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Dear Terry

Thank you for your letter dated 17 October 2017 offering me the opportunity to prepare a submission for the review of the *Teacher Registration Act 2012*.

I have endorsed the following recommendations for your consideration:

**Chapter 5 – Registration categories, eligibility criteria and conditions**  
***Renewal of Full Registration***

To enhance teacher quality across the State and facilitate greater understanding and use of the *WA Professional Standards for Teachers*, particularly what is required of teachers to be deemed as Proficient, it is recommended that Regulation 13. (2) be amended.

We recommend a new section be added to describe a requirement that teachers must obtain a declaration from their principal (or their delegate) that they are Proficient.

Currently, teachers applying for renewal of Full Registration only have to self-declare they are Proficient without the Principal's knowledge or endorsement.

***Non-Practising Category***

The Non-Practising category is suitable for those choosing not to teach whilst still paying annual fees, however, once they have returned to teaching, this nomenclature is not suitable. Those returning to teaching should be granted Provisional Registration once they notify the TRBWA that they have recommenced teaching.

The limit of two years teaching within which a person with Non-Practising Registration who returns to teaching is required to meet the professional standards should be extended to three years to reach a Proficient level to attain Full Registration.

Given that provisional beginning teachers have three years to demonstrate proficiency, this should be extended to those teachers with Non-Practising Registration.

**Chapter 8 – Disciplinary Matters**

The Department of Education recommends consideration be given to the wording of the current legislation to ensure the timely sharing of information between the Teacher Registration Board and the Department, after the Board has received certain Section 42 notices.

The Department notes that the Chairperson's Report in the *Annual Report of the Teacher Registration Board of Western Australia 2015-16* stated:

*The Board acknowledges the importance of working collegially with its stakeholders to enhance the role of the TRBWA particularly with respect to the better flow of information regarding notifications. ...and work is ongoing to refine policy and procedures that support the Board's handling of disciplinary matters.*

Notwithstanding the intention of the Board, there have been two occasions this year where the Board has received notification from a non-government school that a teacher has been dismissed for serious misconduct and the teacher has subsequently been employed by the Department. At the time there was no order or notification by the Board about the status of the teacher. The teachers' registration was subsequently cancelled. The facts about these situations are provided by State Administrative Tribunal (SAT) matters:

VR: 114/2017.

VR: 148/2017.

In these situations there was an unnecessary potential risk to the safety and welfare of students between the time the Board was notified of the dismissed teacher gaining employment with the Department and the Department receiving any information about the teacher.

If a registered teacher is dismissed for serious misconduct or serious incompetence, the Board should be able to make an Interim Disciplinary Order, pursuant to Section 58 of the Act, suspending the teacher's registration pending a timely decision on the teacher's registration.

It is noted that Section 60 of the Act allows the board to make an Interim Disciplinary Order where the teacher is charged with a sexual offence. It seems logical that a Section 42 notice for serious misconduct or serious incompetence should also be highlighted as a distinct basis for an Interim Disciplinary Order.

Alternatively it may be worth considering a scheme whereby when the Board receives a Section 42 notice, it automatically suspends registration pending a timely review and decision on whether an Interim Disciplinary Order should be made. In this regard the Department also contends the period for an employer of a registered teacher to lodge a Section 42 notice should be reduced from 30 to 10 days.

The Department requests that the Reference Group consider the circumstances of the two SAT matters cited above, and how the legislation can, or should, cater for such situations.

## **Chapter 12 - Accreditation of Teacher Education Courses**

The Australian Government, through the Australian Institute for Teaching and School Leadership, has signalled an agenda for a national body to undertake accreditation of teacher education courses on behalf of jurisdictions. The TEMAG review recommended that a national body fulfil this function.

Laureate Professor John Hattie, Chair of the AITSL Board, has voiced concerns that current assessments undertaken by teacher registration bodies lack rigour, reliability and consistency of assessments across States and Territories.



The current description in the Act of this function, Section 89 (d), may be broad enough to be interpreted so that the TRBWA could facilitate submissions from universities being assessed by a national body, whilst maintaining the prime responsibility for accreditation of Western Australian courses. This may be an issue raised for consideration by education ministers at Education Council. Teacher Registration (Accreditation of Initial Teacher Education Programmes) Regulations may need to be amended (e.g. reference to a fee).

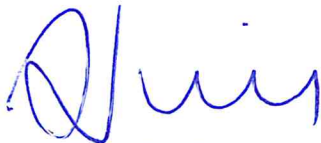
**Teaching by unregistered persons and related offences**

Section 7 of the Act, "Requirement to employ etc, teachers who are registered" forces the Department to cease the contract of employment of any teacher who does not pay their annual fee, as notified by the TRBWA.

The Department recommends there be a mechanism for allowing the teacher, although not allowed on school premises, to retain some form of registration while this regulatory requirement is executed by the teacher.

Thank you for bringing the review to my attention.

Yours sincerely



SHARYN O'NEILL  
DIRECTOR GENERAL

20 NOV 2017