to teach issued under this Act –

(a) takes effect on the day on which the alternative authorisation to teach is issued or on such later date as is specified in the alternative authorisation to teach; and

(b) expires, subject to this Act, on the day specified in the alternative authorisation to teach.

66. Amendment of alternative authorisation to teach

The Board may do one or more of the following actions at the request of the AAT holder or the employer of the AAT holder, or on the Board's own initiative:

(a) make the alternative authorisation to teach subject to such additional conditions as the Board considers reasonable in the circumstances;

(b) amend the alternative authorisation to teach to amend one or more of the following:

(i) the schools, or class of schools, at which the AAT holder may teach under the alternative authorisation to teach;

(ii) the subjects, or class of subjects, that the AAT holder may teach;

(iii) the maximum number of hours that the AAT holder may teach under the alternative authorisation to teach;

(c) amend one or more of the existing conditions imposed on the alternative authorisation to teach;

(d) remove one or more of the existing conditions imposed on the alternative authorisation to teach.

67. Extension of alternative authorisation to teach

(1) The employer of an AAT holder may apply to the Board for an extension of the AAT holder's alternative authorisation to teach.

(2) An application for the extension of an alternative authorisation to teach is to be –

(a) in an approved form; and

(b) accompanied by the relevant prescribed application fee.

(3) The Board may require the applicant to do either or both of the following:

(a) to provide any further information that it considers necessary to consider the application;

(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.

(4) The Board may extend, but is not required to extend, the period of alternative authorisation to teach for one or more further periods not exceeding 2 years.

(5) Sections 60, 61 and 62 apply to an application under this section as if the application were an application for alternative authorisation to teach made under section 59.

Division 5 – Suspension or cancellation of registration or alternative authorisation to teach

68. Cancellation or suspension of registration

(1) The Board may suspend or cancel the registration of a person under this Act, without

conducting an inquiry, if the Board is satisfied that –

(a) the person does not hold RWVP registration; or

(b) the RWVP registration held by the person has been suspended and the suspension has not been revoked; or

(c) the person has failed to pay a fee or levy payable under this Act; or

(d) it is otherwise reasonable, in the circumstances, to suspend or cancel the registration of the person under this Act.

(2) The suspension or cancellation of a person's registration under subsection (1) may be subject to such conditions as the Board considers reasonable in the circumstances.

(3) As soon as practicable after deciding under subsection (1) to suspend or cancel a person's registration, the Board –

(a) is to serve written notice of that decision, and any conditions imposed by the Board in respect of the suspension or cancellation, on –

(i) the person; and

(ii) if the person is employed to teach at the time of the decision, the person's employer; and

(b) may serve a copy of such a notice on each corresponding registration authority.

(4) The suspension or cancellation, under this section, of a person's registration takes effect –

(a) on the date on which written notice of the decision to suspend or cancel the registration is served on the person in accordance with subsection (3); or

(b) on such later date as is specified in that written notice.

(5) If the Board decides to revoke the suspension, under this section, of a person's registration –

(a) the Board is to serve written notice of that decision on –

(i) the person; and

(ii) if the person is employed to teach at the time of the decision, the person's employer; and

(b) the Board may serve a copy of such a notice on each corresponding registration authority; and

(c) the revocation takes effect –

(i) on the date on which written notice of revocation is served on the person in accordance with paragraph (a); or

(ii) on such later date as is specified in that written notice.

(6) The Board may only revoke the suspension, under this section, of a person's registration if the Board is satisfied that the person –

(a) holds RWVP registration; and

(b) is of good character; and

(c) is fit to be a teacher.

69. Cancellation or suspension of alternative authorisation to teach

(1) The Board may suspend or cancel an alternative authorisation to teach granted under this Act, without conducting an inquiry, if the Board is satisfied that –

(a) the relevant AAT holder –

(i) no longer holds RWVP registration; or

(ii) is no longer of good character; or

(iii) is no longer fit to be a teacher; or

(b) there is no longer a need for the alternative authorisation to teach; or

(c) it is otherwise appropriate to suspend or cancel the alternative authorisation to teach.

(2) The suspension or cancellation of a person's alternative authorisation to teach under subsection (1) may be subject to such conditions as the Board considers reasonable in the circumstances.

(3) As soon as practicable after deciding under subsection (1) to suspend or cancel a person's alternative authorisation to teach, the Board is to serve written notice of that decision on –

(a) the person; and

(b) if the person is employed to teach at the time of the decision, the person's employer.

(4) The suspension or cancellation, under this section, of a person's alternative authorisation to teach takes effect –

(a) on the date on which written notice of the decision to suspend or cancel the alternative authorisation to teach is served on the person in accordance with subsection (3); or

(b) on such later date as is specified in that written notice.

70. Immediate suspension of registration or alternative authorisation to teach

(1) In addition to the powers under sections 68 and 69, the Board may immediately suspend the registration of a registered teacher, or the

alternative authorisation to teach of an AAT holder, if the Board believes, on reasonable grounds, that –

(a) the registered teacher or AAT holder has been charged with a relevant offence; or

(b) the registered teacher or AAT holder may pose a risk of harm to a learner; or

(c) the registration of the registered teacher was obtained on the basis of fraud or deception; or

(d) the alternative authorisation to teach of the AAT holder was obtained on the basis of fraud or deception.

(2) The Board must immediately suspend the registration of a registered teacher, or alternative authorisation to teach of an AAT holder, if the Board believes, on reasonable grounds, that the registered teacher or AAT holder has been charged with a relevant offence where the circumstances of the offence involve the safety or wellbeing of a child.

(3) On suspending the registration or alternative authorisation to teach of a person under this section, the Board is to –

(a) as soon as possible after deciding on the suspension, give verbal notice of that suspension to –

(i) that person; and

(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 conducted; and

(c) as soon as practicable after deciding on the suspension, give written confirmation of that suspension to the persons referred to in paragraph (a).

(4) An inquiry required to be conducted under subsection (3)(b) in respect of a matter is to be conducted in accordance with Division 2 of Part 4 but may be delayed until –

(a) all other investigations by a corresponding registration authority, or other relevant person, in respect of the matter are concluded; or

(b) any legal proceedings or health investigations, relevant to the matter, are determined or withdrawn.

(5) A suspension of the registration of a registered teacher, or the alternative authorisation to teach of an AAT holder, under this section takes effect when the registered teacher or AAT holder is given verbal notice of the suspension under subsection (3)(a).

Division 6 – Miscellaneous

71. Certificate of registration

(1) The Board is to issue a certificate of registration, in an approved form, to –

(a) a person who is granted registration under this Act; or

(b) a person whose registration under this Act is renewed.

(2) The Board may refuse to issue a certificate of registration to a person if the person has not paid the relevant annual registration fee under section 50.

72. Professional learning requirements

(1) Each registered teacher and AAT holder is required to complete the following professional learning:

(a) professional learning in respect of child safety and safeguarding –

(i) as is prescribed, or if no training is prescribed, as is specified by the Board; and

(ii) at prescribed intervals or, if no such intervals are prescribed, at intervals determined by the Board;

(b) professional learning prescribed as required for –

(i) registered teachers or AAT holders generally; or

(ii) a specified class of registered teachers or AAT holders;

(c) professional learning that is specified in a condition imposed on the registration of the registered teacher or the alternative authorisation to teach of the AAT holder;

(d) professional learning determined by the Board as mandatory for –

(i) registered teachers or AAT holders generally; or

(ii) a specified class of registered teachers or AAT holders.

(2) For the purposes of this section, professional learning may include –

(a) a period of supervised teaching; and

(b) the completion of professional learning independently, remotely or as otherwise specified.

(3) The Board may exempt a registered teacher or an AAT holder, or a class of such teachers or AAT holders, from one or more requirements to complete professional learning as required under this section.

73. Additional certifications

(1) The Board may issue additional certifications in respect of each of the following matters:

(a) child safety;

(b) the ability to be recognised as a highly accomplished or lead teacher;

(c) any matter that is prescribed as a matter for which additional certification may be issued;

(d) any other matter that the Board considers appropriate.

(2) An additional certification issued under this section may be required –

(a) as a condition of registration under this Act; or

(b) as a pre-requisite for registration, or the renewal of registration, under this Act.

(3) If no fee is prescribed in respect of an application for an additional certification under this section, the Board may determine and charge an application fee for additional certification under this section.

(4) The regulations may prescribe –

(a) the method of application for an additional certification under this section; and

(b) the manner of assessment for an additional certification under this section; and

(c) any fee payable in respect of an application for, or issue of, an additional certification under this section; and

(d) the standards, guidelines and criteria that are to be taken into account, or complied with, when issuing an additional certification under this section.

74. Police checks and reports

(1) In this section –

relevant application includes –

(a) an application under section 38 or 51 for registration; and

(b) an application under section 48 to renew registration; and

(c) an application under section 59 for an alternative authorisation to teach; and

(d) an application under section 67 for the extension of an alternative authorisation to teach; and

(e) an application for an additional certification under section 73.

(2) If a person makes a relevant application, that person is taken to have –

(a) authorised the Board to obtain a police record check in respect of all jurisdictions for the purposes of determining the application; and

(b) authorised the Board to obtain a report from the Commissioner of Police for one or more of the following purposes:

(i) considering and determining the relevant application;

(ii) determining whether the applicant is of good character, or is fit to be a teacher, as part of an inquiry conducted while the applicant is a registered teacher or an AAT holder under this Act;

(iii) for any other purpose related to the administration of this Act while the applicant is a registered teacher or an AAT holder under this Act; and

(c) authorised the Commissioner of Police to provide such a report to the Board.

(3) In making a request to the Commissioner of Police for a report referred to in subsection (2)(b), the Board may refer to the Commissioner of Police –

(a) the name and address of a person who –

(i) has made a relevant application; or

(ii) is a registered teacher or an AAT holder; and

(b) any other relevant information, or documentation, that the Board holds in respect of such a person.

(4) 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 (2) in respect of which the Board is obtaining the report.

(5) Sections 22(1), 31(1), 45(1) and 108 of the *Youth Justice Act 1997* do not apply to the identification of a youth within the meaning of that Act, in a report under this section, in respect of any action or proceedings referred to in those sections.

PART 4 – COMPLAINTS, INQUIRIES AND DISCIPLINARY ACTIONS

Division 1 – Complaints

75. Complaints

(1) A person may complain to the Board about the conduct of a person who is or was –

(a) a registered teacher; or

(b) the holder of non-practising registration; or

(c) an AAT holder; or

(d) a registered teacher, or the holder of a limited authority, under the *Teachers Registration Act 2000*.

(2) A complaint under subsection (1) in respect of a person –

(a) may only be made in relation to conduct if the complainant believes the conduct demonstrates that the person is no longer –

(i) of good character; or

(ii) fit to be a teacher; and

(b) is to disclose the name and address of the complainant; and

(c) must be signed by the complainant.

(3) As soon as practicable after receiving a complaint under subsection (1) in respect of a person, the Board –

(a) is to provide written notice of the making of the complaint, the name of the complainant and the contents of the complaint to –

(i) the person; and

(ii) the current employer of the person, if known to the Board; and

(iii) the employer of the person at the time at which the conduct that forms the basis of the complaint occurred, if known to the Board; and

(iv) if the Board considers it appropriate in the circumstances, the relevant authorities for investigation; and

(b) may require the complainant to provide further information or documents, as the Board considers appropriate, to the Board within the reasonable period specified in writing to the complainant.

(4) Subsection (3)(a) does not apply to a complaint if the Board is satisfied that providing written notice of the complaint –

(a) would hinder, delay or prejudice –

(i) the enforcement, or proper administration, of a law in any jurisdiction; or

(ii) the fair trial of a person for an offence in any jurisdiction; or

(iii) the impartial adjudication of proceedings relating to an offence in any jurisdiction; or

(iv) the investigation of a contravention, or possible contravention, of a law of any jurisdiction; or

(b) is likely to result in a risk of injury, or damage, to persons or property; or

(c) is likely to result in the identification of a victim, or witness, who is a child.

(5) The Board is not required to provide the name of the complainant under subsection (3)(a) if –

(a) the complainant is a child; or

(b) the complainant has made a request to the Board that the complainant's name not be provided.

(6) A complainant is to notify the Board, in writing, if there is a change to the complainant's name or address.

76. Initial assessment of complaints

(1) On receiving a complaint, the Board is to conduct an initial assessment of the complaint for the purpose of determining whether an inquiry should be conducted in respect of the complaint.

(2) In conducting the initial assessment of a complaint, the Board may make such inquiries, and obtain such information and documents, as it considers necessary.

77. Actions after completion of assessment of complaints

(1) After completing the initial assessment of a complaint, the Board may –

(a) determine that an inquiry should be conducted 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 conduct that forms the basis of the complaint has been the subject of –

(A) a previous complaint that has been dismissed; or

(B) a previous inquiry under this Act; or

(iii) information or documents required by the Board under section 75(3)(b) have not been provided to the Board without reasonable explanation; or

(iv) the Board is not reasonably satisfied that it is in the public interest to conduct an inquiry; or

(v) the Board is of the opinion that the complaint should be made to another person or body including, but not limited to, an Agency within the meaning of the *State Service Act 2000*; or

(vi) the Board is of the opinion that it is impossible or inappropriate to conduct 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.

(2) If the Board dismisses a complaint, it is to notify, in writing, the complainant, and all persons notified of the making of the complaint under section 75(3)(a), of the reasons for dismissing it.

(3) Subsection (2) does not apply to the dismissal of a complaint if the Board is satisfied that providing written notice under that subsection would hinder, delay or prejudice –

(a) the enforcement, or proper administration, of a law in any jurisdiction; or

(b) the fair trial of a person for an offence in any jurisdiction; or

(c) the impartial adjudication of proceedings relating to an offence in any jurisdiction; or

(d) the investigation of a contravention, or possible contravention, of a law of any jurisdiction.

Division 2 – Inquiries

78. Inquiries

(1) The Board may determine to conduct an inquiry in respect of one or more of the following:

(a) any complaint made under Division 1;

(b) any matter of which the Board has received notice under section 94, 95 or 96;

(c) if the Board reasonably believes that a person who is or was a registered teacher or an AAT holder, or the holder of non-practising registration –

(i) has had the equivalent of the person's registration to teach, or alternative authorisation to teach, in another jurisdiction suspended or cancelled; or

(ii) has had the person's employment in another jurisdiction terminated because the person's employer was reasonably satisfied that the person was not competent or fit to be a teacher or an AAT holder; or

(iii) obtained registration, at any time, on the basis of false or misleading information; or

(iv) obtained an alternative authorisation to teach, at any time, on the basis of false or misleading information; or

(v) is no longer of good character or may no longer be of good character; or

(vi) is no longer fit to be a teacher or may no longer be fit to be a teacher; or

(vii) is not behaving at the standard expected of a registered teacher or an AAT holder;

(d) any other matter relating to a person who is or was a registered teacher or an AAT holder.

(2) An inquiry under this Division may be conducted –

(a) by the Board itself; or

(b) by a committee of inquiry appointed by the Board under section 79 in respect of the inquiry or inquiries generally.

(3) The Board may conduct an inquiry under this section in respect of a person only if reasonably satisfied that it is in the public interest to do so.

79. Committee of inquiry

(1) The Board may –

(a) appoint a committee to conduct an inquiry under this Part; and

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

(2) A committee of inquiry is to consist of –

(a) not less than 2, but not more than 4, persons who are registered teachers; and

(b) if the Board considers it necessary, one person who is a member of the Board; and

(c) any other person who the Board considers has skills relevant to the inquiry.

(3) The Board is to appoint a member of a committee of inquiry as chairperson for the committee.

(4) A committee of inquiry is to conduct an inquiry, including conducting a hearing, subject to this Act and in accordance with any directions of the Board.

(5) Except as specified in this Act or directions given by the Board under this section, a committee of inquiry may regulate its own proceedings.

80. Notice of inquiry

(1) If the Board determines that an inquiry is to be conducted in respect of a person who is or was a registered teacher or an AAT holder, the Board –

(a) must serve the person with a notice in accordance with subsection (2); and

(b) if the inquiry is a result of a complaint under Division 1, is to give a notice in accordance with subsection (3) to the complainant; and

(c) may give a notice in accordance with subsection (3) to any other person that the Board considers appropriate.

(2) A notice under subsection (1)(a) to the person who is the subject of a proposed inquiry is to contain the following information:

(a) the nature and details of any matter of inquiry;

(b) whether the inquiry is to be conducted by the Board or a committee of inquiry;

(c) if the inquiry is to be conducted by a committee of inquiry, the full names of the members appointed to that committee;

(d) that, within 14 days after being served with the notice, the person may submit a written response to the Board that contains one or more of the following:

(i) an admission of, or refutation of, the substance of any matter that is relevant to the inquiry;

(ii) a request for the Board to conduct a hearing in respect of any matter being inquired into;

(iii) any additional information or documentation that the person considers relevant to the inquiry.

(3) A notice under subsection (1)(b) or (c) is to contain the following information:

(a) the nature and details of any matter of inquiry;

(b) whether the inquiry is to be conducted by the Board or a committee of inquiry;

(c) if the inquiry is to be conducted by a committee of inquiry, the full names of the members appointed to that committee;

(d) that, within 14 days after being given the notice, the person may make a written submission to the Board, including such information and documentation that the person considers relevant, in relation to the inquiry.

81. Conduct of inquiry generally

(1) In conducting an inquiry, the presiding entity –

(a) must proceed with as little formality, and as little delay, as is reasonably possible in the circumstances; and

(b) as far as possible, is to keep the best interests of the child paramount; and

(c) is not bound by the rules of evidence; and

(d) may accept submissions from any person that the presiding entity considers relevant to the inquiry; and

(e) may determine that any hearing held in respect of an inquiry is to be conducted –

(i) in person; or

(ii) by means of telephone or video link; or

(iii) by any other system or method of communication that the presiding entity considers appropriate in the circumstances; and

(f) may consult with any person that the presiding entity considers relevant to the inquiry; and

(g) may request, in writing, that the person who is the subject of the inquiry provide the presiding entity with a report from a medical practitioner, psychologist or other health professional; and

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

(2) For the avoidance of doubt, a presiding entity may take into account any evidence that is relevant to an inquiry that –

(a) has been collected as part of an inquiry under another Act, or by another person, in respect of the person who is the subject of the inquiry; and

(b) has been provided to the presiding entity, or the Board, for the purpose of the inquiry.

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

82. Inquiries involving interviews with children

(1) If a committee of inquiry believes that it is reasonable in the circumstances to interview a child as part of an inquiry, the committee of inquiry must gain consent to conduct the interview –

(a) if the child has attained the age of 16 years, from the child; or

(b) in any other case, from a guardian of the child, within the meaning of the *Children, Young Persons and Their Families Act 1997*, subject to subsection (2).

(2) Despite subsection (1)(b), a committee of inquiry is not required to obtain the consent of a guardian of a child under that paragraph if the only guardian of the child is the subject of the inquiry.

(3) A committee of inquiry must engage a person with appropriate qualifications, training or experience in interviewing children to conduct an interview of a child under this Act.

(4) Before arranging an interview of a child under this section, a committee of inquiry and any person conducting the interview –

(a) must consider –

(i) any negative effect that the interview may have on the child; and

(ii) whether it is reasonable, in the circumstances, for the guardian of the child to be present at the interview; and

(b) must take all reasonable steps to mitigate any negative effect that the interview may have on the child; and

(c) must offer the child the opportunity for a support person to be present at the interview; and

(d) if the child identifies as Aboriginal or Torres Strait Islander, must offer the opportunity for the support person to be a person who is a member of a recognised Aboriginal organisation, or recognised Torres Strait Islander organisation, within the meaning of the *Child and Youth Safe Organisations Act 2023*.

83. Hearings generally

(1) As part of an inquiry, the presiding entity for the inquiry may conduct a hearing in respect of the inquiry –

(a) at the discretion of the presiding entity; or

(b) at the request of the person who is the subject of the inquiry.

(2) If a hearing is to be conducted under this section in respect of an inquiry, the presiding entity for the inquiry –

(a) is to give notice of the hearing to –

(i) the person who is the subject of the inquiry; and

(ii) if the inquiry is a result of a complaint under Division 1, the complainant; and

(b) may give notice of the hearing to any other person that the presiding entity considers appropriate.

(3) A notice under subsection (2) in relation to a hearing is to –

(a) be in writing; and

(b) specify the time and place at which, and the manner in which, the hearing is to be held.

(4) If a hearing is conducted under this section in respect of an inquiry, the person who is the subject of the inquiry is entitled –

(a) subject to a determination under section 85, to be present at the hearing, whether in person or by other means agreed with the presiding entity; and

(b) to give evidence, and present witnesses, at the hearing; and

(c) to be represented by another person at the hearing.

(5) If a hearing is being conducted in respect of an inquiry, the presiding entity for the inquiry may request, in writing, a person to appear at the hearing to give evidence and produce documents.

(6) Subject to section 85, the person who is the subject of the inquiry, or a representative of the person, may reasonably question a witness appearing at a hearing in relation to the inquiry.

84. Hearings to be conducted in private

(1) Subject to subsection (2), a hearing in respect of an inquiry is not to be conducted in public.

(2) A hearing in respect of an inquiry may only to be conducted in public if, after considering the impact of a public hearing on any person appearing at the hearing, the presiding entity for the inquiry considers that it is in the public interest for the hearing to be conducted in public.

85. Additional requirements for certain witnesses at hearings

(1) In this section –

special witness, in relation to an inquiry, means a person who the presiding entity for the inquiry 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 impairment; 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 that the presiding entity considers relevant.

(2) If a child or a special witness is to give evidence at a hearing in respect of an inquiry, the presiding entity for the inquiry may determine –

(a) 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 presiding entity considers appropriate; and

(b) who may be present, and by what means such persons may be present, during the giving of the evidence.

(3) In making a determination under subsection (2), the presiding entity for an inquiry is to minimise distress to the child or special witness as much as possible.

(4) The person who is the subject of the inquiry, or a representative of the person, may only reasonably question a child, or special witness, appearing at a hearing in relation to the inquiry if the presiding entity for the inquiry consents.

86. Committee of inquiry to report to Board on conclusion of inquiry

On completion of an inquiry conducted by a committee of inquiry under this Division –

(a) the committee is to report to the Board its findings, and recommendations, in respect of the inquiry; and

(b) the Board must take those findings and recommendations into consideration when making a decision in relation to the inquiry.

87. Board to make decision in respect of inquiry

The Board may make any one or more of the following decisions as a result of an inquiry conducted in respect of a person:

(a) caution the person;

(b) amend one or more of the conditions to which the person's registration or

alternative authorisation to teach is subject, as the Board thinks reasonable in the circumstances;

(c) make the person's registration or alternative authorisation to teach subject to such additional conditions as the Board thinks reasonable in the circumstances;

(d) suspend the person's registration or alternative authorisation to teach for any period, and subject to any conditions, that the Board considers appropriate;

(e) revoke an existing suspension of the person's registration or alternative authorisation to teach;

(f) cancel the person's registration, or alternative authorisation to teach, subject to any conditions that the Board considers appropriate;

(g) determine that –

(i) there was no substance to the complaint, or matter, that was the basis of the inquiry; or

(ii) no further action is required to be taken in respect of the inquiry.

88. Notification of decision in respect of inquiry

(1) Within 14 days after 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 –

(a) the person; and

(b) if that person is employed to teach, the person's employer; and

(c) if the inquiry related to a complaint, the complainant; and

(d) each corresponding registration authority.

(2) Section 90(1) does not apply to the giving of notice of a decision under subsection (1).

(3) Subsection (1) does not apply to a decision in respect of a complaint if the Board is satisfied that providing written notice of the decision would hinder, delay or prejudice –

(a) the enforcement, or proper administration, of a law in any jurisdiction; or

(b) the fair trial of a person for an offence in any jurisdiction; or

(c) the impartial adjudication of proceedings relating to an offence in any jurisdiction; or

(d) the investigation of a contravention, or possible contravention, of a law of any jurisdiction.

89. Persons must provide assistance to inquiry

If the presiding entity for an inquiry makes a request to a person under this Division in respect of an inquiry, the person must comply with the request.

Penalty: Fine not exceeding 200 penalty units.

90. Confidentiality of inquiry

(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 who is the subject of the inquiry.

Penalty: Fine not exceeding 50 penalty units.

(2) Subsection (1) does not apply to the publication of information in respect of an inquiry if –

(a) the Board –

(i) believes, on reasonable grounds, that the publication of the information is in the public interest; or

(ii) publishes the information at the request of the person who is the subject of the inquiry; and

(b) the information is not published until all investigations or criminal proceedings, in respect of the conduct that is the basis of the inquiry, were finally determined or otherwise disposed of.

(3) 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 special witness, within the meaning of section 85, who –

(a) has appeared at a hearing in respect of the inquiry; or

(b) is otherwise relevant to the inquiry.

Penalty: Fine not exceeding 50 penalty units.

(4) Subsection (3) does not apply to the publication of information in respect of a child or special witness, within the meaning of section 85, if –

(a) the child or special witness –

(i) has attained the age of 18 years; and

(ii) after attaining that age, has consented, in writing, to the publication of the information; and

(iii) at the time of giving that consent, has the capacity to give that consent and to understand the likely consequences of giving that consent; and

(b) the information so published –

(i) is not published until all investigations or criminal proceedings, in respect of the

conduct that is the basis of the inquiry, were finally determined or otherwise disposed of; and

(ii) is only published after the child or special witness has consented, in accordance with paragraph (a), to the publication of the information; and

(iii) does not identify any child or special witness who has not consented, in accordance with paragraph (a), to the publication of the information.

Division 3 – Other disciplinary actions

91. Board to be notified of certain charges and convictions

(1) A person who is a registered teacher or an AAT holder, or who holds non-practising registration, must give written notice to the Board, in accordance with subsection (2), if the person is charged with a relevant offence in Tasmania or elsewhere.

Penalty: Fine not exceeding 50 penalty units.

(2) Notification under subsection (1) in respect of a charge for a relevant offence –

(a) must be made within 14 days after the charges are laid; and

(b) must include details of the charge and of each alleged relevant offence to which the charge relates.

(3) A person who is a registered teacher or an AAT holder, or who holds non-practising registration, must give written notice to the Board in accordance with subsection (4) if –

(a) the person is charged with a relevant offence in Tasmania or elsewhere; and

(b) in relation to the charge –

(i) a court has made a finding of guilty or not guilty or another finding; or

(ii) a court adjourns proceedings on the charge sine die; or

(iii) the charge is dismissed or withdrawn.

Penalty: Fine not exceeding 50 penalty units.

(4) Notification under subsection (3) in respect of a charge for a relevant offence –

(a) must be made within 14 days after the event specified in subsection (3)(b) in relation to the charge occurs; and

(b) must specify the event under subsection (3)(b) to which the notification relates; and

(c) if there has been a finding of guilt in respect of the relevant offence, must include details of the circumstances in which the relevant offence was committed.

92. Board may take certain actions if person found guilty of relevant offence

(1) If a person who is a registered teacher or an AAT holder, or who holds non-practising registration, is found guilty of a relevant offence in Tasmania or elsewhere, the Board may –

(a) caution the person; or

(b) amend one or more of the conditions to which the person's registration or alternative authorisation to teach is subject, as the Board thinks reasonable in the circumstances; or

(c) make the person's registration or alternative authorisation to teach subject to such additional conditions as the Board thinks reasonable in the circumstances; or

(d) if, as a result of the finding of guilt, the Board is of the opinion that the person is no longer of good character or no longer fit to be a teacher –

(i) suspend the person's registration or alternative authorisation to teach for any period, and subject

to any conditions, that it thinks fit; or

(ii) cancel the person's registration or alternative authorisation to teach.

(2) The Board may take an action under subsection (1) in respect of a person –

(a) at the Board's own discretion; and

(b) regardless of whether an inquiry has been conducted into the person before the action was taken.

PART 5 – INFORMATION SHARING

93. Board may require or request information or documents

(1) If the Board reasonably believes that a person may have information relevant to the Board's functions and powers under this Act, the Board may require the person to provide to the Board any information or document held by the person, or in the control of the person, as specified in the notice.

(2) Without limiting the generality of subsection (1), a person under that subsection includes, but is not limited to, a Tasmanian public authority within the meaning of the *Registration to Work with Vulnerable People Act 2013*.

(3) If the Board reasonably believes that one of the following entities may have information relevant to the Board's functions and powers under this Act, the Board may request that the entity provides to the Board any information or document held by the entity, or in the control of the entity, as specified in the notice:

(a) a body that falls within the definition of *other jurisdiction's public authority* within the meaning of the *Registration to Work with Vulnerable People Act 2013*;

(b) any other government agency, or part of such a government agency, of a jurisdiction other than Tasmania;

(c) a body, corporate or unincorporate, established by or under the statute law of a jurisdiction other than Tasmania.

(4) A requirement of the Board under subsection (1), or a request of the Board under subsection (3) –

(a) is to be in writing to the person to whom the requirement or request relates; and

(b) is to clearly specify the information or document to which the requirement or request relates; and

(c) may include a requirement or request for the person to provide any other relevant information or document held by the person or in the control of the person; and

(d) may include a requirement or request that the person, or a specified representative of the person, answer questions that –

(i) relate to the information or document to which the requirement or request relates; or

(ii) are otherwise relevant to the functions and powers of the Board under this Act; and

(e) may include a requirement or request that the information or document to which the requirement or request relates be delivered to or provided at –

(i) a specified place; and

(ii) to a specified person; and

(iii) at, by or within a specified time; and

(iv) in person, by mail or email or in another specified manner.

(5) If the Board has required a person under subsection (1) to provide to the Board a document or information, the person must –

(a) comply with the requirement; or

(b) provide evidence, to the satisfaction of the Board, of why the person is unable to comply with the requirement.

Penalty: Fine not exceeding 200 penalty units.

(6) In addition to any penalty imposed on a person under subsection (5), the Magistrates Court may make an order requiring the person to provide to the Board the document or information specified in the order.

(7) If a person provides information or documents to the Board as required, or requested, under this section –

(a) that information or document, or evidence of the obtaining of that information or document, is not admissible against the person in any civil or criminal proceedings, other than –

(i) an inquiry or disciplinary proceedings under this Act; or

(ii) proceedings under this Act; and

(b) the person does not contravene any duty of confidentiality that the person has under any law or agreement, despite anything to the contrary in the law or agreement.

94. Employers to notify Board of certain allegations

(1) In this section –

sexual misconduct includes, but is not limited to, the following conduct when performed in a sexual manner or with a sexual intention:

(a) inappropriate behaviour;

(b) physical contact;

(c) voyeurism;

(d) speech or other communication including electronic communication;

significant, in relation to emotional or psychological harm or neglect, means that the harm or neglect is more than trivial or insignificant, but is not required to be deemed serious or deemed to have a lasting permanent effect.

(2) A person who employs a registered teacher or AAT holder must give notice to the Board in accordance with subsection (4) if the employer becomes aware of an allegation or suspicion that the registered teacher or AAT holder has committed, at any time or place –

(a) an offence against, with or in the presence of a child, whether or not legal proceedings in relation to the offence have been commenced or concluded; or

(b) sexual misconduct, that does not form part of an offence, against, with or in the presence of a child; or

(c) physical violence against a child; or

(d) grooming of a child, within the meaning of section 6 of the *Child and Youth Safe Organisations Act 2023*; or

(e) conduct that causes, or is likely to cause, significant emotional or psychological harm to a child.

Penalty: Fine not exceeding 50 penalty units.

(3) A person who employs a registered teacher or AAT holder must give notice to the Board in accordance with subsection (4) if the employer commences a formal investigation into the registered teacher or AAT holder due to an allegation or suspicion of a matter specified in subsection (2).

Penalty: Fine not exceeding 50 penalty units.

(4) Notification under this section, in respect of an allegation, suspicion or formal investigation –

(a) is to be made within 3 days after each of the following occurs:

(i) the person becomes aware of the allegation or suspicion;

(ii) the person commences the formal investigation; and

(b) is to include the following information:

(i) details of the allegation or suspicion;

(ii) the name and date of birth of the registered teacher, or AAT holder, who is the subject of the allegation or suspicion;

(iii) whether Tasmania Police has been informed about the allegation or suspicion;

(iv) the name and contact details for the employer.

95. Certain employers to notify Board of reportable behaviour

(1) In this section –

reportable behaviour, in relation to a person, means behaviour of the person that –

(a) does not meet the standard of behaviour generally expected of a teacher; or

(b) is otherwise improper or unbecoming; or

(c) is evidence that the person is unfit to be a teacher.

(2) The employer of a person must give written notice to the Board in accordance with subsection (3) if the employer –

(a) employs the person as a registered teacher or an AAT holder; and

(b) believes that the behaviour, or conduct, of the person is reportable behaviour; and

(c) because of that behaviour –

(i) commences a formal investigation in respect of the behaviour; or

(ii) dismisses the person or takes any other disciplinary action against the person.

Penalty: Fine not exceeding 50 penalty units.

(3) Notification under subsection (2) in respect of the behaviour of a person who is a registered teacher or an AAT holder –

(a) must be made within 14 days after each of the following occurs:

(i) the employer of the person commences a formal investigation in respect of the behaviour;

(ii) the employer of the person dismisses the person, or takes any other disciplinary action against the person, as a result of the behaviour; and

(b) must include –

(i) details of the relevant behaviour or conduct; and

(ii) the grounds on which the employer believes that the behaviour, or conduct, of the person was reportable behaviour.

(4) The employer of a person must give written notice to the Board in accordance with subsection (5) if –

(a) the employer has employed the person as a registered teacher or an AAT holder; and

(b) the person resigns or retires; and

(c) the employer believes that –

(i) the person has resigned or retired as a result of behaviour, or conduct, of the person; and

(ii) that behaviour or conduct is reportable behaviour.

Penalty: Fine not exceeding 50 penalty units.

(5) Notification under subsection (4) in respect of the resignation or retirement of a person as a result of alleged reportable behaviour –

(a) must be made within 14 days after the person has notified the person's employer that the person intends to resign or retire; and

(b) must include –

(i) details of the relevant behaviour or conduct; and

(ii) the grounds on which the employer believes that the behaviour, or conduct, of the person was reportable behaviour; and

(iii) whether the person resigned or retired.

96. Certain entities to notify Board in certain circumstances

(1) In this section –

relevant entity includes –

(a) an Agency within the meaning of the *State Service Act 2000*; and

(b) the Police Service; and

(c) an employer; and

(d) a person prescribed for the purposes of this definition.

(2) A relevant entity is to notify the Board as soon as practicable after the relevant entity becomes aware that there has been an allegation of abuse in respect of a child if –

(a) the alleged perpetrator of the abuse is a person who is a registered teacher or AAT holder, or who holds non-practising registration; and

(b) the relevant entity believes that notifying the Board –

(i) is appropriate in the circumstances; and

(ii) is reasonably necessary to protect and promote the safety and wellbeing of children.

(3) Despite subsection (2), a relevant entity is not required to notify the Board of an allegation of abuse in respect of the child if the relevant entity believes, on reasonable grounds, that the notification –

(a) may prejudice –

(i) the enforcement, or proper administration, of a law of this State or another jurisdiction; or

(ii) the fair trial of a person for an offence; or

(iii) the impartial adjudication of proceedings relating to an offence; or

(b) may endanger the life or the physical, emotional or psychological safety of a person; or

(c) may hinder or prejudice, or unreasonably delay, an ongoing investigation of a contravention, or possible contravention, of a law of this State or another jurisdiction.

(4) Nothing in this section requires a relevant entity to notify the Board under this section of any information other than –

(a) that the relevant entity is aware that an allegation of abuse in respect of a child has been made; and

(b) the name of the alleged perpetrator of the abuse.

(5) For the avoidance of doubt, nothing in this section removes an obligation imposed on a relevant entity under this Act, or any other Act, in respect of an allegation of abuse in respect of a child.

97. Board may disclose information or documents

(1) In this section –

relevant authority includes –

(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 a body, whether incorporated or unincorporated –

(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) where the body, or the governing authority of the body, 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, another State, a Territory or the Commonwealth; or

(iv) another statutory authority.

(2) The Board may make the following information available to a relevant authority:

(a) information contained in a Register kept under this Act, as that information relates to a person who is or was a registered teacher or an AAT holder;

(b) any other information held by the Board in respect of a person who is or was a registered teacher or an AAT holder.

(3) Information may only be provided to a relevant authority by the Board under subsection (2) if the Board is satisfied that –

(a) the information is relevant to the functions and powers of that relevant authority; and

(b) 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.

(4) Information may be provided to a relevant authority by the Board under subsection (2) –

(a) either on a case-by-case basis or on an ongoing basis; and

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

98. Board may provide information to corresponding bodies

(1) The Board may provide the following information to a corresponding registration authority:

(a) information provided to the Board as part of an application under this Act;

(b) any other information held by the Board in respect of a person who has made an application to the Board under this Act.

(2) Information may only be provided to a corresponding registration authority under

subsection (1) if the Board is satisfied that the corresponding registration authority –

(a) has requested the information to enable the authority to perform the functions, or exercise the powers, of the authority; and

(b) 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.

99. Board to notify of certain charges and convictions

(1) As soon as reasonably practicable after becoming aware that a registered teacher or an AAT holder has been found guilty of a relevant offence in Tasmania or elsewhere, the Board is to notify, in writing, the employer of the registered teacher or AAT holder of that fact if the employer is known to the Board.

(2) The Board may notify, in writing, a corresponding registration authority if the Board becomes aware that, in relation to a charge for a relevant offence in Tasmania or elsewhere –

(a) a court has made a finding of guilt in respect of a registered teacher or an AAT holder; or

(b) a finding of guilt in respect of a registered teacher or an AAT holder has been overturned on appeal.

100. Board may refuse to disclose information in certain circumstances

The Board may refuse to provide a document, or information, under this Act if the Board is satisfied that the provision of the document or information may –

(a) in the circumstances, prejudice –

(i) the enforcement, or proper administration, of a law; or

(ii) the fair trial of a person for an offence; or

(iii) the impartial adjudication of proceedings relating to an offence; or

(b) disclose, or enable another person to ascertain, the existence or identity of a confidential source of the document or information; or

(c) endanger the life or the physical, emotional or psychological safety of a person; or

(d) increase the likelihood that another person may be harassed, or discriminated against, if the document or information is provided; or

(e) hinder, delay or prejudice –

(i) an ongoing investigation of a contravention, or possible

contravention, of a law of this State or another jurisdiction; or

(ii) an inquiry under this Act or an Act of another jurisdiction that substantially corresponds to this Act.

101. Board may require authorisation to disclose information

(1) The Board may require a person who is a registered teacher or an AAT holder to authorise the Board to obtain, from a corresponding registration authority, any information about the person held by that body –

(a) for the purpose of the renewal of the person's registration or the extension of the person's alternative authorisation to teach; and

(b) for the purpose of an inquiry in respect of that person, whether or not the person is still –

(i) a registered teacher; or

(ii) an AAT holder; and

(c) for any other purpose related to the administration of this Act in respect of the person while the person is a registered teacher or an AAT holder.

(2) If a person refuses to authorise the Board in accordance with a requirement under subsection (1), the Board –

(a) may still make a request to a corresponding registration authority for any information held by that body about the person; and

(b) must inform the corresponding registration authority that the person has not authorised the Board to make the request.

102. Retention of documents

(1) If the Board has possession of a document provided under this Part –

(a) the Board may retain the document for so long as is necessary for the purposes of this Act; and

(b) the Board must provide a copy of such a document to a person if the Board is satisfied that the person is otherwise entitled to possession of the document.

(2) A copy of a document provided to a person under subsection (1)(b) –

(a) is to be certified by the Board as a true copy of the original document retained by the Board; and

(b) is to be received in all courts and elsewhere as evidence of the matters

contained in the copy as if it were the original document.

103. Restriction on use of documents and information

If any information or document is obtained by the Board under this Part, evidence of that information or document, or evidence of the obtaining of that information or document –

(a) may only be used for –

(i) the purpose for which the information or document was required by the Board; or

(ii) the administration of this Act; and

(b) is not admissible against any person in any civil or criminal proceedings, other than –

(i) an inquiry or disciplinary proceedings under this Act; or

(ii) proceedings for an offence under this Act.

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

(1) In this section –

information holder means –

(a) the Board; or

(b) the Registrar; or

(c) staff made available to the Board under section 19; or

(d) a committee established by the Board under section 29 and each member of such a committee; or

(e) a person prescribed as an information holder for the purposes of this section.

(2) The *Right to Information Act 2009* does not apply to information in the possession of an information holder if –

(a) the information holder has possession of the information for the purposes of this Act; and

(b) the information does not relate to the administration of a public authority within the meaning of that Act.

(3) The *Personal Information Protection Act 2004* does not apply to –

(a) the obtaining or possession of information by an information holder for the purposes of this Act; or

(b) the disclosure of information by an information holder for the purposes of this Part.

PART 6 – OFFENCES

Division 1 – Offences

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

(1) A person must not claim, or otherwise represent in any manner, that the person holds full registration if the person does not hold full registration.

Penalty: Fine not exceeding 50 penalty units.

(2) A person must not claim, or otherwise represent in any manner, that the person holds provisional registration if the person does not hold provisional registration.

Penalty: Fine not exceeding 50 penalty units.

(3) A person must not claim, or otherwise represent in any manner, that the person holds specialist VET registration if the person does not hold specialist VET registration.

Penalty: Fine not exceeding 50 penalty units.

(4) A person must not claim, or otherwise represent in any manner, that the person holds an alternative authorisation to teach if the person is not an AAT holder.

Penalty: Fine not exceeding 50 penalty units.

106. Person must not teach under suspended authorisation

(1) A registered teacher must not teach while the teacher's registration, under this Act, is suspended.

Penalty: Fine not exceeding 50 penalty units.

(2) An AAT holder must not teach while the holder's alternative authorisation to teach is suspended under this Act.

Penalty: Fine not exceeding 50 penalty units.

107. Employing unregistered teachers

(1) A person must not employ or engage a person to teach if that person is not –

(a) a registered teacher; or

(b) an AAT holder; or

(c) authorised under the Australian Qualifications Framework, within the meaning of the *Education Act 2016*, to teach in an early childhood service while obtaining the qualifications required for registration under this Act; or

(d) a member of a prescribed class of persons for the purposes of section 34; or

(e) the holder of a prescribed qualification, or prescribed authorisation, for the purposes of section 34.

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 200 penalty units and a daily penalty of 20 penalty units for each day during which the offence continues.

(2) For the avoidance of doubt, subsection (1) does not apply to a person employed to teach at TasTAFE.

108. False and misleading information

A person, in giving any information under this Act, must not –

(a) make a statement knowing it to be false or misleading; or

(b) omit any matter knowing that without that matter the information is misleading.

Penalty: Fine not exceeding 50 penalty units.

Division 2 – Legal proceedings for offences

109. 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 another person as authorised by the Board.

110. Immunity from liability

Any person or member of the Board is not personally liable for an honest act or omission done or made in the exercise or purported exercise of a power, or in the performance or purported performance of a function, under this Act.

111. Infringement notices

(1) In this section –

infringement offence means an offence against this Act or the regulations that is prescribed by the regulations to be an infringement offence.

(2) The Board may issue and serve an infringement notice on a person if the Board reasonably believes that the person has committed an infringement offence.

(3) An infringement notice under this section –

(a) is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*; and

(b) may not relate to more than 3 offences.

(4) The regulations –

(a) may prescribe, for infringement offences, the penalties payable under infringement notices; and

(b) may prescribe different penalties for bodies corporate and unincorporate and for individuals.

PART 7 – MISCELLANEOUS

112. Ministerial instructions

(1) The Minister may issue instructions, in writing, in relation to –

(a) any matter in relation to the registration of a person under this Act including, but not limited to –

(i) mutual recognition of the registration of persons including, but not limited to, automatic or deemed mutual recognition of registration; or

(ii) the refusal to register persons under this Act; or

(iii) the restrictions to be imposed on certain classes of persons registered under this Act; and

(b) any matter concerning the exercise of powers, or performance of functions, by the Board under this Act or any other Act; and

(c) any matter relating to an independent review of the Board conducted in accordance with this Act; and

(d) any matter relating to the timing and provision of reports, plans and other documents under Part 2; and

(e) any procedural matter relating to the conduct of investigations under this Act including, but not limited to –

(i) the collection of information for the purpose of the investigation; and

(ii) the use of information collected under another Act that may be relevant to the investigation; and

(f) such other matters relating to the purposes and administration of this Act as the Minister considers appropriate.

(2) Before issuing a Ministerial instruction under this section, the Minister is to consult with –

(a) the Board; and

(b) any other person that the Minister believes has an interest in the proposed Ministerial instruction.

(3) Ministerial instructions may be issued so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the instructions and, in particular, may be issued so as to –

(a) apply at all times, at a specified time or for a specified period; and

(b) apply to –

(i) all applications made under this Act; or

(ii) all registered teachers and AAT holders; or

(iii) a specified class of registered teachers or AAT holders.

(4) Ministerial instructions may –

(a) provide that the Board, or another person specified in the instructions, may determine a specified matter; and

(b) exempt a class of registered teachers, or of AAT holders, from the requirement to comply with all provisions, or a specified provision, of a Ministerial instruction; and

(c) make a provision of a Ministerial instruction subject to such conditions as the Minister considers appropriate in the circumstances.

(5) For the avoidance of doubt, a provision of a Ministerial instruction –

(a) may not direct the Board in the performance of its functions, or the exercise of its powers, in respect of a specific circumstance or individual case; and

(b) is void to the extent of any inconsistency with a provision of this Act.

(6) The Minister, from time to time, may amend the Ministerial instructions, rescind them or rescind them and substitute new Ministerial instructions.

(7) An amendment of the Ministerial instructions is taken to be incorporated with the instructions.

(8) The Ministerial instructions are to be published in the manner that the Minister considers appropriate.

(9) Ministerial instructions made under this section are not statutory rules for the purposes of the *Rules Publication Act 1953*.

113. Application of Ministerial instructions

In performing a function, action or duty, or exercising a power, under this Act, each of the following persons is to have regard to all Ministerial instructions issued for the purposes of this Act:

(a) the Board;

(b) staff made available to the Board under section 19;

(c) each committee established by the Board under section 29;

(d) persons who employ registered teachers or AAT holders;

(e) registered teachers or AAT holders.

114. Applications for review

(1) A person aggrieved by a decision of the Board, of which the person has been given notice in accordance with section 31, may apply to the Tasmanian Civil and Administrative Tribunal for a review of that decision.

(2) In addition to any other order or power it may make or exercise in determining the application, the Tasmanian Civil and Administrative Tribunal may order the Board to take an action under section 28, 87 or 92.

115. Registration information

(1) The Board may require that an employer of a person employed as a registered teacher, or AAT holder, is to provide the Board with a return, in an approved form and in the manner determined by the Board, of all persons employed, by that employer, to teach as at the immediately preceding 1 July or such other date as is specified by the Board.

(2) The Board may provide a person that the Board believes employs a registered teacher, or AAT holder, with a list of –

(a) all registered teachers –

(i) whose registration is to expire in the calendar year; or

(ii) who have not paid, as required under this Act, the annual

registration fee under section 50 for the following calendar year; and

(b) all AAT holders whose alternative authorisation to teach is to expire in the calendar year.

116. Natural justice and procedural fairness

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

117. Fees, penalties and charges

(1) Unless otherwise specified, any fees, levies penalties and charges payable under this Act are payable to the Board.

(2) The Board may waive payment of, or remit, all or part of any fee, levy or charge payable to it under this Act.

118. Regulations

(1) The Governor may make regulations for the purposes of this Act.

(2) Without limiting the generality of subsection (1), the regulations may –

(a) provide for the regulation of registered teachers, AAT holders and persons

applying for registration or alternative authorisations to teach; and

(b) provide for the creation of, and requirements for –

(i) different categories of registration; and

(ii) different subsets within a category of registration; and

(c) prescribe fees and charges payable in respect of any matter under this Act including, but not limited to, fees and charges in respect of –

(i) applications and assessment of those applications, including verification of qualifications; and

(ii) registrations and alternative authorisations to teach under this Act; and

(iii) actions taken outside of a specified period; and

(d) provide for –

(i) the payment and recovery of fees; and

(ii) the remitting, refunding and waiving of any fees, levies and charges payable under this Act; and

(e) provide for the mutual recognition of registration, qualifications or any other matter prescribed in the regulations.

(3) The regulations may –

(a) be of limited or general application; and

(b) be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations; and

(c) authorise any matter to be approved, applied or regulated by any specified person or entity.

(4) The regulations may adopt or incorporate, with or without modification, the provisions in force at the time of adoption or incorporation, or as in force from time to time, of –

(a) a law in force in another jurisdiction; or

(b) a standard, rule, code, specification, guideline or similar instrument issued or published by a body or authority specified in the regulations.

(5) The regulations may –

(a) provide for savings and transitional matters that are necessary or expedient as a consequence of the commencement of this Act or a specified provision of this Act; and

(b) provide for any such savings or transitional matters to take effect when a provision of this Act commences or on a later day specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made; and

(c) amend, or rescind, regulations that were made under the *Teachers Registration Act 2000*.

119. Further amendment of regulations not prevented

For the avoidance of doubt, if –

(a) this Act amends regulations made under another Act; or

(b) another Act amends regulations made under this Act –

the amendment of the provision of the regulations does not prevent that provision, or any other provision of the regulations, from being amended or rescinded by a subsequent regulation.

120. Savings and transitional provisions

The savings provisions, and the transitional provisions, set out in Schedule 2 have effect.

121. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

(a) the administration of this Act is assigned to the Minister for Education; and

(b) the department responsible to the Minister for Education in relation to the administration of this Act is the Department for Education, Children and Young People.

122. Consequential amendments

The legislation specified in Schedule 3 is amended as specified in that Schedule.

123. Legislation repealed

The legislation specified in Schedule 4 is repealed.

SCHEDULE 1 – MEMBERSHIP AND MEETINGS OF BOARD

Section 12(6)

PART 1 – PRELIMINARY

1. Interpretation

In this Schedule –

member means a member of the Board including, but not limited to, the chairperson of the Board.

PART 2 – MEMBERSHIP OF BOARD

2. Term of office

A member is to be appointed for the period, not exceeding 3 years, specified in the instrument of appointment and, if eligible, may be reappointed.

3. Reappointment of members

The Minister –

(a) is to determine the number of times that a member may be reappointed to the Board; and

(b) in making that determination, may seek advice from an advisory council

established under section 249 of the *Education Act 2016*.

4. Conditions of appointment

(1) A member holds office on such conditions, in relation to matters not provided for by this Act, as are specified in the member's instrument of appointment.

(2) A member is entitled to be paid any remuneration and allowances that the Minister determines.

(3) Despite subclause (2), a member who is a State Service officer or State Service employee is not entitled to remuneration or allowances under this clause except with the approval of the Minister administering the *State Service Act 2000*.

5. Holding other office

The holder of an office who is required under any Act to devote the whole time to the duties of that office is not disqualified from –

(a) holding that office in conjunction with the office of a member; or

(b) except as specified in this Act, accepting any remuneration payable to a member.

6. 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.

7. Resignation

A member may resign by signed notice given to the Minister.

8. Removal of member

The Minister may remove a member from office –

(a) if the member is convicted of an offence under –

(i) this Act or an Act of another jurisdiction that substantially corresponds to this Act; or

(ii) the *Registration to Work with Vulnerable People Act 2013* or a corresponding law within the meaning of that Act; or

(b) if the member is convicted elsewhere of an offence which, if committed in

Tasmania, would be a relevant offence; or

(c) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or

(d) if the Minister considers that the member is unable to perform adequately or competently the functions of the member's office; or

(e) if the member has been absent for 3 consecutive meetings of the Board without the permission of the Board; or

(f) if the Minister is of the opinion that –

(i) the member is no longer fit to be a member of the Board; or

(ii) the member is required to notify the Minister under clause 6 and has failed to comply with that clause; or

(iii) the member does not hold RWVP registration; or

(iv) the member's RWVP registration has been suspended and the suspension has not been revoked; or

(g) for any other just cause or excuse.

9. Filling of vacancies

(1) A member is taken to vacate the office of member if the member –

(a) dies; or

(b) resigns; or

(c) is removed from office under clause 8.

(2) If the office of a member becomes vacant, the Minister may appoint, having regard to the skills under section 12(4), a person to the vacant office for the remainder of that member's term.

10. Defect does not invalidate appointment

An appointment of a person as a member is not invalid merely because of a defect or irregularity in relation to the appointment.

PART 3 – MEETINGS OF BOARD

11. Convening of meetings

A meeting of the Board is to be convened by the chairperson of the Board or by any 3 members.

12. Presiding at meetings

(1) The chairperson of the Board presides at all meetings of the Board at which the chairperson is present.

(2) If the chairperson of the Board is not present at a meeting of the Board, a member chosen by the members present at the meeting is to preside.

13. Conduct of meetings

(1) Subject to this Act, the Board may regulate the calling of, and the conduct of business at, its meetings as it considers appropriate.

(2) The Board may permit members to participate in a particular meeting or all meetings by –

(a) telephone; or

(b) video conference; or

(c) any other means of communication approved by the Board.

(3) A member who participates in a meeting under a permission granted under subclause (2) is taken to be present at the meeting.

(4) Without limiting subclause (1), the Board may allow a person to attend a meeting for the purpose of advising or informing it on any matter.

14. Quorum and voting at meetings

(1) At a meeting of the Board, a quorum is constituted by a majority of the members of the Board.

(2) At a meeting of the Board –

(a) the member presiding at the meeting has a deliberative vote only; and

(b) a question is decided –

(i) by a majority of votes of the members present and voting, including those participating in accordance with clause 13(2); or

(ii) in the negative if there is an equality of votes of the members present and voting.

15. Registrar to attend meetings

(1) The Registrar is to attend meetings of the Board.

(2) At a meeting of the Board, the Registrar is to provide information and advice as requested by the Board.

(3) The Registrar may not vote at a meeting of the Board.

(4) Despite subclause (1), the Board may meet in the absence of the Registrar.

16. Minutes

The Board is to –

(a) cause full and accurate minutes to be kept of its proceedings at meetings; and

(b) submit to the Minister a copy of the minutes of each meeting within 14 days after the date on which the meeting is held.

17. Resolutions without meetings

(1) If all members sign a document containing a statement that they are in favour of a resolution in the terms set out in the document, a resolution in those terms is taken to have been passed at a meeting of the Board held on the day on which the document is signed or, if the members do not sign it on the same day, on the day on which the last of the members signs the document.

(2) If a resolution is taken to have been passed under subclause (1), each member is to be –

(a) advised immediately of the matter; and

(b) given a copy of the terms of the resolution.

(3) For the purposes of subclause (1), 2 or more separate documents containing a statement in identical terms, each of which is signed by one or more members, is taken to constitute one document.

18. Presumptions

In any proceedings by or against the Board, unless evidence is given to the contrary, proof is not required of –

(a) the constitution of the Board; or

(b) any resolution of the Board; or

(c) the appointment of any member; or

(d) the presence of a quorum at any meeting of the Board.

19. Validity of proceedings

(1) Any act or proceeding of the Board or of a person acting under the direction of the Board is not invalid by reason only that, at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the membership of the Board.

(2) Any act or proceeding of the Board or of a person acting under the direction of the Board is valid even if –

(a) the appointment of a member of the Board was defective; or

(b) a person appointed as a member of the Board was disqualified from acting as, or incapable of being, such a member.

SCHEDULE 2 – SAVINGS AND TRANSITIONAL PROVISIONS

Section 120

PART 1 – PRELIMINARY

1. Interpretation

In this Schedule –

former Act means the *Teachers Registration Act 2000*;

former Board means the Board within the meaning of the former Act;

PART 2 – SAVINGS

2. Ministerial statement of expectations

(1) In this clause –

commencement day means the day on which section 21 commences.

(2) The Ministerial statement of expectations in force under section 10A of the former Act immediately before the commencement day is taken, on and after the commencement day, to be a Ministerial statement of expectations made under section 21 on the same terms and conditions.

3. Corporate plan

(1) In this clause –

commencement day means the day on which section 22 commences.

(2) The corporate plan in force under section 10B of the former Act immediately before the commencement day is taken, on and after the commencement day, to be a corporate plan made under section 22.

4. Ministerial instructions taken to be in force under this Act

(1) In this clause –

commencement day means the day on which section 112 commences.

(2) A Ministerial instruction issued under section 6 of the *Education Act 2016*, in respect of the former Act or the former Board, that is in force immediately before the commencement day is taken, on and after the commencement day, to be a Ministerial instruction issued under section 112 in respect of this Act or the Board.

5. Certain registrations and approvals

(1) If, immediately before the day on which this subclause commences (the ***commencement day***), a person is a registered teacher within the meaning of the former Act then, on the commencement day –

(a) if the person is fully registered within the meaning of the former Act – that person is taken to hold full registration under this Act on the same terms and conditions as under the former Act; and

(b) if the person is specialist vocational education and training registered within the meaning of the former Act – that person is taken to hold specialist VET registration under this Act on the same terms and conditions as under the former Act; and

(c) if the person is provisionally registered within the meaning of the former Act – that person is taken to hold provisional registration under this Act on the same terms and conditions as under the former Act.

(2) Subclause (1)(c) does not apply to a person to whom clause 8 of Part 3 of this Schedule applies.

(3) If, immediately before the commencement day, a person is the holder of a limited authority within the meaning of the former Act, that person is taken, on the commencement day, to be an AAT holder on the same terms and conditions as under the former Act.

(4) For the avoidance of doubt, on and after the commencement day, this Act applies to a person who is taken to hold a registration or authorisation by virtue of this clause as if that

registration or authorisation were granted under this Act.

6. References to certain terms

(1) In any document or instrument –

(a) a reference to a registered teacher under the former Act includes a reference to a registered teacher under this Act; and

(b) a reference to a holder of a limited authority under the former Act includes a reference to an AAT holder under this Act; and

(c) a reference to the former Board includes a reference to the Board under this Act –

if appropriate in the context of the document or instrument.

(2) In this Act –

(a) a reference to a person who has previously held registration under this Act includes a person who previously held registration under the former Act; and

(b) a reference to a person who has previously held an alternative authorisation to teach under this Act includes a person who previously held a limited authority under the former Act.

PART 3 – TRANSITIONAL PROVISIONS

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

(1) This Act, and the requirement to hold registration or an alternative authorisation to teach under this Act, do not apply in respect of a person's employment to teach in a non-school setting if –

(a) immediately before the commencement of this clause, the person was not required to hold registration under the former Act in respect of that employment; and

(b) on the commencement of this clause, the person is required to hold registration, or an alternative authorisation to teach, under this Act in respect of that employment.

(2) Subclause (1) ceases to apply to a person when whichever of the following first occurs:

(a) an application by the person for registration or an alternative authorisation to teach, under this Act, has been granted or refused;

(b) a 3-year period has expired after the commencement of this clause.

(3) A person to whom subclause (1) applies is not required to have held provisional registration

under this Act, or the former Act, before applying for full registration under this Act, if the person –

(a) applies for full registration under this Act within 3 years after this clause commences; and

(b) has been teaching, or has been engaged in roles that support teaching, in an educational setting within Tasmania for a continuous period that exceeds 5 years; and

(c) is recommended as eligible for full registration under this Act in a report, in an approved form, from the person's employer; and

(d) holds the qualification specified in section 40(2); and

(e) otherwise meets the criteria under sections 39 and 41 for full registration.

(4) For the avoidance of doubt, nothing in this subclause (3) requires an employer to recommend a person, to whom subclause (1) applies, as suitable for full registration.

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

(1) On and within 3 years of the day on which this clause commences, a person may apply to the

Board, in an approved form, for full registration if the person –

(a) on the commencement of this clause –

(i) was provisionally registered within the meaning of the former Act; and

(ii) had held that provisional registration for at least 5 years as a continuous period; and

(b) within that 5-year period, has successfully completed at least one full-time equivalent year of teaching; and

(c) is recommended as eligible for full registration under this Act in a report, in an approved form, from the person's employer.

(2) The Board must approve a person's application under subclause (1) for full registration if the person –

(a) on the commencement of this clause, was not under investigation under the former Act for any reason; and

(b) has been teaching in, or been engaged in roles supporting the teaching in, an educational setting within Tasmania for a continuous period that exceeds 5 years; and

(c) has been endorsed by the person's current employer as being suitable for full registration under this Act; and

(d) meets the criteria under sections 39 and 41 for full registration; and

(e) has paid all relevant fees and levies under this Act for full registration.

(3) For the purposes of determining an application under this clause, the Board may request further information from a person if required to determine if the person meets the requirements of this clause.

(4) This Act applies to full registration under this clause as if the registration were granted under section 44.

(5) For the avoidance of doubt, nothing in this clause requires an employer to recommend an applicant as suitable for full registration.

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

(1) For the purposes of section 36(2), the 5-year period referred to in that subsection does not include any period for which a person was provisionally registered, within the meaning of the former Act, immediately before the commencement of that subsection.

(2) Nothing in subclause (1) prevents a person who was provisionally registered, within the meaning

of the former Act, from using any period of teaching by the person, that occurred before this clause commences, for the purposes of calculating the person's one full-time equivalent year of teaching for the purposes of this Act.

10. Effect of complaints and inquiries under former Act

(1) If a complaint was made under section 19 of the former Act and, immediately before the commencement of this subclause, the complaint had not been preliminarily assessed under section 19A of the former Act, this Act applies to the complaint as if the complaint were made under section 75 of this Act.

(2) If a complaint was made under section 19 of the former Act and, immediately before the commencement of this subclause –

(a) the complaint had been preliminarily assessed under section 19A of the former Act; and

(b) a determination was made under the former Act that an inquiry should be conducted in respect of the complaint; and

(c) that inquiry was not completed before the commencement of this subclause –

Part 4 of the former Act, as in force immediately before the commencement of this subclause, applies to the complaint and subsequent investigation as if that Act were still in force.

(3) For the purposes of subclause (2), a decision made in respect of an inquiry conducted under that subclause is taken, for the purposes of this Act, to be a decision of the Board under section 87.

SCHEDULE 3 – CONSEQUENTIAL AMENDMENTS

Section 122

Child Safety Reform Implementation Monitor Act 2024

1. Schedule 1 is amended by omitting item 6 and substituting:

6.	The Teachers Registration Board of Tasmania continued under the *Teachers Registration Act 2026*	The Registrar within the meaning of the *Teachers Registration Act 2026*

Child and Youth Safe Organisations Regulations 2023

1. Regulation 6 is amended by inserting after paragraph (b) the following paragraph:

(ba) the Teachers Registration Board of Tasmania continued under section 11 of the *Teachers Registration Act 2026*, for the purpose of the performance of a function conferred on that Board under that Act, the *Education Act 2016* or the Act;

Commissions of Inquiry Regulations 2021

1. Regulation 4(1) is amended by omitting paragraph (q) and substituting the following paragraph:

(q) section 90 of the *Teachers Registration Act 2026*;

Education Act 2016

1. Section 5 is amended by omitting "by section 5(1) of the *Teachers Registration Act 2000*" from paragraph (d) of the definition of *education regulator* and substituting "by the *Teachers Registration Act 2026*".

2. Section 6(2) is amended as follows:

(a) by omitting from paragraph (f) "this Act, the *Tasmanian Assessment, Standards and Certification Act 2003* or the *Teachers Registration Act 2000*" and substituting "this Act or the *Tasmanian Assessment, Standards and Certification Act 2003*";

(b) by omitting from paragraph (g) "this Act," and substituting "this Act or";

(c) by omitting from paragraph (g) "or section 10D of the *Teachers Registration Act 2000*";

(d) by omitting from paragraph (i) "this Act, the *Tasmanian Assessment, Standards and Certification Act 2003* or the *Teachers Registration Act 2000*" and substituting "this Act or the *Tasmanian Assessment, Standards and Certification Act 2003*";

(e) by omitting from paragraph (j) "this Act, the *Tasmanian Assessment, Standards and Certification Act 2003* or the *Teachers Registration Act 2000*" and substituting "this Act or the *Tasmanian Assessment, Standards and Certification Act 2003*".

3. Section 106(a) is amended by omitting "*Teachers Registration Act 2000*" and substituting "*Teachers Registration Act 2026*".

4. Section 199(a) is amended by omitting "*Teachers Registration Act 2000*" and substituting "*Teachers Registration Act 2026*".

Education Regulations 2017

1. Clause 6(6)(e) of Schedule 2 is amended by omitting "*Teachers Registration Act 2000*" and substituting "*Teachers Registration Act 2026*".

2. Clause 8(1) of Schedule 3 is amended by omitting "*Teachers Registration Act 2000*" and substituting "*Teachers Registration Act 2026*".

3. Clause 8(1) of Schedule 4 is amended by omitting "*Teachers Registration Act 2000*" and substituting "*Teachers Registration Act 2026*".

Education and Care Services National Law (Application) Act 2011

1. Section 7 is amended by omitting "*Teachers Registration Act 2000*" from the definition of *registered teacher* and substituting "*Teachers Registration Act 2026*".

2. Section 11(b) is amended by omitting "*Teachers Registration Act 2000*" and substituting "*Teachers Registration Act 2026*".

TasTAFE (Skills and Training Business) Act 2021

1. Section 36(6)(c) is amended by omitting "*Teachers Registration Act 2000*" and substituting "*Teachers Registration Act 2026*".

2. Section 40(2)(b) is amended by omitting "*Teachers Registration Act 2000*" and substituting " *Teachers Registration Act 2026*".

3. Section 41(6)(c) is amended by omitting "*Teachers Registration Act 2000*" and substituting "*Teachers Registration Act 2026*".

Tasmanian Civil and Administrative Tribunal Act 2020

1. Schedule 1 is amended by omitting item 87 and substituting the following item:

87. The *Teachers Registration Act 2026*.

2. Schedule 2 is amended as follows:

(a) by omitting paragraph (zzw) from clause 1(1) of Part 3 and substituting the following paragraph:

(zzw) the *Teachers Registration Act 2026*;

(b) by omitting paragraph (o) from clause 2 of Part 5 and substituting the following paragraph:

(o) the *Teachers Registration Act 2026*;

3. Schedule 4 is amended by omitting item 57 and substituting the following item:

57. The *Teachers Registration Act 2026*.

SCHEDULE 4 – LEGISLATION REPEALED

Section 123

Teachers Registration Act 2000 (No. 98 of 2000)

[Second reading presentation speech made in:–
House of Assembly on 1 September 2026
Legislative Council on 28 October 2026]