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Robyn Webb  
Chief Parliamentary Counsel  
Dated 26 November 2020



TASMANIA

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## **TEACHERS REGISTRATION ACT 2000**

**No. 98 of 2000**

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## **TEACHERS REGISTRATION ACT 2000**

**No. 98 of 2000**

**An Act to provide for the registration of teachers in  
Tasmania**

**[Royal Assent 20 December 2000]**

Be it enacted by His 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 2000*.

#### **2. Commencement**

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

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### **3. Interpretation**

In this Act –

*amend* means insert matter, omit matter or omit matter and substitute other matter;

*approved* means approved by the Board;

*Board* means the Teachers Registration Board of Tasmania referred to in section 5;

*certificate of registration* means a certificate issued under section 15;

*committee of inquiry* means a committee of inquiry appointed under section 21;

*complaint* means a complaint made under section 19;

*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;

*executive officer* means the executive officer of the Board appointed under section 7C;

*fit to be a teacher* means fit to be a teacher as determined under section 17K;

*full registration* means full registration granted under section 13 or 14 or renewed under section 17A;

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***fully registered***, in relation to a person, means that the person –

- (a) has been granted full registration under section 13 or 14 or had his or her full registration renewed under section 17A; and
- (b) holds a current certificate of registration in relation to that grant or renewal of full registration;

***good character*** means good character as determined under section 17J;

***hearing*** means a hearing held under section 22C as part of an inquiry;

***holder of a limited authority*** means a person who holds a current notice of limited authority;

***inquiry*** means an inquiry held under Division 2 of Part 4;

***limited authority*** means a limited authority granted under section 17D or extended under section 17H;

***materials*** includes any publication, document, computer software, video, sound recording, film or photograph;

***notice of limited authority*** means a notice referred to in section 17E;

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***one full-time equivalent year of teaching***  
means –

- (a) one year of full-time teaching; or
- (b) part-time teaching equivalent to one year of full-time teaching; or
- (c) a combination of full-time and part-time teaching equivalent to one year of full-time teaching;

***practising teacher*** means a registered teacher who is employed as a member of the teaching staff of a school or TasTAFE;

***prescribed offence*** means –

- (a) an offence, committed in Tasmania, in respect of which a sentence of imprisonment may be imposed (whether or not such sentence is imposed); or
- (b) an offence, committed elsewhere, in respect of which, if the offence had been committed in Tasmania, a sentence of imprisonment may have been imposed (whether or not such sentence is imposed);

***provisionally registered***, in relation to a person, means that the person –

- (a) has been granted provisional registration under section 13, whether on the determination of

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an application under section 12 or pursuant to section 17A(5); and

- (b) holds a current certificate of registration in relation to that grant of provisional registration;

***provisional registration*** means provisional registration granted under section 13, whether on the determination of an application under section 12 or pursuant to section 17A(5);

***register*** means –

- (a) a register of registered teachers, or a register of holders of limited authorities, kept under section 25; or
- (b) in relation to a person, register the person as fully registered, provisionally registered or specialist vocational education and training registered;

***register of holders of limited authorities*** means a register of holders of limited authorities kept under section 25;

***register of teachers*** means a register of registered teachers kept under section 25;

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

***registered teacher*** means a person –

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- (a) who is fully registered, provisionally registered or specialist vocational education and training registered; and
- (b) whose name appears on the register of teachers;

***registration*** means full registration, provisional registration or specialist vocational education and training registration;

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

***specialist vocational education and training registered***, in relation to a person, means a person who –

- (a) has been granted specialist vocational education and training registration under section 13 or has had his or her specialist vocational education and training registration renewed under section 17A; and
- (b) holds a current certificate of registration in relation to that grant or renewal of specialist vocational education and training registration;

***specialist vocational education and training registration*** means specialist vocational education and training registration

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granted under section 13 or renewed under section 17A;

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

***student*** means a child or person enrolled at a school or TasTAFE;

***Tasmanian Polytechnic*** means the Tasmanian Polytechnic continued under section 5 of the *Education and Training (Tasmanian Polytechnic) Act 2008*;

***TasTAFE*** means TasTAFE created by section 56 of the *Training and Workforce Development Act 2013*.

#### **4. 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.

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**PART 2 – TEACHERS REGISTRATION BOARD OF  
TASMANIA**

**5. Continuation of Board**

- (1) The Teachers Registration Board established by this Act as in force immediately before the commencement of the *Teachers Registration Amendment Act 2009* is continued as the Teachers Registration Board of Tasmania.
- (2) The Board –
  - (a) is a body corporate with perpetual succession; and
  - (b) may have a seal; and
  - (c) may sue and be sued in its corporate name.
- (3) If the Board has a seal –
  - (a) it is to be kept and used as authorised by the Board; and
  - (b) all courts and persons acting judicially must take judicial notice of the imprint of the seal on a document and presume that it was duly sealed by the Board.

**6. Membership of Board**

- (1) The Board consists of the following persons appointed by the Minister:

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- (a) a chairperson;
- (b) a practising teacher appointed from nominations by practising teachers in State schools;
- (c) a person nominated by the Department;
- (d) a person nominated by an organisation representing non-Catholic registered schools;
- (e) a person nominated by an organisation representing Catholic registered schools;
- (f) a practising teacher in a State school or TasTAFE nominated by the Australian Education Union (Tasmanian Branch);
- (g) a practising teacher in a non-Catholic registered school nominated by the Tasmanian Independent School Teachers' Association;
- (h) a practising teacher in a Catholic registered school nominated by the Independent Education Union Victoria Tasmania;
- (i) a person nominated by the faculty administering teacher education at the University of Tasmania who is teaching in that faculty;
- (j) a person nominated by parent groups involved in education who, at the time of

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- appointment, is a parent or guardian of a student attending a Tasmanian school;
- (k) a person nominated by TasTAFE;
  - (l) a practising teacher appointed from nominations by the practising teachers at TasTAFE.
- (2) The Board is to appoint one of its members as deputy chairperson of the Board for a period not exceeding the period of that member's appointment as a member.
  - (3) The Minister may require a body or parent group referred to in subsection (1) to provide the Minister with a list of nominations.
  - (4) If the body or parent group fails to provide the list as required under subsection (3), the Minister may nominate a person for appointment to the Board.
  - (5) If a body referred to in subsection (1)(f), (g) or (h) has changed its name or ceased to exist, the Governor, by order, may amend that subsection –
    - (a) by substituting the body's new name; or
    - (b) by substituting the name of another body which substantially represents the interests represented by the body that has ceased to exist.
  - (6) The Minister may only appoint a person as a member of the Board if the Minister is of the

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opinion that the person is fit to be such a member.

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

**6A. Functions of Board**

The Board has the following functions:

- (a) to register persons under this Act;
- (b) to grant limited authorities to persons under this Act;
- (c) to promote the teaching profession;
- (d) to investigate complaints made under this Act;
- (e) to conduct 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;
- (f) if appropriate, to take disciplinary action under this Act in relation to persons who are or were registered teachers or holders of limited authorities;

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- (g) to approve teacher education courses the successful completion of which satisfies a criterion for registration;
- (h) to develop and improve teaching standards;
- (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 in relation to the funding of those reviews and projects and the appointment of persons necessary to enable the successful undertaking of those reviews and projects, as appropriate;
- (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.

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**7. Powers of Board**

The Board may –

- (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) direct and control persons appointed to assist the Board in the performance of its functions; and
- (d) do anything necessary or convenient to perform its functions.

**7A. Board to consider best interests of students**

In performing its functions and exercising its powers, the Board must consider the welfare and best interests of students to be of paramount importance.

**7B. Delegation**

The Board may delegate any of its functions and powers under this or any other Act other than this power of delegation.

**7C. Executive officer**

Subject to and in accordance with the *State Service Act 2000*, a person other than a member

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of the Board may be appointed as executive officer of the Board.

**7D. Role, functions and powers of executive officer**

- (1) The executive officer is responsible to the Board for the general administration and management of the Board.
- (2) The executive officer –
  - (a) must perform any functions, and may exercise any powers, delegated to the executive officer by the Board; and
  - (b) must perform any other functions imposed on, and may exercise any other powers granted to, the executive officer by this or any other Act.
- (3) The executive officer may delegate any of his or her functions or powers under this Act other than this power of delegation.

**8. Staff**

- (1) The Board may arrange with the Secretary of the Department for the services of persons employed in that department to be made available to the Board.
- (2) Subject to, and in accordance with, the *State Service Act 2000*, persons may be appointed and employed for the purpose of this Act.

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**9. Committees**

The Board may establish committees consisting of members of the Board and any other persons the Board considers appropriate to assist the Board to perform its functions.

**10. Directions**

- (1) The Minister may give the Board a written direction in relation to its powers and functions if the Minister is satisfied that it is necessary to do so in the public interest.
- (2) The Board is to comply with the Minister's direction.

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Part 3 – Registration of Teachers and Limited Authorities to Teach

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**PART 3 – REGISTRATION OF TEACHERS AND  
LIMITED AUTHORITIES TO TEACH**

*Division 1 – Offences relating to teaching*

**11. Offences relating to teaching**

- (1) A person must not teach at a school or TasTAFE unless the person –
- (a) is registered; or
  - (b) . . . . .
  - (c) is the holder of a limited authority; or
  - (d) is under the direct supervision of a registered teacher.

Penalty: Fine not exceeding 50 penalty units.

- (2) A person who is not fully registered must not claim, or otherwise represent in any manner, that he or she is fully registered.

Penalty: Fine not exceeding 50 penalty units.

- (3) A person who is not provisionally registered must not claim, or otherwise represent in any manner, that he or she is provisionally registered.

Penalty: Fine not exceeding 50 penalty units.

- (3A) A person who is not specialist vocational education and training registered must not claim, or otherwise represent in any manner, that he or

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she is specialist vocational education and training registered.

Penalty: Fine not exceeding 50 penalty units.

- (4) A person who is not the holder of a limited authority must not claim, or otherwise represent in any manner, that he or she is the holder of a limited authority.

Penalty: Fine not exceeding 50 penalty units.

- (5) This section does not apply, before 1 January 2014, to a person appointed by TasTAFE on or after 1 July 2013 as a member of the teaching staff of TasTAFE unless that person was employed as a member of the teaching staff of a school or the Tasmanian Polytechnic on 30 June 2013.

***Division 2 – Registration of teachers***

**12. Application for registration**

- (1) A person may apply to the Board for registration.
- (2) An application is to be –
- (a) in an approved form; and
  - (b) accompanied by the prescribed application fee.
- (3) The Board may require the applicant –

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- (a) to provide any further information it considers necessary to consider the application; and
- (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.

**13. Determination of application for registration**

- (1) On receipt of an application for registration made under section 12, the Board –
  - (a) if satisfied that the applicant satisfies the criteria for full registration, must grant the applicant full registration; or
  - (b) if not satisfied that the applicant satisfies the criteria for full registration but satisfied that the applicant meets the requirements for provisional registration, must grant the applicant provisional registration; or
  - (ba) if satisfied that the applicant satisfies the criteria for specialist vocational education and training registration, must grant the applicant specialist vocational education and training registration; or

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- (c) if not satisfied that the applicant satisfies the criteria for full registration, provisional registration or specialist vocational education and training registration, must refuse to grant the applicant full registration, provisional registration or specialist vocational education and training registration.
- (1A) In determining in accordance with subsection (1) an application made under section 12, the Board may grant to the applicant both specialist vocational education and training registration and either full registration or provisional registration.
- (2) The criteria for full registration are as follows:
  - (a) the applicant –
    - (i) has successfully completed an approved course relating to teacher education and at least one full-time equivalent year of teaching to the satisfaction of the Board; or
    - (ii) has contributed to educational practice and has the education and experience that, in the opinion of the Board, are sufficient to warrant registration; or
    - (iii) has complied with the requirements of the Board during

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- the most recent period of  
provisional registration;
- (b) the applicant is of good character;
  - (c) the applicant is fit to be a teacher;
  - (ca) the applicant 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;
  - (d) the applicant, in the opinion of the Board, is sufficiently proficient in the English language.
- (3) The criteria for provisional registration are as follows:
- (a) the applicant –
    - (i) has qualifications or experience as determined by the Board; or
    - (ii) is able to obtain the qualifications and experience specified in subsection (2)(a);
  - (b) the applicant is of good character;
  - (c) the applicant is fit to be a teacher;
  - (ca) the applicant 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;

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- (d) the applicant, in the opinion of the Board, is sufficiently proficient in the English language.
- (3A) The criteria for specialist vocational education and training registration are as follows:
- (a) the applicant has the qualifications and experience as determined by the Board in relation to specialist vocational education and training registration;
  - (b) the applicant is of good character;
  - (c) the applicant is fit to be a teacher;
  - (ca) the applicant 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;
  - (d) the applicant, in the opinion of the Board, is sufficiently proficient in the English language.
- (4) The Board may grant full registration, provisional registration or specialist vocational education and training registration subject to any reasonable conditions it considers appropriate.
- (5 - 6) . . . . .

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**13A. Actions during assessment of application and following determination of application**

(1) In considering an application for registration made under section 12, if –

- (a) it appears likely that the Board may not be satisfied that the applicant is of good character or fit to be a teacher; or
- (b) the Board is intending to grant registration, subject to conditions –

the Board is to give the applicant an opportunity to appear before it.

(2) On determining an application for registration made under section 12 –

- (a) the Board 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

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- (b) the Board, if it grants registration, is to make an entry in the register of teachers in respect of that grant.

**14. Grant of full registration following period of provisional registration**

- (1) At any time, a person who is provisionally registered may apply to the Board for full registration.
- (2) An application is to be –
  - (a) in an approved form; and
  - (b) accompanied by a report made by the applicant’s employer, in an approved form, in respect of –
    - (i) the manner in which the applicant has performed teaching duties; and
    - (ii) recommendations as to the applicant’s suitability for full registration; and
    - (iii) any other matter the Board considers relevant; and
  - (c) accompanied by the prescribed application fee.
- (3) The Board may require the applicant to provide any further information it considers necessary to consider the application.

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- (4) On receipt of an application, the Board must grant the applicant full registration under section 13 if the Board is satisfied that the applicant –
  - (a) has completed at least one full-time equivalent year of teaching; and
  - (b) is recommended as suitable for full registration in the report from his or her employer; and
  - (c) has demonstrated teaching competence; and
  - (d) otherwise satisfies the criteria for full registration set out in that section.
- (5) In considering an application, if it appears likely that the Board may not be satisfied that the applicant is of good character or fit to be a teacher, the Board is to give the applicant an opportunity to appear before it.
- (6) On receipt of an application, the Board must refuse to grant the applicant full registration under section 13 if the Board is not satisfied that the applicant meets all the criteria set out in subsection (4).

14A. . . . .

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**15. Certificate of registration**

- (1) The Board is to issue a certificate of registration in an approved form to a person granted registration under section 13 or 14, or whose registration is renewed under section 17A, on payment of the annual registration fee.
- (2) . . . . .
- (3) If the Board, in writing, requires a person who is or was a registered teacher to surrender or produce to the Board his or her certificate of registration, the person must comply with that requirement within the period specified in it.

Penalty: Fine not exceeding 5 penalty units.

- (4) If a registered teacher –
  - (a) changes his or her name or any other personal details; and
  - (b) provides to the Board such proof of that change as the Board requires; and
  - (c) surrenders to the Board his or her certificate of registration accompanied by –
    - (i) a request, in writing, for the reissue of the certificate in the person's new name or with the person's new personal details; and
    - (ii) the prescribed fee –

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the Board is to reissue the certificate in accordance with the request.

(5) If –

- (a) a certificate of registration is lost, destroyed or damaged; and
- (b) the registered teacher provides to the Board such proof of that loss, destruction or damage as the Board requires; and
- (c) the registered teacher pays the prescribed fee; and
- (d) in the case of a damaged certificate, surrenders that certificate to the Board –

the Board is to issue a replacement certificate.

**16. Period of registration**

- (1) The period of full registration or provisional registration is the period not exceeding 5 years determined by the Board.
- (2) Registration –
  - (a) takes effect on the day it is granted or a later day specified in the grant of registration; and
  - (b) ends, subject to this Act –
    - (i) on 31 December occurring in the year specified in the grant of registration; or

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- (ii) if no such year is specified, on 31 December fifthly occurring after the registration takes effect.

(3) Provisional registration –

- (a) takes effect on the day on which it is granted or a later day specified in the grant of provisional registration; and
- (b) ends, subject to this Act, on 31 December in the year specified in the grant of provisional registration.

16A. . . . .

**17. Amendment of conditions of registration**

On the application of a person who is registered, or at any time on its own motion, the Board may do one or more of the following:

- (a) make the registration of a person subject to such, or such additional, reasonable conditions as the Board considers appropriate;
- (b) amend one or more of the conditions to which the registration is subject;
- (c) remove all or any of the conditions to which the registration is subject.

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**17A. Renewal of full registration and specialist vocational education and training registration**

- (1) A person may apply to the Board for renewal of his or her full registration or specialist vocational education and training registration, or both.
- (2) An application is to be –
  - (a) in an approved form; and
  - (b) accompanied by satisfactory evidence of –
    - (i) ongoing competence; or
    - (ii) professional development undertaken; and
  - (c) accompanied by the prescribed application fee.
- (3) The Board is to renew the full registration or specialist vocational education and training registration, or both, of a person on payment of the annual registration fee if –
  - (a) satisfied that the person is of good character; and
  - (b) satisfied that the person is fit to be a teacher; and
  - (ba) satisfied that the person is registered under the *Registration to Work with Vulnerable People Act 2013* in respect of a regulated activity, within the meaning

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of that Act, that primarily relates to children; and

- (c) satisfied as to the evidence referred to in subsection (2)(b).
- (4) In considering an application, if it appears likely that the Board may not be satisfied that the applicant is of good character or fit to be a teacher, the Board is to give the applicant an opportunity to appear before it.
- (5) If the Board is not satisfied that the person applying for renewal of his or her full registration has provided satisfactory evidence as required by subsection (2)(b), the Board may grant the person provisional registration under section 13(1)(b) if satisfied as required under that section.
- (6) The renewal of the full registration or specialist vocational education and training registration of a person –
  - (a) takes effect on 1 January first following the day on which the registration would expire if not renewed or a later day specified in the grant of renewal; and
  - (b) ends, subject to this Act –
    - (i) on 31 December occurring in the year specified in the grant of renewal; or

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- (ii) if no such year is specified, on 31 December fifthly occurring after the registration takes effect.

**17B. Annual registration fee**

- (1) A person –
  - (a) who is granted registration; or
  - (b) whose registration is renewed –
  - (c) . . . . .

must pay to the Board an annual registration fee prescribed in the regulations for each calendar year, or part of a calendar year, during which the registration has effect.

- (2) An annual registration fee is to be paid on or before 31 December in the calendar year immediately preceding the calendar year to which the fee relates.
- (3) A person may pay more than one annual registration fee (in this section called the “**advance fee**”) when paying a registration fee that is due (in this section called the “**due fee**”), but may not pay an advance fee in respect of a calendar year that would occur after the current period of the registration is due to expire.
- (4) If a person pays an advance fee of the same amount as the due fee, the amount paid for the advance fee is taken to be full payment of the annual registration fee for the calendar year in respect of which it is paid.

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- (5) The Board may provide on or after 14 November in a calendar year a list of registered teachers –
- (a) whose registrations are due to expire on 31 December in that calendar year; and
  - (b) who have not paid, in accordance with this section, the annual registration fee for the next calendar year.
- (6) A list under subsection (5) may include full names and the registration numbers of the teachers mentioned in the list.
- (7) For the avoidance of doubt, it is declared that –
- (a) before the commencement of the *Teachers Registration Amendment Act 2009*, the reference in section 14A(1), as in force before the commencement of that Act, to a person who is registered, or whose registration is renewed, included a reference to a person who was provisionally registered, or whose provisional registration was extended, under this Act before the commencement of that Act; and
  - (b) a fee demanded and paid under that section before the commencement of the *Teachers Registration Amendment Act 2009* in respect of the grant, or extension, of provisional registration is taken to have been validly demanded and paid.

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**17BA. Cancellation or suspension of teacher registration without inquiry**

(1) In this section –

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

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

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

(a) the registration of the teacher, under the *Registration to Work with Vulnerable People Act 2013*, in respect of a regulated activity that primarily relates to children; or

(b) the registration, licence, or other authorisation, of the teacher under a corresponding law, in respect of a regulated activity that primarily relates to children.

(2) The Board may suspend or cancel the registration of a registered teacher, if the Board is satisfied that –

(a) the teacher does not hold vulnerable person registration; or

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

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

***Division 3 – Limited authorities to teach***

**17C. Application for limited authority**

- (1) A person may apply to the Board for a limited authority.
- (2) An application is to be –
  - (a) in an approved form; and
  - (b) accompanied by the prescribed application fee.
- (3) The Board may require the applicant and his or her intended employer to provide any further

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information it considers necessary to consider the application.

- (4) The Board may require the applicant to authorise the Board, in writing, to obtain information relating to the applicant from any corresponding registration authority or other person, government department or government body that the Board considers may have information relevant to the determination of the application.

**17D. Determination of application**

- (1) On receipt of an application for a limited authority made under section 17C, the Board –
- (a) if satisfied that the applicant satisfies the criteria for a limited authority, must grant the applicant a limited authority to teach –
    - (i) at any school or TasTAFE, as specified in the limited authority; and
    - (ii) in any subject specified in the limited authority; and
    - (iii) for the number of hours each week specified in the limited authority; or
  - (b) if not satisfied that the applicant satisfies the criteria for a limited authority, must refuse to grant the applicant a limited authority.

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- (2) The criteria for a limited authority are that the applicant –
- (a) does not meet the requirements of section 13(2)(a) or section 13(3)(a) but has the appropriate skills or experience that available registered teachers do not have; and
  - (b) is of good character; and
  - (ba) 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
  - (c) is fit to be a teacher.
- (3) In considering an application for a limited authority made under section 17C, if it appears likely that the Board may not be satisfied that the applicant is of good character or fit to be a teacher, the Board is to give the applicant an opportunity to appear before it.
- (4) The Board may grant a limited authority subject to any reasonable conditions it considers appropriate.
- (5) On determining an application for a limited authority –
- (a) the Board is to notify the applicant and his or her intended employer, in writing –
    - (i) of that determination; and

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- (ii) if the Board refuses to grant a limited authority, of its reasons for that determination; and
  - (iii) if the Board grants a limited authority subject to conditions, of those conditions; and
- (b) the Board, if it grants a limited authority, is to make an entry in the register of holders of limited authorities in respect of that grant.

**17E. Notice of limited authority**

- (1) The Board is to issue a notice of limited authority in an approved form to a person granted a limited authority under section 17D or whose limited authority is extended under section 17H on payment of the limited authority fee.
- (2) If the Board, in writing, requires a person who is or was the holder of a limited authority to surrender or produce to the Board his or her notice of limited authority, the person must comply with that requirement within the period specified in it.

Penalty: Fine not exceeding 5 penalty units.

- (3) If the holder of a limited authority –
  - (a) changes his or her name or any other personal details; and

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- (b) provides to the Board such proof of that change as the Board requires; and
- (c) surrenders to the Board his or her notice of limited authority accompanied by –
  - (i) a request, in writing, for the reissue of the notice in the person's new name or with the person's new personal details; and
  - (ii) the prescribed fee –

the Board is to reissue the notice in accordance with the request.

(4) If –

- (a) a notice of limited authority is lost, destroyed or damaged; and
- (b) the holder of the notice provides to the Board such proof of that loss, destruction or damage as the Board requires; and
- (c) the holder of the notice pays the prescribed fee; and
- (d) in the case of a damaged certificate, the holder of the notice surrenders that notice to the Board –

the Board is to issue a replacement notice.

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**17F. Period of limited authority**

- (1) A limited authority has effect for the period not exceeding 2 years determined by the Board.
- (2) A limited authority –
  - (a) takes effect on the day it is granted or a later day specified in the grant of limited authority; and
  - (b) ends, subject to this Act, on the day specified in the grant of limited authority.

**17G. Amendment of conditions of limited authority**

On the application of a holder of a limited authority, or at any time on its own motion, the Board may at any time do one or more of the following:

- (a) make the limited authority subject to such, or such additional, reasonable conditions as the Board considers appropriate;
- (b) amend one or more of the conditions to which the limited authority is subject;
- (c) remove all or any of the conditions to which the limited authority is subject.

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**17H. Extension of limited authority**

- (1) The holder of a limited authority may apply to the Board for an extension of the limited authority.
- (2) An application is to be –
  - (a) in an approved form; and
  - (b) accompanied by the prescribed application fee.
- (3) The Board may extend the period of a limited authority for one or more further periods, not exceeding 2 years in total, if satisfied that the holder satisfies the criteria for a limited authority set out in section 17D.
- (4) In considering an application, if it appears likely that the Board may not be satisfied that the applicant is of good character or fit to be a teacher, the Board is to give the applicant an opportunity to appear before it.
- (5) The extension of a limited authority –
  - (a) takes effect on the expiry of the limited authority or previous extension of it; and
  - (b) ends, subject to this Act, on the day specified in the grant of the extension.

**17I. Suspension or cancellation of limited authority**

- (1) If a person holds a limited authority and –

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- (a) the Board considers that there is no longer a need for the limited authority; or
- (b) the Board otherwise considers it appropriate to do so –

the Board may suspend or cancel the limited authority without conducting an inquiry.

- (2) In deciding to suspend or cancel a limited authority, the Board must comply with the rules of natural justice.
- (3) On deciding to suspend or cancel a limited authority, the Board is to give notice, in writing, of that decision to –
  - (a) the holder of the limited authority; and
  - (b) that person’s employer if that person is employed to teach.
- (4) A suspension or cancellation of a limited authority takes effect on written notice of it being served on the holder of the limited authority or a later day specified in the notice.

***Division 4 – Determining good character and fitness to be a teacher***

**17J. Determining whether person of good character**

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

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- (a) is to take into account any conviction of, or charge made against, the person; and
- (ab) is to take into account –
  - (i) whether the person has been refused registration under the *Registration to Work with Vulnerable People Act 2013*; and
  - (ii) if the person is, or has been, registered under that Act, whether the registration has been suspended or cancelled; and
- (b) is to take into account any behaviour of the person that –
  - (i) does not satisfy a standard of behaviour generally expected of a teacher; or
  - (ii) is otherwise disgraceful or improper; and
- (c) may take into account any other matter it considers relevant.

**17K. Determining whether person fit to be teacher**

- (1) If at any time under this Act, including for the purposes 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, psychiatric or psychological condition of the applicant; and

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- 
- (b) the competence of the person as a teacher; and
  - (c) any other matter it considers relevant.
- (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 examination; and
  - (b) to authorise the medical practitioner, psychologist or other person undertaking the examination to provide a copy of his or her report on the person to the Board.

**17L. Police report**

- (1) If a person applies under section 12 or 17C for registration or a limited authority, that person is taken to have authorised the Board to obtain a report from the Commissioner of Police, and the Commissioner of Police to provide a report –
- (a) for the purpose of considering and determining the application; and
  - (b) following the grant of the application –
    - (i) for the purpose of the renewal of registration or the extension of a limited authority; and
    - (ii) for the purpose of an inquiry in respect of that person, whether or

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not that person is still a registered teacher or the holder of a limited authority; and

- (iii) for any other purpose related to the administration of this Act in respect of the person while the person is a registered teacher or the holder of a limited authority.

- (2) The Board may refer to the Commissioner of Police –

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

- (i) has applied for registration or a limited authority under section 12 or 17C; or

- (ii) is or was a registered teacher or a holder of a limited authority; and

- (b) any information and documentation relating to that person that the Board considers relevant.

- (3) 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 (1) in respect of which the Board is obtaining the report.

- (4) For the purposes of the Commissioner of Police providing a report under this section, section 22(1), section 31(1), section 45(1) and section 108 of the *Youth Justice Act 1997* do not apply to the identification in a report under

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subsection (3) of a youth, within the meaning of that Act, in respect of any action or proceedings referred to in those sections.

**PART 4 – DISCIPLINE AND INQUIRIES**

*Division 1 – Disciplinary provisions*

**18. Notifying Board if person found guilty of or charged with prescribed offence**

- (1) If a person who is a registered teacher or holder of a limited authority is charged with a prescribed offence in Tasmania or elsewhere, that person must give notice in writing to the Board, within 28 days after being so charged, of that charge and the details of the alleged prescribed offence.

Penalty: Fine not exceeding 10 penalty units.

- (2) If a person who is a registered teacher or holder of a limited authority is charged with a prescribed offence in Tasmania or elsewhere and –
- (a) a court has made a finding of guilty or not guilty or another finding in relation to the charge; or
  - (b) a court adjourns proceedings on the charge *sine die*; or
  - (c) the charge is dismissed or withdrawn –

the person must notify the Board in writing of that fact and, if the person is found guilty of the charge, of the circumstances in which the prescribed offence was committed, within 28 days after the court so makes the finding or

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adjourns the proceedings or the charge is so dismissed or withdrawn.

Penalty: Fine not exceeding 10 penalty units.

**18A. Disciplinary action if person found guilty of prescribed offence**

If a person who is a registered teacher or holder of a limited authority is found guilty of a prescribed offence in Tasmania or elsewhere, the Board may –

- (a) caution the person; or
- (b) make the person’s registration or limited authority subject to conditions, or additional conditions, as the Board thinks fit; or
- (c) amend one or more of the conditions to which the person’s registration or limited authority is subject, as the Board thinks fit; or
- (d) if of the opinion that the circumstances of the offence are such that the person is no longer of good character or no longer fit to be a teacher –
  - (i) suspend the person’s registration or limited authority for any period, and subject to any conditions, it thinks fit; or
  - (ii) cancel the person’s registration or limited authority.

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***Division 2 – Complaints and inquiry***

**19. Complaints**

- (1) A person may complain to the Board about the professional conduct of a person who is or was –
  - (a) a registered teacher; or
  - (b) a holder of a limited authority.
- (2) A complaint is to –
  - (a) be in writing; and
  - (b) disclose the name and address of the complainant; and
  - (c) be signed by the complainant.
- (3) As soon as reasonably practicable after receiving a complaint, the Board, in writing –
  - (a) is to provide notice of the making of the complaint, the name of the complainant and the contents of the complaint to –
    - (i) the person who is the subject matter of the complaint; and
    - (ii) if the employers of that person, both current and at the time the behaviour that constitutes the basis of the complaint occurred, are identifiable from the details of the complaint or otherwise

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known to the Board, those employers; and

- (b) may require the complainant to provide information or documents, as the Board considers appropriate, to the Board within the reasonable period specified in the requirement.
- (4) If a complainant changes his or her name or address, the complainant is to notify the Board, in writing, of that change.

**19A. Preliminary assessment of complaint**

- (1) On receiving a complaint, the Board is to conduct a preliminary assessment of it for the purpose of determining whether an inquiry should be held in respect of the complaint.
- (2) In conducting the preliminary assessment, the Board may make such inquiries, and obtain such information and documents, as it considers necessary.
- (3) On completing the preliminary assessment of the complaint, the Board may –
  - (a) determine that an inquiry should be held 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,

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- misconceived, frivolous or lacking in substance; or
- (ii) the behaviour complained about has been the subject of a previous complaint that has been dismissed; or
  - (iii) the behaviour complained about has been the subject of a previous complaint in respect of which an inquiry has been held; or
  - (iv) the behaviour complained about is the subject of an existing complaint in respect of which an inquiry has been or is being held; or
  - (v) information or documents required by the Board under section 19(3)(b) have not been provided to the Board; or
  - (vi) the Board is not reasonably satisfied that it is in the public interest to hold an inquiry; or
  - (vii) the Board is of the opinion that the complaint should be made to another person, body or Agency within the meaning of the *State Service Act 2000*; or
  - (viii) the Board is of the opinion that it is impossible or inappropriate to hold an inquiry after considering

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the circumstances surrounding the behaviour complained about and the making of the complaint, including the time elapsed since the behaviour occurred.

- (4) If the Board dismisses the complaint, it is to notify, in writing, the complainant and all persons notified of the making of the complaint under section 19(3)(a) of the reasons for dismissing it.

**20. Inquiries**

- (1) The Board may determine to hold an inquiry in respect of –
- (a) any matter relating to a person who is or was a registered teacher or holder of a limited authority; and
  - (b) any complaint made under section 19; and
  - (c) any matter referred to in a notice under section 31.
- (2) The Board may –
- (a) hold an inquiry under this section itself; or
  - (b) appoint a committee of inquiry to hold the inquiry on its behalf.
- (3) The Board may also hold an inquiry in respect of a person who is or was a registered teacher or

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has or had a limited authority if it reasonably believes that –

- (a) . . . . .
  - (b) the person’s registration in another State to teach has been cancelled or suspended; or
  - (c) the person’s employment in another State to teach has been terminated because the person’s employer was reasonably satisfied the person was not competent or fit to teach; or
  - (d) the person was or may have been registered or obtained or may have obtained a limited authority on the basis of false or misleading information; or
  - (e) the person is no longer of good character or may no longer be of good character; or
  - (f) the person is no longer fit to be a teacher or may no longer be fit to be a teacher.
- (4) The Board may hold an inquiry under this section in respect of a person only if reasonably satisfied that it is in the public interest to do so.

**21. Committee of inquiry**

- (1) The Board may appoint a committee of inquiry consisting of –
  - (a) one person who is a member of the Board; and

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- 
- (b) not less than 2, but not more than 4, other persons who are registered teachers.
  - (2) A committee of inquiry is to hold an inquiry or conduct a hearing, or both, subject to this Act and in accordance with any directions of the Board.
  - (3) The Board may –
    - (a) appoint one of the members of a committee of inquiry as its chairperson; and
    - (b) give written directions to the committee relating to its proceedings and the conduct of the inquiry.
  - (4) Except as provided by this Act or directions given by the Board, a committee of inquiry may regulate its own proceedings.

**22. Notifying person in respect of whom an inquiry is to be held**

- (1) If the Board determines that an inquiry is to be held in respect of a person who is or was a registered teacher or holder of a limited authority, it is to serve the person with a notice of the proposed inquiry.
- (2) The notice is to state the following:
  - (a) the nature and details of any matter of the proposed inquiry;
  - (b) . . . . .

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- (c) whether the inquiry is to be held by the Board or a committee of inquiry;
  - (d) the full names of the members of the committee of inquiry;
  - (e) that the person may submit to the Board, within 14 days after being served with the notice, a statement in writing that contains one or more of the following:
    - (i) a written admission of, or refutation of, the substance of any matter to be inquired into;
    - (ii) a request for the Board to hold a hearing in respect of any matter being inquired into.
- (3) A statement under subsection (2)(e) containing an admission of, or refutation of, the substance of any matter to be inquired into –
- (a) is to specify the details of the matter; and
  - (b) may be accompanied by any other document the person making the statement considers appropriate.

**22A. Notifying other persons of inquiry**

- (1) If the Board determines that an inquiry is to be held in respect of a person who is or was a registered teacher or holder of a limited authority and the inquiry is the result of a complaint, it is to give notice of the inquiry, in writing, to the complainant.

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- (2) The Board, at its discretion, may give notice of the inquiry to any other person the Board considers appropriate.
- (3) A notice under this section may state one or more of the following as the Board considers appropriate:
  - (a) the nature and details of any matter of the proposed inquiry;
  - (b) whether the inquiry is to be held by the Board or a committee of inquiry;
  - (c) the names of the members of the committee of inquiry;
  - (d) that the person may submit to the Board, within 14 days after being served with the notice, written submissions and other documents in relation to the matter being inquired into.

**22B. Conduct of inquiry generally**

- (1) In holding an inquiry, the Board or committee of inquiry –
  - (a) must proceed with as little formality, and with as much expedition, as a proper consideration of matter being inquired into permits; and
  - (b) must comply with the rules of natural justice; and

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- (c) is not bound by the rules of evidence; and
  - (d) may invite and receive written submissions from any person the Board or committee of inquiry considers relevant to the inquiry; and
  - (e) may consult with any person; and
  - (f) may request, in writing, that the person in respect of whom the inquiry is being held provide the Board or committee of inquiry with a report from a medical practitioner, psychologist or other health professional; and
  - (g) may inform itself on any matter in any manner it considers appropriate.
- (2) A committee of inquiry must hold an inquiry in accordance with any directions given by the Board.

**22C. Hearing**

- (1) In this section –

*child* means a person under the age of 17 years;

*special witness* means a person who the Board or committee of inquiry holding a hearing determines –

- (a) would be, or is likely to be, unable to give evidence

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satisfactorily in the ordinary manner by reason of intellectual, mental or physical disability; 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 the Board or committee of inquiry considers relevant.

- (2) As part of an inquiry, the Board or committee of inquiry –

- (a) at its own discretion may; and
- (b) on the request of the person in respect of whom the inquiry is being held is to –

hold a hearing in respect of a matter being inquired into.

- (3) If a hearing is to be held, the Board or committee of inquiry holding the hearing –

- (a) is to give notice of the hearing to the person in respect of whom the inquiry is being held; and

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- (b) if the inquiry is the result of a complaint, is to give notice of the hearing to the complainant; and
  - (c) may give notice of the hearing to any other person the Board or committee of inquiry considers appropriate.
- (4) Notice under subsection (3) is to be in writing and specify the time and place at which the hearing is to be held.
- (5) The person in respect of whom the inquiry is being held is entitled –
  - (a) subject to a determination under subsection (7), to be present at the hearing; and
  - (b) to give evidence at the hearing; and
  - (c) present witnesses at the hearing; and
  - (d) be represented by another person at the hearing.
- (6) The Board or committee of inquiry holding a hearing may request, in writing, any person to appear at the hearing to give evidence and produce documents.
- (7) If a child or a special witness is to give evidence, the Board or committee of inquiry holding the hearing is to –
  - (a) determine that the evidence is to be given by closed circuit television, video link or telephone or, if none of these means is

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- available or appropriate, by such other method as the Board or committee considers appropriate; and
- (b) determine who may be present, and by what means such persons may be present, during the giving of the evidence.
- (8) In making a determination under subsection (7), the Board or committee of inquiry is to minimise distress to the child or special witness as much as possible.
- (9) The person who is the subject of the inquiry, or his or her representative, may reasonably question –
- (a) an adult person who appears at the hearing at the request of the Board or committee of inquiry under subsection (6); or
- (b) if the Board or committee of inquiry holding the hearing consents, a child or special witness.
- (10) The Board or committee of inquiry holding a hearing must not admit the public to the hearing, or any part of the hearing, unless, after taking into account any detriment to any person that might result from the admission of the public, it considers that the public interest requires it.

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**22D. Confidentiality**

- (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 in respect of whom the inquiry is being held unless the Board, after determining the detrimental effect the publication would be likely to have on that person, determines that the public interest requires it.

Penalty: Fine not exceeding 100 penalty units.

- (2) 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 a person who is a special witness within the meaning of section 22C(1), who has appeared at a hearing or is otherwise relevant to the inquiry.

Penalty: Fine not exceeding 100 penalty units.

**23. Committee to report to Board**

- (1) A committee of inquiry, on completion of the inquiry, is to report its findings and recommendations to the Board.
- (2) The Board, in making any decision in relation to the inquiry, is to take any findings and recommendations of the committee of inquiry into consideration.

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**24. Decisions**

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

- (a) caution the person;
- (ab) impose a condition or further condition on the person's registration or limited authority;
- (b) suspend the person's registration or limited authority for any period, and subject to any conditions, it considers appropriate;
- (ba) revoke the suspension of the person's registration or limited authority;
- (c) cancel the person's registration or limited authority;
- (d) determine that the person –
  - (i) is unfit to be a teacher; or
  - (ii) is not of good character;
- (e) determine that the complaint or matter being inquired into is without substance.

**24A. Notifying of decision**

- (1) On 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) that person; and

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- (b) that person’s employer if that person is employed to teach; and
  - (c) all other corresponding registration authorities in the case of any decision; and
  - (d) if the inquiry resulted from the making of a complaint, the complainant.
- (2) Section 22D(1) does not apply to the giving of notice of the decision under subsection (1).

**24B. Emergency suspension of registration or limited authority**

- (1) If the Board believes on reasonable grounds that a registered teacher or holder of a limited authority may pose a risk of harm to a student, the Board may immediately suspend his or her registration or limited authority.
- (2) On suspending the registration or limited authority of a person under this section, the Board is to –
  - (a) give notice, in writing, 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

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- (b) ensure that an inquiry into the matter giving rise to the suspension is held and concluded as expeditiously as possible but taking into account that it may be appropriate to delay the inquiry until any other investigation by a corresponding registration authority or other relevant person, or any legal proceeding or health investigation, relevant to the subject matter of the inquiry is concluded.
- (3) A suspension takes effect on written notice of it being served on the registered teacher or holder of a limited authority.

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**PART 5 – MISCELLANEOUS**

**25. Registers**

- (1) The Board is to keep –
  - (a) a register of registered teachers; and
  - (b) a register of holders of limited authorities.
- (2) Each register is to contain the following information in respect of each registered teacher or holder of a limited authority:
  - (a) full name;
  - (b) any former name;
  - (c) residential address;
  - (d) date of birth;
  - (e) qualifications;
  - (f) teaching experience at the time of application for registration or limited authority;
  - (g) registration number or limited authority number;
  - (h) in the case of a registered teacher, whether fully registered, provisionally registered or specialist vocational education and training registered;

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- (i) date on which registration or limited authority takes effect;
  - (j) expiry date of registration or limited authority;
  - (k) any conditions to which the registration or limited authority is subject;
  - (l) in the case of a holder of a limited authority, particulars of the limited authority;
  - (m) particulars of any suspension of registration or limited authority;
  - (n) any other particulars the Board considers appropriate.
- (3) A person must notify the Board, in the manner determined by the Board, of any change in the person's name, address and qualifications before, or within 60 days after, that change.

Penalty: Fine not exceeding 2 penalty units.

- (4) The Board –
- (a) on the request of any person, is to make available to that person only the particulars of the register of registered teachers and register of holders of limited authorities referred to in subsection (2)(a), (g), (h), (j) and (l); and
  - (b) on the request of any person, may make available to that person the particulars of the register of registered teachers and

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register of holders of limited authorities referred to in subsection (2)(k) if the Board considers it appropriate to do so; and

- (c) on the request of a teacher employing authority, may make available to that authority –
  - (i) the particulars of the register of registered teachers and register of holders of limited authorities referred to in subsection (2)(d), (e) and (m); and
  - (ii) any other particulars in respect of which the registered teacher or holder of the limited authority has given his or her consent.

- (5) For the purpose of subsection (4) –

***teacher employing authority*** means the Department, the Catholic Education Office, Hobart, TasTAFE or the governing body, within the meaning of the *Education Act 2016*, of a school that is registered under that Act.

- (6) The Board may publish, in such manner as it considers appropriate, a list of the full names of persons who are registered teachers or the holders of limited authorities and the information that is –
  - (a) kept in the register of registered teachers or register of holders of limited

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authorities in relation to those persons;  
and

- (b) specified in any one or more of the following paragraphs of subsection (2):
  - (i) paragraph (g);
  - (ii) paragraph (h);
  - (iii) paragraph (j);
  - (iv) paragraph (l).

**26. Registers to be kept up-to-date**

The Board is to keep the registers up-to-date and for this purpose is to add, remove and substitute information as necessary.

**26A. Provision of information on register and other information**

- (1) The Board may make available to a relevant authority that is prescribed, or that is a member of a class of relevant authorities that is prescribed, any or all of the following:
  - (a) information consisting of any or all of the particulars referred to in section 25(2) in relation to a person who is or was a registered teacher or who is or was the holder of a limited authority;
  - (b) any other information in relation to a person who is or was a registered teacher

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or who is or was the holder of a limited authority –

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

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

*relevant authority* means –

- (a) a corresponding registration authority; and
- (b) a department, or unit of administration, of the State,

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another State, a Territory or the Commonwealth; and

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

***statutory authority*** means an incorporated or unincorporated body –

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

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- (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.

**27. Employing unregistered teachers**

- (1) A person must not employ or engage a person to teach if that person is not a registered teacher, is not the holder of a limited authority or is not under the direct supervision of a registered teacher.

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 100 penalty units and a daily penalty of 10 penalty units for each day during which the offence continues.
- (2) Subsection (1) does not apply, before 1 January 2014, to TasTAFE.

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**27A. Notification of charge or finding of guilt, &c.**

- (1) If a person who is a registered teacher or holder of a limited authority is charged with a prescribed offence in Tasmania or elsewhere, that person must give notice in writing to the Board, within 28 days after being so charged, of that charge and the details of the alleged prescribed offence.

Penalty: Fine not exceeding 10 penalty units.

- (2) If a person who is a registered teacher or holder of a limited authority is charged with a prescribed offence in Tasmania or elsewhere and –
- (a) a court has made a finding of guilty or not guilty or another finding in relation to the charge; or
  - (b) a court adjourns proceedings on the charge *sine die*; or
  - (c) the charge is dismissed or withdrawn –

the person must notify the Board in writing of that fact and, if the person is found guilty of the charge, of the circumstances in which the prescribed offence was committed within 28 days after the court so makes the finding or adjourns the proceedings or the charge is so dismissed or withdrawn.

Penalty: Fine not exceeding 10 penalty units.

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- (3) As soon as reasonably practicable after becoming aware that a registered teacher or holder of a limited authority has been found guilty of a prescribed offence in Tasmania or elsewhere, the Board is to notify, in writing, the employer of the registered teacher or holder of the limited authority of that fact if the employer is known to the Board.
- (4) As soon as reasonably practicable after becoming aware that, in relation to a charge for a prescribed offence in Tasmania or elsewhere –
- (a) a court has made a finding of guilty; or
  - (b) a finding of guilt has been overturned on appeal –
- the Board is to notify, in writing, each corresponding registration authority of that fact.

**28. Notification of decision**

The Board is to give a person notice in writing of –

- (a) any decision it makes that affects that person or a person employed by that person; and
- (b) the reasons for that decision.

**29. Applications for review**

- (1) A person may apply to the Magistrates Court (Administrative Appeals Division) for a review

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of a decision that the person is given notice of under section 28.

- (2) In addition to any other order or power it may make or exercise in determining the application, the Magistrates Court (Administrative Appeals Division) may order the Board to take an action under section 18A, 24 or 26.

**30. Assistance to Board**

A person, if required to do so, must assist the Board in holding an inquiry.

Penalty: Fine not exceeding 2 penalty units.

**31. Employers to notify of disciplinary action taken and certain resignations and retirements**

- (1) In this section –

*employer* means the Department, TasTAFE, the Catholic Education Office, Hobart or the governing body, within the meaning of the *Education Act 2016*, of a school that is registered under that Act;

*unacceptable behaviour* means behaviour of a person that –

- (a) does not satisfy a standard of behaviour generally expected of a teacher; or
- (b) is otherwise disgraceful or improper; or

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

(2) If an employer employs a person who is a registered teacher or holder of a limited authority to teach and that employer –

(a) considers any behaviour of the person to be unacceptable behaviour; and

(b) because of that behaviour dismisses the person, or takes any other disciplinary action against the person –

the employer must notify the Board, in writing and within 28 days after so dismissing or taking other disciplinary action against the person, of the action taken by the employer and the details of the relevant behaviour.

Penalty: Fine not exceeding 5 penalty units.

(3) If a registered teacher or holder of a limited authority resigns or retires in circumstances which may have allowed his or her employer to consider any behaviour of the person to be unacceptable behaviour, the employer must notify the Board, in writing and within 28 days after the person has notified the employer of his or her resignation or retirement, of that resignation or retirement and the details of the relevant behaviour.

Penalty: Fine not exceeding 5 penalty units.

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**32. Annual returns**

An authorised person on behalf of the employer must provide the Board by not later than 1 August in each year with a return in an approved form of all persons teaching at the school or TasTAFE as at 1 July that year.

Penalty: Fine not exceeding 5 penalty units.

**32A. Providing information to corresponding bodies, &c.**

- (1) The Board may provide to a corresponding registration authority any information it has or obtains in the performance and exercise of its functions and powers in relation to –
  - (a) a person who has made an application under this Act; and
  - (b) a person who is or was a registered teacher or holder of a limited authority.
- (2) Following the grant of registration or a limited authority to a person, the Board may require the person, in writing, to authorise it to obtain from a corresponding registration authority any information about the person held by that body –
  - (a) for the purpose of the renewal of registration or the extension of a limited authority; and
  - (b) for the purpose of an inquiry in respect of that person, whether or not that person is still a registered teacher or the holder of a limited authority; and

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- (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 the holder of a limited authority.
- (3) A person must comply with the requirement of the Board made under subsection (2).

Penalty: Fine not exceeding 10 penalty units.

**33. Annual report**

- (1) The Board is to submit an annual report to the Minister by 30 April in each year on its activities for the year ending on the preceding 31 December.
- (2) The annual report is to include 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.

**34. Accounts**

- (1) The Board is to –
  - (a) keep proper accounts and records in relation to all its operations; and
  - (b) ensure all payments made by it are correctly made and properly authorised; and

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- (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*.
- (3) . . . . .

**34A. 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 a person authorised by the Board.

**35. 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.

**36. False and misleading statements**

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 10 penalty units.

37. . . . .

**38. Fees, penalties and charges payable to Board**

- (1) Any penalties, fees and charges under this Act are payable to the Board.
- (2) The Board may waive payment of all or part of any fee or charge payable to it under this Act.

**39. Regulations**

- (1) The Governor may make regulations for the purpose of this Act.
- (2) Regulations made under this section may impose fees and charges in respect of –
  - (a) any application for registration or a limited authority; and

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- (b) any assessment of any of those applications; and
  - (c) any verification of qualifications; and
  - (d) any annual fees and other fees relating to registrations and limited authorities; and
  - (e) any late payment of fees; and
  - (f) any costs relating to the conduct of an inquiry or investigation; and
  - (g) any entry in a register; and
  - (h) any other service provided by the Board.
- (3) Regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (4) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Board.

**40. 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

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administration of this Act is the Department of Education.

**41. Transitional provisions consequent on *Teachers Registration Amendment Act 2009***

(1) In this section –

*commencement day* means the day on which the *Teachers Registration Amendment Act 2009* commences;

*former member* means a person who, immediately before the commencement day, was a member of the former Registration Board;

*former Registration Board* means the Teachers Registration Board as established and constituted under this Act as in force immediately before the commencement day.

(2) Each former member is taken to have been validly appointed on the commencement day as a member of the Board –

(a) for a period ending on the day on which the former member's appointment to the former Registration Board would end had this Act not been amended by the *Teachers Registration Amendment Act 2009*; and

(b) on the same conditions as that appointment.

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(3) A certificate of registration that –

- (a) was issued under section 15 as in force immediately before the commencement day; and
- (b) would have had effect on the commencement day had this Act not been amended by the *Teachers Registration Amendment Act 2009* –

is taken, during the period starting on the commencement day and ending on 30 June 2013, to be a certificate of full registration issued under section 15 as in force during that period and, on and after 1 July 2013, is taken to be a certificate of registration issued under section 15 as in force on and after that date.

(4) A certificate of limited authority that –

- (a) was issued under section 17(5) as in force immediately before the commencement day; and
- (b) would have had effect on the commencement day had this Act not been amended by the *Teachers Registration Amendment Act 2009* –

is taken to be a notice of limited authority.

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**SCHEDULE 1 – MEMBERSHIP AND MEETINGS OF  
BOARD**

Section 5(3)

**1. Interpretation**

In this Schedule,

*member* means a member of the Board.

**2. Term of office**

A member is to be appointed for the period, not exceeding 3 years, specified in the instrument of appointment.

**3. Conditions of appointment**

- (1) A member is entitled to be paid any remuneration and allowances the Minister determines.
- (2) A member holds office on any conditions specified in the instrument of appointment.

**4. 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) accepting any remuneration payable to a member.

**4A. 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.

**5. Resignation**

A member may resign by signed notice given to the Minister.

**6. Removal of member**

The Minister may remove a member from office –

- (a) if the member is convicted of an offence under this Act; or
- (b) if the member is convicted elsewhere of an indictable offence or an offence which, if committed in Tasmania, would be an indictable offence; or
- (c) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors,

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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
- (ea) if the Minister is of the opinion that the member –
  - (i) is no longer fit to be a member of the Board; or
  - (ii) has failed to notify the Minister as required under clause 4A; or
- (f) for any other just cause or excuse.

**7. Filling of vacancies**

- (1) A member vacates office if the member –
  - (a) dies; or
  - (b) resigns; or
  - (c) is removed from office under clause 6.
- (2) If the office of a member becomes vacant, the Minister may appoint to the vacant office for the

remainder of that member's term of office a person who is nominated by the same body or association as was that member.

**8. Defect 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.

**9. 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.

**10. Convening of meetings**

A meeting of the Board is to be convened by the chairperson of the Board or by any 3 members.

**11. Presiding at meetings**

- (1) The chairperson of the Board presides at all meetings of the Board at which he or she is present.

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- (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.

**12. Quorum and voting at meetings**

- (1) A quorum at any duly convened meeting of the Board is 6 members.
- (2) At a meeting of the Board –
- (a) the member presiding has a deliberative vote only; and
  - (b) a question is decided –
    - (i) by a majority of votes of the members present and voting; or
    - (ii) in the negative if there is an equality of votes of the members present and voting.

**13. 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.

**14. Conduct of meetings**

Subject to this Act, the Board may regulate the calling of, and the conduct of business at, its meetings as it considers appropriate.

**15. 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.

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**NOTES**

The foregoing text of the *Teachers Registration Act 2000* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 17 November 2020 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Teachers Registration Act 2000</i>	No. 98 of 2000	1.1.2002
<i>Statute Law Revision Act 2003</i>	No. 9 of 2003	16.4.2003
<i>Teachers Registration Amendment Act 2003</i>	No. 19 of 2003	9.5.2003
<i>Administrative Appeals (Miscellaneous Amendments) Act 2003</i>	No. 68 of 2003	15.12.2003
<i>Education and Training (Further Consequential Amendments) Act 2008</i>	No. 45 of 2008	1.1.2009
<i>Audit (Consequential Amendments) Act 2008</i>	No. 50 of 2008	1.3.2009
<i>Teachers Registration Amendment Act 2009</i>	No. 79 of 2009	1.1.2010
<i>Audit (Consequential Amendments) Act 2008</i>	No. 50 of 2008	1.7.2010
<i>Education and Training (Consequential Amendments and Rescissions) Act 2010</i>	No. 25 of 2010	1.1.2011
<i>Training and Workforce Development (Repeals and Consequential Amendments) Act 2013</i>	No. 11 of 2013	1.7.2013
<i>Teachers Registration Amendment Act 2016</i>	No. 33 of 2016	7.10.2016
		1.1.2017
<i>Education (Consequential Amendments) Act 2016</i>	No. 47 of 2016	10.7.2017
<i>Teachers Registration Amendment Act 2020</i>	No. 33 of 2020	17.11.2020

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**TABLE OF AMENDMENTS**

Provision affected	How affected
Section 3	Amended by No. 45 of 2008, Sched. 1, No. 79 of 2009, s. 4, No. 25 of 2010, Sched. 1, No. 11 of 2013, Sched. 1 and No. 47 of 2016, s. 22
Section 5	Amended by No. 45 of 2008, Sched. 1 Substituted by No. 79 of 2009, s. 6
Section 6	Substituted by No. 79 of 2009, s. 6 Amended by No. 11 of 2013, Sched. 1 and No. 47 of 2016, s. 23
Section 6A	Inserted by No. 79 of 2009, s. 6 Amended by No. 11 of 2013, Sched. 1
Section 7A	Inserted by No. 79 of 2009, s. 7
Section 7B	Inserted by No. 79 of 2009, s. 7
Section 7C	Inserted by No. 79 of 2009, s. 7
Section 7D	Inserted by No. 79 of 2009, s. 7
Section 8	Amended by No. 9 of 2003, Sched. 1
Part 3	Substituted by No. 79 of 2009, s. 8
Division 1 of Part 3	Inserted by No. 79 of 2009, s. 8
Section 11	Substituted by No. 79 of 2009, s. 8 Amended by No. 11 of 2013, Sched. 1 and No. 47 of 2016, s. 24
Division 2 of Part 3	Inserted by No. 79 of 2009, s. 8
Section 12	Substituted by No. 79 of 2009, s. 8 Amended by No. 11 of 2013, Sched. 1
Section 13	Amended by No. 19 of 2003, s. 4 Substituted by No. 79 of 2009, s. 8 Amended by No. 11 of 2013, Sched. 1 and No. 33 of 2016, s. 7
Section 13A	Inserted by No. 19 of 2003, s. 5 Repealed by No. 79 of 2009, s. 8 Inserted by No. 11 of 2013, Sched. 1
Section 14	Amended by No. 19 of 2003, s. 6 Substituted by No. 79 of 2009, s. 8
Section 14A	Inserted by No. 19 of 2003, s. 7 Repealed by No. 79 of 2009, s. 8
Section 15	Substituted by No. 19 of 2003, s. 8, No. 79 of 2009, s. 8 Amended by No. 11 of 2013, Sched. 1
Section 16	Amended by No. 19 of 2003, s. 9 Substituted by No. 79 of 2009, s. 8 Amended by No. 11 of 2013, Sched. 1 and No. 33 of 2020, s. 4
Section 16A	Inserted by No. 19 of 2003, s. 10 Repealed by No. 79 of 2009, s. 8
Section 17	Substituted by No. 79 of 2009, s. 8

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Provision affected	How affected
Section 17A	Amended by No. 11 of 2013, Sched. 1 Inserted by No. 79 of 2009, s. 8 Amended by No. 11 of 2013, Sched. 1, No. 33 of 2016, s. 8 and No. 33 of 2020, s. 5
Section 17B	Inserted by No. 79 of 2009, s. 8 Amended by No. 11 of 2013, Sched. 1
Section 17BA	Inserted by No. 33 of 2020, s. 6
Division 3 of Part 3	Inserted by No. 79 of 2009, s. 8
Section 17C	Inserted by No. 79 of 2009, s. 8
Section 17D	Inserted by No. 79 of 2009, s. 8 Amended by No. 11 of 2013, Sched. 1, No. 33 of 2016, s. 9 and No. 47 of 2016, s. 25
Section 17E	Inserted by No. 79 of 2009, s. 8
Section 17F	Inserted by No. 79 of 2009, s. 8 Amended by No. 33 of 2020, s. 7
Section 17G	Inserted by No. 79 of 2009, s. 8
Section 17H	Inserted by No. 79 of 2009, s. 8 Amended by No. 33 of 2020, s. 8
Section 17I	Inserted by No. 79 of 2009, s. 8
Division 4 of Part 3	Inserted by No. 79 of 2009, s. 8
Section 17J	Inserted by No. 79 of 2009, s. 8 Amended by No. 33 of 2016, s. 5
Section 17K	Inserted by No. 79 of 2009, s. 8
Section 17L	Inserted by No. 79 of 2009, s. 8 Amended by No. 11 of 2013, Sched. 1
Section 18	Substituted by No. 79 of 2009, s. 9
Section 18A	Inserted by No. 79 of 2009, s. 9 Amended by No. 11 of 2013, Sched. 1
Section 19	Substituted by No. 79 of 2009, s. 10
Section 19A	Inserted by No. 79 of 2009, s. 10
Section 20	Amended by No. 79 of 2009, s. 11 and No. 11 of 2013, Sched. 1
Section 21	Amended by No. 79 of 2009, s. 12
Section 22	Amended by No. 79 of 2009, s. 13
Section 22A	Inserted by No. 79 of 2009, s. 14
Section 22B	Inserted by No. 79 of 2009, s. 14
Section 22C	Inserted by No. 79 of 2009, s. 14
Section 22D	Inserted by No. 79 of 2009, s. 14
Section 24	Amended by No. 79 of 2009, s. 15, No. 11 of 2013, Sched. 1 and No. 33 of 2020, s. 9
Section 24A	Inserted by No. 79 of 2009, s. 16
Section 24B	Inserted by No. 79 of 2009, s. 16 Amended by No. 11 of 2013, Sched. 1
Section 25	Amended by No. 19 of 2003, s. 11 Subsection (4) substituted by No. 19 of 2003, s. 11 Subsection (5) inserted by No. 19 of 2003, s. 11

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Provision affected	How affected
	Substituted by No. 79 of 2009, s. 17
	Amended by No. 25 of 2010, Sched. 1, No. 11 of 2013, Sched. 1 and No. 47 of 2016, s. 26
Section 26	Amended by No. 19 of 2003, s. 12
	Substituted by No. 79 of 2009, s. 17
Section 26A	Inserted by No. 33 of 2020, s. 10
Section 27	Amended by No. 19 of 2003, s. 13
	Substituted by No. 79 of 2009, s. 17
	Amended by No. 11 of 2013, Sched. 1
Section 27A	Inserted by No. 79 of 2009, s. 17
Section 29	Substituted by No. 68 of 2003, Sched. 1
	Amended by No. 79 of 2009, s. 18
Section 31	Substituted by No. 79 of 2009, s. 19
	Amended by No. 11 of 2013, Sched. 1 and No. 47 of 2016, s. 27
Section 32	Amended by No. 19 of 2003, s. 14, No. 79 of 2009, s. 20, No. 11 of 2013, Sched. 1 and No. 47 of 2016, s. 28
Section 32A	Inserted by No. 79 of 2009, s. 21
	Amended by No. 11 of 2013, Sched. 1
Section 33	Substituted by No. 79 of 2009, s. 22
Section 34	Amended by No. 50 of 2008, Sched. 2
Section 34A	Inserted by No. 79 of 2009, s. 23
Section 37	Amended by No. 79 of 2009, s. 24
	Repealed by No. 11 of 2013, Sched. 1
Section 39	Amended by No. 79 of 2009, s. 25 and No. 11 of 2013, Sched. 1
Section 41	Inserted by No. 79 of 2009, s. 26
	Amended by No. 11 of 2013, Sched. 1
Schedule 1	Amended by No. 79 of 2009, s. 27

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