

# Teacher Registration Amendment Bill 2022

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Western Australia

LEGISLATIVE ASSEMBLY

## **Teacher Registration Amendment Bill 2022**

**A Bill for**

**An Act to amend the *Teacher Registration Act 2012*.**

The Parliament of Western Australia enacts as follows:

**s. 1**

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1   **1.     Short title**

2           This is the *Teacher Registration Amendment Act 2022*.

3   **2.     Commencement**

4           This Act comes into operation as follows —

5           (a)   sections 1 and 2 — on the day on which this Act  
6                receives the Royal Assent;

7           (b)   the rest of the Act — on a day fixed by proclamation.

8   **3.     Act amended**

9           This Act amends the *Teacher Registration Act 2012*.

10 **4.     Section 3 amended**

11       (1) In section 3 delete the definitions of:

12           *accredited initial teacher education programme*

13           *application*

14           *child care centre*

15           *complaint*

16           *educational programme*

17           *educational venue*

18           *employer*

19           *inquiry*

20           *interim disciplinary order*

21           *medical practitioner*

22           *registration*

23           *sexual offence involving a child*

24           *student*

25           *teach*

1 (2) In section 3 insert in alphabetical order:

2

3 *accreditation standards* means the standards, as  
4 amended from time to time, developed by the Board  
5 and approved by the Minister under section 118B;

6 *accredited initial teacher education program* means a  
7 teacher education program accredited under, or in a  
8 manner described in, the regulations;

9 *actionable offence* means —

10 (a) an offence that, on conviction, would result in  
11 the person charged being a child sex offender;  
12 or

13 (b) a sexual offence committed against or in  
14 respect of a child; or

15 (c) a sexual offence committed when a child was  
16 present, or within sight of a child; or

17 (d) an offence the commission of which used or  
18 involved material the production of which  
19 involved a sexual offence against or in respect  
20 of a child; or

21 (e) an offence prescribed for the purposes of this  
22 definition;

23 *application for renewal*, of registration, means an  
24 application under section 11;

25 *application to change*, in relation to a category of  
26 registration, means an application under section 12A;

27 *board-formulated complaint* means a complaint under  
28 section 51A;

29 *category*, of registration, means any of the  
30 following —

31 (a) full registration;

32 (b) provisional (returning teacher) registration;

- 1 (c) provisional (graduate teacher) registration;
- 2 (d) limited registration;
- 3 (e) non-practising registration;
- 4 **centre-based service** —
- 5 (a) means an education and care service as defined
- 6 in the *Education and Care Services National*
- 7 *Law (Western Australia)* section 5(1); but
- 8 (b) does not include a family day care service as
- 9 defined in the *Education and Care Services*
- 10 *National Law (Western Australia)* section 5(1);
- 11 **child** means a person who is under 18 years of age;
- 12 **child care service** has the meaning given in the *Child*
- 13 *Care Services Act 2007* section 4;
- 14 **child sex offender** has the meaning given in *The*
- 15 *Criminal Code* section 557K;
- 16 **Commissioner of Police** means the person holding or
- 17 acting in the office of Commissioner of Police under
- 18 the *Police Act 1892*;
- 19 **complaint** means either of the following —
- 20 (a) a public complaint;
- 21 (b) a board-formulated complaint;
- 22 **conduct**, of a person, includes an omission of the
- 23 person;
- 24 **Director of Public Prosecutions** means the Director as
- 25 defined in the *Director of Public Prosecutions*
- 26 *Act 1991* section 3;
- 27 **educational institution** means any of the following —
- 28 (a) a school as defined in the *School Education*
- 29 *Act 1999* section 4;
- 30 (b) a kindergarten registered under the *School*
- 31 *Education Act 1999* Part 5;
- 32 (c) a child care service;

- 1 (d) a detention centre;  
2 (e) a centre-based service;  
3 (f) any other prescribed institution for the purposes  
4 of this definition;

5 **educational program** means an organised set of  
6 learning activities designed —

- 7 (a) to enable a student to develop knowledge,  
8 understanding, skills and attitudes relevant to  
9 the student's individual needs; and  
10 (b) to implement a prescribed curriculum;

11 **employer**, in relation to a registered teacher or nominee  
12 at an educational institution, means a person who is  
13 responsible for appointing, employing or engaging  
14 registered teachers at the institution or giving registered  
15 teachers permission to teach at the institution;

16 **formerly registered teacher** means a person who —

- 17 (a) was a registered teacher; but  
18 (b) does not currently hold registration;

19 **full registration** means registration for which the  
20 eligibility requirements are set out in section 15;

21 **harm**, in relation to a person, includes harm to the  
22 mental health of the person;

23 **health assessment** —

- 24 (a) means an assessment of a person to determine  
25 whether the person has an impairment; and  
26 (b) includes a medical, physical, psychiatric or  
27 psychological examination or test of the person;

28 **impairment**, in relation to a person —

- 29 (a) means 1 or more of the following conditions,  
30 whether arising from a condition subsisting at  
31 birth or from an illness or injury —

s. 4

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- 1 (i) any defect or disturbance in the normal  
2 structure or functioning of a person's  
3 body;  
4 (ii) any defect or disturbance in the normal  
5 structure or functioning of a person's  
6 brain;  
7 (iii) any illness or condition which impairs a  
8 person's thought processes, perception  
9 of reality, emotions or judgment or  
10 which results in disturbed behaviour;

11 and

- 12 (b) includes an impairment which presently exists  
13 or existed in the past but has now ceased to  
14 exist;

15 ***inquiry*** means the following —

- 16 (a) in relation to an inquiry by a disciplinary  
17 committee — an inquiry under Part 5  
18 Division 6 Subdivision 2;  
19 (b) in relation to an inquiry by the impairment  
20 review committee — an inquiry under Part 5  
21 Division 7 Subdivision 2;

22 ***interim order*** means an order made under section 59 or  
23 60;

24 ***limited registration*** means registration for which the  
25 eligibility requirements are set out in section 17;

26 ***medical practitioner*** has the meaning given in the  
27 *Health Practitioner Regulation National Law (Western  
28 Australia)* section 5;

29 ***nominee employer***, in relation to limited registration,  
30 has the meaning given in section 17(a);

31 ***non-practising registration*** means registration for  
32 which the eligibility requirements are set out in  
33 section 18;

- 1            **professional learning activities policy** means the  
2            policy, as amended from time to time, approved by the  
3            Board under section 20A;
- 4            **provisional (graduate teacher) registration** means  
5            registration for which the eligibility requirements are  
6            set out in section 16A;
- 7            **provisional registration** means registration in either of  
8            the following categories —
- 9            (a) provisional (returning teacher) registration;
- 10           (b) provisional (graduate teacher) registration;
- 11           **provisional (returning teacher) registration** means  
12           registration for which the eligibility requirements are  
13           set out in section 16;
- 14           **psychologist** has the meaning given in the *Health*  
15           *Practitioner Regulation National Law (Western*  
16           *Australia)* section 5;
- 17           **public complaint** means a complaint under section 51;
- 18           **registration** means registration under Part 3;
- 19           **registration application** means any of the following —
- 20           (a) an application for registration under section 10;
- 21           (b) an application for renewal of registration under  
22           section 11;
- 23           (c) an application to change a category of  
24           registration under section 12A;
- 25           **relevant applicant**, in relation to a registration  
26           application, means either —
- 27           (a) if the registration application is for the grant or  
28           renewal of limited registration for a nominee —  
29           the nominee; or
- 30           (b) for any other registration application — the  
31           applicant;

s. 4

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- 1                    *serious incompetence* has the meaning given in  
2                    section 48A;
- 3                    *serious misconduct* has the meaning given in  
4                    section 48B;
- 5                    *sexual offence* means any of the following offences —
- 6                    (a) an offence under *The Criminal Code* Part V  
7                    Chapter XXXI;
- 8                    (b) any other offence prescribed for the purposes of  
9                    this definition;
- 10                   (c) an offence of attempting to commit an offence  
11                   referred to in paragraph (a) or (b);
- 12                   (d) an offence against a law of a jurisdiction other  
13                   than Western Australia that is substantially  
14                   similar to an offence referred to in  
15                   paragraph (a), (b) or (c);
- 16                   *student* means a person to whom an educational  
17                   program is being delivered or whose participation in an  
18                   educational program is being assessed at an educational  
19                   institution;
- 20                   *teach*, at an educational institution —
- 21                   (a) means to undertake duties at the institution that  
22                   include any of the following —
- 23                   (i) the delivery of an educational program  
24                   and the assessment of student  
25                   participation in an educational program;
- 26                   (ii) leading the delivery and assessment  
27                   referred to in subparagraph (i),  
28                   including managing others undertaking  
29                   the delivery and assessment;
- 30                   but



- 1 (b) does not include to undertake the following  
2 duties in the following circumstances —
- 3 (i) assistance with the delivery and  
4 assessment referred to in  
5 paragraph (a)(i) at an educational  
6 institution by a teacher’s aide or a  
7 teacher’s assistant at the institution;
- 8 (ii) the delivery and assessment referred to  
9 in paragraph (a)(i) at an educational  
10 institution by a student teacher on  
11 practicum placement at the institution;
- 12 (iii) duties undertaken by a person employed  
13 or engaged to provide care at a child  
14 care service but who is not employed or  
15 engaged to undertake the delivery,  
16 assessment or leadership referred to in  
17 paragraph (a) at the service;
- 18 (iv) the delivery and assessment referred to  
19 in paragraph (a)(i) at an educational  
20 institution by an unpaid volunteer at the  
21 institution unless the volunteer is  
22 undertaking duties of a kind, or to an  
23 extent, prescribed for the purposes of  
24 this subparagraph;
- 25 (v) duties undertaken by prescribed persons  
26 or in other prescribed circumstances;

27 ***Tribunal*** means the State Administrative Tribunal.  
28

- 29 (3) In section 3 in the definition of ***condition*** delete “restriction;”  
30 and insert:

31  
32 restriction or a prohibition;  
33

**s. 5**

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1       (4) In section 3 in the definition of *professional standards* delete  
2       “professional standards” and insert:

3

4               standards, as amended from time to time,

5

6       **5. Section 6 amended**

7               In section 6 delete “in an educational venue” and insert:

8

9               at an educational institution

10

11       **6. Section 7 amended**

12       (1) In section 7(1) delete “in an educational venue” and insert:

13

14               at an educational institution

15

16       (2) At the end of section 7(1) insert:

17

18                       Penalty for this subsection:

19                               (a) for a first offence, a fine of \$5 000;

20                               (b) for a second or subsequent offence, a fine of  
21                                       \$10 000.

22

23       (3) In section 7(2) delete “teacher to teach in an educational venue”  
24       and insert:

25

26               registered teacher to teach at an educational institution

27

1 (4) At the end of section 7(2) insert:

2

3 Penalty for this subsection:

4 (a) for a first offence, a fine of \$5 000;

5 (b) for a second or subsequent offence, a fine of  
6 \$10 000.

7

8 (5) After section 7(2) insert:

9

10 (3) A person must not appoint, employ, engage or give  
11 permission to a registered teacher whose registration is  
12 suspended to teach at an educational institution.

13 Penalty for this subsection:

14 (a) for a first offence, a fine of \$5 000;

15 (b) for a second or subsequent offence, a fine of  
16 \$10 000.

17

18 (6) At the end of section 7 delete the Penalty.

19 Note: The heading to amended section 7 is to read:

20 **Requirements in relation to appointing, employing or engaging**  
21 **registered teachers or giving permission to teach**

22 **7. Section 8 amended**

23 (1) In section 8 delete “A registered” and insert:

24

25 (1) A registered

26

27 (2) In section 8 in the Penalty delete “Penalty:” and insert:

28

29 Penalty for this subsection:

30

**s. 8**

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1 (3) At the end of section 8 insert:

2

3 (2) A registered teacher whose registration is suspended  
4 must not teach at an educational institution.

5 Penalty for this subsection:

6 (a) for a first offence, a fine of \$5 000;

7 (b) for a second or subsequent offence, a fine of  
8 \$10 000.

9

10 Note: The heading to amended section 8 is to read:

11 **Registered teachers must comply with suspension and**  
12 **conditions on registration**

13 **8. Section 9 amended**

14 (1) In section 9(1)(b) delete “in an educational venue.” and insert:

15

16 at an educational institution.

17

18 (2) At the end of section 9(1) insert:

19

20 Penalty for this subsection:

21 (a) for a first offence, a fine of \$5 000;

22 (b) for a second or subsequent offence, a fine of  
23 \$10 000.

24

25 (3) In section 9(2):

26 (a) in paragraph (b) delete “himself or herself” and insert:

27

28 themselves

29

1 (b) in paragraph (d) delete “that he or she is a registered  
2 teacher or qualified or entitled to teach in an educational  
3 venue.” and insert:

4  
5 that the person is a registered teacher or qualified or  
6 entitled to teach at an educational institution.  
7

8 (4) At the end of section 9(2) insert:

9  
10 Penalty for this subsection:

- 11 (a) for a first offence, a fine of \$5 000;  
12 (b) for a second or subsequent offence, a fine of  
13 \$10 000.  
14

15 (5) In section 9(3)(b) delete “in an educational venue” and insert:

16  
17 at an educational institution  
18

19 (6) At the end of section 9(3) insert:

20  
21 Penalty for this subsection:

- 22 (a) for a first offence, a fine of \$5 000;  
23 (b) for a second or subsequent offence, a fine of  
24 \$10 000.  
25

26 (7) After section 9(3) insert:

27  
28 (4) A registered teacher whose registration is suspended  
29 must not claim to be qualified or entitled to teach at an  
30 educational institution.

**s. 9**

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- 1                   Penalty for this subsection:  
2                   (a) for a first offence, a fine of \$5 000;  
3                   (b) for a second or subsequent offence, a fine of  
4                   \$10 000.  
5

6       (8) At the end of section 9 delete the Penalty.

7       **9. Part 3 Division 1 Subdivision 1 replaced**

8                   Delete Part 3 Division 1 Subdivision 1 and insert:  
9

10                   **Subdivision 1 — Registration applications**

11       **10. Application for registration**

- 12                   (1) An application may be made to the Board for  
13                   registration as a teacher in 1 of the following  
14                   categories —  
15                   (a) full registration;  
16                   (b) provisional (returning teacher) registration;  
17                   (c) provisional (graduate teacher) registration;  
18                   (d) limited registration.
- 19                   (2) An application must —  
20                   (a) be in writing in the form approved by the  
21                   Board; and  
22                   (b) specify the category of registration applied for;  
23                   and  
24                   (c) be accompanied by evidence that the relevant  
25                   applicant meets the requirements for the  
26                   category of registration in accordance with  
27                   Subdivision 2; and

- 
- 1 (d) be accompanied by the written consent of the  
2 relevant applicant for the Board to obtain a  
3 criminal history check in respect of the relevant  
4 applicant; and  
5 (e) be accompanied by the prescribed registration  
6 fee, if any.  
7 (3) The fee referred to in subsection (2)(e) is not  
8 refundable.

9 **11. Application for renewal of registration**

- 10 (1) An application may be made to the Board for the  
11 renewal of a registered teacher's registration if the  
12 registration is in 1 of the following categories —  
13 (a) full registration;  
14 (b) provisional (returning teacher) registration;  
15 (c) provisional (graduate teacher) registration;  
16 (d) limited registration.  
17 (2) An application must —  
18 (a) be in writing in the form approved by the  
19 Board; and  
20 (b) specify the category of registration that the  
21 application is in respect of; and  
22 (c) be accompanied by the written consent of the  
23 relevant applicant for the Board to obtain a  
24 criminal history check in respect of the relevant  
25 applicant; and  
26 (d) be accompanied by the prescribed renewal fee,  
27 if any.  
28 (3) The fee referred to in subsection (2)(d) is not  
29 refundable.

- 1           **12.     Applicant for limited registration is employer**
- 2                     An application for the grant or renewal of limited
- 3                     registration for a nominee must be made by a nominee
- 4                     employer in relation to the teaching position referred to
- 5                     in section 17(a) for the nominee.
- 6           **12A.   Application to change category of registration**
- 7                     (1) An application may be made to the Board to change a
- 8                     registered teacher's category of registration to another
- 9                     category as follows —
- 10                    (a) from full registration to non-practising
- 11                    registration;
- 12                    (b) from provisional registration to full registration;
- 13                    (c) from provisional registration to non-practising
- 14                    registration;
- 15                    (d) from non-practising registration to full
- 16                    registration;
- 17                    (e) from non-practising registration to provisional
- 18                    registration.
- 19                     (2) An application must —
- 20                    (a) be in writing in the form approved by the
- 21                    Board; and
- 22                    (b) specify the category to which the registration is
- 23                    to be changed; and
- 24                    (c) be accompanied by evidence that the applicant
- 25                    meets the requirements for the category to
- 26                    which the registration is to be changed in
- 27                    accordance with Subdivision 2; and
- 28                    (d) if the application is to change to a category of
- 29                    registration other than non-practising
- 30                    registration — be accompanied by the written
- 31                    consent of the applicant for the Board to obtain



- 1 a criminal history check in respect of the  
2 applicant; and  
3 (e) be accompanied by the prescribed fee, if any.  
4 (3) The fee referred to in subsection (2)(e) is not  
5 refundable.

6 **13. Information in support of registration application**

- 7 (1) The Board may, in writing, request that a relevant  
8 applicant or a nominee employer who has made a  
9 registration application does any or all of the  
10 following —  
11 (a) provide the Board with any further information  
12 relevant to the application that the Board  
13 requires;  
14 (b) verify any further information by statutory  
15 declaration;  
16 (c) provide the Board with the relevant applicant's  
17 written consent to seek, from another person or  
18 body specified by the Board, information  
19 relevant to the application.  
20 (2) The Board may, in writing, request that a relevant  
21 applicant or a nominee employer who has made a  
22 registration application attends before the Board for the  
23 purpose of satisfying the Board as to any matter  
24 relevant to the application.  
25 (3) The Board may refuse a registration application if the  
26 relevant applicant or the nominee employer who has  
27 made the registration application does not comply with  
28 a request made under this section.

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- 1           **14.     Board may refuse to consider some registration**  
2           **applications**
- 3           The Board may refuse to consider, or consider further,  
4           a registration application if —
- 5                 (a) it is not made in accordance with this Act; or  
6                 (b) a complaint was made against the relevant  
7                     applicant and the complaint is not finally dealt  
8                     with at the time the application was made; or  
9                 (c) the relevant applicant’s registration is  
10                    suspended; or  
11                 (d) the relevant applicant is disqualified from  
12                    having registration granted.  
13
- 14       **10.     Sections 15 and 16 replaced**
- 15           Delete sections 15 and 16 and insert:  
16
- 17       **15.     Full registration: requirements**
- 18           A person is eligible for full registration in relation to a  
19           registration application if the person —
- 20                 (a) meets the teaching qualification requirements  
21                     set out in section 18A; and  
22                 (b) is a person who —
- 23                     (i) meets any professional standards  
24                         approved for full registration; or  
25                     (ii) within the 5 years before the day on  
26                         which the Board receives the  
27                         application, has met any professional  
28                         standards approved for full registration  
29                         as in force at the time the person was  
30                         assessed against the standards;  
31                             and

- 1 (c) is a fit and proper person under section 24; and  
2 (d) has the English language skills, both written  
3 and oral, prescribed as suitable for registration  
4 as a teacher.

5 **16. Provisional (returning teacher) registration:**  
6 **requirements**

7 A person is eligible for provisional (returning teacher)  
8 registration in relation to a registration application if  
9 the person —

- 10 (a) meets the teaching qualification requirements  
11 set out in —  
12 (i) if the person was conferred a  
13 qualification referred to in  
14 section 18A(1)(a)(i) more than 5 years  
15 before the day on which the Board  
16 receives the application —  
17 section 18A(1)(a)(i); or  
18 (ii) in any other case —  
19 section 18A(1)(a)(ii) or (b);  
20 and  
21 (b) is a fit and proper person under section 24; and  
22 (c) has the English language skills, both written  
23 and oral, prescribed as suitable for registration  
24 as a teacher.

25 **16A. Provisional (graduate teacher) registration:**  
26 **requirements**

27 A person is eligible for provisional (graduate teacher)  
28 registration in relation to a registration application if  
29 the person —

- 30 (a) meets the teaching qualification requirements  
31 set out in section 18A(1)(a)(i); and

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- 1 (b) is a person who —  
2 (i) meets any professional standards  
3 approved for provisional (graduate  
4 teacher) registration; or  
5 (ii) within the 5 years before the day on  
6 which the Board receives the  
7 application, has met any professional  
8 standards approved for provisional  
9 (graduate teacher) registration as in  
10 force at the time the person was  
11 assessed against the standards;  
12 and  
13 (c) is a fit and proper person under section 24; and  
14 (d) has the English language skills, both written  
15 and oral, prescribed as suitable for registration  
16 as a teacher.  
17

18 **11. Section 17 amended**

19 In section 17:

- 20 (a) delete “eligible for limited registration as a teacher” and  
21 insert:  
22  
23 eligible for limited registration  
24  
25 (b) delete paragraph (a) and insert:  
26  
27 (a) has been offered a teaching position at an  
28 educational institution by an employer (a  
29 *nominee employer*) at the institution; and  
30

1 (c) in paragraph (b) delete “to be a registered teacher; and”  
2 and insert:

3

4 under section 24; and

5

6 Note: The heading to amended section 17 is to read:

7

**Limited registration: requirements**

8 **12. Section 18 replaced**

9 Delete section 18 and insert:

10

11 **18. Non-practising registration: requirements**

12 A person is eligible for non-practising registration if  
13 the person —

14 (a) does not intend to teach at an educational  
15 institution for a period of time; and

16 (b) holds full registration or provisional  
17 registration.

18 **18A. Teaching qualification requirements**

19 (1) A person meets the teaching qualification requirements  
20 if the person —

21 (a) has a teaching qualification —

22 (i) from an accredited initial teacher  
23 education program; or

24 (ii) that the Board recognises as equivalent  
25 to the qualification referred to in  
26 subparagraph (i);

27 or

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1                   (b) has a teaching qualification and teaching  
2                   experience that the Board considers is sufficient  
3                   to enable the person to hold registration as a  
4                   teacher.

5                   (2) Subsection (1)(a)(ii) and (b) do not apply in relation to  
6                   a person applying for provisional (returning teacher)  
7                   registration if the person holds a teaching qualification  
8                   from an accredited initial teacher education program.  
9

10 **13. Section 20 replaced**

11 Delete section 20 and insert:  
12

13 **20. Professional standards**

14                   (1) The Minister may approve standards developed by the  
15                   Board to detail the abilities, experience, knowledge or  
16                   skills expected of registered teachers.

17                   (2) The standards may adopt the text of any code, rules,  
18                   specifications, standard or other document issued,  
19                   published or approved by another person or body.

20                   (3) The text referred to in subsection (2) may be  
21                   adopted —

22                   (a) wholly or in part or as modified by the  
23                   standards; and

24                   (b) as it exists at a particular date or as amended  
25                   from time.

26                   (4) The Board must make the standards available for  
27                   inspection on a website maintained by the Board.

28                   (5) The standards commence at the beginning of the day  
29                   after the day on which they are made available for

1 inspection under subsection (4) or on a later day  
2 provided for in the standards.

3 (6) The standards are not subsidiary legislation for the  
4 purposes of the *Interpretation Act 1984*.

5 (7) The *Interpretation Act 1984* sections 43 (other than  
6 subsection (6)) and 44 and Part VIII apply to the  
7 standards as if they were subsidiary legislation.  
8

9 **14. Section 20A inserted**

10 At the end of Part 3 Division 1 Subdivision 2 insert:  
11

12 **20A. Professional learning activities policy**

13 (1) The Board may approve a policy for professional  
14 learning activities to set the standards for registered  
15 teachers, including those applying for renewal of their  
16 registration, to maintain their skills and knowledge in  
17 relation to teaching.

18 (2) The Board must make the policy available for  
19 inspection on a website maintained by the Board.

20 (3) The policy commences at the beginning of the day after  
21 the day on which it is made available for inspection  
22 under subsection (2) or on a later day provided for in  
23 the policy.

24 (4) The policy is not subsidiary legislation for the purposes  
25 of the *Interpretation Act 1984*.

26 (5) The *Interpretation Act 1984* sections 43 (other than  
27 subsection (6)) and 44 and Part VIII apply to the policy  
28 as if it was subsidiary legislation.  
29

1   **15.     Sections 21 to 23 replaced**

2           Delete sections 21 to 23 and insert:

3

4           **21.     Grant of registration**

5           (1)   The Board may, on application under section 10, grant  
6           registration to the relevant applicant in the category for  
7           which the application was made if the Board is  
8           satisfied that the relevant applicant meets the  
9           requirements for registration in that category.

10          (2)   The Board cannot grant registration to a person who is  
11          indefinitely disqualified from having registration  
12          granted by an order of the Tribunal unless —

13                  (a)   the order was made more than 5 years before  
14                  the day on which the registration is granted;  
15                  and

16                  (b)   the Board has applied for, and obtained, the  
17                  approval of the Tribunal to do so.

18          (3)   In considering whether to give approval under  
19          subsection (2)(b), the Tribunal must consider whether  
20          the person is a fit and proper person to be registered,  
21          having regard to —

22                  (a)   the matters set out in section 24(1)(a) to (g);  
23                  and

24                  (b)   the recommendation of the Board about the  
25                  person’s fitness and propriety in relation to  
26                  those matters.

27          (4)   The Board cannot grant non-practising registration  
28          under this section.

29          (5)   The Board cannot grant registration to a teacher whose  
30          registration is suspended.



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**22. Renewal of registration**

- (1) An application for renewal of registration for a registered teacher must be made to the Board at least 28 days before the end of the nominal registration period under section 23(2) or (3) or 23A(1), as applicable, of the teacher’s current registration.
- (2) The Board may, on application under section 11, renew the registration of a registered teacher if the Board is satisfied that —
  - (a) the teacher continues to be a fit and proper person under section 24; and
  - (b) the teacher is complying with the conditions, if any, imposed on the teacher’s registration; and
  - (c) the teacher has met any other requirements for the renewal of registration as are prescribed in respect of the relevant category of registration.
- (3) The Board can renew provisional registration only if the Board is satisfied that there are sufficient reasons for doing so in the circumstances of the case.
- (4) The Board cannot renew non-practising registration.
- (5) The Board cannot renew the registration of a teacher whose registration is suspended.

**22A. Change of category of registration**

- (1) An application to change a registered teacher’s category of registration from a category other than non-practising registration must be made to the Board at least 28 days before the end of the nominal registration period under section 23(2) or (3), as applicable, of the teacher’s current registration.

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- 1           (2) If a registered teacher’s non-practising registration has  
2           a nominal expiry date under section 23C(1)(a), an  
3           application to change the teacher’s category of  
4           registration must be made to the Board at least 28 days  
5           before the nominal expiry date.
- 6           (3) The Board may, on application under section 12A,  
7           change a registered teacher’s category of registration to  
8           the category applied for if the Board is satisfied that the  
9           teacher meets the following requirements —
- 10               (a) in relation to an application to change the  
11               category from provisional registration to full  
12               registration — the requirements set out in  
13               section 15(b) and (c);
- 14               (b) in relation to an application to change the  
15               category from non-practising registration to full  
16               registration — the requirements set out in  
17               section 15(b) to (d);
- 18               (c) in relation to an application to change the  
19               category from non-practising registration to  
20               provisional (returning teacher) registration if  
21               the teacher was conferred a qualification  
22               referred to in section 18A(1)(a)(i) —
- 23                       (i) the qualification was conferred more  
24                       than 5 years before the day on which the  
25                       application was received by the Board;  
26                       and
- 27                       (ii) the requirements set out section 16(b)  
28                       and (c);
- 29               (d) in relation to an application to change the  
30               category from non-practising registration to  
31               provisional (returning teacher) registration if  
32               the teacher was not conferred a qualification  
33               referred to in section 18A(1)(a)(i) — the  
34               requirements set out in section 16(b) and (c);

- 1 (e) in relation to an application to change the  
 2 category from non-practising registration to  
 3 provisional (graduate teacher) registration —  
 4 the requirements set out in section 16A(b)  
 5 and (c);
- 6 (f) in relation to an application to change the  
 7 category from full registration or provisional  
 8 registration to non-practising registration — the  
 9 requirements set out in section 18.
- 10 (4) The Board cannot change the category of registration  
 11 of a teacher whose registration is suspended.

12 **23. Duration of full registration or provisional**  
 13 **registration**

- 14 (1) In this section —  
 15 *required time* means —
- 16 (a) in relation to the renewal of registration — the  
 17 period of 28 days required under section 22(1);  
 18 or
- 19 (b) in relation to a change of category of  
 20 registration — the period of 28 days required  
 21 under section 22A(1) or (2).
- 22 (2) The period (the *nominal registration period*) of full  
 23 registration is 5 years beginning on —
- 24 (a) if the registration is granted under section 21 —  
 25 the day on which the decision to grant the  
 26 registration is made or a later day specified by  
 27 the Board; or
- 28 (b) if the registration is renewed under  
 29 section 22 — the day on which the decision to  
 30 renew the registration is made or a later day  
 31 specified by the Board; or

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- 1 (c) if the registration category is changed under  
2 section 22A — the day on which the decision to  
3 change the category is made or a later day  
4 specified by the Board.
- 5 (3) The period (the *nominal registration period*) of  
6 provisional registration is 3 years or a shorter period as  
7 is approved by the Board beginning on —
- 8 (a) if the registration is granted under section 21 —  
9 the day on which the decision to grant the  
10 registration is made or a later day specified by  
11 the Board; or
- 12 (b) if the registration is renewed under  
13 section 22 — the day on which the decision to  
14 renew the registration is made or a later day  
15 specified by the Board; or
- 16 (c) if the registration category was changed under  
17 section 22A — the day on which the decision to  
18 change the category is made or a later day  
19 specified by the Board.
- 20 (4) Despite a nominal registration period under  
21 subsection (2) or (3), a person's full registration or  
22 provisional registration (the *old registration*) expires as  
23 follows (whether or not this expiry is before or after the  
24 end of the nominal registration period) —
- 25 (a) if an application is made, within the required  
26 time, for renewal of the old registration and the  
27 renewal is granted (the *new registration*) —  
28 immediately before the day on which the new  
29 registration begins;
- 30 (b) if an application is made, within the required  
31 time, to change the category of the old  
32 registration and the change is granted (the *new*  
33 *registration*) — immediately before the day on  
34 which the new registration begins;

- 1 (c) if an application for renewal of registration is  
2 made for the person within the required time  
3 and the application is refused after the end of  
4 the nominal registration period for the old  
5 registration — on the day on which notice of  
6 that decision is given to the applicant under  
7 section 29;
- 8 (d) if an application to change the category of  
9 registration is made for the person within the  
10 required time and the application is refused  
11 after the end of the nominal registration period  
12 for the old registration — on the day on which  
13 notice of that decision is given to the applicant  
14 under section 29.

15 **23A. Duration of limited registration**

- 16 (1) The period (the *nominal registration period*) of limited  
17 registration is 3 years or a shorter period as is approved  
18 by the Board beginning on —
- 19 (a) if the registration is granted under section 21 —  
20 the day on which the decision to grant the  
21 registration is made or a later day specified by  
22 the Board; or
- 23 (b) if the registration is renewed under  
24 section 22 — the day on which the decision to  
25 renew the registration is made or a later day  
26 specified by the Board.
- 27 (2) However, if a nominee employer gives notice under  
28 subsection (3) to the Board of the employer's intention  
29 to make an application for limited registration under  
30 section 10 for a nominee, the nominee's limited  
31 registration is taken to have been granted on the day on  
32 which the notice was given.

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- 1           (3) A nominee employer may give the Board notice (a  
2           *pre-application notice*) of the employer’s intention to  
3           make an application for limited registration under  
4           section 10 for a nominee if —
- 5                   (a) the pre-application notice is in a form approved  
6                   by the Board; and
- 7                   (b) the employer —
- 8                           (i) has not previously given a  
9                           pre-application notice to the Board in  
10                          relation to the nominee; or
- 11                          (ii) is approved by the Board to give the  
12                          pre-application notice for the nominee.
- 13           (4) Despite a nominal registration period under  
14           subsection (1), a nominee’s limited registration (the *old*  
15           *registration*) expires as follows (whether or not this  
16           expiry is before or after the end of the nominal  
17           registration period) —
- 18                   (a) if an application is made for the nominee,  
19                   within the period of 28 days required under  
20                   section 22(1), for renewal of the old registration  
21                   and the renewal is granted (the *new*  
22                   *registration*) — immediately before the day on  
23                   which the new registration begins;
- 24                   (b) if an application for renewal of registration is  
25                   made for the nominee within the required time  
26                   under section 22(1) and the application is  
27                   refused after the end of the nominal registration  
28                   period for the old registration — on the day on  
29                   which notice of that decision is given to the  
30                   applicant and the nominee under section 29;

- 
- 1 (c) if an application for registration (the *new*  
2 *registration*) under section 10 is made for the  
3 nominee and the application is granted —  
4 immediately before the day on which the new  
5 registration begins;
- 6 (d) if the nominee employer has given  
7 pre-application notice and the application for  
8 the limited registration is refused — on the day  
9 on which notice of that decision is given to the  
10 applicant and the nominee under section 29;
- 11 (e) if the nominee employer has given  
12 pre-application notice and the application for  
13 the limited registration is not made within  
14 14 days (the *termination period*) after the day  
15 on which the notice was given — at the end of  
16 the termination period.

17 **23B. Duration of limited registration when teaching**  
18 **position ends**

- 19 (1) This section applies to limited registration held by a  
20 nominee in relation to an offer of a teaching position  
21 with a nominee employer.
- 22 (2) Despite section 23A, the nominee's limited registration  
23 expires on the day (the *expiry day*) on which the  
24 nominee's appointment, employment or engagement or  
25 permission to teach with the nominee employer ends in  
26 relation to the teaching position if the expiry day is  
27 before —
- 28 (a) the end of the nominal registration period; or  
29 (b) an expiry that applies under section 23A(4) to  
30 the registration.

- 1           **23C.   Duration of non-practising registration**
- 2           (1) The period of non-practising registration commences
- 3           on the day on which the decision to grant the
- 4           registration is made or a later day specified by the
- 5           Board and —
- 6                 (a) expires on a date (the *nominal expiry date*)
- 7                 specified by the Board; or
- 8                 (b) in any other case — is for an indefinite period.
- 9           (2) Despite subsection (1), a person’s non-practising
- 10           registration expires immediately before the day on
- 11           which registration begins in another category granted
- 12           to the person by the Board if —
- 13                 (a) the person applies to change their category of
- 14                 registration from non-practising registration;
- 15                 and
- 16                 (b) in relation to non-practising registration with a
- 17                 nominal expiry date — the requirements in
- 18                 section 22A(2) are met.
- 19

20   **16.   Section 24 amended**

- 21           (1) In section 24:
- 22                 (a) delete “In determining whether a person is a fit and
- 23                 proper person to be registered, the Board is to” and
- 24                 insert:
- 25
- 26           (1) In determining whether a person is a fit and proper
- 27           person to be registered, the Board must
- 28
- 29                 (b) in paragraph (b) delete “such an” and insert:
- 30
- 31                         the
- 32



- 1 (c) in paragraph (c) after “history” insert:  
2  
3 from a criminal history check  
4
- 5 (d) delete paragraph (d)(i) and insert:  
6  
7 (i) departs from the standard of behaviour  
8 reasonably expected of a registered  
9 teacher; or  
10
- 11 (e) in paragraph (e)(i) delete “State Administrative”;  
12 (f) after paragraph (f) insert:  
13
- 14 (fa) whether the person would be unable to carry  
15 out the inherent requirements of the work of a  
16 registered teacher because of an impairment;  
17
- 18 (2) At the end of section 24 insert:  
19
- 20 (2) Despite subsection (1), a person is taken to be a fit and  
21 proper person to be registered in relation to a  
22 registration application if the person —
- 23 (a) meets any prescribed requirements within  
24 5 years before the day on which the Board  
25 receives the registration application for the  
26 person and no further information has become  
27 available to the Board about the person’s fitness  
28 or propriety, including from a criminal history  
29 check, since the person met the prescribed  
30 requirements; or
- 31 (b) has approval under section 21(2)(b) from the  
32 Tribunal given within 5 years before the day on  
33 which the Board receives the registration

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1 application for the person and no further  
2 information relevant to the approval has  
3 become available to the Board about the  
4 person's fitness or propriety, including from a  
5 criminal history check, since the approval was  
6 given.  
7

8 **17. Section 26 amended**

9 (1) In section 26(1)(a) delete "granting or renewing" and insert:  
10

11 granting, renewing or changing the category of  
12

13 (2) After section 26(2) insert:  
14

15 (2A) Without limiting subsections (1) and (2), conditions on  
16 a teacher's registration may be imposed, modified or  
17 cancelled by the Board under this section if the  
18 teacher's ability to carry out the inherent requirements  
19 of the work of a registered teacher is affected, or is  
20 likely to be affected, because of an impairment.  
21

22 (3) In section 26(4) delete "State Administrative".

23 **18. Section 26A inserted**

24 After section 26 insert:  
25

26 **26A. Condition of non-practising registration**

27 It is a condition of non-practising registration that a  
28 person holding the registration must not teach at an  
29 educational institution.  
30

1 **19. Section 27 amended**

2 In section 27(2):

3 (a) in paragraph (a) delete “a sexual offence involving a  
4 child; or” and insert:

5

6 an actionable offence; or

7

8 (b) after paragraph (e) insert:

9

10 (ea) information in a registration application about  
11 the teaching experience referred to in  
12 section 18A(1)(b) that enabled the teacher to  
13 gain registration is misleading in a material  
14 particular; or

15

16 **20. Section 29 replaced**

17 Delete section 29 and insert:

18

19 **29. Notice of decisions on registration must be given**

20 (1) The Board must give written notice of the outcome of a  
21 registration application no later than 14 days after  
22 deciding on the outcome of the application to —

23 (a) the applicant; and

24 (b) if the application is in respect of limited  
25 registration — the nominee.

26 (2) If the registration is granted under section 21(1),  
27 renewed under section 22(2) or changed under  
28 section 22A(3) the notice must contain the  
29 following —

30 (a) the category of registration;

31 (b) the period of the registration;

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---

- 1 (c) the person’s registration number;  
2 (d) any conditions imposed on the registration;  
3 (e) if a condition is imposed —  
4 (i) the reasons for the imposition of the  
5 condition; and  
6 (ii) a statement that the applicant may have  
7 a right to a review under section 124.
- 8 (3) If a registration application is refused the notice must  
9 contain —  
10 (a) the reasons why it has been refused; and  
11 (b) a statement that the applicant may have a right  
12 to a review under section 124.  
13

14 **21. Section 30 amended**

15 In section 30(1)(b) delete “registration,” and insert:

16

17 registration —

18

19 Note: The heading to amended section 30 is to read:

20 **Notice of decisions to impose, modify or cancel a condition made**  
21 **during currency of registration**

22 **22. Section 31 amended**

23 (1) In section 31(1)(b) delete “registration,” and insert:

24

25 registration —

26

1 (2) After section 31(2) insert:  
2

3 (3) The notice must not contain identifying information  
4 provided by the Commissioner of Police under  
5 section 41A.

6

7 Note: The heading to amended section 31 is to read:

8 **Notice of cancellation or reinstatement of registration must be**  
9 **given**

10 **23. Section 32 amended**

11 (1) In section 32(1)(a) and (b) delete “of an” and insert:  
12

13 of a registration  
14

15 (2) In section 32(2)(b) delete “registration, to” and insert:  
16

17 registration —  
18

19 **24. Section 34 deleted**

20 Delete section 34.

21 **25. Section 36 amended**

22 After section 36(2) insert:  
23

24 (3) Despite subsection (1), the Board may remove  
25 information on the register in respect of a teacher  
26 whose registration is suspended.  
27

1   **26.    Section 37 amended**

2       (1) In section 37(1) insert in alphabetical order:

3

4                   *nominated supervisor* has the meaning given in the  
5                   *Education and Care Services National Law (Western*  
6                   *Australia)* section 5(1);

7                   *supervising officer* has the meaning given in the *Child*  
8                   *Care Services Act 2007* section 5A.

9

10       (2) In section 37(1) in the definition of *register information*  
11       (*public*) delete “section 36(1)(e).” and insert:

12

13                   section 36(1)(e);

14

15       (3) Delete section 37(3) and insert:

16

17       (3) The Board must make register information  
18       (professional) available for inspection, in accordance  
19       with subsection (2), by any of the following as the  
20       Board thinks appropriate —

21                   (a) a registered teacher (other than a teacher whose  
22                   registration is suspended);

23                   (b) an employer;

24                   (c) a principal (other than a principal whose  
25                   registration is suspended);

26                   (d) a nominated supervisor of a centre-based  
27                   service;

28                   (e) a supervising officer for a child care service;

29                   (f) a person appointed under the *Young Offenders*  
30                   *Act 1994* section 11(1a)(b) as a principal of  
31                   teaching staff at a detention centre;

- 1 (g) a person who —  
2 (i) has been nominated by a person referred  
3 to in any of paragraphs (a) to (f) as  
4 being a person who has good reason to  
5 inspect register information  
6 (professional); and  
7 (ii) has been accepted by the Board as a  
8 suitable person to inspect register  
9 information (professional);  
10 (h) any other person prescribed.  
11

12 **27. Section 38 amended**

- 13 (1) In section 38(1):  
14 (a) delete “A registered teacher must give written notice to  
15 the Board” and insert:  
16  
17 This section applies to a registered teacher  
18  
19 (b) in paragraph (b) after “convicted” insert:  
20  
21 or found guilty  
22
- 23 (2) Delete section 38(2) and insert:  
24
- 25 (2) The registered teacher must give written notice to the  
26 Board of any prescribed details in relation to the order,  
27 conviction or finding of guilt, as applicable, no later  
28 than 30 days after the following —  
29 (a) for the order — the day on which the teacher  
30 becomes aware of the order;

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---

- 1 (b) for the finding of guilt — the day on which the  
2 teacher is found guilty;
- 3 (c) for the conviction — the day on which the  
4 judgment of conviction is entered.

5 Penalty for this subsection: a fine of \$5 000.

- 6 (3) It is a defence to a charge of an offence under  
7 subsection (2) for the teacher to prove that they had a  
8 reasonable excuse for failing to give the notice.  
9

- 10 (3) At the end of section 38 delete the Penalty.

11 **28. Section 39 amended**

- 12 (1) In section 39(1) delete “A registered teacher must give written  
13 notice to the Board” and insert:  
14

15 This section applies to a registered teacher  
16

- 17 (2) Delete section 39(2) and insert:  
18

- 19 (2) The registered teacher must give written notice to the  
20 Board of any prescribed details in relation to the  
21 withdrawal or cancellation no later than 30 days after  
22 the withdrawal or cancellation.

23 Penalty for this subsection: a fine of \$5 000.  
24

- 25 (3) At the end of section 39 delete the Penalty.



1 **29. Section 40 amended**

2 (1) In section 40(1) delete “A registered teacher must give written  
3 notice to the Board if an interim negative notice or a negative  
4 notice is issued to the person, under” and insert:

5  
6 This section applies to a registered teacher if an interim negative  
7 notice or a negative notice is issued to the teacher under  
8

9 (2) Delete section 40(2) and insert:

10  
11 (2) The registered teacher must give to the Board no later  
12 than 14 days after the interim negative notice or the  
13 negative notice is issued —

14 (a) notice of any prescribed details in relation to  
15 the interim negative notice or negative notice;  
16 and

17 (b) a copy of the interim negative notice or  
18 negative notice.

19 Penalty for this subsection: a fine of \$5 000.  
20

21 (3) At the end of section 40 delete the Penalty.

22 **30. Sections 41 and 42 replaced**

23 Delete sections 41 and 42 and insert:  
24

25 **41. Commissioner of Police must give notice about**  
26 **prosecutions of registered teachers**

27 (1) This section applies if the Commissioner of Police  
28 becomes aware of any of the following  
29 circumstances —

- 1 (a) a registered teacher is charged by a police  
2 officer with an actionable offence;
- 3 (b) on prosecution by a police officer, a registered  
4 teacher is convicted or found guilty of an  
5 indictable offence dealt with summarily;
- 6 (c) a police officer discontinues, or there is an  
7 acquittal or mistrial in relation to, all charges  
8 against a registered teacher of actionable  
9 offences.
- 10 (2) As soon as practicable after the Commissioner of  
11 Police becomes aware of a circumstance referred to in  
12 subsection (1), the Commissioner must give written  
13 notice in the prescribed form to the Board of the  
14 circumstance and any other prescribed information in  
15 relation to the circumstance.

16 **41A. Commissioner of Police may give notice about**  
17 **victims and witnesses in relation to prosecutions of**  
18 **registered teachers**

- 19 (1) In this section —
- 20 *identifying information*, in relation to a prosecution by  
21 a police officer or the Director of Public Prosecutions  
22 of a registered teacher for an actionable offence, means  
23 information that identifies a person who the  
24 Commissioner of Police has reasonable grounds to  
25 believe —
- 26 (a) was a child at any time during the commission  
27 of the offence; and
- 28 (b) is a victim or alleged victim in relation to the  
29 offence or is or was a witness or is to be a  
30 witness in relation to the prosecution of the  
31 offence.

- 
- 1           (2) The Board may request in writing that the  
2           Commissioner of Police gives identifying information  
3           to the Board, in relation to a prosecution by a police  
4           officer or the Director of Public Prosecutions of a  
5           registered teacher for an actionable offence, if the  
6           Board considers that the information is necessary to  
7           protect the safety of a child.
- 8           (3) The Commissioner of Police may give written notice of  
9           the identifying information in the prescribed form to  
10          the Board in response to a request under subsection (2)  
11          if the Commissioner considers that giving the notice —
- 12               (a) will not prejudice an investigation or  
13               prosecution; and
- 14               (b) is in the best interests of the victim, alleged  
15               victim or witness, as the case requires.

16           **41B. DPP must give notice about prosecutions of**  
17           **registered teachers**

- 18           (1) This section applies if the Director of Public  
19           Prosecutions becomes aware of any of the following  
20           circumstances —
- 21               (a) on prosecution by the Director of Public  
22               Prosecutions, a registered teacher is convicted  
23               or found guilty of an indictable offence;
- 24               (b) the Director of Public Prosecutions  
25               discontinues, or there is an acquittal or mistrial  
26               in relation to, all charges against a registered  
27               teacher of actionable offences.
- 28           (2) As soon as practicable after the Director of Public  
29           Prosecutions becomes aware of a circumstance referred  
30           to in subsection (1), the Director must give written  
31           notice in the prescribed form to the Board of the  
32           circumstance and any other prescribed information in  
33           relation to the circumstance.

1           (3) For the purposes of this section, the Director of Public  
2 Prosecutions is not required to confirm whether each  
3 person prosecuted for an offence referred to in  
4 subsection (1) is a registered teacher.

5           **42. Employers must give notice when teachers cease**  
6 **teaching in cases of serious incompetence or**  
7 **misconduct**

- 8           (1) This section applies if the following 2 circumstances  
9 exist —
- 10           (a) an employer at an educational institution has  
11 reasonable grounds to suspect that a teacher at  
12 the institution may have engaged in serious  
13 misconduct or may have taught with serious  
14 incompetence;
- 15           (b) the teacher —
- 16                   (i) is dismissed or suspended from teaching  
17 at the institution by the employer; or
- 18                   (ii) has resigned or ceases teaching at the  
19 institution.
- 20           (2) The employer must give written notice of the  
21 circumstances referred to in subsection (1)(a) and (b)  
22 and any prescribed information to the Board  
23 within 7 days after the day on which the later of  
24 the 2 circumstances occurs.
- 25           Penalty for this subsection: a fine of \$5 000.
- 26           (3) Subsection (2) does not apply to the employer if  
27 another person has already given notice under  
28 subsection (2) in relation to the circumstances.  
29

1 **31. Section 42A inserted**

2 At the end of Part 4 Division 1 Subdivision 2 insert:

3

4 **42A. No liability for disclosing information**

5 If information is disclosed by a person under this  
6 Subdivision in good faith —

- 7 (a) no civil or criminal liability is incurred by the  
8 person in respect of the disclosure; and
- 9 (b) the disclosure cannot be regarded as a breach of  
10 any duty of confidentiality or secrecy imposed  
11 by law on the person; and
- 12 (c) the disclosure cannot be regarded as a breach of  
13 professional ethics or standards or any  
14 principles of conduct applicable to the person’s  
15 employment or as unprofessional conduct.

16

17 **32. Section 43 amended**

18 In section 43(2) delete “such later time as is” and insert:

19

20 a later time

21

22 **33. Section 45 replaced**

23 Delete section 45 and insert:

24

25 **45. Action to be taken by Board on receiving notice or**  
26 **criminal history check**

27 (1) This section applies if the Board receives —

- 28 (a) a notice about a person under Division 1; or

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---

- 1                   (b) a criminal history check in respect of a person.
- 2           (2) As soon as practicable after receiving a notice or  
3 criminal history check referred to in subsection (1), the  
4 Board must consider the information in that notice or  
5 criminal history check, and any other information it  
6 considers relevant, and decide if it is appropriate to do  
7 any of the following —
- 8                   (a) cancel the person’s registration under  
9 section 27;
- 10                  (b) make an interim order;
- 11                  (c) formulate a complaint under section 51A;
- 12                  (d) if the person is currently appointed, employed  
13 or engaged, or has permission to teach, at an  
14 educational institution — advise the person’s  
15 employer of the information contained in the  
16 notice or criminal history check;
- 17                  (e) cause to be published under section 118 any of  
18 the information.
- 19

20 **34. Part 5 heading replaced**

21 Delete the heading to Part 5 and insert:

22

23 **Part 5 — Disciplinary matters, impairment**  
24 **matters and investigations**  
25

1   **35.     Sections 46 to 48 replaced**

2           Delete sections 46 to 48 and insert:

3

4           **46.     Terms used**

5           In this Part —

6           *disciplinary matter* has the meaning given in  
7           section 47;

8           *impairment matter* has the meaning given in  
9           section 48.

10          **47.     Disciplinary matters**

11          Each of the following is a *disciplinary matter* in  
12          relation to a registered teacher or formerly registered  
13          teacher —

- 14           (a) the teacher has contravened this Act;
- 15           (b) the teacher has contravened a condition  
16           imposed on their registration;
- 17           (c) the teacher has contravened an order made  
18           under this Part;
- 19           (d) the teacher has been convicted or found guilty  
20           of —
- 21               (i) a serious offence; or
- 22               (ii) an actionable offence; or
- 23               (iii) a prescribed offence;
- 24           (e) the teacher has taught with serious  
25           incompetence at an educational institution;
- 26           (f) the teacher has engaged in serious misconduct;
- 27           (g) the teacher has contravened an undertaking  
28           given to the Board under this Act;

- 1 (h) the teacher has taught at an educational  
2 institution while their registration was  
3 suspended.

4 **48. Impairment matters**

5 There is an *impairment matter* in relation to a  
6 registered teacher if the teacher's ability to carry out  
7 the inherent requirements of the work of a registered  
8 teacher is, or is likely to be, affected because of an  
9 impairment.

10 **48A. Serious incompetence**

- 11 (1) A registered teacher or formerly registered teacher has  
12 taught with *serious incompetence* if the teacher has  
13 taught at a standard, whether by act or omission, that is  
14 substantially below the standard that is reasonably  
15 expected of a registered teacher.
- 16 (2) For the purposes of subsection (1), in considering  
17 whether the standard of teaching is substantially below  
18 that which is reasonably expected of a registered  
19 teacher, the following must be taken into account —
- 20 (a) the frequency of the incompetence;  
21 (b) the extent of the incompetence, including any  
22 risks caused by the incompetence to the  
23 education of a student or to the safety of a  
24 person;  
25 (c) the level of the teacher's training or experience;  
26 (d) any other relevant matter.

27 **48B. Serious misconduct**

28 A registered teacher or formerly registered teacher has  
29 engaged in *serious misconduct* if the teacher engaged  
30 in improper conduct of a serious kind that departs from



1 the standard of behaviour reasonably expected of a  
2 registered teacher.

3 **48C. Board's powers of investigation**

- 4 (1) The Board may conduct an investigation in relation to  
5 any of the following —  
6 (a) a notice about a person under Part 4 Division 1;  
7 (b) a criminal history check;  
8 (c) a complaint;  
9 (d) any other information received by the Board.
- 10 (2) The Board may do any of the following in relation to  
11 an investigation under this Act —  
12 (a) by written direction given to a person, require  
13 the person to answer questions orally or in  
14 writing and require the attendance of the person  
15 at a time and place specified in the direction for  
16 that purpose;  
17 (b) by written direction given to a person, require  
18 the person to produce at a time and place  
19 specified in the direction any document or other  
20 thing that is in the possession or under the  
21 control of the person and is relevant to an  
22 investigation;  
23 (c) inspect or photograph a document or other  
24 thing produced;  
25 (d) inspect a document or other thing produced and  
26 retain it for any reasonable period as the Board  
27 thinks fit;  
28 (e) make copies of or take extracts from the  
29 document or other thing produced or any of its  
30 contents.

- 1           (3) A person commits an offence if the person —
- 2                 (a) fails to comply with a direction given to the
- 3                         person under subsection (2)(a) or (b); and
- 4                 (b) was informed when the direction was given that
- 5                         a failure to comply with the direction may
- 6                         constitute an offence under this subsection.
- 7                 Penalty for this subsection: a fine of \$5 000.
- 8           (4) It is a defence to a charge of an offence under
- 9                         subsection (3) for the person to prove that the person
- 10                         had a reasonable excuse for failing to comply with the
- 11                         direction.
- 12           (5) For the purposes of subsection (4), it is not a
- 13                         reasonable excuse for a person to fail to comply with a
- 14                         direction given to the person under subsection (2)(a) or
- 15                         (b) on the ground that to do so might incriminate the
- 16                         person or render the person liable to a penalty.
- 17           (6) However, any information or answer given by an
- 18                         individual, or the fact that a document or other thing
- 19                         was produced by an individual, in compliance with a
- 20                         direction given to the individual under
- 21                         subsection (2)(a) or (b), is not admissible in evidence
- 22                         against the individual in any proceedings other than the
- 23                         following —
- 24                         (a) a complaint, interim order, inquiry or
- 25                                 proceedings taken under this Part or a law of
- 26                                 another State or a Territory or New Zealand
- 27                                 that deals with the registration of teachers
- 28                                 (however described);
- 29                         (b) proceedings for an offence under section 127;
- 30                         (c) proceedings for perjury.
- 31           (7) This section is in addition to, and does not affect the
- 32                         operation of, the *Evidence Act 1906* section 11.

- 1 (8) The Board may keep records of an investigation  
2 including an audio or visual recording of questions  
3 asked and answered in relation to a direction under this  
4 section.

5 **48D. Protection for compliance with direction**

- 6 (1) A person must comply with a direction given to the  
7 person under section 48C(2)(a) or (b) despite the  
8 provisions of any other written law.
- 9 (2) However, other than for a complaint, interim order,  
10 inquiry or proceedings referred to in section 48C(6)(a),  
11 (b) or (c) —
- 12 (a) no civil or criminal liability is incurred as a  
13 result of compliance with the direction; and
- 14 (b) compliance with the direction cannot be  
15 regarded as —
- 16 (i) a breach of any duty of confidentiality  
17 or secrecy imposed by law; or
- 18 (ii) a breach of professional ethics,  
19 professional standards or any principles  
20 of conduct applicable to the person's  
21 employment; or
- 22 (iii) unprofessional conduct (however  
23 described).
- 24

25 **36. Section 49 amended**

- 26 (1) Delete section 49(1) and insert:
- 27

- 28 (1) The Board must establish 1 or more committees, each  
29 to be known as a disciplinary committee.  
30

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1       (2) In section 49(3)(c) delete “such other person as” and insert:

2

3             any other person that

4

5       (3) In section 49(8):

6             (a) delete “A notice or order” and insert:

7

8                     A notice, direction, order or other document

9

10            (b) in paragraph (b) delete “the notice or order.” and insert:

11

12                     the notice, direction, order or other document.

13

14       **37. Section 50 amended**

15       (1) Delete section 50(3)(c) and insert:

16

17             (c) a lawyer.

18

19       (2) In section 50(8):

20             (a) delete “A notice, order or appointment” and insert:

21

22                     A notice, direction, order, appointment or other  
23                     document

24

25             (b) in paragraph (b) delete “the notice, order or  
26             appointment.” and insert:

27

28                     the notice, direction, order, appointment or other  
29                     document.

30

1 **38. Part 5 Division 3 heading replaced**

2 Delete the heading to Part 5 Division 3 and insert:

3

4 **Division 3 — Complaints, assessments and**  
5 **investigations**

6

7 **39. Section 51 replaced**

8 Delete section 51 and insert:

9

10 **51. Making a complaint**

11 (1) A complaint may be made to the Board about a  
12 disciplinary matter that occurred or allegedly occurred  
13 in relation to —

14 (a) a registered teacher; or

15 (b) a formerly registered teacher who held  
16 registration at the time that the matter the  
17 subject of the complaint occurred or allegedly  
18 occurred.

19 (2) A complaint may be made to the Board about an  
20 impairment matter that exists or allegedly exists in  
21 relation to a registered teacher.

22 **51A. Complaints formulated by Board**

23 (1) The Board may formulate a complaint based on any of  
24 the information referred to in subsection (3) about a  
25 disciplinary matter that occurred or allegedly occurred  
26 in relation to —

27 (a) a registered teacher; or

28 (b) a formerly registered teacher who held  
29 registration at the time that the matter the

- 1 subject of the complaint occurred or allegedly  
2 occurred.
- 3 (2) The Board may formulate a complaint based on any of  
4 the information referred to in subsection (3) about an  
5 impairment matter that exists or allegedly exists in  
6 relation to a registered teacher.
- 7 (3) The Board may base a complaint on any of the  
8 following —
- 9 (a) a notice about a person under Part 4 Division 1;  
10 (b) a criminal history check;  
11 (c) any other information received by the Board,  
12 including information from any assessment or  
13 investigation;  
14 (d) if the Board decides to reformulate a public  
15 complaint — the public complaint.
- 16 (4) A complaint based on information referred to in  
17 subsection (3)(d) is taken not to be a public complaint  
18 when it is reformulated by the Board.

19 **51B. Assessments and investigations**

- 20 (1) The Board may do any of the following it considers  
21 appropriate in relation to a complaint —
- 22 (a) make an assessment;  
23 (b) undertake an investigation under section 48C.
- 24 (2) The Board may reassess or reinvestigate a complaint at  
25 any time whether or not the Board has dealt with the  
26 complaint under this Part.  
27

1 **40. Section 52 amended**

2 (1) Delete section 52(1) and insert:

3

4 (1) The Board must give written notice to a registered  
5 teacher or formerly registered teacher who is the  
6 subject of a complaint as soon as practicable after the  
7 complaint is made.

8

9 (2) In section 52(2)(b) before “the identity” insert:

10

11 if the complaint is a public complaint —

12

13 (3) In section 52(3):

14 (a) in paragraph (a) delete “the investigation of the” and  
15 insert:

16

17 an investigation of a

18

19 (b) in paragraph (c) delete “the complainant or another” and  
20 insert:

21

22 any

23

24 (c) in paragraph (d) delete “court”.

25 (4) In section 52(5) delete “the complaint, seek further information  
26 about the complaint from the complainant or another person or  
27 otherwise undertake preliminary inquiries into the complaint,”  
28 and insert:

29

30 or investigate the complaint

31

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1 Note: The heading to amended section 52 is to read:

2 **Teacher must be notified of complaint**

3 **41. Part 5 Division 4 heading amended**

4 Delete the heading to Part 5 Division 4 and insert:

5

6 **Division 4 — Dealing with and referring complaints**

7

8 **42. Section 53 replaced**

9 Delete section 53 and insert:

10

11 **53. Dealing with and referring complaints**

12 (1) The Board must deal with a complaint in 1 of the  
13 following ways —

- 14 (a) reject a public complaint or withdraw a  
15 board-formulated complaint under  
16 section 57(1);
- 17 (b) make an interim order;
- 18 (c) refer the complaint, together with a report  
19 under section 54, to a disciplinary committee to  
20 deal with under Division 6;
- 21 (d) if the complaint is in respect of a registered  
22 teacher — refer the complaint, together with a  
23 report under section 54, to the impairment  
24 review committee to deal with under  
25 Division 7;
- 26 (e) refer the complaint under Division 8 to the  
27 Tribunal;
- 28 (f) if the Board considers that another person,  
29 organisation or agency could deal more  
30 appropriately with the subject matter of the



1 complaint — refer the complaint to that person,  
2 organisation or agency.

3 (2) Before dealing with a complaint under subsection (1),  
4 the Board may make any assessment or investigation as  
5 it considers appropriate.

6 (3) Notice of a decision under this section must be given in  
7 accordance with section 85.  
8

9 **43. Sections 55 and 56 replaced**

10 Delete sections 55 and 56 and insert:  
11

12 **55. Committee may make requests or recommendations**  
13 **to Board about complaints**

14 (1) A committee to which the Board has referred a  
15 complaint under section 53(1)(c) or (d) may, at any  
16 time while dealing with the complaint, do any of the  
17 following unless otherwise required under this Act —

- 18 (a) request that the Board undertakes further  
19 investigation of the complaint or part of the  
20 complaint;
- 21 (b) recommend that the Board make an interim  
22 order in relation to the complaint or part of the  
23 complaint;
- 24 (c) recommend that the Board refer the complaint  
25 or part of the complaint to another committee  
26 established under this Part;
- 27 (d) recommend that the Board refer the complaint  
28 or part of the complaint to the Tribunal;
- 29 (e) recommend that the Board refer the complaint  
30 or part of the complaint to another person,  
31 organisation or agency;

- 1 (f) recommend that the Board dismiss the  
2 complaint or part of the complaint.
- 3 (2) A committee to which the Board has referred a  
4 complaint under section 53(1)(c) or (d) may, before an  
5 inquiry into the complaint begins, recommend that the  
6 Board reject or withdraw the complaint under  
7 section 57(1).
- 8 (3) The Board may deal with a complaint —
- 9 (a) in relation to which a request under  
10 subsection (1)(a) is made by a committee — by  
11 undertaking an investigation under section 48C  
12 in relation to the complaint or part of the  
13 complaint and providing any information from  
14 the investigation to the committee; or
- 15 (b) in relation to which a recommendation is made  
16 under subsection (1)(b) to (e) or (2) — in any  
17 of the ways referred to in section 53(1)(a) to (f);  
18 or
- 19 (c) in relation to which a recommendation is made  
20 under subsection (1)(f) — by dismissing the  
21 complaint in whole or in part if the Board is  
22 satisfied that —
- 23 (i) no disciplinary matter occurred or  
24 impairment matter exists in relation to  
25 the complaint or part of the complaint;  
26 or
- 27 (ii) there is not sufficient evidence for the  
28 complaint or part of the complaint to be  
29 determined; or
- 30 (iii) there are other reasons for the dismissal  
31 of the complaint or part of the  
32 complaint.

- 1 (4) Notice of a decision under subsection (3)(b) or (c) must  
2 be given in accordance with section 85.  
3

4 **44. Section 57 amended**

5 Delete section 57(1) and insert:  
6

- 7 (1) The Board may reject a public complaint or withdraw a  
8 board-formulated complaint if the Board is of the  
9 opinion that the complaint —  
10 (a) is in respect of a matter that is not within the  
11 power of the Board, a disciplinary committee,  
12 the impairment review committee or the  
13 Tribunal to deal with under this Act; or  
14 (b) is in relation to a matter that has already been  
15 appropriately dealt with by another person,  
16 organisation or agency; or  
17 (c) is —  
18 (i) in relation to a public complaint —  
19 vexatious, trivial, unreasonable, without  
20 substance or not a matter that is in the  
21 public interest to pursue; or  
22 (ii) in relation to a board-formulated  
23 complaint — without substance or not a  
24 matter that is in the public interest to  
25 pursue.  
26

27 Note: The heading to amended section 57 is to read:

28 **Complaints without substance**

1   **45.     Part 5 Division 5 replaced**

2           Delete Part 5 Division 5 and insert:

3

4                                   **Division 5 — Interim orders**

5       **58.     Interim orders generally**

6           (1)   The Board may make an interim order in respect of a  
7                   matter whether or not the matter, or part of the matter,  
8                   is the subject of a complaint or inquiry being dealt with  
9                   under this Act.

10          (2)   Unless section 83(2) applies, an interim order cannot  
11                   have effect for more than 30 days.

12          (3)   The Board may vary or revoke an interim order unless  
13                   the matter in respect of which the order was made has  
14                   been referred to the Tribunal.

15          (4)   Notice of an interim order must be given in accordance  
16                   with section 85.

17          (5)   An interim order takes effect —

18                   (a)   on —

19                                   (i)   the day on which notice of the order is  
20                                   given to the person who is bound by the  
21                                   order; or

22                                   (ii)  a later day specified in the order;

23                   and

24                   (b)   whether or not the person who is bound by the  
25                   order has had an opportunity to make  
26                   representations to the Board.

- 
- 1           **59.       Interim orders may be made if teacher poses risk of**  
2           **harm**
- 3           (1)       If the Board believes, on reasonable grounds, that a  
4           registered teacher may pose a risk of harm to any  
5           person, the Board may make an order imposing,  
6           modifying or cancelling 1 or more conditions on the  
7           teacher’s registration.
- 8           (2)       The Board may make an order suspending the  
9           registration of a registered teacher if the Board believes  
10          on reasonable grounds that —
- 11               (a)     the teacher may pose a risk of harm to a  
12               student; and
- 13               (b)     the suspension is necessary to protect a student.
- 14          (3)       An order may be made under subsection (1) or (2)  
15          whether or not the teacher is currently appointed,  
16          employed or engaged, or has permission to teach, at an  
17          educational institution.
- 18          (4)       Nothing in subsection (1) limits the powers of the  
19          Board in relation to imposing, modifying or cancelling  
20          conditions on registration.
- 21           **60.       Interim orders must be made if teacher charged**  
22           **with actionable offence**
- 23           (1)       If the Board becomes aware that a registered teacher  
24           has been charged with an actionable offence, the Board  
25           must make an order suspending the teacher’s  
26           registration.
- 27           (2)       An order must be made under subsection (1) whether  
28           or not the teacher is currently appointed, employed or  
29           engaged, or has permission to teach, at an educational  
30           institution.

- 1           **61.       Matters for which interim orders made must be**  
2                           **referred to Tribunal**
- 3           (1)    Within 14 days after the day on which the Board makes  
4                           an interim order the Board must —
- 5                           (a)   refer the matter in respect of which the interim  
6   order was made to the Tribunal to be  
7   determined under Division 8; and
- 8                           (b)   order that any inquiry in respect of the matter  
9   that was commenced before the making of the  
10    interim order is discontinued.
- 11           (2)    A disciplinary committee or the impairment review  
12                           committee must give effect to an order under  
13                           subsection (1)(b) in relation to a matter that has been  
14                           referred to the committee.
- 15           (3)    Subsection (1) does not apply if the interim order is  
16                           revoked under section 58(3) within the 14 days referred  
17                           to in subsection (1).
- 18           (4)    On a referral under subsection (1)(a) the Tribunal may,  
19                           in addition to any other order it may make, affirm or  
20                           revoke an interim order or vary the order by extending  
21                           the period for which it applies or in any other respect.
- 22           (5)    The Board may refer a matter or make an order under  
23                           subsection (1) after the 14-day period referred to in  
24                           subsection (1) if the Tribunal allows the referral or  
25                           order.
- 26           (6)    If the registered teacher who is the subject of the matter  
27                           referred under subsection (1)(a) has been charged with  
28                           1 or more offences, the Board may refer any complaint  
29                           that relates to the matter before or after the charge or  
30                           charges have been finally determined.  
31

1 **46. Section 62 amended**

2 (1) Delete section 62(1) and insert:

3

4 (1) A disciplinary committee must make a preliminary  
5 assessment of a complaint referred to it by the Board  
6 and may deal with the complaint in any of the  
7 following ways —

- 8 (a) deal with the complaint under Subdivision 2;
- 9 (b) make a request or recommendation to the Board  
10 under section 55(1) or (2);
- 11 (c) without limiting any other paragraph, if the  
12 matter the subject of the complaint is before  
13 another person or body or is the subject of  
14 proceedings — postpone consideration of the  
15 complaint pending the outcome of any  
16 investigation, hearing or proceedings.

17

18 (2) In section 62(2) delete “this section is to” and insert:

19

20 subsection 1(a) or (c) must

21

22 Note: The heading to amended section 62 is to read:

23 **Initial assessment**

24 **47. Sections 63 and 64 replaced**

25 Delete sections 63 and 64 and insert:

26

27 **63. Disciplinary committee may conduct inquiry into**  
28 **certain complaints**

29 If a complaint in relation to a registered teacher or  
30 formerly registered teacher appears to a disciplinary

1 committee to be about a disciplinary matter, the  
2 committee may conduct an inquiry into the complaint.

3 **63A. Hearings**

- 4 (1) A disciplinary committee may hold hearings for the  
5 purposes of an inquiry.
- 6 (2) Hearings must be held in public.
- 7 (3) However, the disciplinary committee may direct that a  
8 hearing, or any part of a hearing, be held in private if  
9 the committee is satisfied that it is desirable to do so  
10 because of the confidential nature of any evidence or  
11 matter or for any other reason.

12 **64. Inquiry: procedure and evidence**

- 13 In conducting an inquiry, a disciplinary committee —
- 14 (a) must act with as little formality and technicality  
15 and as speedily as the requirements of this Act  
16 and a proper hearing of the matter permit; and
- 17 (b) is not bound by the rules of evidence and may  
18 inform itself on any matter as it thinks fit; and
- 19 (c) may receive oral or written submissions; and
- 20 (d) may, subject to this Act and the rules of  
21 procedural fairness, determine its own  
22 procedures; and
- 23 (e) may be assisted by a legal practitioner  
24 appointed by the Board for that purpose.  
25



1   **48.    Section 65 amended**

2           In section 65(1) delete “inquiry, a disciplinary committee is to  
3           give the teacher” and insert:

4  
5           inquiry into a complaint, a disciplinary committee must give a  
6           registered teacher or formerly registered teacher who is the  
7           subject of the complaint  
8

9   **49.    Section 66 replaced**

10          Delete section 66 and insert:

11  
12   **66.    Evidence and findings in other proceedings**

13          (1) For the purposes of an inquiry, a disciplinary  
14          committee may —

15               (a) receive in evidence any transcript of evidence  
16               taken in any proceedings of a court, tribunal or  
17               other body constituted under the law of this  
18               State or any other place; or

19               (b) adopt any findings, decisions, judgment or  
20               reasons for judgment of a court, tribunal or  
21               other body constituted under the law of this  
22               State or any other place.

23          (2) A disciplinary committee may draw conclusions of fact  
24          that it considers appropriate from anything that it  
25          receives in evidence or adopts under subsection (1).  
26

**s. 50**

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1     **50.     Section 67 amended**

2           (1) In section 67(1):

3                 (a) delete “A party to an inquiry” and insert:

4

5                         For the purposes of an inquiry into a complaint, a  
6                         registered teacher or formerly registered teacher who is  
7                         the subject of the complaint

8

9                 (b) in paragraph (b) delete “committee,” and insert:

10

11                         committee —

12

13           (2) In section 67(2)(a) and (b) delete “a party” and insert:

14

15                         the teacher

16

17     **51.     Section 68 replaced**

18           Delete section 68 and insert:

19

20     **68.     Inquiry powers**

21           (1) For the purposes of an inquiry, a disciplinary  
22           committee may —

23                 (a) by written direction given to a person, require  
24                 the person —

25                         (i) to attend at a place and time specified in  
26                         the direction; or

27                         (ii) to produce at a place and time specified  
28                         in the direction a document or other  
29                         thing that is in the person’s possession  
30                         or under the person’s control;



- 1 (5) If a disciplinary committee gives a direction to a person  
2 under subsection (1)(b), the committee must inform the  
3 person that —  
4 (a) under this Act, the person is required to comply  
5 with the direction; and  
6 (b) failure to do so may be an offence under  
7 section 68A(1).
- 8 **68A. Failure to comply with direction**
- 9 (1) A person commits an offence if the person —  
10 (a) fails to comply with a direction given to the  
11 person under section 68(1); and  
12 (b) was given a statement, or informed, when the  
13 direction was given that a failure to comply  
14 with the direction may constitute an offence  
15 under this subsection.
- 16 Penalty for this subsection: a fine of \$5 000.
- 17 (2) It is a defence to a charge of an offence under  
18 subsection (1) for the person to prove that the person  
19 had a reasonable excuse for failing to comply with the  
20 direction.
- 21 (3) For the purposes of subsection (2), it is not a  
22 reasonable excuse for a person to fail to comply with a  
23 direction given to the person under section 68(1) on the  
24 ground that to do so might incriminate the person or  
25 render the person liable to a penalty.
- 26 (4) However, any information or answer given by an  
27 individual, or the fact that a document or other thing  
28 was produced by an individual, in compliance with a  
29 direction given to the individual under

- 1 section 68(1)(a)(ii) or (b) is not admissible in evidence  
 2 against the individual in any proceedings other than —
- 3 (a) a complaint, interim order, inquiry or  
 4 proceedings taken under this Part or a law of  
 5 another State or a Territory or New Zealand  
 6 that deals with the registration of teachers  
 7 (however described); or
  - 8 (b) proceedings for an offence under section 127;  
 9 or
  - 10 (c) proceedings for perjury.
- 11 (5) This section is in addition to, and does not affect the  
 12 operation of, the *Evidence Act 1906* section 11.

13 **68B. Protection for compliance with direction**

- 14 (1) A person must comply with a direction given to the  
 15 person under section 68(1) despite the provisions of  
 16 any other written law.
- 17 (2) However, other than for a complaint, interim order,  
 18 inquiry or proceedings referred to in section 68A(4)(a),  
 19 (b) or (c) —
- 20 (a) no civil or criminal liability is incurred as a  
 21 result of compliance with the direction; and
  - 22 (b) compliance with the direction cannot be  
 23 regarded as —
    - 24 (i) a breach of any duty of confidentiality  
 25 or secrecy imposed by law; or
    - 26 (ii) a breach of professional ethics,  
 27 professional standards or any principles  
 28 of conduct applicable to the person's  
 29 employment; or
    - 30 (iii) unprofessional conduct (however  
 31 described).

- 1           **68C.    Disruption of inquiry**
- 2           (1) A person must not hinder or obstruct the conduct of an  
3           inquiry.  
4           Penalty for this subsection: a fine of \$5 000.
- 5           (2) A person must not insult a disciplinary committee or a  
6           member of the committee when it is conducting an  
7           inquiry.  
8           Penalty for this subsection: a fine of \$5 000.
- 9           **68D.    Immunity for person performing inquiry functions**
- 10           A person who performs a function in relation to an  
11           inquiry, or is otherwise concerned in an inquiry, has the  
12           same protection and immunity as a member or officer  
13           of the Supreme Court, or a legal practitioner, witness or  
14           party before the Supreme Court, as relevant, would  
15           have in respect of a similar function or concern related  
16           to the jurisdiction of the Supreme Court.  
17
- 18       **52.    Section 69 amended**
- 19           Delete section 69(2) and insert:
- 20
- 21           (2) The record of an inquiry may include an audio or  
22           visual recording of the inquiry or part of the inquiry.
- 23           (3) The record of an inquiry must not contain identifying  
24           information provided by the Commissioner of Police  
25           under section 41A.
- 26           (4) A registered teacher or formerly registered teacher is  
27           entitled, upon request, to a copy of the record of the  
28           inquiry in relation to the teacher’s disciplinary matter.  
29

1 **53. Section 70 amended**

2 (1) Delete section 70(1) to (3) and insert:

3

4 (1) If, after the completion of an inquiry into a complaint  
5 in relation to a registered teacher or formerly registered  
6 teacher, a disciplinary committee finds that a  
7 disciplinary matter occurred, the committee must deal  
8 with the complaint in 1 or more of the following  
9 ways —

10 (a) if the finding is in respect of a person who is a  
11 registered teacher or is a formerly registered  
12 teacher —

13 (i) uphold the complaint in whole or in  
14 part;

15 (ii) make a request or recommendation  
16 under section 55(1) in relation to any  
17 part of the complaint not related to the  
18 finding;

19 (iii) order that the person is cautioned or  
20 reprimanded;

21 (iv) order that the person pay to the Board a  
22 fine of a specified amount not exceeding  
23 \$5 000;

24 (v) recommend to the Board that the  
25 complaint is referred in whole or in part  
26 to the Tribunal under Division 8;

27 (b) if the finding is in respect of a person who is a  
28 registered teacher —

29 (i) order that the registration of the person  
30 be suspended for a period, not  
31 exceeding 2 years, as is specified in the  
32 order;

- 1 (ii) order that 1 or more conditions be  
2 imposed on the registration of the  
3 person, or order that any existing  
4 conditions be modified or cancelled;
- 5 (iii) without limiting any other paragraph, if  
6 the committee finds that a teacher who  
7 holds full registration has taught with  
8 serious incompetence — order the  
9 cancellation of that registration and the  
10 substitution of provisional (returning  
11 teacher) registration.
- 12 (2) A disciplinary committee may, in dealing with a  
13 complaint under subsection (1), order, as the  
14 disciplinary committee thinks fit, that the registered  
15 teacher or formerly registered teacher who is the  
16 subject of the complaint pay to the Board costs and  
17 expenses of, arising from, or incidental to any of the  
18 following —
- 19 (a) the Board’s investigation of the complaint;  
20 (b) the inquiry.
- 21 (3) If a disciplinary committee does not make a finding  
22 that a disciplinary matter occurred in relation to the  
23 registered teacher or formerly registered teacher who is  
24 the subject of a complaint after the completion of the  
25 committee’s inquiry into the complaint, the committee  
26 must —
- 27 (a) dismiss the complaint; or  
28 (b) recommend that the Board refer the complaint  
29 to the impairment review committee under  
30 section 55(1)(c) unless the complaint was  
31 previously referred from that committee to a  
32 disciplinary committee.  
33



1 (2) After section 70(5) insert:  
2

3 (6) The Board must give effect to, or enforce, an order  
4 made by a disciplinary committee under this section to  
5 the extent that it is an order that is capable of being  
6 given effect to or enforced by the Board.  
7

8 **54. Part 5 Division 6 Subdivision 3 deleted**

9 Delete Part 5 Division 6 Subdivision 3.

10 **55. Part 5 Divisions 7 to 9 replaced**

11 Delete Part 5 Divisions 7 to 9 and insert:  
12

13 **Division 7 — Role of impairment review committee**

14 **Subdivision 1 — Initial assessment of complaints and other**  
15 **matters**

16 **71. Initial assessment**

17 (1) The impairment review committee must make a  
18 preliminary assessment of a complaint in relation to a  
19 registered teacher referred to it by the Board and may  
20 deal with the complaint in any of the following  
21 ways —

- 22 (a) deal with the complaint under Subdivision 2;  
23 (b) make a request or recommendation to the Board  
24 under section 55(1) or (2);  
25 (c) without limiting any other paragraph, if the  
26 matter the subject of the complaint is before  
27 another person or body or is the subject of  
28 proceedings — postpone consideration of the

- 1 complaint pending the outcome of any  
2 investigation, hearing or proceedings;
- 3 (d) without limiting any other paragraph, if an  
4 agreement is made under section 81(1) —  
5 recommend under section 81(1) that the Board  
6 imposes or modifies a condition on the  
7 teacher’s registration as the case requires.
- 8 (2) Notice of a decision under subsection (1)(c) must be  
9 given in accordance with section 85.

10 **72. Complaints must be dismissed when registration is**  
11 **cancelled or ends**

12 The impairment review committee must dismiss a  
13 complaint in relation to a registered teacher if the  
14 committee is dealing with the complaint under this Part  
15 and the teacher’s registration is cancelled or otherwise  
16 ends.

17 **Subdivision 2 — Inquiries**

18 **73. Impairment review committee may conduct inquiry**  
19 **into certain complaints**

20 If a complaint appears to the impairment review  
21 committee to be about an impairment matter in relation  
22 to a registered teacher, the committee may conduct an  
23 inquiry under this Subdivision into the complaint.

24 **74. Registered teacher must be notified about inquiry**

- 25 (1) The impairment review committee must give written  
26 notice to a registered teacher of its intention to conduct  
27 an inquiry under this Subdivision into a complaint in  
28 relation to the teacher.

- 1           (2) The notice must —  
2               (a) advise the teacher of the nature of the  
3               complaint; and  
4               (b) contain a brief summary of the effect of this  
5               Subdivision; and  
6               (c) if the impairment review committee considers  
7               that a health assessment of the teacher is  
8               necessary — seek the teacher’s consent to  
9               undergo a health assessment relating to the  
10              impairment matter within a period specified in  
11              the notice.

12           **74A. Hearings**

- 13           (1) The impairment review committee may hold hearings  
14           for the purposes of an inquiry.  
15           (2) Hearings must be held in private.

16           **75. Impairment matter: procedure and evidence**

17           In conducting an inquiry, the impairment review  
18           committee —

- 19           (a) must act with as little formality and technicality  
20           and as speedily as the requirements of this Act  
21           and a proper hearing of the matter permit; and  
22           (b) is not bound by the rules of evidence and may  
23           inform itself on any matter as it thinks fit; and  
24           (c) may receive oral or written submissions; and  
25           (d) may, subject to this Act and the rules of  
26           procedural fairness, determine its own  
27           procedures; and  
28           (e) may be assisted by a legal practitioner  
29           appointed by the committee for that purpose.

- 1           **75A.   Rights of teacher as to evidence and witnesses**
- 2           (1) In conducting an inquiry into a complaint, the
- 3           impairment review committee must give the registered
- 4           teacher who is the subject of the complaint an
- 5           opportunity to —
- 6                 (a) call and give evidence; and
- 7                 (b) examine and cross-examine witnesses; and
- 8                 (c) make submissions.
- 9           (2) However, if the impairment review committee decides
- 10           to conduct the inquiry by considering evidence
- 11           contained only in documents or electronic form,
- 12           subsection (1) does not apply to the teacher if the
- 13           teacher is given the opportunity to make written
- 14           submissions in relation to —
- 15                 (a) the complaint; and
- 16                 (b) any health assessment conducted for the
- 17                 purposes of an inquiry.
- 18           **75B.   Representation in relation to impairment matters**
- 19           (1) For the purposes of an inquiry into a complaint, a
- 20           registered teacher who is the subject of the complaint
- 21           may —
- 22                 (a) appear before the impairment review committee
- 23                         in person; or
- 24                 (b) with the leave of the impairment review
- 25                         committee — be represented by another person.
- 26           (2) A person who is not a legal practitioner does not
- 27           breach the *Legal Profession Uniform Law (WA)* or any
- 28           other Act merely by —
- 29                 (a) representing the teacher before the impairment
- 30                         review committee; or

- 
- 1 (b) providing advice and other services for the  
2 purpose of acting for the teacher in connection  
3 with an inquiry.
- 4 (3) However, if the impairment review committee decides  
5 to conduct the inquiry by considering evidence  
6 contained only in documents or electronic form,  
7 subsection (1)(a) does not apply to the teacher if the  
8 teacher is given the opportunity to make written  
9 submissions in relation to —
- 10 (a) the complaint; and  
11 (b) any health assessment conducted for the  
12 purposes of an inquiry.

13 **75C. Immunity for person performing inquiry functions**

14 A person who performs a function in relation to an  
15 inquiry, or is otherwise concerned in an inquiry, has the  
16 same protection and immunity as a member or officer  
17 of the Supreme Court, or a legal practitioner, witness or  
18 party before the Supreme Court, as relevant, would  
19 have in respect of a similar function or concern related  
20 to the jurisdiction of the Supreme Court.

21 **76. Health assessments**

- 22 (1) If a registered teacher consents to undergo a health  
23 assessment within the period specified in the notice  
24 under section 74(2)(c), the teacher and the impairment  
25 review committee may agree upon a medical  
26 practitioner or psychologist to conduct the assessment.
- 27 (2) If the impairment review committee and the teacher are  
28 unable to agree upon the medical practitioner or  
29 psychologist to conduct the health assessment, the  
30 committee must appoint a medical practitioner or  
31 psychologist to conduct the assessment.

- 1 (3) The Board must pay for a health assessment conducted  
2 under this section and a report provided under  
3 section 77.
- 4 (4) If the teacher does not undergo a health assessment  
5 within the period specified in the notice under  
6 section 74(2)(c), the impairment review committee  
7 must recommend to the Board that the complaint be  
8 referred to the Tribunal under Division 8.
- 9 **77. Report of health assessment must be given to**  
10 **impairment review committee and teacher**
- 11 (1) A medical practitioner or psychologist who conducts a  
12 health assessment of a registered teacher under  
13 section 76 must give a report of the health assessment  
14 to the impairment review committee.
- 15 (2) Within 7 days after the day on which the impairment  
16 review committee receives the report under  
17 subsection (1) from a medical practitioner or  
18 psychologist, the committee must give a copy of the  
19 report to the teacher assessed by the practitioner or  
20 psychologist.
- 21 (3) Despite subsection (2), if it appears to the impairment  
22 review committee that the disclosure to the teacher  
23 assessed of information in the report might be  
24 prejudicial to the physical or mental health or  
25 wellbeing of the teacher, the committee may decide not  
26 to give that report to the teacher but to give it instead to  
27 a medical practitioner, or another person, nominated by  
28 the teacher.
- 29 (4) If the teacher assessed does not nominate a medical  
30 practitioner or another person to the impairment review  
31 committee within 14 days after being requested to do  
32 so by the committee, the committee may give the

1 report to a medical practitioner selected by the  
2 committee.

3 **77A. Powers when dealing with impairment matters**

4 (1) For the purposes of an inquiry, the impairment review  
5 committee may —

6 (a) by written direction given to a person, require  
7 the person —

8 (i) to attend at a place and time specified in  
9 the direction; or

10 (ii) to produce at a place and time specified  
11 in the direction a document or other  
12 thing that is in the person's possession  
13 or under the person's control;

14 and

15 (b) direct a person attending in response to a  
16 direction under paragraph (a)(i) —

17 (i) to give information as is requested in  
18 relation to any matter; or

19 (ii) to answer a question put to the person.

20 (2) The impairment review committee may —

21 (a) inspect a document or other thing produced in  
22 response to a direction under  
23 subsection (1)(a)(ii) and retain it for any  
24 reasonable period that the committee considers  
25 appropriate; or

26 (b) make a copy of or take extracts from a  
27 document or other thing produced, or any of its  
28 contents, in response to a direction under  
29 subsection (1)(a)(ii); or

- 1 (c) direct that any information or answer directed  
2 to be given under subsection (1)(b) be given on  
3 oath or affirmation or be verified by statutory  
4 declaration.
- 5 (3) A member of the impairment review committee may  
6 administer an oath or affirmation for the purposes of  
7 this section.
- 8 (4) If the impairment review committee gives a direction  
9 to a person under subsection (1)(a), the direction must  
10 state that —
- 11 (a) under this Act, the person is required to comply  
12 with the direction; and
- 13 (b) failure to do so may be an offence under  
14 section 77B(1).
- 15 (5) If the impairment review committee gives a direction  
16 to a person under subsection (1)(b), the committee  
17 must inform the person that —
- 18 (a) under this Act, the person is required to comply  
19 with the direction; and
- 20 (b) failure to do so may be an offence under  
21 section 77B(1).

22 **77B. Failure to comply with direction**

- 23 (1) A person commits an offence if the person —
- 24 (a) fails to comply with a direction given to the  
25 person under section 77A(1); and
- 26 (b) was given a statement, or informed, when the  
27 direction was given that a failure to comply  
28 with the direction may constitute an offence  
29 under this subsection.

30 Penalty for this subsection: a fine of \$5 000.



- 1 (2) It is a defence to a charge of an offence under  
2 subsection (1) for the person to prove that the person  
3 had a reasonable excuse for failing to comply with the  
4 direction.
- 5 (3) For the purposes of subsection (2), it is not a  
6 reasonable excuse for a person to fail to comply with a  
7 direction given to the person under section 77A(1) on  
8 the ground that to do so might incriminate the person  
9 or render the person liable to a penalty.
- 10 (4) However, any information or answer given by an  
11 individual, or the fact that a document or other thing  
12 was produced by an individual, in compliance with a  
13 direction given to the individual under  
14 section 77A(1)(a)(ii) or (b) is not admissible in  
15 evidence against the individual in any proceedings  
16 other than —
- 17 (a) a complaint, interim order, inquiry or  
18 proceedings taken under this Part or a law of  
19 another State or a Territory or New Zealand  
20 that deals with the registration of teachers  
21 (however described); or
- 22 (b) proceedings for an offence under section 127;  
23 or
- 24 (c) proceedings for perjury.
- 25 (5) This section is in addition to, and does not affect the  
26 operation of, the *Evidence Act 1906* section 11.

27 **77C. Protection for compliance with direction**

- 28 (1) A person must comply with a direction given to the  
29 person under section 77A(1) despite the provisions of  
30 any other written law.

- 1           (2) However, other than a complaint, interim order, inquiry  
2           or proceedings referred to in section 77B(4)(a), (b) or  
3           (c) —  
4           (a) no civil or criminal liability is incurred as a  
5           result of compliance with the direction; and  
6           (b) compliance with the direction cannot be  
7           regarded as —  
8               (i) a breach of any duty of confidentiality  
9               or secrecy imposed by law; or  
10              (ii) a breach of professional ethics,  
11              professional standards or any principles  
12              of conduct applicable to the person's  
13              employment; or  
14              (iii) unprofessional conduct (however  
15              described).

16           **77D. Disruption of inquiry**

- 17           (1) A person must not hinder or obstruct the conduct of an  
18           inquiry.  
19           Penalty for this subsection: a fine of \$5 000.  
20           (2) A person must not insult the impairment review  
21           committee or a member of the committee when it is  
22           conducting an inquiry.  
23           Penalty for this subsection: a fine of \$5 000.

24           **77E. Immunity for person performing inquiry functions**

25           A person who performs a function in relation to an  
26           inquiry, or is otherwise concerned in an inquiry, has the  
27           same protection and immunity as a member or officer  
28           of the Supreme Court, or a witness or party before the  
29           Supreme Court, would have in respect of a similar  
30           function or concern related to the jurisdiction of the  
31           Supreme Court.

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**77F. Record of inquiry**

- (1) The impairment review committee must ensure that a record is kept of an inquiry conducted by the committee.
- (2) The record of an inquiry may include an audio or visual recording of the inquiry or part of the inquiry.
- (3) A registered teacher or formerly registered teacher is entitled, upon request, to a copy of the record of the inquiry in relation to the teacher’s impairment matter.

**78. Decision of impairment review committee after inquiry**

- (1) On completion of its inquiry into a complaint, the impairment review committee must deal with the complaint in 1 or more of the following ways if the committee finds an impairment matter exists in relation to the registered teacher who is the subject of the complaint —
  - (a) uphold the complaint in whole or in part;
  - (b) make a request or recommendation under section 55(1) in relation to any part of the complaint not related to the finding;
  - (c) recommend to the Board that the complaint is referred in whole or in part to the Tribunal under Division 8;
  - (d) request that the teacher consents —
    - (i) to the imposition of 1 or more conditions on their registration; or
    - (ii) to having their registration suspended for a period, not exceeding 2 years, specified by the impairment review committee; or

- 1 (iii) to undergo the counselling specified by  
2 the impairment review committee.
- 3 (2) If the impairment review committee does not make a  
4 finding that an impairment matter exists in relation to  
5 the registered teacher who is the subject of the  
6 complaint after the completion of the committee's  
7 inquiry into the complaint, the committee must —  
8 (a) dismiss the complaint; or  
9 (b) recommend that the Board refer the complaint  
10 to a disciplinary committee under  
11 section 55(1)(c) unless the complaint was  
12 previously referred from that committee to the  
13 impairment review committee.
- 14 (3) Notice of a decision under this section must be given in  
15 accordance with section 85.

16 **79. Recommendation**

- 17 (1) The impairment review committee must recommend to  
18 the Board that a complaint in relation to a registered  
19 teacher be referred to the Tribunal if the teacher —  
20 (a) does not consent to a request made under  
21 section 78(1)(d) within 30 days after the request  
22 is made; or  
23 (b) before the Board takes action under  
24 section 80(1), withdraws consent in writing to a  
25 request made under section 78(1)(d).
- 26 (2) If a registered teacher consents to a request made under  
27 section 78(1)(d) within 30 days after the request is  
28 made, the impairment review committee must  
29 recommend that the Board take any action to which the  
30 teacher has consented.

- 1 (3) A recommendation made under subsection (1) or (2)  
2 must be made in writing and contain details of the  
3 impairment review committee's consideration of the  
4 complaint to which it relates.

5 **80. Decision of Board after consideration of**  
6 **recommendation of impairment review committee**

- 7 (1) The Board must consider a recommendation under  
8 section 78(1)(c) or 79 of the impairment review  
9 committee about a complaint relating to a registered  
10 teacher and may do any of the following —  
11 (a) decide not to take any action;  
12 (b) take any action to which the teacher has  
13 consented under section 78(1)(d);  
14 (c) refer the complaint in whole or in part to a  
15 disciplinary committee or the Tribunal.
- 16 (2) For the purpose of taking action to which the teacher  
17 has consented the Board may —  
18 (a) order that 1 or more conditions be imposed on  
19 the registration of the teacher, or order that an  
20 existing condition be modified; or  
21 (b) order that the registration of the teacher is  
22 suspended for the period specified in the order;  
23 or  
24 (c) obtain an undertaking from the teacher to  
25 undergo the counselling specified by the  
26 impairment review committee.
- 27 (3) Consent given by the teacher cannot be withdrawn  
28 unless the Board receives the withdrawal in writing  
29 from the teacher before the Board takes action under  
30 subsection (1)(b) and (2).

- 1 (4) Nothing in this section limits the powers of the Board  
2 in relation to imposing or modifying conditions on  
3 registration.
- 4 (5) Notice of a decision or an order made under this  
5 section must be given in accordance with section 85.

6 **Subdivision 3 — Imposing or modifying conditions in**  
7 **relation to complaints about impairment matters**

8 **81. Imposing or modifying conditions**

- 9 (1) A registered teacher who is the subject of a complaint  
10 referred to the impairment review committee may  
11 agree with the committee for the committee to  
12 recommend any of the following to the Board —
- 13 (a) to impose a condition on the teacher's  
14 registration;
- 15 (b) to modify an existing condition on the teacher's  
16 registration.
- 17 (2) If a recommendation is made under subsection (1) to  
18 impose or modify a condition on a teacher's  
19 registration, the Board may impose that condition, or  
20 may modify the existing condition, on the registration  
21 of the teacher.
- 22 (3) An agreement made by the teacher under  
23 subsection (1) cannot be withdrawn unless the Board  
24 receives the withdrawal in writing from the teacher  
25 before the Board imposes or modifies a condition  
26 under subsection (2).
- 27 (4) If a condition is imposed or modified by the Board  
28 under subsection (2) on the registration of a teacher  
29 who is the subject of a complaint, the Board must  
30 dismiss the complaint.

- 1 (5) Nothing in this section limits the powers of the Board  
2 in relation to imposing or modifying conditions on  
3 registration.
- 4 (6) Notice of a decision under subsection (2) must be given  
5 in accordance with section 85.

6 **82. Cancellation of condition**

- 7 (1) The Board may cancel a condition imposed or  
8 modified under section 81 if a registered teacher  
9 satisfies the impairment review committee that their  
10 ability to practise as a teacher is no longer affected  
11 because of the impairment matter that gave rise to the  
12 imposition or modification of the condition.
- 13 (2) Notice of a decision under subsection (1) must be given  
14 in accordance with section 85.

15 **Division 8 — Tribunal**

16 **Subdivision 1 — Referrals to Tribunal**

17 **83. Complaints and matters referred to Tribunal**

- 18 (1) Unless otherwise required under this Act, the Board  
19 may refer a complaint to the Tribunal on its own  
20 initiative or on the recommendation of a disciplinary  
21 committee or the impairment review committee.
- 22 (2) If a referral is made to the Tribunal about a matter for  
23 which an interim order is in force, the order remains in  
24 force until it is varied or revoked by the Tribunal or the  
25 complaint relating to the matter is finally dealt with by  
26 the Tribunal.

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**Subdivision 2 — Tribunal**

**84. Jurisdiction of Tribunal**

- (1) If, in a proceeding commenced by a referral under this Act, the Tribunal finds that a disciplinary matter occurred in relation to a complaint about a registered teacher or a formerly registered teacher the Tribunal may do 1 or more of the following —
  - (a) if the finding is in respect of a person who is a registered teacher or formerly registered teacher —
    - (i) uphold the complaint in whole or in part;
    - (ii) dismiss any part of the complaint not related to the finding;
    - (iii) order that the person is cautioned or reprimanded;
    - (iv) order that the person pay to the Board a fine of a specified amount not exceeding \$5 000;
  - (b) if the finding is in respect of a person who is a formerly registered teacher — order that the person is disqualified from having registration granted under Part 3 for a period specified in the order or for an indefinite period;
  - (c) if the finding is in respect of a person who is a registered teacher —
    - (i) order that the registration of the person is suspended for a period, not exceeding 2 years, specified in the order;
    - (ii) order that 1 or more conditions are imposed on the registration of the person, or order that any existing conditions are modified or cancelled;



- 
- 1 (iii) without limiting any other paragraph, if  
2 the Tribunal finds that a person who  
3 holds full registration has taught with  
4 serious incompetence — order the  
5 cancellation of the person’s full  
6 registration and the substitution of  
7 provisional (returning teacher)  
8 registration;
- 9 (iv) order that the person’s registration is  
10 cancelled;
- 11 (v) if an order is made under  
12 subparagraph (iv) in relation to a  
13 person — order that the person is  
14 disqualified from having registration  
15 granted under Part 3 for a period  
16 specified in the order or for an indefinite  
17 period.
- 18 (2) If, in a proceeding commenced by a referral under this  
19 Act, the Tribunal does not make a finding that a  
20 disciplinary matter occurred in relation to a complaint  
21 about a registered teacher or formerly registered  
22 teacher, the Tribunal must dismiss any part of the  
23 complaint that relates to the disciplinary matter that  
24 was alleged.
- 25 (3) If, in a proceeding commenced by a referral under this  
26 Act, the Tribunal finds that an impairment matter exists  
27 in relation to a complaint about a person who is a  
28 registered teacher the Tribunal may do 1 or more of the  
29 following —
- 30 (a) uphold the complaint in whole or in part;
- 31 (b) dismiss any part of the complaint not related to  
32 the finding;

- 1 (c) order that the person's registration is suspended  
2 for a period, not exceeding 2 years, specified in  
3 the order;
- 4 (d) order that 1 or more conditions are imposed on  
5 the person's registration, or order that any  
6 existing conditions are modified or cancelled;
- 7 (e) order that the person undergoes counselling or  
8 medical treatment or acts in accordance with  
9 medical advice given to the person;
- 10 (f) order that the person's registration is cancelled;
- 11 (g) if an order is made under paragraph (f) in  
12 relation to a person — order that the person is  
13 disqualified from having registration granted  
14 under Part 3 for a period specified in the order.
- 15 (4) The Tribunal cannot make an order under  
16 subsection (3)(f) unless satisfied that the person is  
17 unable to carry out the inherent requirements of the  
18 work of a registered teacher because of an impairment.
- 19 (5) If, in a proceeding commenced by a referral under this  
20 Act, the Tribunal does not make a finding that an  
21 impairment matter exists in relation to a complaint  
22 about a registered teacher, the Tribunal must dismiss  
23 any part of the complaint that relates to the impairment  
24 matter that was alleged.
- 25 (6) In a proceeding commenced by a referral under this  
26 Act in relation to a complaint about a registered  
27 teacher's impairment matter, the Tribunal must dismiss  
28 any part of the complaint that relates to the impairment  
29 matter if the teacher's registration —
- 30 (a) is cancelled (other than under  
31 subsection (3)(f)); or
- 32 (b) otherwise ends.

- 
- 1 (7) If a referral to the Tribunal is made in relation to a  
2 complaint for which an interim order is in force, the  
3 Tribunal may affirm, revoke or vary the order pending  
4 final determination of the referral.
- 5 (8) Nothing in subsection (7) limits or restricts the  
6 functions of the Tribunal in respect of a complaint  
7 under this Act about a matter in respect of which an  
8 interim order is in force.
- 9 (9) The Board must give effect to, or enforce, an order  
10 made by the Tribunal under this Division to the extent  
11 that it is an order that is capable of being given effect  
12 to, or enforced, by the Board.
- 13 (10) Subsection (9) does not limit any right of review or  
14 appeal that the Board has in relation to an order made  
15 by the Tribunal under this Division.

16 **84A. Health assessments ordered by Tribunal**

- 17 (1) In a proceeding on a complaint referred to the Tribunal  
18 about an impairment matter, the Tribunal may make an  
19 interlocutory order requiring 1 or more of the  
20 following —
- 21 (a) that the registered teacher who is the subject of  
22 the complaint undergoes a health assessment;
- 23 (b) that the Board appoints a medical practitioner  
24 or psychologist to conduct the health  
25 assessment;
- 26 (c) that the person appointed under paragraph (b)  
27 gives a written report about the health  
28 assessment to the Tribunal;
- 29 (d) that the Board pays the costs and expenses  
30 arising from, or incidental to, the health  
31 assessment and the provision of the report.

1           (2) The Tribunal may affirm, revoke or vary an  
2           interlocutory order pending final determination of the  
3           referral.

4           (3) Nothing in subsection (2) limits or restricts the  
5           functions of the Tribunal in respect of a complaint  
6           under this Act about a matter in respect of which an  
7           interlocutory order is in force.

8           **84B. Interlocutory orders to suspend registered teachers**

9           (1) In a proceeding on a complaint referred to the Tribunal,  
10          the Tribunal may make an interlocutory order  
11          suspending the registration of the registered teacher  
12          who is the subject of the complaint if the Tribunal  
13          believes on reasonable grounds that —

14               (a) the teacher may pose a risk of harm to a  
15               student; and

16               (b) the suspension is necessary to protect a student.

17          (2) In a proceeding on a complaint referred to the Tribunal,  
18          the Tribunal may make an interlocutory order  
19          suspending the registration of the registered teacher  
20          who is the subject of the complaint if the Tribunal  
21          believes on reasonable grounds that a health  
22          assessment of the teacher ordered under section 84A is  
23          not completed as ordered.

24          (3) In a proceeding on a complaint referred to the Tribunal,  
25          the Tribunal may make an interlocutory order  
26          suspending the registration of the registered teacher  
27          who is the subject of the complaint if the teacher has  
28          been charged with an actionable offence.

29          (4) An interlocutory order may be made under  
30          subsection (1), (2) or (3) whether or not the teacher is  
31          currently appointed, employed or engaged, or given  
32          permission to teach, at an educational institution.

- 1 (5) The Tribunal may affirm, revoke or vary an  
 2 interlocutory order pending final determination of the  
 3 referral.
- 4 (6) Nothing in subsection (5) limits or restricts the  
 5 functions of the Tribunal in respect of a complaint  
 6 under this Act about a matter in respect of which an  
 7 interlocutory order is in force.

8 **Division 9 — Notice of orders and decisions made under**  
 9 **this Part**

10 **85. Notice of orders and decisions made under this Part**

- 11 (1) In this section —  
 12 *Part 5 order or decision* means —  
 13 (a) an interim order; or  
 14 (b) an order or a decision under any of the  
 15 following provisions —  
 16 (i) section 53(1);  
 17 (ii) section 55(3)(b) or (c);  
 18 (iii) section 57(1);  
 19 (iv) section 62(1)(a) or (c);  
 20 (v) section 70(1), (2) or (3);  
 21 (vi) section 71(1)(c);  
 22 (vii) section 78(1) or (2);  
 23 (viii) section 80(1) or (2);  
 24 (ix) section 81(2);  
 25 (x) section 82(1).
- 26 (2) Within 14 days after making a Part 5 order or decision  
 27 (other than an interim order) in relation to a complaint  
 28 about a registered teacher or formerly registered  
 29 teacher, the Board, a disciplinary committee or the

- 1                   impairment review committee, as is relevant, must give  
2                   written notice of the order or decision to —
- 3                   (a) if the teacher has been notified of the  
4                   complaint — the teacher; and
- 5                   (b) if the complaint is a public complaint — the  
6                   complainant.
- 7                   (3) Within 14 days after making an interim order, the  
8                   Board must give written notice about the order to the  
9                   person who is bound by the order.
- 10                  (4) A notice must contain short particulars of the reasons  
11                  for the order or decision.
- 12                  (5) Notice given to a person about an interim order must  
13                  contain a statement that the Board must refer the matter  
14                  in respect of which the order is made to the Tribunal  
15                  under section 61.
- 16                  (6) Notice given to a teacher about an order or a decision  
17                  made under the following provisions must contain a  
18                  statement that the teacher may have a right to a review  
19                  under section 124 —
- 20                   (a) section 70(1)(a)(i), (iii) or (iv);  
21                   (b) section 70(1)(b);  
22                   (c) section 70(2);  
23                   (d) section 78(1)(a);  
24                   (e) section 80(1)(b) or (2);  
25                   (f) section 82(1).
- 26                  (7) Notice given to a person about a Part 5 order or  
27                  decision must not contain identifying information  
28                  provided by the Commissioner of Police under  
29                  section 41A.  
30

1   **56.    Section 87 amended**

2       (1)   In section 87(1) delete “7 members” and insert:

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4           9 members

5

6       (2)   In section 87(4) delete “such experience, skills or qualifications  
7           as” and insert:

8

9           the experience, skills or qualifications that

10

11       (3)   In section 87(5):

12           (a)   delete “is to designate one” and insert:

13

14                   must designate 1

15

16           (b)   delete “and one” and insert:

17

18                   and another

19

20   **57.    Section 88 amended**

21       (1)   At the beginning of section 88 insert:

22

23       (1)   In this section —

24           *account* means the Teacher Registration Board  
25           Account referred to in section 115;

26           *meeting* means a meeting of the Board or a committee;

27           *relief teacher*, in relation to a member of the Board or  
28           a committee who is a registered teacher, means another

1 registered teacher who teaches in the place of that  
2 member.

3

4 (2) In section 88 delete “A member” and insert:

5

6 (2) A member

7

8 (3) At the end of section 88 insert:

9

10 (3) However, if moneys standing to the credit of the  
11 account are applied to meet the reasonable cost of  
12 providing a relief teacher while a member of the Board  
13 or a committee is attending a meeting during school  
14 hours, then that member is not entitled to any  
15 remuneration under subsection (2) in respect of  
16 attendance at that meeting.

17

18 **58. Section 89 amended**

19 Delete section 89(b) to (d) and insert:

20

21 (c) to work with, and join associations of, teacher  
22 regulatory authorities (however described) of  
23 other States or Territories or New Zealand to  
24 participate in, and contribute to, activities  
25 relating to teaching, teachers and accreditation  
26 schemes;

27 (d) to establish, implement and administer for  
28 Western Australia an accreditation scheme for  
29 initial teacher education programs;

30



1   **59.     Section 91 amended**

2       (1)   In section 91(1) delete “Act —” and insert:

3

4           Act (other than section 48C) —

5

6       (2)   After section 91(1) insert:

7

8           (1A)   The Board may delegate any power or duty of the  
9                   Board under section 48C, with the consent of the CEO,  
10                  to an officer or employee employed in the Department.

11

12   **60.     Section 92 replaced**

13       Delete section 92 and insert:

14

15       **92.     Staff and services**

16           The CEO must ensure that the Board is provided with  
17           any of the following as are reasonably necessary to  
18           enable it to perform its functions —

19               (a)   staff, services and facilities;

20               (b)   other resources and support.

21

22   **61.     Section 93 amended**

23       (1)   In section 93(1) delete “such direction.” and insert:

24

25           direction given.

26

**s. 62**

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- 1       (2) In section 93(2)(b) delete “application, complaint or  
2       proceeding.” and insert:  
3  
4       application, investigation, complaint, interim order, inquiry or  
5       proceeding.  
6  
7       (3) In section 93(3)(a) delete “days after the direction is given or  
8       dealt with in accordance with section 125; and” and insert:  
9  
10       sitting days after the direction is given; and  
11

12       **62. Section 94 amended**

- 13       (1) In section 94(4) delete “his or her” and insert:  
14  
15       the CEO’s  
16  
17       (2) In section 94(5):  
18           (a) delete paragraph (b) and insert:  
19  
20                   (b) might enable the identity of a person involved  
21                   in a particular application, complaint,  
22                   investigation, inquiry or other proceeding to be  
23                   ascertained.  
24  
25       (b) delete “unless that person has consented to the  
26       disclosure.”.

1 (3) After section 94(5) insert:

2

3 (6) Subsection (5) does not apply if the person referred to  
4 in subsection (5)(a) or (b) has consented to the  
5 disclosure.

6

7 **63. Part 6 Division 5 heading amended**

8 In the heading to Part 6 Division 5 delete “**the**”.

9 **64. Section 96 amended**

10 In section 96(2)(c) after “convicted” insert:

11

12 or found guilty

13

14 **65. Section 98 amended**

15 In section 98(2) delete “his or her” and insert:

16

17 the deputy chairperson’s

18

19 **66. Section 102 amended**

20 In section 102 delete “is to” and insert:

21

22 may

23

1   **67.    Section 108 amended**

2           In section 108(1) and (2) in the Penalty delete “Penalty:” and  
3           insert:

4  
5           Penalty for this subsection:  
6

7   **68.    Section 112 amended**

8           Delete section 112(2) and insert:

9  
10          (2)   The Minister must cause a copy of the declaration to be  
11               laid before each House of Parliament within 14 sitting  
12               days of the relevant House after the declaration is  
13               made.  
14

15   **69.    Section 113 amended**

16          Delete section 113(2) and insert:

17  
18          (2)   The Board may authorise any of the following to sign  
19               documents on behalf of the Board, either generally or  
20               subject to the conditions that are specified in the  
21               authorisation —

- 22               (a)   1 or more members of the Board;  
23               (b)   with the consent of the CEO — any officer or  
24               employee employed in the Department.  
25

26               Note: The heading to amended section 113 is to read:

27               **Execution of documents by Board**

1 **70. Section 115 amended**

2 (1) In section 115(3)(b) delete “Teacher Registration Board” and  
3 insert:

4  
5 Board

6  
7 (2) In section 115(4):

8 (a) delete “Moneys held in the” and insert:

9  
10 Moneys standing to the credit of the

11  
12 (b) delete paragraph (a) and insert:

13  
14 (a) in payment of any of the following —

15 (i) the remuneration and allowances  
16 payable to the members of the Board or  
17 of a committee under this Act;

18 (ii) remuneration and allowances for relief  
19 teachers referred to in section 88 to  
20 enable a member of the Board or of a  
21 committee to attend meetings of the  
22 Board or of the committee;

23  
24 (c) in paragraph (b) delete “Teacher Registration Board”  
25 and insert:

26  
27 Board

28

s. 71

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1    **71.    Section 116 amended**

2           In section 116 in the definition of *publish*:

3           (a)   delete “includes —” and insert:

4

5                   includes the following —

6

7           (b)   in paragraph (h) delete “make verbally” and insert:

8

9                   state orally

10

11    **72.    Section 117 amended**

12           In section 117(2) in the Penalty delete “Penalty:” and insert:

13

14           Penalty for this subsection:

15

16    **73.    Section 118 amended**

17           (1)   Delete section 118(1)(a) and (b) and insert:

18

19                   (a)   matters in relation to the registration of  
20                   teachers;

21                   (b)   matters in relation to registered teachers or  
22                   formerly registered teachers;

23                   (c)   matters that adversely affect or may adversely  
24                   affect the interests of persons at educational  
25                   institutions who are or were taught by  
26                   registered teachers or formerly registered  
27                   teachers.

28

- 1 (2) In section 118(2):  
2 (a) in paragraph (a)(ii) delete “State Administrative”;  
3 (b) after paragraph (a)(ii) insert:  
4  
5 (iii) information referred to in Part 4;  
6 (iv) matters under Part 5, including any  
7 complaints or investigations;  
8  
9 (c) after paragraph (a) insert:

10  
11 and  
12

- 13 (3) After section 118(3) insert:  
14

- 15 (3A) This section is subject to the *Evidence Act 1906*  
16 section 36C and the *Children’s Court of Western*  
17 *Australia Act 1988* section 35.  
18

19 **74. Section 118A inserted**

20 At the end of Part 7 Division 1 insert:  
21

22 **118A. Provision of information to Australian Teacher**  
23 **Workforce Data Initiative**

- 24 (1) In this section —  
25 *Australian Teacher Workforce Data Initiative* means  
26 the initiative implemented by the Australian Institute  
27 for Teaching and School Leadership Limited  
28 (ACN 117 362 740) and partners for the collection,  
29 analysis and reporting of data in relation to the teaching  
30 workforce in Australia.

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- 1           (2) The Board may, with the approval of the Minister,  
2           provide any information held by the Board in relation  
3           to the teaching workforce to the Australian Teacher  
4           Workforce Data Initiative.  
5

6 **75. Part 7 Division 1A inserted**

7           Before Part 7 Division 2 insert:  
8

9                           **Division 1A — Accreditation standards**

10           **118B. Accreditation standards**

- 11           (1) The Minister may approve standards developed by the  
12           Board to detail the structure, content, duration,  
13           admission criteria, graduation criteria and outcomes of  
14           programs that are suitable for accreditation and related  
15           matters.
- 16           (2) The standards may adopt the text of any code, rules,  
17           specifications, standard or other document issued,  
18           published or approved by another person or body.
- 19           (3) The text referred to in subsection (2) may be  
20           adopted —
- 21                   (a) wholly or in part or as modified by the  
22                   standards; and
- 23                   (b) as it exists at a particular date or as amended  
24                   from time to time.
- 25           (4) The Board must make the standards available for  
26           inspection on a website maintained by the Board.
- 27           (5) The standards commence at the beginning of the day  
28           after the day on which they are made available for  
29           inspection under subsection (4) or a later day provided  
30           for in the standards.



1 (6) The standards are not subsidiary legislation for the  
2 purposes of the *Interpretation Act 1984*.

3 (7) The *Interpretation Act 1984* sections 43 (other than  
4 subsection (6)) and 44 and Part VIII apply to the  
5 standards as if they were subsidiary legislation.  
6

7 **76. Section 119 amended**

8 After section 119(3) insert:  
9

10 (4) A prosecution of a person for an offence under this Act  
11 must be commenced within 6 years after the day on  
12 which the offence is alleged to have been committed.  
13

14 **77. Section 121 amended**

15 Delete section 121(2) and insert:  
16

17 (2) In proceedings for an offence against this Act any of  
18 the following allegations specified in a prosecution  
19 notice are taken to be proved in the absence of  
20 evidence to the contrary —

21 (a) a specified person was a member or an alternate  
22 member of the Board at a specified time;

23 (b) a specified person was the chairperson or  
24 deputy chairperson of the Board at a specified  
25 time;

26 (c) a specified person was a member of a  
27 committee at a specified time.  
28

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1 **78. Section 122 amended**

2 In section 122(2):

3 (a) delete “or all”;

4 (b) delete paragraph (e) and insert:

5

6 (e) that a person is or was disqualified by an order  
7 under Part 5;

8

9 **79. Section 123 replaced**

10 Delete section 123 and insert:

11

12 **123. Recovery of amounts due**

13 The amount of any of the following is recoverable by  
14 the Board in any court of competent jurisdiction as a  
15 debt due to the State —

16 (a) fees;

17 (b) a penalty, costs or expenses ordered to be paid  
18 under Part 5.

19

20 **80. Part 7 Division 3 replaced**

21 Delete Part 7 Division 3 and insert:

22

23 **Division 3 — Review by Tribunal**

24 **124. Review by Tribunal of certain decisions**

25 (1) A person who is aggrieved by a reviewable decision  
26 may apply to the Tribunal for a review of the decision  
27 if the person is any of the following —

- 
- 1 (a) a registered teacher or formerly registered  
 2 teacher;
- 3 (b) an applicant for a grant of registration under  
 4 Part 3;
- 5 (c) an applicant for a renewal of registration under  
 6 Part 3;
- 7 (d) an applicant for a change of category of  
 8 registration under Part 3;
- 9 (e) an employer of a person who holds, or held,  
 10 limited registration.
- 11 (2) In subsection (1) —
- 12 **reviewable decision** means a decision of —
- 13 (a) the Board to refuse an application by the person  
 14 under Part 3 for the grant of registration; or
- 15 (b) the Board to refuse an application by the person  
 16 under Part 3 for the renewal of registration; or
- 17 (c) the Board to refuse an application by the person  
 18 under Part 3 for a change of category of  
 19 registration; or
- 20 (d) the Board to impose a condition on the person’s  
 21 registration under section 26 when granting or  
 22 renewing that registration or changing the  
 23 category of registration; or
- 24 (e) the Board to impose, modify or cancel a  
 25 condition under section 26 during the currency  
 26 of the person’s registration; or
- 27 (f) the Board to cancel the person’s registration  
 28 under section 27; or
- 29 (g) a disciplinary committee to deal with a  
 30 complaint about the person under  
 31 section 70(1)(a)(i), (iii) or (iv) or (b) or (2); or

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- 1 (h) the impairment review committee to deal with a  
2 complaint against the person under  
3 section 78(1)(a); or  
4 (i) the Board to make an order or obtain an  
5 undertaking against the person under  
6 section 80(1)(b) or (2); or  
7 (j) the Board to refuse to cancel under  
8 section 82(1) a condition on the person's  
9 registration.  
10

11 **81. Section 125 replaced**

12 Delete section 125 and insert:  
13

14 **125. Relationship with *Equal Opportunity Act 1984***

15 If a provision of this Act is inconsistent with a  
16 provision of the *Equal Opportunity Act 1984*, the  
17 provision of this Act prevails to the extent of the  
18 inconsistency.  
19

20 **82. Section 127 replaced**

21 Delete section 127 and insert:  
22

23 **127. False or misleading information**

- 24 (1) A person must not take any of the actions or make any  
25 of the omissions set out in subsection (2) —  
26 (a) in, or in connection with, a registration  
27 application under this Act; or

- 
- 1 (b) in compliance or purported compliance with a  
2 requirement made by or under this Act to  
3 provide information; or  
4 (c) for any other purpose under this Act.  
5 Penalty for this subsection:  
6 (a) for a first offence, a fine of \$5 000;  
7 (b) for a second or subsequent offence, a fine of  
8 \$10 000.
- 9 (2) The actions or omissions to which subsection (1) apply  
10 are any of the following —  
11 (a) making a statement which the person knows is  
12 false or misleading in a material particular;  
13 (b) making a statement which is false or misleading  
14 in a material particular, with reckless disregard  
15 as to whether or not the statement is false or  
16 misleading in a material particular;  
17 (c) providing, or causing to be provided,  
18 information that the person knows is false or  
19 misleading in a material particular;  
20 (d) providing, or causing to be provided,  
21 information that is false or misleading in a  
22 material particular, with reckless disregard as to  
23 whether the information is false or misleading  
24 in a material particular;  
25 (e) failing to disclose, or causing a failure to  
26 disclose, all information that the person knows  
27 is materially relevant.  
28

29 **83. Section 128 amended**

30 In section 128(2):

- 31 (a) delete “all or”;

- 1                   (b) delete paragraphs (d) to (f) and insert:  
2
- 3                   (d) regulating applications and registration,  
4                   including —
- 5                         (i) conditions on registration; and  
6                         (ii) the provision of information about  
7                         eligibility for registration; and  
8                         (iii) requiring matters to be in accordance  
9                         with the professional learning activities  
10                         policy or the professional standards;
- 11                   (e) implementing and administering an  
12                   accreditation scheme for initial teacher  
13                   education programs, including —
- 14                         (i) the grant and cancellation of  
15                         accreditation, including conditions on  
16                         accreditation and the duration of  
17                         accreditation; and  
18                         (ii) requiring matters to be in accordance  
19                         with the accreditation standards; and  
20                         (iii) eligibility criteria for accreditation; and  
21                         (iv) the fees to be paid for accreditation, and  
22                         in relation to the accreditation scheme,  
23                         and the person liable for the payment of  
24                         any fee; and  
25                         (v) providing for accreditation panels,  
26                         including the functions and powers of  
27                         accreditation panels; and  
28                         (vi) the role of the Board and other bodies,  
29                         including any accreditation panel or  
30                         panels, in the accreditation scheme; and  
31                         (vii) the review of accreditation decisions;  
32                         and

- 1 (viii) anything supplementary or additional
- 2 for the implementation or administration
- 3 of the accreditation scheme;
- 4 (f) regarding information in relation to any of the
- 5 following to be supplied to the Board, at the
- 6 request of the Board, by an employer at an
- 7 educational institution —
- 8 (i) any person who is teaching at an
- 9 educational institution;
- 10 (ii) teaching at educational institutions;
- 11 (fa) the keeping of records by the Board;
- 12

13 **84. Section 130 replaced**

14 Delete section 130 and insert:

15

16 **130. Review of Act in relation to *Teacher Registration***  
17 ***Amendment Act 2022***

- 18 (1) The Minister must review the operation and
- 19 effectiveness of this Act, and prepare a report based
- 20 on the review, as soon as practicable after the
- 21 4<sup>th</sup> anniversary of the day on which the *Teacher*
- 22 *Registration Amendment Act 2022* section 84 comes
- 23 into operation.
- 24 (2) The review must address the following —
- 25 (a) the effectiveness of the scheme for the
- 26 registration of teachers, including the categories
- 27 of registration;
- 28 (b) the effectiveness of Part 5, including in relation
- 29 to complaints and disciplinary processes;

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1 (c) any other matters that appear to the Minister to  
2 be relevant to the operation and effectiveness of  
3 this Act.

4 (3) The Minister must cause the report to be laid before  
5 each House of Parliament as soon as practicable after it  
6 is prepared, but not later than 12 months after the  
7 4<sup>th</sup> anniversary.  
8

9 **85. Part 8 Division 4 inserted**

10 At the end of Part 8 insert:  
11

12 **Division 4 — Application of Act to individual who was**  
13 **WACOT teacher**

14 **149A. Terms used**

15 In this Division —

16 **WACOT Act**, in relation to an individual who was a  
17 WACOT teacher, means the *Western Australian*  
18 *College of Teaching Act 2004* as in force at the relevant  
19 time the individual was a WACOT teacher;

20 **WACOT teacher** means an individual who —

- 21 (a) was registered as a teacher under the WACOT  
22 Act section 34; or  
23 (b) was provisionally registered as a teacher under  
24 the WACOT Act section 32; or  
25 (c) held a limited authority to teach under the  
26 WACOT Act section 36.



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**149B. Application of Act to individual who was WACOT teacher**

- (1) This Act is taken to apply to an individual who was a WACOT teacher.
- (2) For the purposes of the application in subsection (1), if the individual is a registered teacher —
  - (a) the definition of *teach* in section 3 is taken to include teaching as defined in the WACOT Act section 3(1); and
  - (b) in a provision listed in column 1 of the Table, each reference in column 2 of the Table is taken to include a reference specified opposite it in column 3 of the Table.

**Table**

<b>Column 1 Provision</b>	<b>Column 2 Reference</b>	<b>Column 3 Included reference</b>
section 47	a registered teacher	an individual who was a WACOT teacher
section 47(a)	contravened this Act	contravened the WACOT Act
section 47(b)	a condition imposed on their registration	any terms and conditions imposed on their registration, provisional registration or authority to teach under the WACOT Act

<b>Column 1 Provision</b>	<b>Column 2 Reference</b>	<b>Column 3 Included reference</b>
section 47(e) and (h)	an educational institution	a school
section 47(h)	registration	registration, provisional registration or authority to teach under the WACOT Act
section 48A	a registered teacher	an individual who was a WACOT teacher
section 48A(2)(b)	student	person taught at a school
sections 48B, 51(1)(a), 51A(1)(a) and 52 Part 5 Divisions 5 and 6 section 84 (other than subsections (3) to (6)) section 84B (other than subsection (2)) section 85	a registered teacher	an individual who was a WACOT teacher

Column 1 Provision	Column 2 Reference	Column 3 Included reference
section 118(1)(b) and (c)	registered teachers	individuals who were WACOT teachers
section 118(1)(c)	educational institutions	schools
sections 124(1)(a) and 149T	a registered teacher	an individual who was a WACOT teacher

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- (3) For the purposes of the application in subsection (1), if the individual was a registered teacher but is not currently a registered teacher or has not been a registered teacher —
- (a) the definition of *formerly registered teacher* in section 3 is taken to include an individual who was a WACOT teacher; and
  - (b) the definition of *teach* in section 3 is taken to include teaching as defined in the WACOT Act section 3(1); and
  - (c) in a provision listed in column 1 of the Table, each reference in column 2 of the Table is taken to include a reference specified opposite it in column 3 of the Table.

**Table**

Column 1 Provision	Column 2 Reference	Column 3 Included reference
section 47(a)	contravened this Act	contravened the WACOT Act

<b>Column 1 Provision</b>	<b>Column 2 Reference</b>	<b>Column 3 Included reference</b>
section 47(b)	a condition imposed on their registration	any terms and conditions imposed on their registration, provisional registration or authority to teach under the WACOT Act
section 47(e) and (h)	an educational institution	a school
section 47(h)	registration	registration, provisional registration or authority to teach under the WACOT Act
section 48A	a registered teacher	an individual who was a WACOT teacher
section 48A(2)(b)	student	person taught at a school
section 48B	a registered teacher	an individual who was a WACOT teacher

Column 1 Provision	Column 2 Reference	Column 3 Included reference
sections 51(1)(b) and 51A(1)(b)	registration	registration, provisional registration or authority to teach under the WACOT Act
section 118(1)(b) and (c)	formerly registered teachers	individuals who were WACOT teachers
section 118(1)(c)	educational institutions	schools

1

2 **86. Part 8A inserted**

3 Before Part 9 insert:

4

5 **Part 8A — Transitional provisions for *Teacher***  
 6 ***Registration Amendment Act 2022***

7 **Division 1 — Preliminary**

8 **149C. Terms used**

9 In this Part —

10 *amended Act* means this Act as in force on and after  
 11 commencement day;

12 *commencement day* means the day on which the  
 13 *Teacher Registration Amendment Act 2022* section 3  
 14 comes into operation;

1                    *finally dealt with*, in relation to a matter, means the  
2                    matter has been finally dealt with by the  
3                    decision-maker at first instance whether or not the  
4                    matter has been subject to a review or appeal.

5                    **149D. Application of *Interpretation Act 1984* not affected**

6                    Except as provided in this Part and in any transitional  
7                    regulations made under this Part, this Part and any  
8                    transitional regulations made under this Part do not  
9                    affect the application of the *Interpretation Act 1984* in  
10                    relation to the amendments effected by the *Teacher*  
11                    *Registration Amendment Act 2022*.

12                    **Division 2 — Applications undecided before**  
13                    **commencement day**

14                    **149E. Applications for full registration**

15                    (1) In this section —

16                    *non-practising applicant* means an applicant who held  
17                    non-practising registration immediately before  
18                    commencement day whether or not the applicant holds  
19                    provisional registration under section 149P on and after  
20                    commencement day;

21                    *undecided full registration application* means an  
22                    application for full registration under section 10 as in  
23                    force immediately before commencement day that was  
24                    not —

25                    (a) finally decided by the Board before  
26                    commencement day; or

27                    (b) refused under section 13(3), or refused  
28                    consideration or further consideration under  
29                    section 14, as in force immediately before  
30                    commencement day.

- 
- 1           (2) An undecided full registration application received by  
2           the Board before commencement day is taken to be an  
3           application for full registration under the amended Act  
4           section 10 and must be dealt with under the amended  
5           Act.
- 6           (3) However, despite section 21(1), if a non-practising  
7           applicant for an undecided full registration application  
8           does not meet the requirements for full registration, the  
9           Board may grant the non-practising applicant under  
10          section 21 —
- 11           (a) if the non-practising applicant was conferred a  
12           qualification referred to in section 18A(1)(a)(i)  
13           within 5 years before the day on which the  
14           Board receives the application and meets the  
15           requirements set out in section 16A(b) to (d) —  
16           provisional (graduate teacher) registration; or
- 17           (b) if the non-practising applicant was not  
18           conferred a qualification referred to in  
19           section 18A(1)(a)(i) within 5 years before the  
20           day on which the Board receives the application  
21           and meets the requirements set out in  
22           section 16(b) and (c) — provisional (returning  
23           teacher) registration.
- 24          (4) If subsection (3)(a) applies, an undecided full  
25          registration application for a non-practising applicant  
26          received by the Board before commencement day is  
27          taken to be an application under the amended Act  
28          section 10 for provisional (graduate teacher)  
29          registration and must be dealt with under the amended  
30          Act.
- 31          (5) If subsection (3)(b) applies, an undecided full  
32          registration application for a non-practising applicant  
33          received by the Board before commencement day is  
34          taken to be an application under the amended Act

1 section 10 for provisional (returning teacher)  
2 registration and must be dealt with under the  
3 amended Act.

4 **149F. Applications for full registration renewal**

5 (1) In this section —

6 ***undecided full registration renewal application*** means  
7 an application for full registration renewal under  
8 section 11 as in force immediately before  
9 commencement day that was not —

10 (a) finally decided by the Board before  
11 commencement day; or

12 (b) refused under section 13(3), or refused  
13 consideration or further consideration under  
14 section 14, as in force immediately before  
15 commencement day.

16 (2) An undecided full registration renewal application  
17 received by the Board before commencement day is  
18 taken to be an application (a ***transitional renewal***  
19 ***application***) under the amended Act section 11 for the  
20 renewal of full registration and must be dealt with  
21 under the amended Act.

22 (3) The amended Act section 22(1) does not apply to a  
23 transitional renewal application.

24 (4) For the purposes of the amended Act section 23 —

25 (a) the nominal registration period of the  
26 registration that is the subject of a transitional  
27 renewal application is provided under  
28 section 149N(3); and

29 (b) a transitional renewal application is taken to be  
30 made within the required time.



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**149G. Applications for provisional registration**

- (1) In this section —
  - undecided provisional registration application* means an application for provisional registration under section 10 as in force immediately before commencement day that was not —
    - (a) finally decided by the Board before commencement day; or
    - (b) refused under section 13(3), or refused consideration or further consideration under section 14, as in force immediately before commencement day.
- (2) An undecided provisional registration application for an applicant received by the Board before commencement day is taken to be an application under the amended Act section 10 for —
  - (a) if the applicant was conferred a qualification referred to in section 18A(1)(a)(i) within 5 years before the day on which the Board receives the application — provisional (graduate teacher) registration and must be dealt with under the amended Act; or
  - (b) if the applicant was not conferred a qualification referred to in section 18A(1)(a)(i) within 5 years before the day on which the Board receives the application — provisional (returning teacher) registration and must be dealt with under the amended Act.

**149H. Applications for provisional registration renewal**

- (1) In this section —
  - undecided provisional registration renewal application* means an application for provisional

- 1 registration renewal under section 11 as in force  
2 immediately before commencement day that was  
3 not —
- 4 (a) finally decided by the Board before  
5 commencement day; or
- 6 (b) refused under section 13(3), or refused  
7 consideration or further consideration under  
8 section 14, as in force immediately before  
9 commencement day.
- 10 (2) An undecided provisional registration renewal  
11 application for an applicant received by the Board  
12 before commencement day is taken to be an application  
13 (a *transitional renewal application*) under the  
14 amended Act section 11 for the renewal of —
- 15 (a) if the applicant has provisional (graduate  
16 teacher) registration under section 149O —  
17 provisional (graduate teacher) registration and  
18 must be dealt with under the amended Act; or
- 19 (b) if applicant has provisional (returning teacher)  
20 registration under section 149O — provisional  
21 (returning teacher) registration and must be  
22 dealt with under the amended Act.
- 23 (3) The amended Act section 22(1) does not apply to a  
24 transitional renewal application.
- 25 (4) For the purposes of the amended Act section 23 —
- 26 (a) the nominal registration period of the  
27 registration that is the subject of a transitional  
28 renewal application is provided under  
29 section 149O(3); and
- 30 (b) a transitional renewal application is taken to be  
31 made within the required time.

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**149I. Applications for limited registration**

- (1) In this section —
  - undecided limited registration application* means an application for limited registration under section 10 as in force immediately before commencement day that was not —
    - (a) finally decided by the Board before commencement day; or
    - (b) refused under section 13(3), or refused consideration or further consideration under section 14, as in force immediately before commencement day.
- (2) An undecided limited registration application received by the Board before commencement day is taken to be an application under the amended Act section 10 for limited registration and must be dealt with under the amended Act.
- (3) A notice given on a day (the *relevant day*) before commencement day under section 23(3) as in force immediately before commencement day is taken to be a pre-application notice under the amended Act section 23A(3) given on the relevant day.

**149J. Applications for limited registration renewal**

- (1) In this section —
  - undecided limited registration renewal application* means an application for limited registration renewal under section 11 as in force immediately before commencement day that was not —
    - (a) finally decided by the Board before commencement day; or
    - (b) refused under section 13(3), or refused consideration or further consideration under

- 1 section 14, as in force immediately before  
2 commencement day.
- 3 (2) An undecided limited registration renewal application  
4 received by the Board before commencement day is  
5 taken to be an application (a *transitional renewal*  
6 *application*) under the amended Act section 11 for the  
7 renewal of limited registration and must be dealt with  
8 under the amended Act.
- 9 (3) The amended Act section 22(1) does not apply to a  
10 transitional renewal application.
- 11 (4) For the purposes of the amended Act sections 23A and  
12 23B —
- 13 (a) the nominal registration period of the  
14 registration that is the subject of a transitional  
15 renewal application is provided under  
16 section 149R(3); and
- 17 (b) a transitional renewal application is taken to be  
18 made within the required time.

19 **149K. Applications for non-practising registration**

- 20 (1) In this section —
- 21 *undecided non-practising registration application*  
22 means an application for non-practising registration  
23 under section 10 as in force immediately before  
24 commencement day that was not —
- 25 (a) finally decided by the Board before  
26 commencement day; or
- 27 (b) refused under section 13(3), or refused  
28 consideration or further consideration under  
29 section 14, as in force immediately before  
30 commencement day.

- 1 (2) An undecided non-practising registration application  
 2 received by the Board before commencement day is  
 3 taken to be an application to change category of  
 4 registration to non-practising registration under the  
 5 amended Act section 12A and must be dealt with under  
 6 the amended Act.
- 7 (3) However, an undecided non-practising registration  
 8 application for an applicant who does not hold full  
 9 registration or provisional registration on  
 10 commencement day lapses on commencement day and  
 11 must not be dealt with under the amended Act.

12 **149L. Applications for extension of non-practising**  
 13 **registration**

- 14 (1) In this section —  
 15 *undecided non-practising registration extension*  
 16 *application* means an application for the period of  
 17 non-practising registration to be extended under the  
 18 *Teacher Registration (General) Regulations 2012*  
 19 regulation 15(3) as in force immediately before  
 20 commencement day that was not finally dealt with by  
 21 the Board before commencement day.
- 22 (2) An undecided non-practising registration extension  
 23 application received by the Board before  
 24 commencement day lapses on commencement day and  
 25 must not be dealt with under the amended Act.

26 **149M. Fit and proper person**

- 27 (1) In this section —  
 28 *pre-commencement fit and proper person advice*, in  
 29 relation to a person who makes a registration  
 30 application, means advice given to the person by the  
 31 Board under the *Teacher Registration (General)*

- 1                    *Regulations 2012* regulation 19(2)(b) as in force  
2                    immediately before commencement day.
- 3                    (2) A person who has been given pre-commencement fit  
4                    and proper person advice within 5 years before the day  
5                    on which the Board receives the registration  
6                    application for the person is taken to be fit and proper  
7                    to be registered under the amended Act section 24(1) in  
8                    relation to the application if no further information has  
9                    become available to the Board about the person's  
10                    fitness or propriety, including from a criminal history  
11                    check, since the advice was given.

12                    **Division 3 — Registration**

13                    **149N. Teachers holding full registration before**  
14                    **commencement day**

- 15                    (1) A person who, immediately before commencement  
16                    day, held full registration (the *pre-commencement*  
17                    *registration*) under Part 3, as in force immediately  
18                    before commencement day, is taken —
- 19                           (a) to hold full registration (the *transitional*  
20                           *registration*) under and subject to the amended  
21                           Act; and
- 22                           (b) no longer to hold the pre-commencement  
23                           registration.
- 24                    (2) A person to whom subsection (1) applies is taken to  
25                    hold the transitional registration —
- 26                           (a) for the remainder of the period that would have  
27                           applied to the person's pre-commencement  
28                           registration and subject to any earlier  
29                           termination or cancellation under the amended  
30                           Act; and

- 1 (b) otherwise on the same conditions (other than  
 2 statutory conditions) as applied immediately  
 3 before commencement day to the person’s  
 4 pre-commencement registration; and
- 5 (c) subject to any statutory conditions that apply to  
 6 the transitional registration under the amended  
 7 Act.
- 8 (3) The period referred to in subsection (2)(a) is taken to  
 9 be the nominal registration period of the transitional  
 10 registration for the purposes of section 23.
- 11 (4) The Board may record details in the register in relation  
 12 to the transitional registration based on the duration  
 13 that would have applied to the pre-commencement  
 14 registration.

15 **1490. Teachers holding provisional registration before**  
 16 **commencement day**

- 17 (1) A person who, immediately before commencement  
 18 day, held provisional registration (the  
 19 *pre-commencement registration*) under Part 3, as in  
 20 force immediately before commencement day, is  
 21 taken —
- 22 (a) to hold —
- 23 (i) if the person was conferred a  
 24 qualification referred to in  
 25 section 18A(1)(a)(i) within 5 years  
 26 before commencement day —  
 27 provisional (graduate teacher)  
 28 registration (the *transitional*  
 29 *registration*) under and subject to the  
 30 amended Act; or

- 1 (ii) if the person was not conferred a  
2 qualification referred to in  
3 section 18A(1)(a)(i) within 5 years  
4 before commencement day —  
5 provisional (returning teacher)  
6 registration (the *transitional*  
7 *registration*) under and subject to the  
8 amended Act;
- 9 and
- 10 (b) no longer to hold the pre-commencement  
11 registration.
- 12 (2) A person to whom subsection (1) applies is taken to  
13 hold the transitional registration —
- 14 (a) for the remainder of the period that would have  
15 applied to the person's pre-commencement  
16 registration subject to any earlier termination or  
17 cancellation under the amended Act; and
- 18 (b) otherwise on the same conditions (other than  
19 statutory conditions) as applied immediately  
20 before commencement day to the person's  
21 pre-commencement registration; and
- 22 (c) subject to any statutory conditions that apply to  
23 the transitional registration under the amended  
24 Act.
- 25 (3) The period referred to in subsection (2)(a) is taken to  
26 be the nominal registration period of the transitional  
27 registration for the purposes of section 23.
- 28 (4) The Board may record details in the register in relation  
29 to the transitional registration based on the duration  
30 that would have applied to the pre-commencement  
31 registration.



1 (5) The Board may decide which registration referred to in  
 2 subsection (1)(a) the person is taken to hold if the  
 3 person does not provide evidence of their qualification  
 4 referred to in subsection (1)(a) to the Board before  
 5 commencement day.

6 (6) Despite subsection (1)(a)(i) and (ii) (the *relevant*  
 7 *subparagraphs*), if the person has made an undecided  
 8 provisional registration renewal application referred to  
 9 in section 149H, the Board can take the reference to  
 10 commencement day in the relevant subparagraphs for  
 11 the person to be the day on which the Board receives  
 12 the undecided provisional registration renewal  
 13 application.

14 **149P. Teachers holding non-practising registration who**  
 15 **notified Board they commenced teaching before**  
 16 **commencement day**

17 (1) A person who, immediately before commencement  
 18 day, held non-practising registration (the  
 19 *pre-commencement registration*) under Part 3, as in  
 20 force immediately before commencement day, and who  
 21 notified the Board in writing before commencement  
 22 day that they commenced teaching while holding the  
 23 pre-commencement registration is taken —

- 24 (a) to hold —
- 25 (i) if the person was conferred a  
 26 qualification referred to in  
 27 section 18A(1)(a)(i) within 5 years  
 28 before commencement day —  
 29 provisional (graduate teacher)  
 30 registration (the *transitional*  
 31 *registration*) under and subject to the  
 32 amended Act; or

- 1 (ii) if the person was not conferred a  
2 qualification referred to in  
3 section 18A(1)(a)(i) within 5 years  
4 before commencement day —  
5 provisional (returning teacher)  
6 registration (the *transitional*  
7 *registration*) under and subject to the  
8 amended Act;
- 9 and
- 10 (b) no longer to hold the pre-commencement  
11 registration.
- 12 (2) A person to whom subsection (1) applies is taken to  
13 hold the transitional registration —
- 14 (a) for a period that expires on the day that is  
15 3 years after the day on which the person gave  
16 the notification referred to in subsection (1) to  
17 the Board, or 3 years after the day on which the  
18 person last received an extension of the  
19 person's pre-commencement registration,  
20 subject to any earlier termination or  
21 cancellation under the amended Act; and
- 22 (b) otherwise on the same conditions (other than  
23 statutory conditions) as applied immediately  
24 before commencement day to the person's  
25 pre-commencement registration; and
- 26 (c) subject to any statutory conditions that apply to  
27 the transitional registration under the amended  
28 Act.
- 29 (3) The period referred to in subsection (2)(a) is taken to  
30 be the nominal registration period of the transitional  
31 registration for the purposes of section 23.

- 1 (4) The Board may record details in the register in relation  
 2 to the transitional registration based on the duration  
 3 that would have applied to the pre-commencement  
 4 registration.
- 5 (5) The Board may decide which registration referred to in  
 6 subsection (1)(a) the person is taken to hold if —
- 7 (a) the person does not provide evidence of their  
 8 qualification referred to in subsection (1)(a) to  
 9 the Board before commencement day; or
- 10 (b) section 149E or 149G applies to the person.

11 **149Q. Teachers holding non-practising registration who**  
 12 **had not notified Board they commenced teaching**  
 13 **before commencement day**

- 14 (1) A person who, immediately before commencement  
 15 day, held non-practising registration (the  
 16 *pre-commencement registration*) under Part 3, as in  
 17 force immediately before commencement day, and who  
 18 did not notify the Board in writing before  
 19 commencement day that they commenced teaching  
 20 while holding the pre-commencement registration is  
 21 taken —
- 22 (a) to hold non-practising registration (the  
 23 *transitional registration*) under and subject to  
 24 the amended Act; and
- 25 (b) no longer to hold the pre-commencement  
 26 registration.
- 27 (2) A person to whom subsection (1) applies is taken to  
 28 hold the transitional registration —
- 29 (a) indefinitely subject to any earlier termination or  
 30 cancellation under the amended Act; and
- 31 (b) otherwise on the same conditions (other than  
 32 statutory conditions) as applied immediately

- 1 before commencement day to the person's  
2 pre-commencement registration; and  
3 (c) subject to any statutory conditions that apply to  
4 the transitional registration under this Act.

5 **149R. Teachers holding limited registration before**  
6 **commencement day**

- 7 (1) A person who, immediately before commencement  
8 day, held limited registration (the *pre-commencement*  
9 *registration*) under Part 3, as in force immediately  
10 before commencement day, is taken —  
11 (a) to hold limited registration (the *transitional*  
12 *registration*) under and subject to the amended  
13 Act; and  
14 (b) no longer to hold the pre-commencement  
15 registration.  
16 (2) A person to whom subsection (1) applies is taken to  
17 hold the transitional registration —  
18 (a) for the remainder of the period that would have  
19 applied to the person's pre-commencement  
20 registration subject to any earlier termination or  
21 cancellation under the amended Act; and  
22 (b) otherwise on the same conditions (other than  
23 statutory conditions) as applied immediately  
24 before commencement day to the person's  
25 pre-commencement registration; and  
26 (c) subject to any statutory conditions that apply to  
27 the transitional registration under the amended  
28 Act.  
29 (3) The period referred to in subsection (2)(a) is taken to  
30 be the nominal registration period of the transitional  
31 registration for the purposes of section 23A.

- 1 (4) The Board may record details in the register in relation  
2 to the transitional registration based on the duration  
3 that would have applied to the pre-commencement  
4 registration.

5 **Division 4 — Professional standards, professional**  
6 **learning activities policy and accreditation standards**

7 **149S. Professional standards, professional learning**  
8 **activities policy and accreditation standards before**  
9 **commencement day repealed**

- 10 (1) The professional standards as in force immediately  
11 before commencement day are repealed.
- 12 (2) The policy about professional learning activities under  
13 the *Teacher Registration (General) Regulations 2012*  
14 regulation 9 as in force immediately before  
15 commencement day is repealed.
- 16 (3) The accreditation standards under the *Teacher*  
17 *Registration (Accreditation of Initial Teacher*  
18 *Education Programmes) Regulations 2012* regulation 9  
19 as in force immediately before commencement day are  
20 repealed.

21 **Division 5 — Investigations, complaints, inquiries,**  
22 **proceedings and other matters**

23 **149T. Conduct before commencement day**

- 24 (1) In this section —  
25 *applicable matter*, of a registered teacher or formerly  
26 registered teacher, means any of the following in  
27 relation to the teacher —
- 28 (a) an interim order (whether or not section 149W  
29 applies to the order);

- 1 (b) a complaint about a disciplinary matter  
2 (whether or not section 149V applies to the  
3 complaint);
- 4 (c) an inquiry under Part 5 Division 6  
5 Subdivision 2 (whether or not section 149X  
6 applies to the inquiry);
- 7 (d) a proceeding under section 53(1)(e), 55(1)(d),  
8 61, 70(1)(a)(v) or 83 in relation to a  
9 disciplinary matter (whether or not  
10 section 149Z applies to the proceeding);

11 ***excluded conduct***, of a registered teacher or formerly  
12 registered teacher, means the teacher's conduct that  
13 occurred before commencement day that was finally  
14 dealt with before commencement day under —

- 15 (a) an inquiry, or proceedings at the Tribunal,  
16 under Part 5 as in force at the time the inquiry  
17 was or proceedings were finally dealt with; or
- 18 (b) an inquiry or disciplinary action under the  
19 *Western Australian College of Teaching*  
20 *Act 2004* Part 7 as in force at the time the  
21 inquiry or action was finally dealt with.

22 (2) The amended Act (other than section 47(a)) applies to a  
23 registered teacher or formerly registered teacher for an  
24 applicable matter of the teacher in relation to the  
25 teacher's conduct that occurred before commencement  
26 day unless the conduct is excluded conduct of the  
27 teacher.

28 **149U. Investigations commenced before commencement**  
29 **day**

30 An investigation under section 56, as in force  
31 immediately before commencement day, that was  
32 commenced but not completed before commencement

1 day must be continued and dealt with as if it were an  
2 investigation under the amended Act section 48C.

3 **149V. Complaints made before commencement day**

4 (1) A complaint formulated by the Board under section 51  
5 as in force immediately before commencement day that  
6 was not finally dealt with before commencement day  
7 must be continued and dealt with as if it were a  
8 board-formulated complaint under the amended Act  
9 and may be reformulated by the Board.

10 (2) A complaint not formulated by the Board under  
11 section 51 as in force immediately before  
12 commencement day that was not finally dealt with  
13 before commencement day must be continued and dealt  
14 with as if it were a public complaint under the amended  
15 Act and may be reformulated by the Board.

16 **149W. Interim disciplinary orders made before**  
17 **commencement day**

18 An interim disciplinary order made before  
19 commencement day in relation to a matter that was not  
20 finally dealt with before commencement day must be  
21 continued and dealt with as if it were an interim order  
22 under the amended Act.

23 **149X. Inquiries commenced before commencement day by**  
24 **disciplinary committee**

25 (1) In this section —  
26 *ongoing pre-commencement inquiry* means an inquiry  
27 commenced before commencement day into a  
28 complaint —

29 (a) for which a decision had not been made by a  
30 disciplinary committee under section 70 before  
31 commencement day; or

- 1 (b) for which a referral had not been made to the  
2 Tribunal or the impairment review committee  
3 before commencement day; or  
4 (c) that had not otherwise been finally dealt with  
5 before commencement day.
- 6 (2) An ongoing pre-commencement inquiry under the Act  
7 as in force immediately before commencement day is  
8 taken to be an inquiry under the amended Act Part 5  
9 Division 6 Subdivision 2 and must be continued and  
10 dealt with under the amended Act.
- 11 (3) A disciplinary committee, on recommendation from the  
12 Board, may allow the complaint that is the subject of  
13 an ongoing pre-commencement inquiry to be  
14 reformulated.

15 **149Y. Complaints referred to impairment review**  
16 **committee before commencement day**

- 17 (1) In this section —  
18 *pre-commencement impairment complaint* means a  
19 complaint that was referred to the impairment review  
20 committee by the Board before commencement day  
21 and —  
22 (a) for which a decision had not been made by the  
23 Board under section 80 before commencement  
24 day; or  
25 (b) for which a referral had not been made to the  
26 Tribunal or a disciplinary committee before  
27 commencement day; or  
28 (c) that had not otherwise been finally dealt with  
29 before commencement day.
- 30 (2) A pre-commencement impairment complaint is taken  
31 to be a complaint (a *transitional impairment*  
32 *complaint*) referred under the amended Act



- 1 section 53(1)(d) and must be continued and dealt with  
 2 under the amended Act.
- 3 (3) A notice given to a registered teacher under section 74  
 4 as in force immediately before commencement day for  
 5 a transitional impairment complaint is taken to be a  
 6 notice given under the amended Act section 74.
- 7 (4) Consent sought under section 74(2)(d) as in force  
 8 immediately before commencement day for a  
 9 transitional impairment complaint is taken to be  
 10 consent sought under the amended Act section 74(2)(c)  
 11 for a health assessment.
- 12 (5) Agreement given under section 76(1) as in force  
 13 immediately before commencement day for a  
 14 transitional impairment complaint is taken to be  
 15 consent given under the amended Act section 76(1).
- 16 (6) An examination referred to in sections 74(2)(d), 76 and  
 17 77 as in force immediately before commencement day  
 18 that was undertaken before commencement day for a  
 19 transitional impairment complaint is taken to be a  
 20 health assessment under the amended Act.
- 21 (7) The impairment review committee, on  
 22 recommendation from the Board, may allow a  
 23 transitional impairment complaint to be reformulated.

24 **149Z. Complaints referred to Tribunal before**  
 25 **commencement day**

- 26 (1) In this section —  
 27 *referral provision* means any of the following  
 28 provisions as in force immediately before  
 29 commencement day —  
 30 (a) section 21(2);  
 31 (b) section 53(1)(e);

- 1 (c) section 55(c);  
2 (d) section 61;  
3 (e) section 70(1)(g);  
4 (f) section 80(1)(c);  
5 (g) section 83.
- 6 (2) A complaint or matter that was referred to the Tribunal  
7 under a referral provision before commencement day  
8 and that had not been finally dealt with by the Tribunal  
9 before commencement day —  
10 (a) is taken to be referred under the relevant  
11 provision of the amended Act; and  
12 (b) must be dealt with under the amended Act.
- 13 (3) The Tribunal, on recommendation from the Board, may  
14 allow a complaint or matter referred to in  
15 subsection (2) to be reformulated.

16 **149ZA. Disqualifications ordered before commencement**  
17 **day**

- 18 (1) In this section —  
19 *pre-commencement disqualification order* means an  
20 order under section 84(1)(b)(iii) or (2)(f) as in force  
21 immediately before commencement day.
- 22 (2) A person who is disqualified from applying for  
23 registration as a teacher under a pre-commencement  
24 disqualification order —  
25 (a) is taken to be disqualified from having  
26 registration granted for the period, or  
27 indefinitely, as specified in the order; and  
28 (b) may make a registration application subject to  
29 the amended Act but cannot have registration  
30 granted until the disqualification has ended or

1 approval is given under the amended Act  
2 section 21(2)(b).

3 (3) An approval from the Tribunal under section 21(2) as  
4 in force immediately before commencement day is  
5 taken to be an approval under the amended Act  
6 section 21(2)(b).

7 **149ZB. Employers to give notice when teachers cease**  
8 **teaching in cases of serious incompetence or**  
9 **misconduct**

10 The amended Act section 42 applies to an employer  
11 even if —

- 12 (a) the circumstance referred to in section 42(1)(a)  
13 occurred before commencement day; and  
14 (b) the circumstance referred to in section 42(1)(b)  
15 occurs on or after commencement day.

16 **Division 6 — Transitional regulations**

17 **149ZC. Transitional regulations**

- 18 (1) In this section —  
19 ***publication day***, for transitional regulations, means the  
20 day on which those regulations are published in the  
21 *Gazette*;  
22 ***specified***, in relation to transitional regulations, means  
23 specified or described in those transitional regulations;  
24 ***transitional matter*** —  
25 (a) means a matter that needs to be dealt with for  
26 the purpose of effecting the transition required  
27 because of the *Teacher Registration*  
28 *Amendment Act 2022*; and  
29 (b) includes a saving or application matter;

- 1                    *transitional regulations* means regulations made under  
2                    subsection (2).
- 3                    (2) If there is no sufficient provision in this Part for  
4                    dealing with a transitional matter, the Governor may  
5                    make regulations prescribing matters —
- 6                            (a) required to be prescribed for the purpose of  
7                            dealing with the transitional matter; or
- 8                            (b) necessary or convenient to be prescribed for the  
9                            purpose of dealing with the transitional matter.
- 10                    (3) Transitional regulations may provide that specified  
11                    provisions of this Act —
- 12                            (a) do not apply to or in relation to a specified  
13                            matter; or
- 14                            (b) apply with specified modifications to or in  
15                            relation to a specified matter.
- 16                    (4) If transitional regulations provide that a specified state  
17                    of affairs is taken to have existed, or not to have  
18                    existed, on and from a day that is earlier than  
19                    publication day for the transitional regulations but not  
20                    earlier than commencement day, the transitional  
21                    regulations have effect according to their terms.
- 22                    (5) If transitional regulations contain a provision referred  
23                    to in subsection (4), the provision does not operate so  
24                    as to —
- 25                            (a) affect in a manner prejudicial to a person (other  
26                            than the State or an authority of the State) the  
27                            rights of that person existing before publication  
28                            day for the transitional regulations; or
- 29                            (b) impose liabilities on a person (other than the  
30                            State or an authority of the State) in respect of  
31                            an act done or omission made before  
32                            publication day for the transitional regulations.  
33

1 **87. Various references to “is to” and “are to” amended**

2 In the provisions listed in the Table:

3 (a) delete “is to” (each occurrence) and insert:

4  
5 must

6  
7 (b) delete “are to” and insert:

8  
9 must

10

11

**Table**

s. 27(1)	s. 28
s. 30(1) and (2)	s. 31(1) and (2)
s. 32(1) and (2)	s. 33
s. 35	s. 37(2) and (4)
s. 43(2)	s. 49(3), (4), (6) and (7)
s. 50(1), (3), (4), (6) and (7)	s. 52(2)
s. 54	s. 57(2)
s. 69(1)	s. 70(4)
s. 87(2), (3)(a) and (b) and (4)	s. 93(1) and (3)
s. 94(4)	s. 97(1)
s. 99(1)	s. 101(1) and (2)
s. 106	s. 107(3)

s. 88

s. 108(4)	s. 114(1) and (2)
s. 115(1) and (2)	s. 119(3)

1 **88. Various references to “criminal record check” amended**

2 In the provisions listed in the Table:

3 (a) delete “*criminal record check*” and insert:

4  
5 *criminal history check*

6  
7 (b) delete “criminal record check” and insert:

8  
9 criminal history check

10  
11 (c) delete “**criminal record checks**” and insert:

12  
13 **criminal history checks**

14  
15 (d) delete “**criminal record checks**” and insert:

16  
17 **criminal history checks**

18

19 **Table**

s. 3 def. of <i>criminal record check</i>	s. 27(2)(c)
Pt. 4 heading	Pt. 4 Div. 2 heading
s. 43(1)	s. 44
Pt. 4 Div. 3 heading	

1 Note: The headings to the amended sections listed in the Table are to read as  
2 set out in the Table.

3

Table

Amended section	Section heading
s. 43	Board may request consent to obtain criminal history check
s. 44	Criminal history check

4 **89. Various references to “one” amended**

5 In the provisions listed in the Table delete “one” and insert:

6

7

1

8

9

Table

s. 49(5)	s. 50(5)
s. 87(3)(a)	s. 96(2)
s. 101(2)	s. 107(2)

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