Incorporating the amendments proposed by the *Teacher Registration Bill 2011* Part 9 Div. 1 (Bill No. 260-1)

Western Australia

Western Australian College of Teaching Act 2004

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Contents Provisions that have not come into operation 59 **Defined Terms**

An Act to —

- establish the Western Australian College of Teaching;
- provide for the winding-up of that College,
- •provide for membership of that College;
- •recognise, promote and regulate the teaching profession in Western Australia;
- •consequentially amend certain Acts², and for related purposes.

[Long title amended by the Teacher Registration Bill 2011 cl. 151.]

Part 1 — Preliminary

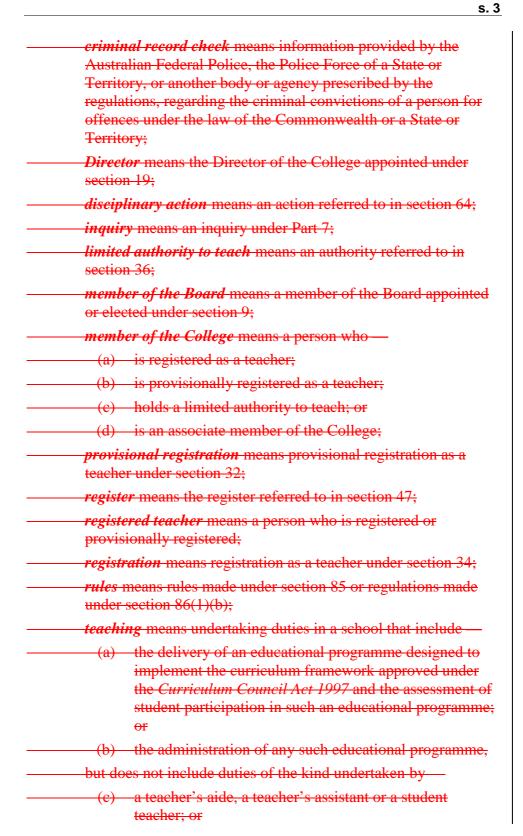
1. Short title

This Act may be cited as the Western Australian College of Teaching Act 2004 ¹.

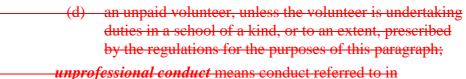
2. Commencement

This Act comes into operation on a day fixed by proclamation ¹.

3.	Terms used				
	In this Act —				
	Board means the Board established under section 7;				
	CEO has the meaning given in the Teacher Registration				
	Act 2011 section 3;				
	College means the Western Australian College of Teaching established under section 5;				
commencement day means the day on which the Teach Registration Act 2011 Part 9 Division 1 comes into open					
	Teacher Registration Board Account means the account referred to in the Teacher Registration Act 2011 section 115.				
	[Section 3 inserted by the Teacher Registration Bill 2011 cl. 152.]				
3.	Terms used				
3. —(1)	Terms used In this Act, unless the contrary intention appears—				
3. —(1)					
3. ————————————————————————————————————	In this Act, unless the contrary intention appears—				
3. —(1) ——————————————————————————————————	In this Act, unless the contrary intention appears— application means an application for—				
3. —(1) ——————————————————————————————————	In this Act, unless the contrary intention appears— application means an application for (a) membership of the College;				
3. —(1) ——————————————————————————————————	In this Act, unless the contrary intention appears application means an application for (a) membership of the College; (b) the renewal of membership of the College; or (c) the variation of information specified on a limited				
3. —(1) ——————————————————————————————————	In this Act, unless the contrary intention appears application means an application for (a) membership of the College; (b) the renewal of membership of the College; or (c) the variation of information specified on a limited authority to teach under section 36(2)(b); associate member of the College means a person referred to in				
3. —(1) ——————————————————————————————————	In this Act, unless the contrary intention appears application means an application for (a) membership of the College; (b) the renewal of membership of the College; or (c) the variation of information specified on a limited authority to teach under section 36(2)(b); associate member of the College means a person referred to in section 38;				



s. 4



unprofessional conduct means conduct referred to in section 63.

- (2) A word or expression used in this Act has the same meaning as it has in the School Education Act 1999 unless—
 - (a) this Act gives it another meaning; or
 - (b) the contrary intention appears in some other way.

[Section 3 amended by No. 18 of 2007 s. 4.]

4. Crown bound

- (1) This Act binds the Crown in right of the State.
- (2) Nothing in this Act renders the Crown liable to be prosecuted for an offence under this Act.
- (3) Subsection (2) does not affect any liability of any officer, employee or agent of the Crown to be prosecuted for an offence.

Part 2 — Western Australian College of Teaching

Division 1 — Establishment of College

5. College established

- (1) The Western Australian College of Teaching is established.
- (2) The College
 - (a) is a body corporate;
 - (b) has perpetual succession and a common seal; and
 - (c) may sue and be sued in its corporate name.

6. College not an agent of the Crown

The College does not represent, and is not an agent of, the Crown.

Division 2 — Board of management

7. Board of management

- (1) The College is to have a board of management.
- (2) The Board is constituted by the CEO.
- (2) The Board is to have 19 members comprising
 - (a) 9 people appointed to the Board in writing by the Minister under section 9; and
 - (b) 10 people elected to the Board under section 9.

[Section 7 amended by the Teacher Registration Bill 2011 cl. 153.]

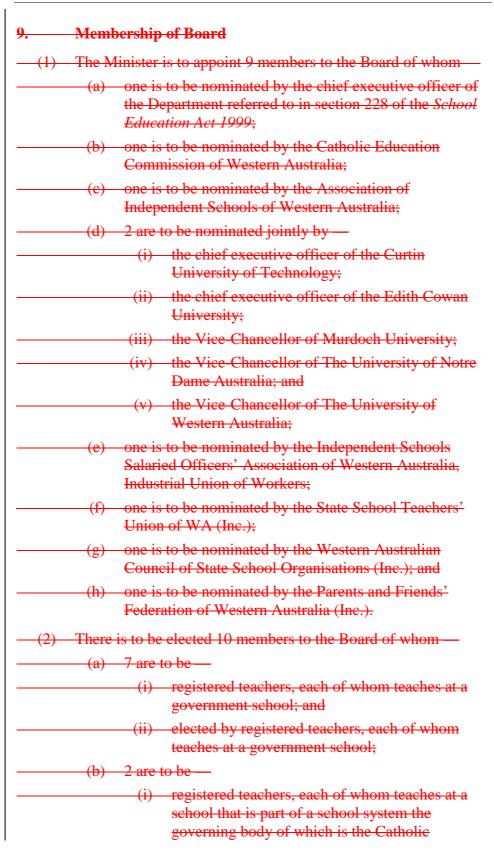
8. Functions of Board

- (1) The Board is the governing body of the College.
- (2) The Board, in the name of the College, is to perform the functions, determine the policies and control the affairs of the College.

[9-13. Deleted by the Teacher Registration Bill 2011 cl. 154.]

Part 2 Western Australian College of Teaching

Division 2 Board of management

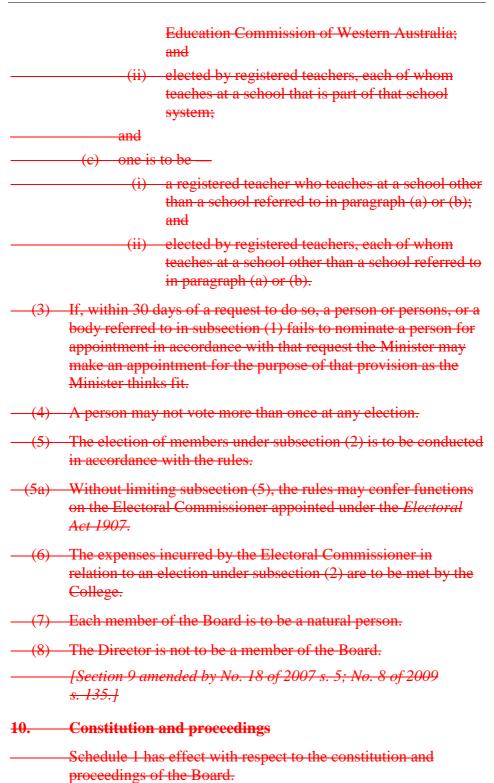


Western Australian College of Teaching

Board of management

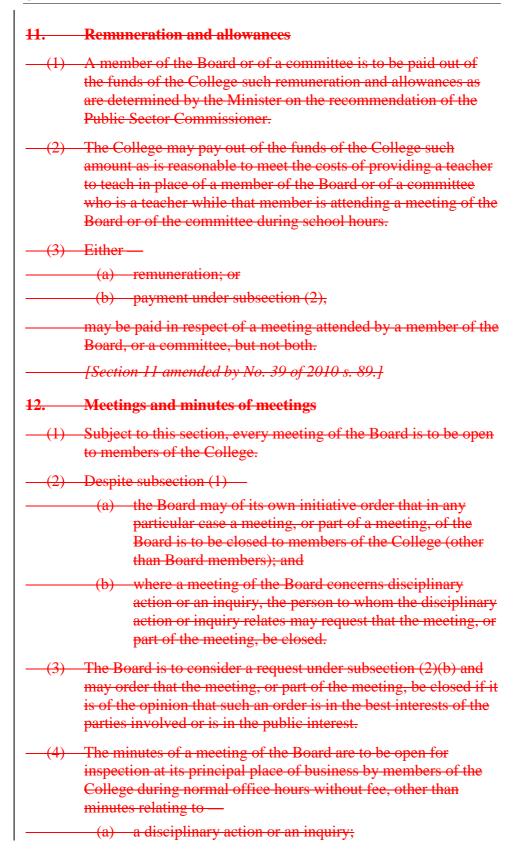
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Part 2 Division 2

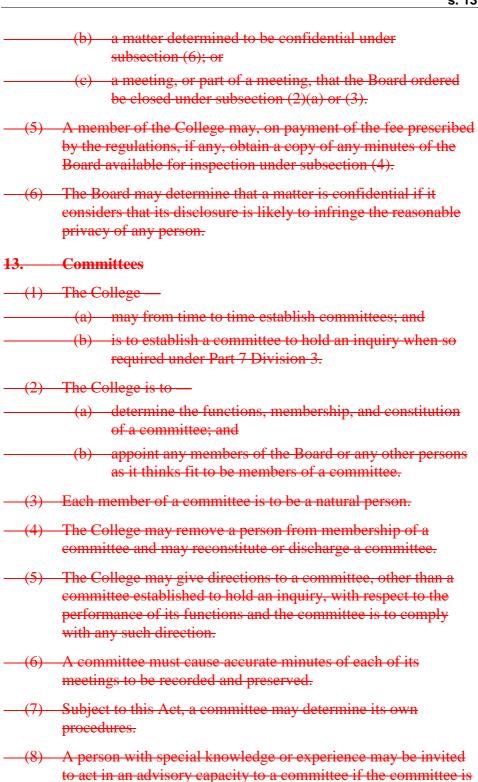


Part 2 Western Australian College of Teaching

Division 2 Board of management



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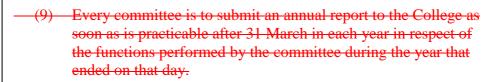
invitation.

of the opinion that the person will assist the committee in the performance of its functions and the College has approved the

Part 2 Western Australian College of Teaching

Division 3 Relationship of College with the Minister

s. 14



- (10) Schedule 1 Division 2 applies in respect of a committee as if
 - (a) a reference in that Division to the Board were a reference to the committee;
 - (b) a reference in that Division to a member were a reference to a member of the committee; and
 - (c) in clause 18(1) the words "at least 8 members are present" were substituted for "the number of members present is equal to at least one half of the members".

Division 3 — Relationship of College with the Minister

14. College to give regard to advice of Minister

- (1) The College must give due regard to any advice given by the Minister in relation to the exercise of its powers and the performance of its functions.
- (2) The text of any written advice given under subsection (1) is to be included in the annual report of the College under section 29.

15. Minister to have access to information

- (1) The Minister is entitled
 - (a) to have information in the possession of the College; and
 - (b) where the information is in or on a document, to have, and make and retain copies of, that document.
- (2) For the purposes of subsection (1) the Minister may
 - (a) request the College to furnish information to the Minister;
 - (b) request the College to give the Minister access to information; and
 - [(c) deleted]
 - (c) for the purposes of paragraph (b) make use of the staff of the College to obtain the information and furnish it to the Minister.

[(3) deleted]

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- (3) The College is to comply with a request under subsection (2) and make its facilities and staff available to the Minister for the purposes of subsection (2)(c).
 - (4) The Minister is not entitled to have information under this section in a form that
 - (a) discloses the identity of a person involved in a particular application, complaint, proceeding or inquiry; or
 - (b) might enable the identity of any such person to be ascertained.

unless that person has consented to the disclosure.

(5) In this section —

document includes any tape, disc or other device or medium on which information is recorded or stored:

information means information specified, or of a description specified, by the Minister that relates to the functions of the College.

[Section 15 amended by the Teacher Registration Bill 2011 cl. 155.]

Division 4 — Functions and powers

16. Term used: residual affairs

In this Division —

residual affairs means the affairs of the College in respect of —

- (a) the real property held by the College under this Act immediately before commencement day; and
- (b) any liabilities relating to that real property.

[Section 16 inserted by the Teacher Registration Bill 2011 cl. 156.]

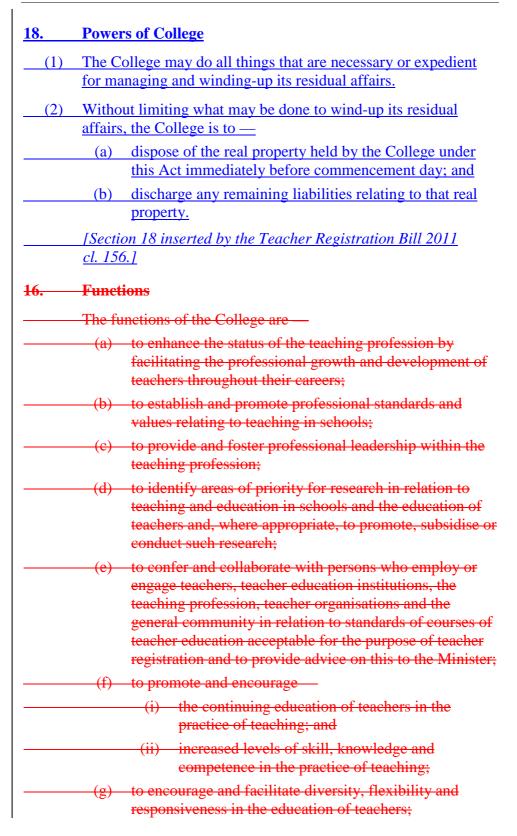
17. Function of College

- (1) The function of the College is to manage and wind-up its residual affairs.
- (2) The College is to wind-up its residual affairs as soon as is reasonably practicable after commencement day.

[Section 17 inserted by the Teacher Registration Bill 2011 cl. 156.]

Part 2 Western Australian College of Teaching

Division 4 Functions and powers



Western Australian College of Teaching Part 2 Functions and powers Division 4

	S. 17		
	(h) to advise the Minister on matters to which this Act relates;		
	(i) to administer the scheme of registration under Part 4; and		
	(j) to perform —		
	(i) the disciplinary and other functions that are conferred on the College by this Act; and		
	(ii) any functions conferred on the College by any other Act.		
17.	-Powers		
(1)	The College may do all things that are necessary or convenient to be done for, or in connection with, its functions.		
(2)	The College may not acquire, hold or dispose of real property other than premises used, or to be used, by it as office premises.		
(3)	Without limiting subsection (1), the College may, for the purpose of performing a function—		
	(a) conduct courses for the professional education and development of teachers;		
	(b) conduct research and produce and publish information; and		
	(c) develop and turn to account any technology, software or other intellectual property that relates to the function, and, for that purpose, apply for, hold, exploit and dispose of any patent, patent rights, copyright or similar rights.		
18.	Delegation by College		
(1)	The College may delegate to the Director any power or duty of the College other than—		
	(a) this power of delegation; or		
	(b) the conduct of an inquiry.		
(2)	The delegation must be in writing executed by the College.		
(3)	A person to whom a power or duty is delegated under this section cannot delegate that power or duty.		
(4)	A person exercising or performing a power or duty that has been delegated to the person under this section, is to be taken to do so		

Part 2 Western Australian College of Teaching

Division 5 Director and other staff

s. 19

in accordance with the terms of the delegation unless the contrary is shown.

(5) Nothing in this section limits the ability of the College to perform a function through a member of its staff or an agent.

Division 5 — Director and other staff

[19-21. Deleted by the Teacher Registration Bill 2011 cl. 157.] 19. Director (1) There is to be a director of the College. The College may (a) appoint, and remove, a person as Director; and (b) fix and alter the terms and conditions of service of the Director. The College may appoint a person to act in the place of the Director while -(a) the Director is unable to act by reason of sickness, absence or other cause; or (b) there is a vacancy in the office of Director, and, while so acting, the person is taken to be the Director. An act or omission of a person acting in the place of the Director under an appointment under subsection (3) is not to be questioned on the ground that the occasion for his or her acting had not arisen or had ceased. Role of the Director Subject to the control of the College, the Director is responsible for, and has all the powers needed to administer, the day to day operations of the College. 21. Staff etc. (1) The College may engage persons under contracts for services to provide such professional, technical or other assistance as it considers necessary for the performance of its functions. The College may engage persons under contracts of service or other arrangements with respect to — (a) conducting research or courses;

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- (b) producing and publishing information; or
- (c) providing any professional, technical or other assistance,

that the College considers necessary to enable it to perform its functions.

22. Use of government staff and facilities

- (1) The College may by arrangement with the relevant employer make use, either full-time or part-time, of the services of any officer or employee
 - (a) in the Public Service;
 - (b) in a State agency or instrumentality; or
 - (c) otherwise in the service of the Crown in right of the State.
- (2) The Board may by arrangement with
 - (a) a department of the Public Service; or
 - (b) a State agency or instrumentality,

make use of any facilities of the department, agency or instrumentality.

(3) An arrangement under subsection (1) or (2) is to be made on such terms as are agreed to by the parties.

Division 6 — General

23. Protection from liability

- (1) An action in tort does not lie against a person for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act.
- (2) The College is also relieved of any liability it might otherwise have had for another person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing described in subsection (1) may have been capable of being done whether or not this Act had been enacted.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

Part 2 Western Australian College of Teaching

Division 6 General

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24. Duty not to make improper use of information

A member or former member of the Board or a committee must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as such to gain, directly or indirectly, an advantage for himself or herself or for any other person.

Penalty: \$10 000.

25. Common seal and execution of documents by College

- (1) A document is duly executed by the College if
 - (a) the common seal of the College is affixed in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the College by the CEO.a member, or members, of the Board authorised by the College to do so.
- (2) The common seal of the College is not to be affixed to a document except as authorised by the College.
- (3) The common seal of the College is to be affixed to a document in the presence of the CEO and the CEO any 2 members of the Board and each of them is to sign the document to attest that the common seal was so affixed.
- (4) The common seal of the College is
 - (a) to be in a form determined by the College;
 - (b) to be kept in such custody as the College directs; and
 - (c) not to be used except as authorised by the College.
- (5) A document purporting to be executed in accordance with this section is to be presumed to be duly executed until the contrary is shown.
- (6) When a document is produced bearing a seal purporting to be the common seal of the College, it is to be presumed that the seal is the common seal of the College until the contrary is shown.
- (7) All courts and persons acting judicially are to take notice of the common seal of the College.

[Section 25 amended by the Teacher Registration Bill 2011 cl. 158.]

Part 3 — Financial provisions

26. Funds available to the College

- (1) All moneys received by the College in performing its function under this Act, including any proceeds from the disposal of property, are to be credited to the Teacher Registration Board Account.
- (2) All expenditure incurred by the College for the purposes of performing its function, including the repayment of moneys borrowed by or advanced to the College, is to be charged to the Teacher Registration Board Account.

[Section 26 inserted by the Teacher Registration Bill 2011 cl. 159.]

26. Funds of the College

- (1) The funds of the College consist of
 - (a) fees received by the College; and
 - (b) other money or property lawfully received by, made available to or payable to the College in the performance of its functions.
- (2) The funds of the College may be applied
- (a) for the purposes of the administration and enforcement of this Act, including the remuneration of, and allowances payable to, members of the Board and committees and the Director and other members of staff;
- (b) for the furtherance of education and research in relation to teaching and the education of teachers; and
- (c) for any other purpose which would enable the College to perform its functions or to facilitate the carrying out of the objects of this Act.

[27-29. Deleted by the Teacher Registration Bill 2011 cl. 160.]

27. Accounts

- (1) The College is to cause to be kept proper accounts and records of the transactions and affairs of the College and is to prepare financial statements in accordance with Australian Accounting Standards.
- (2) The financial statements are to be prepared on an accrual basis unless the College determines otherwise.

28. Audit

The accounts and financial statements of the College are to be audited at least once a year, at the expense of the College, by a registered company auditor (as defined in paragraph (a) of the definition of that term in the *Corporations Act 2001* of the Commonwealth) appointed by the College with the prior approval of the Minister.

29. Annual report and other reports

- (1) The College, not later than 31 July in each year, is to make and submit to the Minister an annual report of its activities for the preceding year ending on 31 March together with a copy of its financial statements for that year and the auditor's report on those statements.
- (2) The identity of a person who has made a complaint under the Act or an affected person, within the meaning of section 60, must not be disclosed in an annual report.
- (3) The annual report of the College is to include details of
 - (a) the success with which the College has performed its functions set out in section 16;
 - (b) the number, nature, and outcome, of
 - (i) investigations and inquiries undertaken by, or at the direction of, the College; and
 - (ii) matters that have been brought before the District Court by the College;
 - (c) the number and nature of matters referred to in paragraph (b) that are outstanding;
 - (d) any trends or special problems that have emerged;
 - (e) forecasts of the workload of the College in the year after the year to which the report relates; and
- (f) any proposals for improving the operation of the College.
- (4) The Minister is to cause a copy of the College's annual report and financial statements and of the auditor's report submitted under subsection (1) to be laid before each House of Parliament within 14 sitting days of that House after receipt of the report by the Minister.
- (5) The College is to ensure that after subsection (4) has been complied with copies of the reports and statements referred to in

Financial provisions

Part 3

s. 29

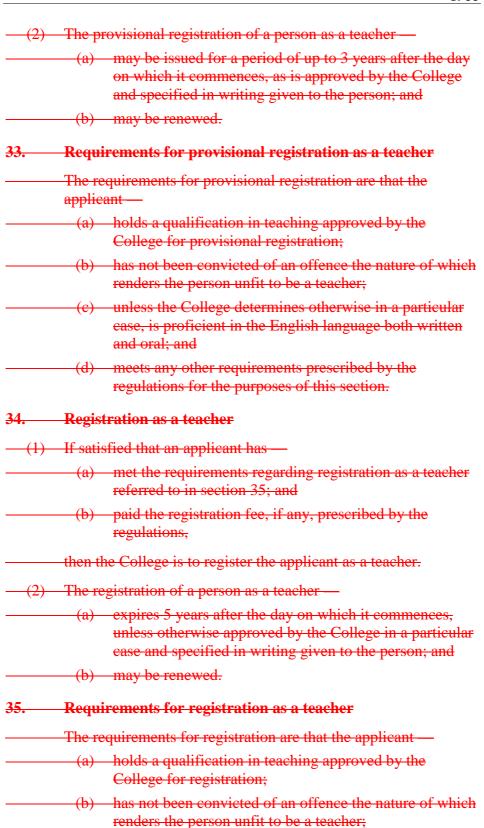
that subsection are available on request for inspection at its premises.

[Parts 4-9 (s. 30-90) deleted by the Teacher Registration Bill 2011 *cl.* 161.]

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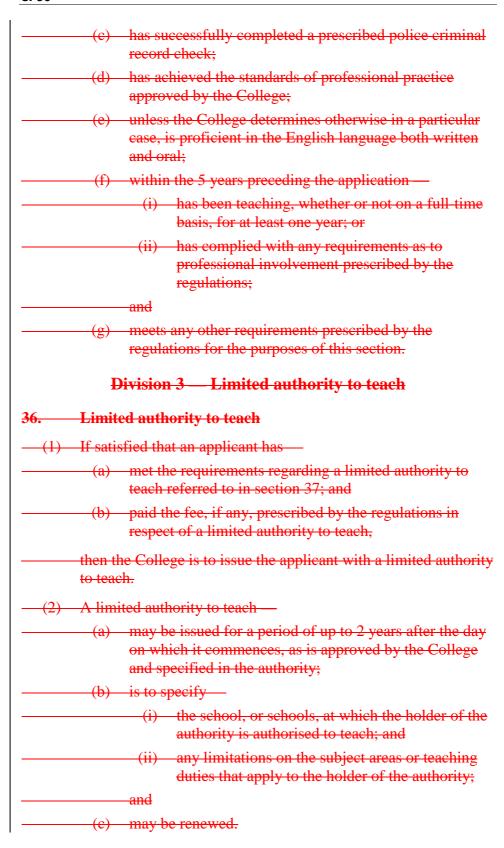
Part 4 — Membership of the College Division 1 — Persons who may teach in schools Persons who may teach in schools A person must not teach in a school unless the person (a) is a registered teacher; or holds a limited authority to teach and is teaching in accordance with that authority. Penalty: (a) for a first offence, \$5 000: (b) for a second or subsequent offence, \$10 000. Persons who may be employed, engaged or given permission 31. to teach in schools A person must not employ, engage or give permission to a person to teach in a school unless the person who is employed, engaged or given permission (a) is a registered teacher; or holds a limited authority to teach and is employed, engaged or given permission to teach in accordance with that authority. Penalty: (a) for a first offence, \$5 000: (b) for a second or subsequent offence, \$10 000. **Division 2 — Registered teachers** Provisional registration as a teacher (1) If satisfied that an applicant has (a) met the requirements regarding provisional registration as a teacher referred to in section 33; and paid the provisional registration fee, if any, prescribed by the regulations, then the College is to register the applicant provisionally as a teacher.

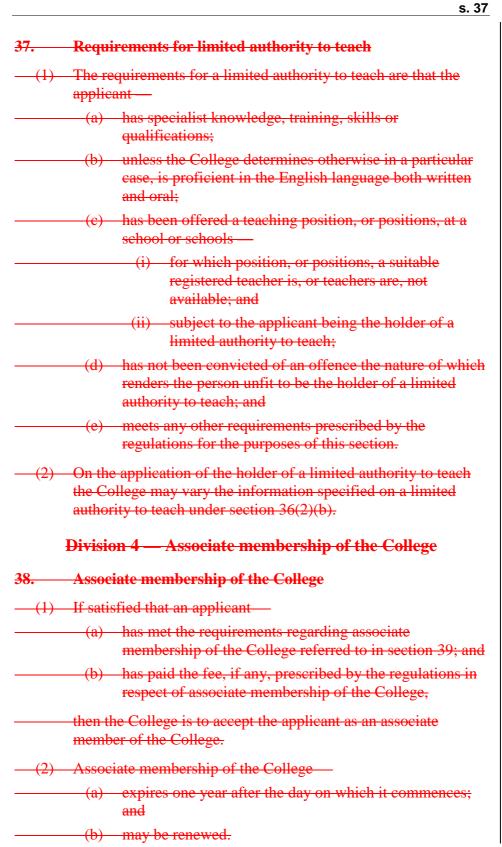
Membership of the College Registered teachers Part 4
Division 2



Part 4 Membership of the College
Division 3 Limited authority to teach

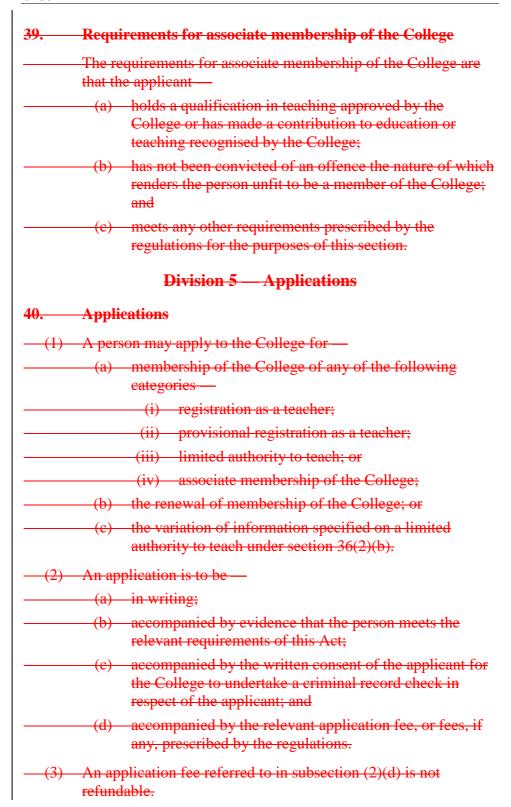
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Part 4 Membership of the College

Division 5 Applications



Division 5



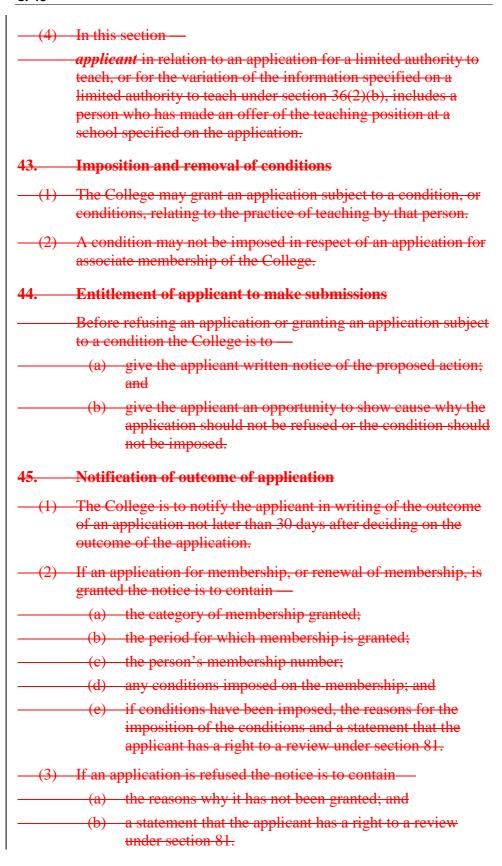
- (1) An application for the renewal of membership of the College is to be made to the College before the expiry of the person's membership.
- (2) The College is to give written notice of the expiry of the person's membership to the person, personally or by post to the person's last known address, at least 28 days before the membership expires and if the College fails to give that notice within that time, the person's membership does not expire until 28 days from the time when the College does give notice of the expiry to the person.
- (3) The membership of a person is to be renewed if the College is satisfied that an applicant —
- (a) continues to meet the requirements for membership set out in section 33, 35, 37 or 39, as is relevant;
- (b) is complying with any current condition of membership;
- (c) in the case of the renewal of registration or provisional registration, has undertaken such further professional education or development requirements as are prescribed by the regulations.

42. Information in support of applications

- (1) An applicant is to provide the College
 - (a) with such further information as the College requests in relation to the application and, if requested by the College to do so, is to verify information by statutory declaration; and
- (b) at the request of the College, with the applicant's written consent to seek from another person or body, specified by the College, information about the applicant relevant to the application.
- (2) Where it has good cause for doing so, the College may, in writing, request an applicant to attend before the College for the purpose of satisfying the College as to any matter relevant to an application.
- (3) The College may refuse an application if the applicant does not comply with a request made under this section.

Part 4 Membership of the College

Division 5 Applications



Division 6 — Annual fees

46. Annual fees (1) Each member of the College is to pay to the College the annual fee, if any, prescribed. (2) If a person does not pay any annual fee due, after reasonable steps have been taken to remind the person to do so, the College may cancel the person's membership of the College. (3) Notice of cancellation of membership under this section is to be given in accordance with section 59. Division 7 — Register Register of teachers to be kept (1) The College is required to keep an accurate and up to date register containing a list of all registered and provisionally registered teachers and all persons who hold a limited authority to teach and in respect of each person is to record— (a) the person's name; (b) the category of membership of the College that the person holds: (c) the person's membership number; the date of the commencement of the person's registration, provisional registration or limited authority to teach: and (e) any other information prescribed by the regulations. (2) The register may be wholly or partly compiled, recorded or stored in written form or on microfilm, or by electronic or other means or in any other form the Director considers appropriate. 48. Inspection of register (1) The register is to be kept in the office of the Director. (2) The register is to be available for inspection by members of the public during normal office hours.

the register or a particular entry in the register.

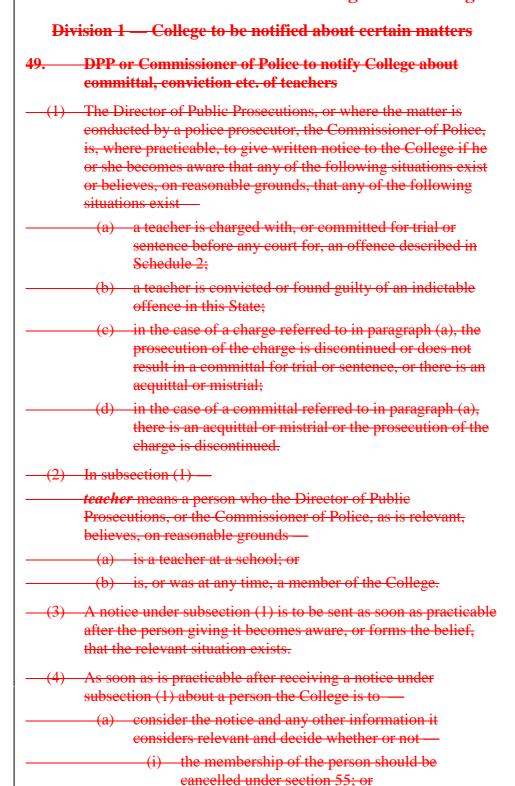
(3) A person may, on application to the Director, and on payment of the fee prescribed by the regulations, obtain a certified copy of

Part 5 Certain information to be given to College

Division 1 College to be notified about certain matters

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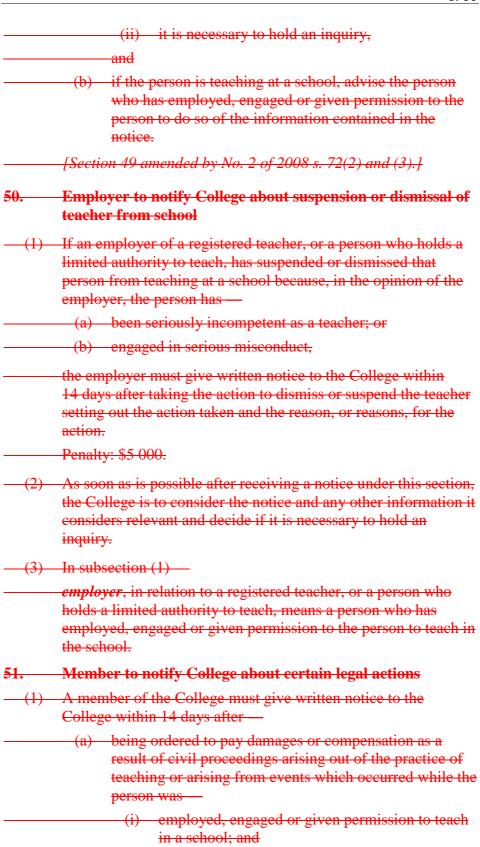
Part 5 — Certain information to be given to College



Certain information to be given to College
College to be notified about certain matters

Div

Part 5
Division 1



Part 5 Certain information to be given to College **Division 2** Criminal record checks s. 52 (ii) in a school: being convicted of an offence the statutory penalty for which is, or includes, imprisonment, setting out details of the order or conviction. Penalty: \$5 000. As soon as is possible after receiving a notice under this section, the College is to consider the notice and any other information it considers relevant and decide whether or not-(a) the membership of the person should be cancelled under section 55; or (b) it is necessary to hold an inquiry. **Member to notify College about loss of qualifications** A member of the College must give written notice to the College within 14 days after a qualification that enabled the person to gain membership is withdrawn or cancelled by the body that conferred the qualification. Penalty: \$5 000. As soon as is possible after receiving a notice under this section the College is to consider the notice and any other information it considers relevant and decide whether or not — (a) the membership of the person should be cancelled under section 56(1)(b); or (b) it is necessary to hold an inquiry. Division 2 — Criminal record checks College may request consent to undertake a criminal record check The College may request, by notice in writing given to a member, that the member provide written consent for the College to undertake a criminal record check in respect of the member. Notice to a member under subsection (1) is to state that the consent is to be given to the College within 14 days of the notice

being given, or such later time as is specified in the notice.

If consent for the College to undertake a criminal record check is not given to the College by a member within the time stated in

Certain information to be given to College Criminal record checks Part 5

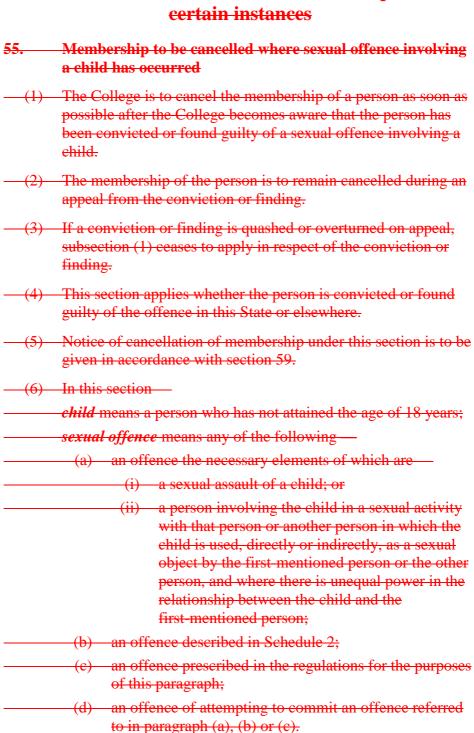
Division 2 s. 54

a notice given to the member under subsection (1) then the College is to give a further notice in the form prescribed in the regulations to the member informing him or her that the person's membership of the College may be cancelled under section 57 unless the consent is given to the College within 7 days, or such later time as is stated in that notice.

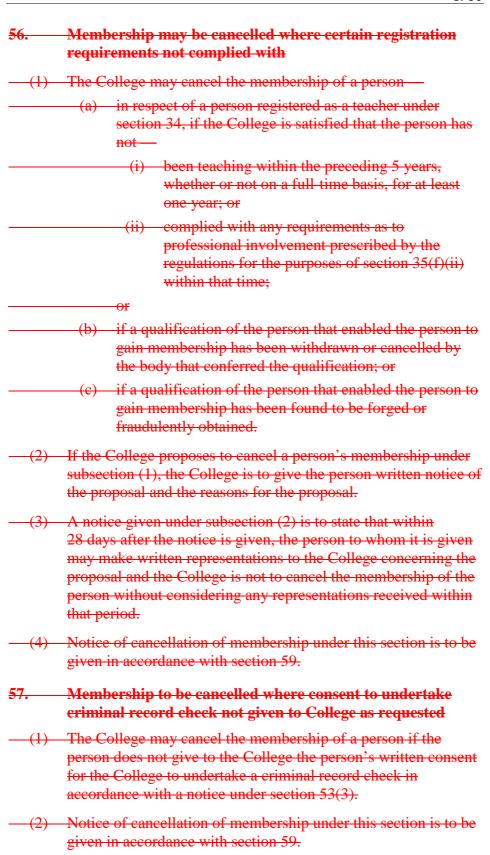
54. Criminal record check

- (1) The College may undertake a criminal record check on a person who has given written consent for the College to do so.
- (2) As soon as is possible after receiving a criminal record check the College is to consider the criminal record check and any other information it considers relevant and decide whether or not—
- (a) the membership of the person should be cancelled under section 55; or
- (b) it is necessary to hold an inquiry.

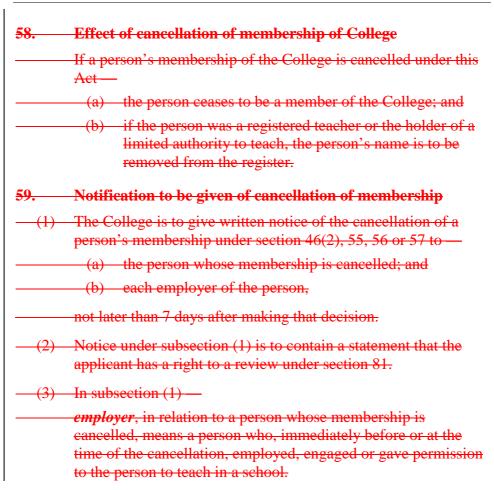
Part 6 — Cancellation of membership in cortain instances







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Division 1

Part 7 — Disciplinary proceedings

Division 1 — Preliminary

	Division 1—Tremmary
60.	Term used: affected person
	In this Part
	affected person means a person whose conduct is the subject of disciplinary proceedings.
61.	Inappropriate and trivial complaints
	The College is not under a duty to deal with a complaint made to the College about a member of the College if of the opinion that the complaint
	(a) is in respect of a matter that could more appropriately be dealt with by another person or authority;
	(b) is in respect of a matter that is not within the power of the College to deal with; or
	(c) is vexatious, trivial, unreasonable or without substance.
	Division 2 — Disciplinary action
62.	Disciplinary action may be ordered for unprofessional conduct
(1)	The College may order that disciplinary action be taken against a member of the College if it has been found at an inquiry into the conduct of that member that the member has engaged in unprofessional conduct.
(2)	The only disciplinary action that may be ordered to be taken against an associate member of the College is the cancellation of the person's membership of the College.
(3)	A person who is no longer a member of the College may be investigated or otherwise dealt with under this Part in respect of conduct that allegedly occurred at the time the person was a member of the College as if the person were still a member of the College.
63.	Unprofessional conduct
- (1)	The following conduct is unprofessional conduct (a) that a person has been convicted of an offence the nature of which renders the person unfit to be a teacher;

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Part 7

Division 3

s. 64 that a person has engaged in serious misconduct the nature of which renders the person unfit to be a teacher; that a person has been seriously incompetent as a teacher; that a person has contravened this Act; or that a person has contravened a condition of the person's membership relating to the way he or she practises teaching. For the purposes of subsection (1) seriously incompetent as a teacher includes such conduct as is prescribed in the regulations; serious misconduct the nature of which renders the person unfit to be a teacher includes such conduct as is prescribed in the regulations. **Disciplinary actions** The following are disciplinary actions— (a) the imposition of a condition on the person's membership of the College relating to the way he or she practises teaching; the suspension of the person's membership of the College for a period not exceeding 2 years; the imposition of a penalty to be paid by the person, not exceeding \$5 000; the cancellation of the person's membership of the College. **Division 3 — Inquiries** College or committee to conduct inquiry The College is to decide when it is necessary to hold an inquiry. (2) The College may hold an inquiry itself or establish a committee to do so. A committee established by the College to hold an inquiry has such powers of the College under this Division as are necessary to hold the inquiry. A committee established to hold an inquiry is to consist of at least 3 people and is to include (a) a registered teacher; and

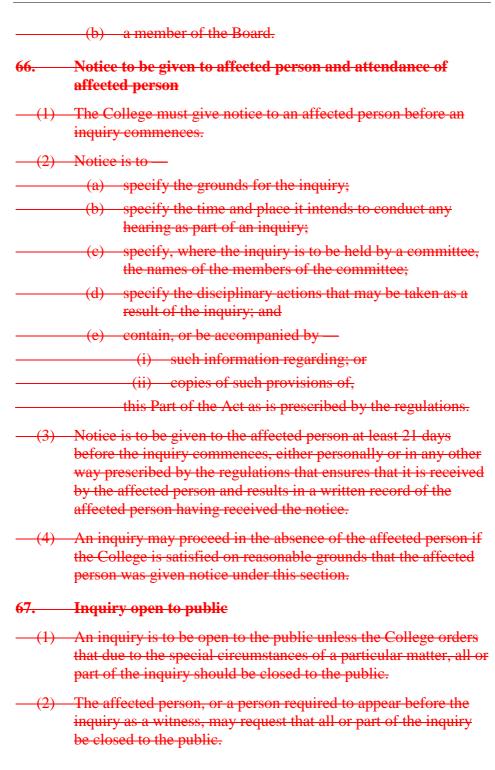
Disciplinary proceedings

Part 7

Division 3

Inquiries

s. 66



Part 7 Disciplinary proceedings **Division 3** Inquiries s. 68 The College may order that any, or all, of the following must not be published — (a) the name of the affected person, any person who made a complaint relevant to the inquiry or any person who gives evidence at the inquiry; (b) any evidence given at the inquiry; the contents of any document produced at the inquiry. A person must not publish, or permit the publication of, any information that the College has ordered under subsection (3) not be published. Penalty: \$5 000. Procedure and evidence In any proceedings of an inquiry, the College -(a) must proceed with as little formality and technicality and as speedily as the requirements of this Act and proper hearing of the matter permit; (b) is not bound by the rules of evidence and may inform itself on any matter as it thinks fit; and

- 69. Rights of affected person as to evidence and witnesses
- (1) In conducting an inquiry, the College is to give the affected person an opportunity to

fairness, determine its own procedures.

may, subject to this Act and the rules of procedural

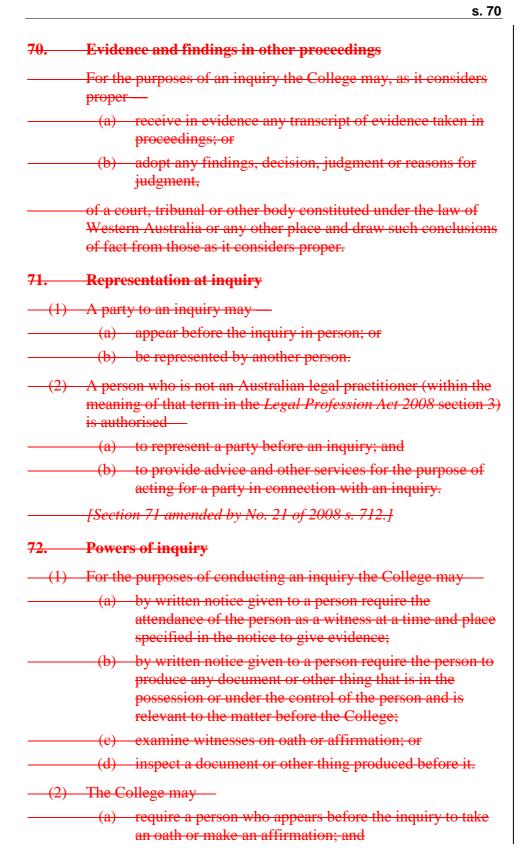
- (a) call and give evidence;
- (b) examine and cross examine witnesses; and
- (c) make submissions.
- (2) Subsection (1) does not apply if
 - (a) the College has adopted any findings, decision, judgment or reasons for judgment under section 70; and
- (b) the affected person has been given the opportunities referred to in subsection (1) by a court, tribunal or other body referred to in that section.

Disciplinary proceedings

Part 7

Inquiries

Division 3



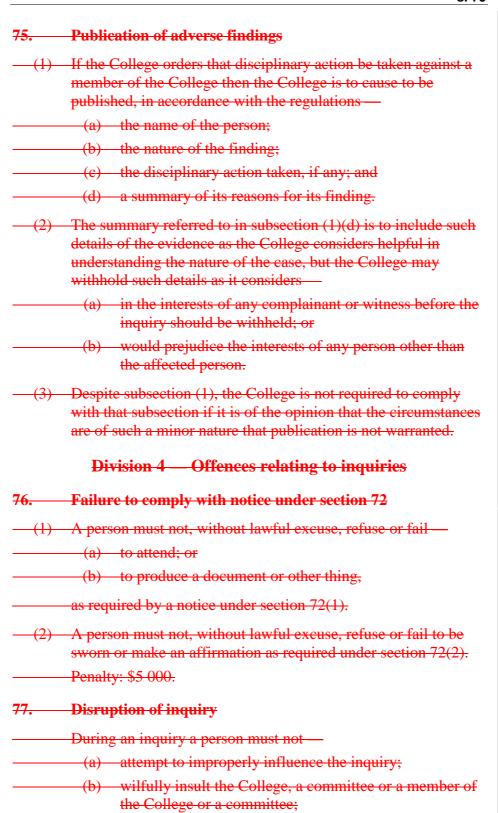
Inquiries

Disciplinary proceedings

Part 7

Division 3

s. 73 authorise a member of the Board to administer an oath or affirmation to the person. The College may inspect a document or other thing produced and retain it for such reasonable period as it thinks fit; and make copies of, photograph and take extracts from, the document or any of its contents. **Notification of findings** As soon as is practicable after the conclusion of an inquiry held by a committee, the committee is to report its findings to the College. The College must have regard to any findings of a committee reported to the College in making a decision as to disciplinary action that may be taken as a result of the inquiry. As soon as is practicable after (a) the conclusion of an inquiry; or (b) where the inquiry has been held by a committee, receiving the report of the findings of the committee, the College is to give written notice of the findings of the inquiry and any disciplinary action ordered by the College to be taken against the affected person to — (c) the affected person; and (d) each employer of the affected person. Notice to the affected person under subsection (3) is to contain a statement that the affected person has a right to a review under section 81. In subsection (3)(d) employer, in relation to an affected person, means a person who employs, engages or gives permission to the person to teach in a school. 74. Record of inquiry (1) The College is to ensure that a record is kept of an inquiry. The affected person is entitled to a copy of the record of the inquiry if he or she so requests and on payment of the cost of making a copy of the record.



Part 7 Disciplinary proceedings

Division 5 Miscellaneous

s. 78



(d) otherwise wilfully disrupt the inquiry.

Penalty: \$5 000.

Division 5 — Miscellaneous

78. Cancellation of conditions

- (1) The College is to cancel a condition imposed under this Act if satisfied that the person is no longer affected by the matter that gave rise to the imposition of the condition.
- (2) Notice of a cancellation under subsection (1) is to be given to the person and is to specify the date from which the condition is cancelled.

79. Suspension

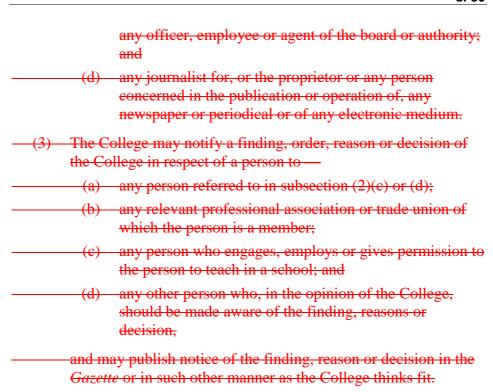
- (1) A person whose membership of the College is suspended is to be taken not to be registered, provisionally registered or hold a limited authority to teach, as is relevant, during the period of the suspension.
- (2) The College is to cancel a suspension imposed under this Act if satisfied that the person is no longer affected by the matter that gave rise to the imposition of the suspension.
- (3) Notice of a cancellation under subsection (2) is to be given to the person and is to specify the date from which the suspension is cancelled.

80. Publication of proceedings etc.

- (1) Without limiting the operation of section 23, no action, claim or demand lies against a person to whom this subsection applies in respect of the communication or publication in good faith of any finding, order, reasons or decision of the College.
- (2) Subsection (1) applies to
 - (a) the College, any member of the College, the Director or any member of staff of the College;
- (b) any committee or any member of a committee or person referred to in section 13(8);
- (c) any board or authority outside the State charged with regulating the registration and supervision of teachers or

Disciplinary proceedings Part 7
Miscellaneous Division 5

s. 80



s. 81

Part 8 — Review of certain decisions

81. Review A person who is aggrieved by — (a) the refusal of an application under Part 4; (b) the granting of an application subject to a condition under section 43(1); (c) an order under section 62; or (d) the cancellation of membership under section 46(2), 55, 56 or 57,

Part 9 — Miscellaneous

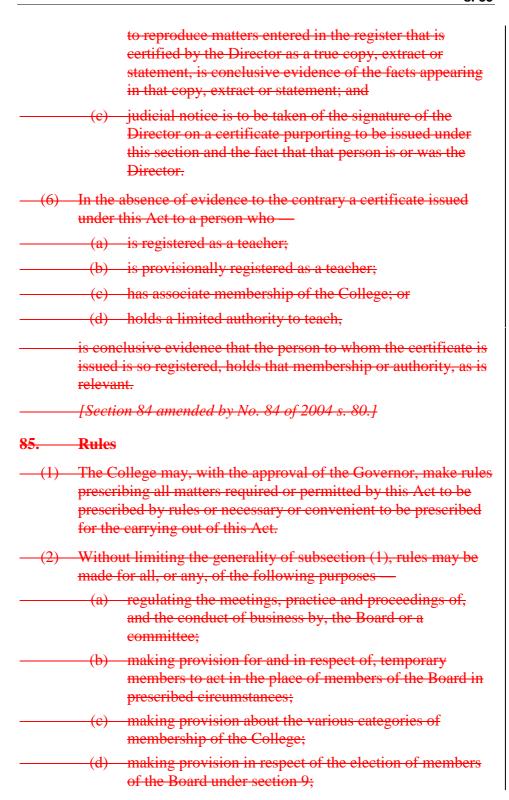
82.	False or misleading information
	A person—
	(a) in making an application under this Act; or
	(b) in complying, or purporting to comply, with any requirement made by or under this Act to provide information,
	— must not
	(c) make a statement which the person knows is false or misleading in a material particular;
	(d) make a statement which is false or misleading in a material particular, with reckless disregard as to whether or not the statement is false or misleading in a material particular;
	(e) provide, or cause to be provided, information that the person knows is false or misleading in a material particular;
	(f) provide, or cause to be provided, information that is false or misleading in a material particular, with reckless disregard as to whether the information is false or misleading in a material particular; or
	(g) fail to disclose, or cause a failure to disclose, all
	information that the person knows is materially relevant.
	Penalty:
	(a) for a first offence, \$5 000;
	(b) for a second or subsequent offence, \$10 000.
83.	Pretending to be entitled to teach in a school
	A person must not claim or pretend to be, or make use of any certificate or any words or letters or any name, title, abbreviation, description, certificate or authority that implies or tends to encourage the belief that he or she is—
	(a) qualified or entitled to teach in a school unless he or she is a registered teacher or holds a limited authority to teach;
	(b) a registered teacher unless he or she is a registered teacher; or

(b)	in the absence of evidence to the contrary a copy of, or
(0)	in the dosenee of evidence to the contrary a copy of, or
	extract from, the register or any statement that purports

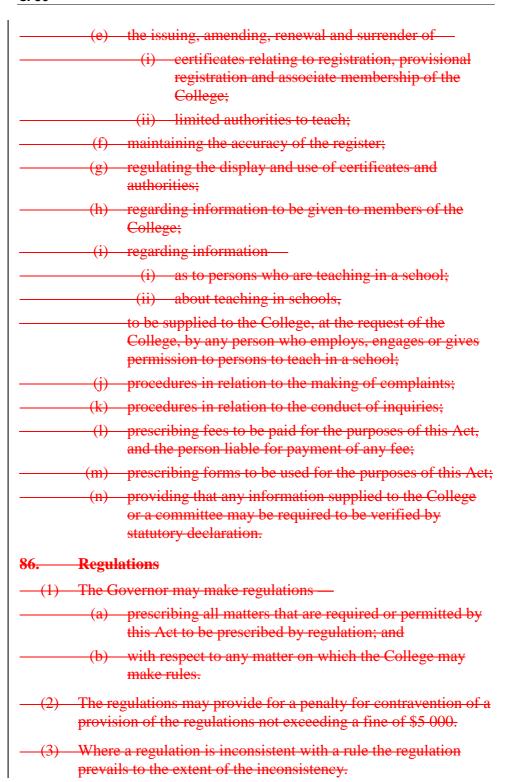
an associate member of the College; or

and any conditions to which the person's membership was subject, or that a person was suspended from membership of the College, on any day or days or during a period mentioned in the certificate, is conclusive evidence of the matters so stated;

(iii) the holder of a limited authority to teach,



s. 86



Forms may be approved Forms that are convenient for the purposes of this Act may be (a) prescribed by the regulations or rules; or (b) approved in writing by the College. [88. Omitted under the Reprints Act 1984 s. 7(4)(e).] 89. Transitional provisions Schedule 4 has effect. 90. Review of Act (1) The Minister is to carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiration of 4 years from its commencement, and in the course of that review the Minister is to consider and have regard to (a) the effectiveness of the operations of the College; (b) the need for the continuation of the functions of the College; and (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act. The Minister is to prepare a report based on the review made under subsection (1) and as soon as is practicable after the preparation of the report, cause it to be laid before each House of Parliament. [Schedules 1-4 deleted by the Teacher Registration Bill 2011 cl. 162.]

Schedule 1 Constitution and proceedings of Board

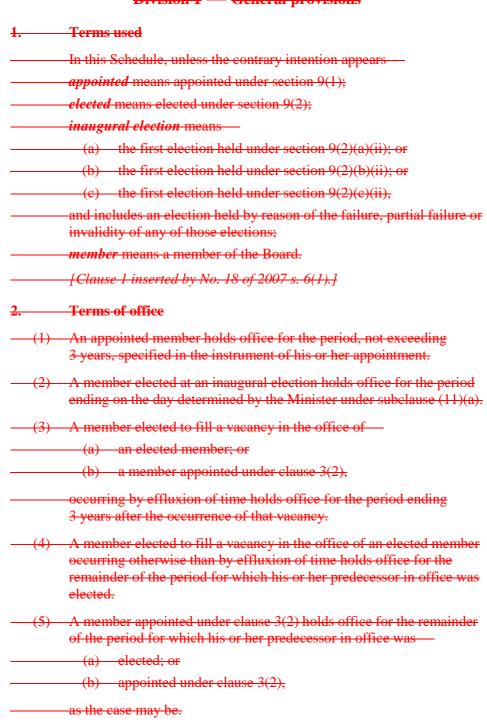
Division 1 General provisions

cl. 1

Schedule 1 — Constitution and proceedings of Board

[s. 10]

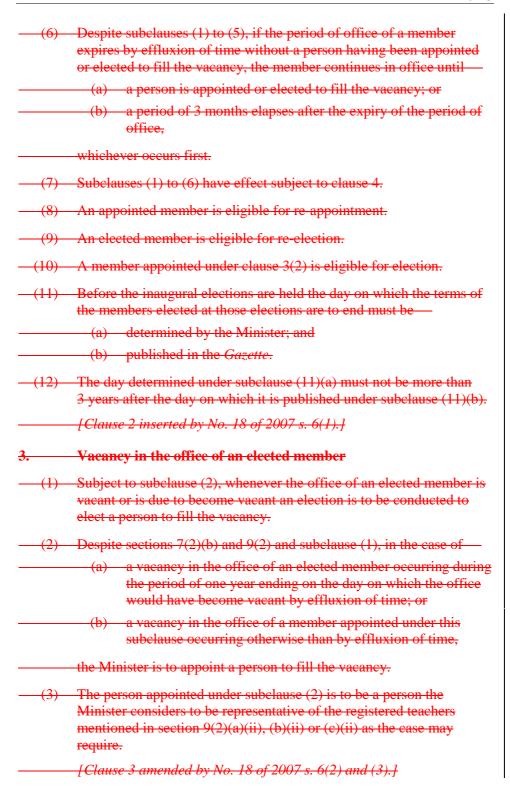
Division 1—General provisions



Constitution and proceedings of Board Schedule 1 General provisions

Division 1

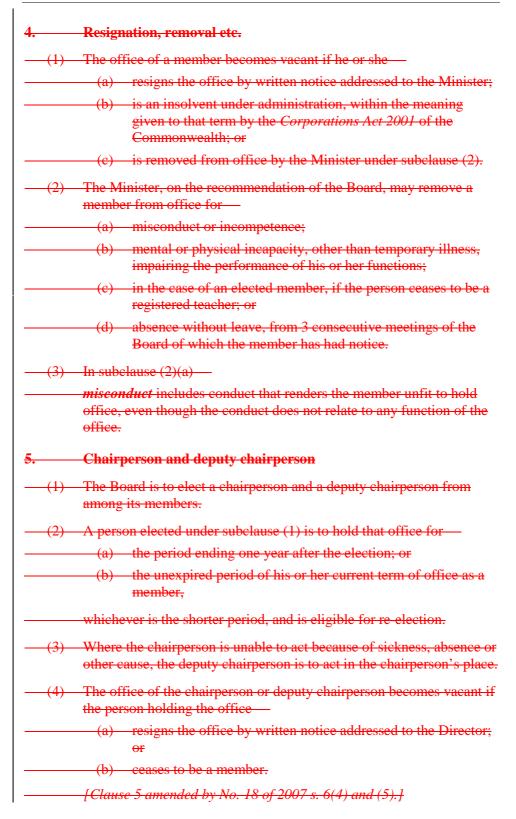
cl. 3



Schedule 1 Constitution and proceedings of Board

Division 1 General provisions

cl. 4



Constitution and proceedings of Board

Schedule 1

General provisions Division 1 cl. 6

6. Leave of absence

The Board may grant leave of absence to a member on such terms and conditions as it thinks fit.

7. Calling of meetings

- (1) Subject to subclause (2), meetings are to be held at the times and places that the Board determines.
- (2) A special meeting of the Board may at any time be convened by the chairperson.
- (3) The first meeting of the Board is to be convened by the member nominated under section 9(1)(a).

8. Presiding officer

- (1) The chairperson is to preside at all meetings of the Board at which he or she is present.
- (2) If both the chairperson and the deputy chairperson are absent from a meeting the members present are to appoint one of their number to preside.

9. Voting

- (1) Each question before the Board is to be decided by a majority of its members.
- (2) At any meeting of the Board each member present has a deliberative vote.
- (3) If there is an equality of votes, the chairperson has a second or casting vote.

10. Minutes

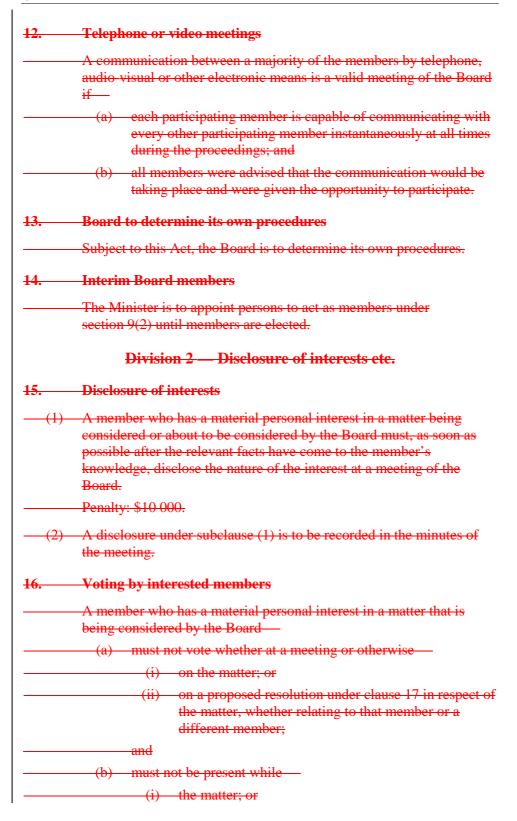
The Board is to cause accurate minutes to be kept of the proceedings at its meetings.

11. Resolution without meeting

A resolution in writing signed by each member or assented to by each member by letter or facsimile is as effectual as if it had been passed at a meeting of the Board.

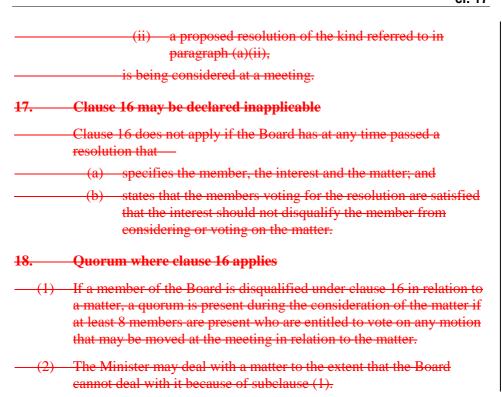
Schedule 1 Constitution and proceedings of Board Division 2 Disclosure of interests etc.

cl. 12



Constitution and proceedings of Board
Disclosure of interests etc.

Division 2
cl. 17



Schedule 2 — Sexual offences [s. 49(1) and 55(6)(b)] **Enactment Description of offence** The Criminal Code 1. s. 186 Occupier or owner allowing certain persons to be on premises for unlawful carnal knowledge s. 187 Facilitating sexual offences against children outside Western Australia Procuring person to be prostitute etc. s. 191 s. 192 Procuring person to have unlawful carnal knowledge by threats, fraud, or administering drugs $\frac{8.202}{}$ Obscene acts in public s. 203 Indecent acts in public $\frac{5.204}{}$ Indecent act with intent to offend **Chapter XXXI** Sexual offences **Prostitution Act 2000** 90 Promoting employment in prostitution industry s. 15 Acting as a prostitute for a child s. 16 Causing, permitting, or seeking to induce child to act as prostitute s. 17 Obtaining payment for prostitution by a child s. 18 Agreement for prostitution by a child

[Schedule 2 amended by No. 2 of 2008 s. 72(4).]

prostitution

Prostitution at place where child present

Allowing child to be at place involving

[Schedule 3 omitted under the Reprints Act 1984 s. 7(4)(e).]

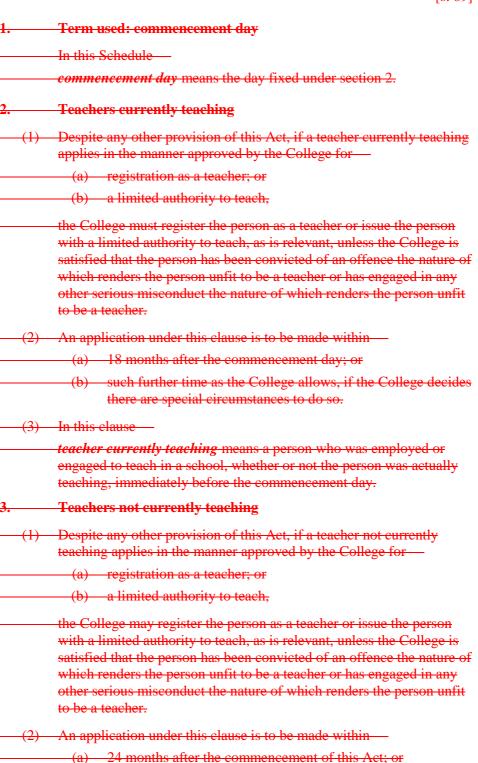
s. 20

s. 21

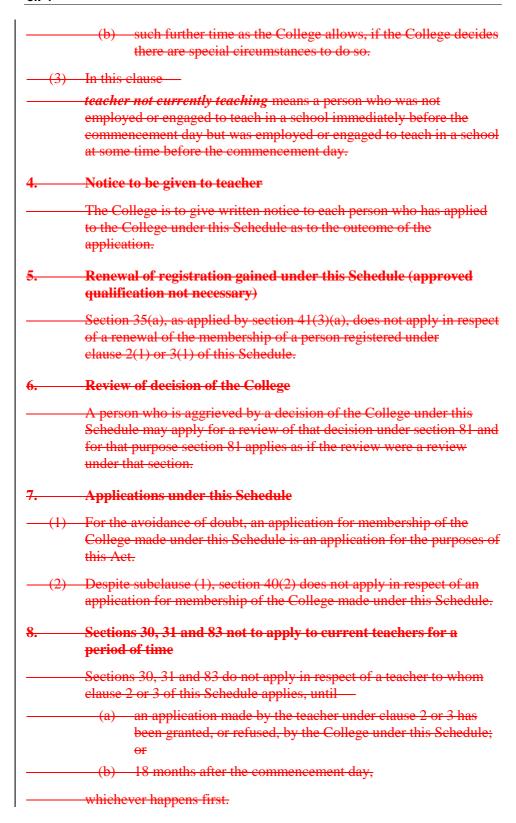
Schedule 4 — Transitional provisions

[s. 89]

cl. 1







Notes

This is a compilation of the *Western Australian College of Teaching Act 2004* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
Western Australian College of Teaching Act 2004	8 of 2004	10 Jun 2004	s. 1 and 2: 10 Jun 2004; Act other than s. 1 and 2: 15 Sep 2004 (see s. 2 and Gazette 3 Sep 2004 p. 3849)
Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004 s. 80	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and Gazette 31 Dec 2004 p. 7129 (correction in Gazette 7 Jan 2005 p. 53))
Western Australian College of Teaching Amendment Act 2007	18 of 2007	3 Jul 2007	s. 1 and 2: 3 Jul 2007 (see s. 2(a)); Act other than s. 1 and 2: 4 Jul 2007 (see s. 2(b))
Criminal Law and Evidence Amendment Act 2008 s. 72	2 of 2008	12 Mar 2008	27 Apr 2008 (see s. 2 and <i>Gazette</i> 24 Apr 2008 p. 1559)
Legal Profession Act 2008 s. 712	21 of 2008	27 May 2008	1 Mar 2009 (see s. 2(b) and <i>Gazette</i> 27 Feb 2009 p. 511)
Reprint 1: The Western Australian College of Teaching Act 2004 as at 5 Dec 2008 (includes amendments listed above except those in the Legal Profession Act 2008)			
Statutes (Repeals and Miscellaneous Amendments) Act 2009 s. 135	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
Public Sector Reform Act 2010 s. 89	39 of 2010	1 Oct 2010	1 Dec 2010 (see s. 2(b) and <i>Gazette</i> 5 Nov 2010 p. 5563)
Teacher Registration Bill 2011 Pt. 9 Div. 1	Current Bill No. 260-1		

On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
Prostitution Amendment Act 2008 s. 34 ³	13 of 2008	14 Apr 2008	To be proclaimed (see s. 2(b))

Short title	Number and year	Assent	Commencement
Curriculum Council Amendment Act 2011 Pt. 3 Div. 5 ⁴	37 of 2011	13 Sep 2011	To be proclaimed (see s. 2(b))

Footnote no longer applicable. The provisions in this Act amending these Acts have been omitted under the *Reprints Act 1984* s. 7(4)(e).

34. Western Australian College of Teaching Act 2004 amended

- (1) The amendments in this section are to the Western Australian College of Teaching Act 2004.
- (2) Schedule 2 is amended as follows:
 - (a) by deleting the entry relating to section 191 of *The Criminal Code*;
 - (b) by deleting "Prostitution Act 2000" and inserting instead
 - " Sexual Services Act 2000";
 - (c) by deleting "prostitution industry" and inserting instead
 - " sexual service business ";
 - (d) by deleting "prostitute" in each place where it occurs and inserting instead
 - " sex worker ";
 - (e) by deleting the entries relating to sections 17, 18, 20 and 21 of the *Prostitution Act 2000* and inserting instead —

s. 17	Obtaining payment for commercial sexual act by a child
s. 18	Agreement for child to act as a sex worker
s. 20	Commercial sexual act at place where child
	present
s. 21	Allowing child to be at place involving
	commercial sexual act or certain sexual
	service businesses
s. 21A	Obligations of those who operate sexual
	service business in relation to children

On the date as at which this compilation was prepared, the *Curriculum Council Amendment Act 2011* Pt. 3 Div. 5 had not come into operation. It reads as follows:

". ".

On the date as at which this compilation was prepared, the *Prostitution Amendment Act 2008* s. 34 had not come into operation. It reads as follows:

Division 5 — Western Australian College of Teaching Act 2004 amended

59. Western Australian College of Teaching Act 2004 amended

- (1) This section amends the Western Australian College of Teaching Act 2004.
- (2) In section 3(1) in the definition of *teaching* paragraph (a) delete "curriculum framework approved under the *Curriculum Council Act 1997*" and insert:

outline of curriculum and assessment in schools established under the *School Curriculum and Standards Authority Act 1997*

Defined Terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

The list is not part of the law.]	
Defined Term	Provision(s)
affected person	
applicant	42(4)
application	3(1)
appointed	Sch. 1, cl. 1
associate member of the College	3(1)
Board	
CEO	3
child	55(6)
College	3, 3(1)
commencement day	3, Sch. 4, cl. 1
committee	3(1)
criminal record check	3(1)
Director	3(1)
disciplinary action	3(1)
document	15(5)
elected	Sch. 1, cl. 1
employer	
inaugural election	
information	15(5)
inquiry	
limited authority to teach	3(1)
member	Sch. 1, cl. 1
member of the Board	3(1)
member of the College	3(1)
misconduct	Sch. 1, cl. 4(3)
provisional registration	3(1)
register	3(1)
registered teacher	
registration	3(1)
residual affairs	16
rules	3(1)
serious misconduct the nature of which renders the person u	ınfit to be a
teacher	63(2)
seriously incompetent as a teacher	63(2)
sexual offence	55(6)
teacher	49(2)
teacher currently teaching	
teacher not currently teaching	Sch. 4, cl. 3(3)
Teacher Registration Board Account	3
teaching	
unprofessional conduct	3(1)