

Director, Teacher Registration

School Education Act 1999

Minister's Instrument of Delegation and Chief Executive Officer's Instrument of Sub-delegation

When exercising a delegated function, power or duty, reference must be made to the full legislative provision via the [Western Australian Legislation website](#).

Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Sub-delegate	Column 5 Condition, limitation or restriction
Part 6 - Administration				
Division 1 - The Minister				
s216(2)(e)	Enter into any contract or arrangement	Chief Executive Officer	Enter into any contract or arrangement with a financial implication.	
			Director (Public Sector Award Level 9)	Up to \$1,000,000 in value, GST inclusive.

Public Sector Management Act 1994

Chief Executive Officer's Instrument of Delegation

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Part 3B – Chief executive officers and chief employee			
s29(1)(g)	To manage and direct employees of the Department and to be responsible for the recruitment, selection, appointment and deployment of employees.	Line managers	For the imposition and initial extension of probation within their work area or unit.
Part 3 - Public Service			
Division 3 - Public service officers other than executive officers			
s64	Appoint a person as a public service officer.	Line Managers	For public service officers in their work area or unit up to and including Level 8 positions. Subject to the position being approved within the organisational structure by the Director General as per s 36(1)(a).
s65	Transfer a public service officer at the same level of classification.	Line Managers	For public service officers in their work area or unit up to and including Level 8 positions. Subject to the position being approved within the organisational structure by the Director General as per s 36(1)(a).
s66	Enter into an arrangement in writing with another department or organisation or with an employer outside the Public Sector for the secondment of a public service officer.	Line Managers	For public service officers in their work area or unit up to and including Level 8 positions.
Part 8 - Miscellaneous			
s100	Engage a person under a contract for services. Appoint a person on a casual employment basis.	Line Managers	In their work area or unit.
s103	Reappoint a public service employee who resigned to stand for election and failed to be elected.	Line Managers	For all public service positions in their work area or unit up to and including Level 8 positions.
s107(1)	To direct an employee to perform the functions, obligations and rights during any vacancy in that office, post or position or during the temporary absence or incapacity of the incumbent, as the case requires	Directors	To direct an employee under their management to act in a position within their branch or directorate (for up to and including Manager level positions).

Public Sector Management (Redeployment and Redundancy) Regulations 2014
Chief Executive Officer's Instrument of Delegation

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Part 2 - Registrable employees			
r8(2)	Give the employee written notice of all relevant information relating to the determination.	Line Managers	For public service positions in their work area or unit up to and including Level 8 positions or equivalent. <i>School Education Act 1999</i> staff up to and including Principals.
r8(4)	Consult with the employee in relation to the matters set out in the notice.	Line Managers	For public service positions in their work area or unit up to and including Level 8 positions or equivalent.
r8(8)	If the determination is revoked, give the employee written notice of the revocation.	Line Managers	For public service positions in their work area or unit up to and including Level 8 positions or equivalent.

Teacher Registration Act 2012
Teacher Registration Board of Western Australia' Instrument of Delegation

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Column 1 Legislative reference	Column 2 For information only: Summary of function, power or duty	Column 3 Delegate	Column 4 Condition, limitation or restriction
Part 3 - Registration of teachers			
Division 1 – Registration of teachers			
Subdivision 1 – Registration applications			
s13(1)	Request the applicant or the nominee to do any of the following: <ul style="list-style-type: none"> provide the Board with such further information relevant to the application as the Board requires; verify any further information by statutory declaration; provide the Board with the applicant's or nominee's written consent to seek from another person or body specified by the Board, information about the applicant or nominee relevant to the application. 	Director, Teacher Registration	Nil
s13(2)	Request in writing that a relevant applicant or nominee employer who has made a registration application attends before the Board for the purpose of satisfying the Board as to any matter relevant to the application.	Director, Teacher Registration	Nil
s13(3)	Refuse an application if the applicant or nominee does not comply with a request made under this section.	Director, Teacher Registration	Nil
s14(a)	Refuse to consider, or consider further, an application if it is not made in accordance with the Act.	Director, Teacher Registration	Nil
s14(b)	Refuse to consider, or consider further, an application where a complaint has been made against the applicant or nominee, and it has not been finally determined at the time the application is made.	Director, Teacher Registration	Nil
s14(c)	Refuse to consider, or consider further, an application if the applicant's registration is suspended.	Director, Teacher Registration	Nil
s14(d)	Refuse to consider, or consider further, an application if the applicant is disqualified from having registration granted.	Director, Teacher Registration	Nil
Subdivision 3 – Registration			
s21(1)	Grant an application for registration under s10 in a particular category if satisfied that the requirements for registration in that category are met.	Director, Teacher Registration	Nil
s22(2)	Renew the registration of a teacher, if satisfied that the conditions under s22(2) are met.	Director, Teacher Registration	Nil
s22(3)	Renew provisional registration only if there are sufficient reasons for doing so.	Director, Teacher Registration	Nil
s22A(3)	Change the registration category of a teacher if satisfied that the requirements for registration in that category are met.	Director, Teacher Registration	Nil

Teacher Registration Act 2012

Teacher Registration Board of Western Australia' Instrument of Delegation

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Subdivision 4 - Conditions and cancellation			
s26(1)	Impose conditions on the registration of a teacher: <ul style="list-style-type: none"> • when granting, renewing or changing the category of registration; or • during the currency of the registration. 	Director, Teacher Registration	Nil
s26(2)	Modify or cancel a condition on a teacher's registration.	Director, Teacher Registration	Nil
s26(2A)	May impose, modify or cancel a condition if a teacher's ability to carry out the inherent requirements of the work of a registered teacher is affected, or is likely to be affected, because of an impairment.	Director, Teacher Registration	Nil
s27(1)	Cancel the registration of a teacher, if the teacher is not entitled to be registered.	Director, Teacher Registration	Nil
s27(3)	Reinstate the registration of a teacher if: <ul style="list-style-type: none"> • the relevant conviction or finding under s27(2)(a) has been quashed or overturned on appeal; or • an interim negative notice or negative notice under s27(2)(b) has been cancelled under the <i>Working with Children (Screening) Act 2004</i> in respect of that teacher; and • there are extenuating circumstances in relation to ss 27(2)(c) and 27(2)(f). 	Director, Teacher Registration	Nil
Subdivision 5 - Notice of decisions and opportunity to show cause why some decisions should not be made			
s29	Give written notice of the outcome of an application no later than 14 days after deciding the outcome of the application to: <ul style="list-style-type: none"> • the applicant; and • if the application was in respect to limited registration, the nominee. 	Director, Teacher Registration	Nil
s30	Give written notice of a decision under s26 to impose, modify or cancel a condition on a teacher's registration during the currency of the registration no later than 14 days after making the decision to: <ul style="list-style-type: none"> • the teacher; and • if the teacher holds limited registration, the employer of the teacher. 	Director, Teacher Registration	Nil
s31	Give written notice of the cancellation or reinstatement of the person's registration under s27 no later than 14 days after the decision to cancel or reinstate the registration to: <ul style="list-style-type: none"> • the person whose registration is cancelled or reinstated; or • if the person holds, or held, limited registration, the employer of that person. 	Director, Teacher Registration	Nil
s32(1)	Before making any of the following decisions, give the applicant a reasonable opportunity to show cause why the decision should not be made: <ul style="list-style-type: none"> • the refusal of a registration of an application; • the granting of an application subject to a condition. 	Director, Teacher Registration	Nil
s32(2)	Before making a decision under s26 to impose, modify or cancel a condition on a teacher's registration during the currency of the registration, give a reasonable opportunity to show cause why the decision should not be made to: <ul style="list-style-type: none"> • the teacher whose registration will be affected; and • if the teacher holds limited registration, to the employer of the teacher. 	Director, Teacher Registration	Nil
Division 2 — The register			
s36	Keep an accurate and up to date register that records prescribed information in respect of each registered teacher.	Director, Teacher Registration	Nil
Part 4 - Board to be given notice, and may obtain criminal record checks, in some circumstances			
Subdivision 2 - Notices to be given by other persons			
41A(2)	Request in writing that the Commissioner of Police gives identifying information to the Board in relation to a prosecution by a police officer or the Director of Public Prosecutions for an actionable offence, if on behalf of the Board, the information is considered necessary to protect the safety of a child.	Director, Teacher Registration	Nil
Division 2 - Criminal Record Checks			

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Teacher Registration Board of Western Australia' Instrument of Delegation

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s43(1)	Give written notice to a registered teacher requesting that the teacher provides written consent for the Board to obtain a criminal history check in respect of the teacher.	Director, Teacher Registration	Nil
s44	Obtain a criminal history check for a person who has given written consent for the Board to do so.	Director, Teacher Registration	Nil
Division 3 — Board to consider notices and criminal history checks received			
s45	As soon as is possible after receiving a notification about a person under Division 1 or a criminal history check in respect of a person, decide if it is appropriate to do any of the following — <ul style="list-style-type: none"> • cancel the person's registration under s27 • make an interim order • formulate a complaint under s51A • if the person is currently appointed, employed or engaged or has permission to teach at an educational institution, advise the person's employer of the information contained in the notice or criminal history check • cause to be published under s118 any of the information. 	Director, Teacher Registration	Nil
Part 5 — Disciplinary matters, impairment matters and investigations			
Division 1 — Preliminary			
s48C(1)	Conduct an investigation in relation to any of the following: <ul style="list-style-type: none"> • a notice about a person under Part 4 Division 1 • a criminal history check • a complaint • any other information received by the Board. 	Director, Teacher Registration	Nil
s48C(2)	Do any of the following in relation to an investigation under the Act: <ul style="list-style-type: none"> • by written direction, require a person to answer questions, orally or in writing, and require their attendance at a specific time and place; • by written direction, require a person to produce any document or other thing that is in their possession or control that is relevant to the investigation at a specific time and place; • inspect or photograph a document or other thing produced; • inspect a document or other thing produced and retain it for any reasonable period; • make copies or take extracts from the document or other thing produced or any of its contents. 	Director, Teacher Registration	Nil
Division 3 — Complaints, assessments and investigations			
s51B(1)	Do any of the following on behalf of the Board considered appropriate in relation to a complaint: <ul style="list-style-type: none"> • make an assessment: • undertake an investigation under s48C. 	Director, Teacher Registration	Nil
s51B(2)	Reassess or reinvestigate a complaint at any time, whether or not the Board has dealt with the complaint under this Part.	Director, Teacher Registration	Nil
s52(1)	Give written notice to a registered teacher or a formerly registered teacher who is the subject of a complaint.	Director, Teacher Registration	Nil
Division 4 — Dealing with and referring complaints			
s53(2)	Before dealing with a complaint under s53(1), make such assessments and investigations as considered appropriate.	Director, Teacher Registration	Nil
s53(3)	Give notice of a decision under this Part in accordance with s85.	Director, Teacher Registration	Nil
S57(1)	May reject or withdraw a complaint if it falls outside its jurisdiction, has already been appropriately addressed elsewhere, or is deemed vexatious, trivial, unreasonable, lacking substance, or not in the public interest to pursue.	Director, Teacher Registration	Nil

Division 5 - Interim orders			
s58(3)	Revoke an interim order pursuant to s59 and s60 unless the matter in respect of which the order made has been referred to the State Administrative Tribunal.	Director, Teacher Registration	Applies only to revoking an interim order and does not include varying an order. Only in circumstances where the registration of a teacher has subsequently been cancelled pursuant to s27 of the Act.
s60	Make interim orders where the Board becomes aware that a registered teacher has been charged with an actionable offence.	Director, Teacher Registration	Nil
Part 6 – Teacher Registration Board			
Division 2 – Function and powers			
s91(1A)	Delegate any power or duty of the Board under s48C, with the consent of the CEO, to an officer or employee employed in the Department.	Director, Teacher Registration	Nil
Part 7 - Miscellaneous			
Division 1 – Publishing and using information			
s118	Publish information concerning the matters in relation to the registration of teachers, matters in relation to registered teachers or formerly registered teachers and matters that adversely affect or may adversely affect the interests of persons at education institutions who were taught by registered teachers or formerly registered teachers.	Director, Teacher Registration	Nil
s118A	Provide any information held by the Board in relation to the teaching workforce to the Australian Teacher Workforce Data Initiative, with the approval of the Minister.	Director, Teacher Registration	Nil

Teacher Registration (General) Regulations 2012

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Part 3 - Registration			
Division 1 – Registration of teachers			
r13(5)	If sufficient reasons exist, do not apply regs 13(2) (a) and (b), 13(3) (a) and (b) or 13(4) (a) and (b) in relation to the renewal of registration of a teacher.	Director, Teacher Registration	Nil
r18(2)(b)	Refund to the applicant any extra amount paid in respect of an application for a change of category of registration.	Director, Teacher Registration	Nil
r19(2)(a)	Provide written advice on the following matters to a person who is considering making an application for registration: <ul style="list-style-type: none"> regarding whether or not a qualification held by the person would meet the requirement to hold a teaching qualification for registration in a particular category; and any additional qualifications required so that a person would meet the requirement to hold a teaching qualification for full or provisional registration. 	Director, Teacher Registration	Nil
r19(2)(b)	Provide written advice to a person who is considering making an application for registration regarding whether or not, taking into account the relevant information provided to the Board, a person would be a fit and proper person to be registered.	Director, Teacher Registration	Nil
Part 5 – Miscellaneous			
r23	Meet the reasonable cost of providing a relief teacher while a member of the Board or a committee is attending a meeting during working hours.	Director, Teacher Registration	Nil
r27	Require an applicant or person supplying information to the Board under the Act or these regulations to verify the information by statutory declaration.	Director, Teacher Registration	Nil

Teacher Registration (General) Regulations 2012

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Schedule 1 - Fees			
Sch 1 Clause 3(b)	Approve teacher exchange programmes for the purpose of Schedule 1 Clause 3(b).	Director, Teacher Registration	Nil

Children And Community Services Act 2004

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Part 3 - Administrative Matters			
Division 6 - Information Sharing			
28B(1), (2)	Disclose information to, or request information from, the CEO of another prescribed authority or an authorised entity if of the opinion that the information is relevant information.	Director, Teacher Registration	Nil.

Children And Community Services Act 2004

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