



17 November 2017

WA Teacher Registration Act Review
Attention: Mr Terry Werner
Department of Education
151 Royal Street
EAST PERTH WA 6004

Dear Mr Werner

I welcome the opportunity to make a submission for your consideration in the review of the *Teacher Registration Act 2012 (WA)* ('the Act').

This submission has been developed in consultation with Catholic Education principals.

The matters addressed in this submission are in order of the topics listed in the *Information Paper and Call for Submissions*.

Chapter 8- Disciplinary Matters

1. The investigative role of Teacher Registration Board
 - a. Under the Act, it is the responsibility of the Teacher Registration Board (the Board) to conduct investigations into potential disciplinary matters and potential impairment matters.
 - b. As a result of the investigations, the matter may be:
 - i. Dismissed;
 - ii. Subject of an interim disciplinary order;
 - iii. Referred to a committee for inquiry or to be dealt with; or
 - iv. Referred to the State Administrative Tribunal (SAT)
 - c. However it is my understanding that in practice, the Board will only refer potential impairment matters to a disciplinary committee and serious misconduct matters will be referred directly to the SAT.
 - d. I propose that distinction between the investigation outcomes for disciplinary and impairment matters are clarified in the Act.
 - e. Further, I propose that the investigation process of the Board is more clearly defined.
 - f. While I acknowledge the importance of flexibility and discretion within an investigative process. The potential for duplicate investigation of a matter is a concern (for example, where a school based investigation is followed by another full investigation by the Board). Investigations can have adversely affect students, principals, staff and broader school community.
 - g. In the case of child protection matters, it is not in the best interests of students to be interviewed multiple times in relation to the same matter, particularly given the length of time that it typically takes for a secondary investigation to be finalised.



- h. I propose that the Act is amended to require the Board to consider any other investigations, and to adopt the information in those investigations.

2. Interim Disciplinary Orders

- a. In accordance with ss59 and 60 of the Act, an Interim Disciplinary Order may only be issued where the Board or a Disciplinary Committee determines there is an imminent risk of injury or harm to the physical or mental health of any person.
- b. The criteria of “imminent risk” sets a high standard for the Board or Disciplinary Committee to meet before an Interim Disciplinary Order can be issued against a Teacher.
- c. In the case of a Teacher who commits or is convicted of an offence while not engaged in a school, an Interim Disciplinary Order cannot be issued under the Act as the Teacher is not considered to pose an immediate threat to students or any other person.
- d. This potentially allows the said Teacher to recommence employment at a school with no restrictions on their registration, contrary to the purpose and intent of the Act.
- e. I propose that ss59 and 60 of the Act are amended to remove the requirement for there to be an “imminent risk” before an Interim Disciplinary Order can be issued.

3. Crown Liability

The Act exempts the Crown from liability for prosecution for offences. I am concerned whether this protects Department employees, but not Catholic Education employees, from penalties under the Act.

Chapter 10- Fees and resourcing the Board’s operations

4. Registration Fee for Limited Registration:

- a. The Act imposes the burden of application and payment of the fee for limited registration on the employer, which is currently \$220 for a nominee with an Australian qualification or \$531 for a nominee with a non-Australian qualification.
- b. I contend that the responsibility of application and the cost of the registration fee should not be borne by the employer.
- c. Consistent with the overarching principle that a Teacher is individually responsible for establishing and maintaining their registration with the Board, they should be responsible for the application and bear the cost, regardless of the type of registration.
- d. I understood that the obligation to apply and pay the registration fee for limited registration is only enforced in one other jurisdiction, being the Northern Territory. In all other states, this responsibility remains with the Teacher.

I thank you again for the opportunity to make this submission. I welcome you to contact Jayne Taylor in the Employment and Community Relations Team on (08) 6380 5383 if you have any queries or would like to discuss the CEOWA submission further.

Yours sincerely



Dr Debra Sayce
Acting Executive Director

