



RECORDS OF CONVICTIONS AND DETERMINING GOOD CHARACTER

In order for a person to be registered as a teacher, the holder of a Limited Authority to Teach or the holder of a Student Good Character Determination, the Board must be satisfied that the person is of good character.

When determining whether a person is of good character, Section 17J of the Teachers Registration Act 2000 states that the Board –

- a) is to take into account any conviction of, or charge made against, the person; and*
- b) is to take into account any behaviour of the person that –*
 - i) does not satisfy a standard of behaviour generally expected of a teacher; or*
 - ii) is otherwise disgraceful or improper; and*
- c) may take into account any other matter it considers relevant..*

As a part of determining an applicant's Good Character, the Board is required to consider the applicant's Record of Convictions, as detailed in their National Police Certificate and supplied by Tasmania Police and in an overseas Record of Convictions, or its equivalent, if applicable.

Police checks are required if a person applies for;

- (a) registration
- (b) a limited authority to teach (LAT)
- (c) renewal of full registration and/or specialist vocational education and training registration
- (d) a move from provisional to full registration
- (e) student good character determination

WHAT IS CONTAINED IN A RECORD OF CONVICTIONS

A record of convictions lists all the convictions that have been recorded against a person's name. Convictions include infringement notices ('tickets') such as speeding fines.

The *Annulled Convictions Act 2003* governs what will appear on a record of convictions. Generally if an offence is committed by an adult and a ten year period of good behaviour has elapsed, the conviction would be annulled and would not appear on the record of convictions. Similarly if an offence is committed by a youth and a five year period of good behaviour has elapsed, the conviction would be annulled and would not appear on the record of convictions.

In all cases a conviction will be disclosed if the person was sentenced to a term of imprisonment of more than six months or the offence was of a sexual nature.

Attached to the *Annulled Convictions Act 2003* is a list of occupations (Schedule 1) to which the *Annulled Convictions Act 2003* **does not apply**. The listed occupations include Judges and other legal officers, health professionals and **teachers**.

When a record of convictions application is made in relation to occupations included in Schedule 1 of the *Annulled Convictions Act 2003*, such as teaching, the record of convictions provided will show **all convictions (or findings of guilt), including traffic offences, offences of a minor nature, findings of guilt where no conviction has been recorded and all convictions which might otherwise have been annulled.**

The *Annulled Convictions Act 2003* provides that persons applying for an appointment or post or applying for registration or enrolment associated with or required for the gaining of any such appointment or post related to an occupation listed in Schedule 1 of the *Annulled Convictions Act 2003* are required to disclose all convictions.



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WHAT MUST BE DECLARED BY AN APPLICANT

On making an application to the Board, applicants are required to declare if they have been charged with or convicted of any prescribed or other offence.

- A **prescribed offence** is defined in the Act as any offence for which a term of imprisonment may be imposed.
- **Other offences** include any other offences including traffic offences (eg speeding fines).

A **charge** is any matter which has been before a court regardless of whether or not the person charged has been found guilty or innocent.

A **conviction** is any charge of which a person has been found guilty and includes traffic tickets, convictions under the *Youth Justice Act 1997*, findings of guilt with no conviction recorded and convictions which have been annulled.

The *Annulled Offences Act 2003* will not apply and all convictions will be shown.

The Board expects that all applicants will make a full and correct declaration.

The declaration questions and the subsequent police check process play an important part in determining good character. Failure to disclose a charge or conviction, even if it has been declared previously, will result in a delay in processing any application and may result in the Board finding that the applicant is not of Good Character.

MAKING DECLARATIONS

If an applicant cannot remember dates of more minor charges or convictions he/she may make a declaration such as:

- “Traffic offences between 2006 and 2008”.
- “Traffic offences between 2006 and 2009 including a conviction for dangerous driving”

More serious issues must be fully disclosed.

If an issue has been dealt with by the Board via a previous application, it must still be declared. The declaration can be:

- “Matter previously declared in (date).”
- “Matter previously dealt with by the Board.”

BOARD PROCEDURE

Records of convictions will be initially assessed by an officer delegated by the Board.

As a matter of course the delegate will refer to the Discipline, Conduct and Fitness to Teach (DCFT) Committee of the Board any record of convictions which reveals offences involving:

- Violence
- Dishonesty
- Drugs
- Sexual misconduct

Section 36 of the *Teachers Registration Act 2000* states that it is an offence to provide false and misleading statements including “omitting any matter knowing that without that matter the information is misleading”

If an applicant does not disclose any charge or conviction on the application which is revealed on the record of convictions, regardless of whether the charge or conviction is minor in nature, the matter will be noted on file and the applicant will be informed.



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If the charge or conviction is of a serious nature and has not been declared the matter will be immediately referred to the DCFT Committee and the applicant will be required to prepare a written report for consideration by the DCFT Committee addressing the matters listed and the reason for failing to declare the charges or convictions.

A Record of Conviction is deemed to be not of concern where it reveals

- No records of conviction.
- Only **minor traffic offences** like traffic light offences, minor speeding offences, etc. **which have been declared on the application.**
- A **limited number** of more serious traffic offences like more serious speeding offences, drink driving offences, etc. **which have been declared on the application.**
- An offence for which no conviction has been recorded if this constitutes a singular event and/or it occurred a number of years ago and **has been fully disclosed on the application.**
- An offence which resulted in any conviction if this is a relatively minor offence and is a singular event and/or it occurred a number of years ago and **has been fully disclosed on the application.**

Notwithstanding the above multiple offences of a similar nature, for example multiple speeding offences, would be of concern to the Board as this may indicate a lack of concern or respect for Tasmanian law and a lack of care for the safety and wellbeing of others. Applicants whose records of convictions list multiple speeding offences may be asked to provide an explanation to the Board.

REQUIREMENTS FOR APPLICANTS WHO ARE LIVING OVERSEAS OR HAVE RESIDED OVERSEAS FOR MORE THAN 12 MONTHS.

If an applicant is resident overseas or has resided outside of Australia, as an adult, for periods of more than one year the Board will require a Record of Convictions check (or its equivalent) from the country in which the person is living or has resided. In this instance an applicant should contact the Board to ascertain what documentation is required.