



TEACHERS  
REGISTRATION  
BOARD TASMANIA

# Automatic Cancellation or Suspension of Registration

When Registration to Work with Vulnerable People is  
Cancelled or Suspended

**Policy**

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## 1. Purpose

This policy clarifies how the Teachers Registration Board of Tasmania (the Board) will respond to a registered teacher or holder of a Limited Authority to Teach (LAT) having their Registration to Work with Vulnerable People (RWVP) cancelled or suspended by the Department of Justice (Tasmania) (DoJ).

This policy applies to all registered teachers and LAT holders in Tasmania once the Board is notified by the DoJ that it has cancelled or suspended their RWVP.

## 2. Legislation

For relevant sections of the *Teachers Registration Act 2000*, see [Appendix 1](#).

## 3. Policy statement

The DoJ will notify the Board that the RWVP of a registered teacher or LAT holder has been cancelled or suspended. The DoJ can suspend or cancel a teacher's RWVP for reasons including charges or convictions that could show a risk of harm to a child.

Section 17BA (2) of the Act provides that the Board 'may' cancel or suspend a registered teacher's registration upon being notified that the DoJ has cancelled or suspended a registered teacher's RWVP.

Section 17I(1)(b), the Board 'may' suspend or cancel a LAT if the Board considers it appropriate to do so.

An RWVP is a requirement for registration and the issuing of a LAT.

### When RWVP is cancelled

This policy confirms that, in practice, the Board will always automatically cancel a registered teacher or LAT holder's registration upon being notified by the DoJ that an individual's RWVP has been cancelled.

Under Section 13 and Section 17D of the Act, being registered under the *Registration to Work with Vulnerable People Act 2013* (Tasmania) is a requirement for being a registered teacher or LAT holder in Tasmania respectively. Once a person's RWVP is cancelled, they are prevented from holding a RWVP for a period of five years. In such cases, there is no discretion on the part of the Board to not cancel that individual's registration or LAT with the Board. Such individuals will be prevented from re-applying with the Board for a period of five years.

### When RWVP is suspended

This policy also confirms that the Board will suspend and may cancel a registered teacher or LAT holder's registration upon being notified by the DoJ that the individual's RWVP has been suspended, depending on the individual circumstances. For registered teachers, Section 17BA (6) gives the Board the ability to revoke a suspension of registration that the Board has enacted once the Board is satisfied that a person holds a RWVP and is of good character and/or fit to teach.

This policy confirms that a LAT holder's suspension will also be revoked where the Board is satisfied that a person holds a RWVP and is of good character and/or fit to teach

## 4. Definitions

'**The Act**' means the *Teachers Registration Act 2000*.

'**Registered teacher**' means a person who is fully registered, provisionally registered or specialist vocational education and training registered and whose name appears on the register of teachers (Section 3 of the Act).

'**Holder of a limited authority**' means a person who holds a current notice of Limited Authority to Teach (Section 3 of the Act).

## 5. Procedures and guidelines

As soon as the Board is notified by the DoJ that a registered teacher or LAT holder has had their RWVP cancelled, the Board will automatically cancel that teacher's registration or LAT without inquiry. That person must re-apply for registration once they are able to meet the requirements of the Board if they wish to be registered. Re-application will not be possible until the individual has a valid RWVP.

As soon as the Board is notified by the DoJ that a registered teacher or LAT holder has had their RWVP suspended, the Board will, in most cases, automatically suspend that teacher's registration, reserving the right to cancel a teacher's registration without inquiry depending on the circumstances.

The Board will notify the teacher or LAT holder immediately of the suspension or cancellation of registration, whichever is appropriate to the circumstances. The Board will also advise other jurisdictions about the status of a teacher or LAT holder's registration.

Where the Board is satisfied that a registered teacher or LAT holder whose registration has previously been suspended by the Board now has RWVP and is fit to teach and/or of good character, the Board will revoke that suspension.

## 6. Related policies

*Automatic Expiry of Registration for Non-Payment of Annual Registration Fee Policy*

## 7. Related documents

N/A

## 8. Document history

<b>Version</b>	<b>Details</b>	<b>Approved by</b>	<b>Approval date</b>
1.0	Policy established	Board	27/10/2022

## Appendix 1: Extracts from the Teachers Registration Act 2000

- [Section 17BA: Cancellation or suspension of teacher registration without inquiry](#)
- [Section 17D: Determination of application](#)
- [Section 17I: Suspension or cancellation of limited authority](#)

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### Teachers Registration Act 2000

Version current from 1 July 2022 (date accessed 14 October 2022 at 9:26 am)

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#### 17BA. Cancellation or suspension of teacher registration without inquiry

*[Section 17BA Inserted by No. 33 of 2020, s. 6, Applied: 17 Nov 2020]*

(1) In this section –

**corresponding law** has the same meaning as in the Registration to Work with Vulnerable People Act 2013 ;

**regulated activity** means an activity to which vulnerable person registration relates under the Registration to Work with Vulnerable People Act 2013 or a corresponding law;

**vulnerable person registration**, in relation to a teacher, means –

- (a) the registration of the teacher, under the Registration to Work with Vulnerable People Act 2013 , in respect of a regulated activity that primarily relates to children; or
- (b) the registration, licence, or other authorisation, of the teacher under a corresponding law, in respect of a regulated activity that primarily relates to children.

(2) The Board may suspend or cancel the registration of a registered teacher, if the Board is satisfied that –

- (a) the teacher does not hold vulnerable person registration; or
- (b) the teacher’s vulnerable person registration has been suspended and the suspension has not been revoked.

(3) The Board may, under subsection (2), suspend or cancel the registration of a registered teacher –

- (a) without conducting an inquiry; and
- (b) without giving the teacher an opportunity to be heard by, or to make submissions to, the Board.

(4) On deciding to suspend or cancel under subsection (2) the registration of a registered teacher, the Board is to serve notice, in writing, of that decision on –

- (a) the teacher; and
- (b) the teacher’s employer, if the teacher is employed to teach; and
- (c) corresponding registration authorities.

(5) A suspension or cancellation under subsection (2) of the registration of a registered teacher takes effect on written notice of it being served on the teacher or a later day specified in the notice.

(6) The Board may revoke the suspension under subsection (2) of the registration of a registered teacher if the Board is satisfied that the teacher –

- (a) holds vulnerable person registration; and
  - (b) is of good character; and
  - (c) is fit to be a teacher.
- (7) On deciding to revoke under subsection (6) the suspension under subsection (2) of the registration of a registered teacher, the Board is to serve notice, in writing, of that decision on –
- (a) the teacher; and
  - (b) the teacher’s employer, if the teacher is employed to teach; and
  - (c) corresponding registration authorities.
- (8) The revocation under subsection (6) of the suspension under subsection (2) of the registration of a registered teacher takes effect on written notice of it being served on the teacher or a later day specified in the notice.
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## **17D. Determination of application**

*[Section 17D Inserted by No. 79 of 2009, s. 8, Applied: 01 Jan 2010]*

- (1) On receipt of an application for a limited authority made under section 17C , the Board –
- (a) if satisfied that the applicant satisfies the criteria for a limited authority, must grant the applicant a limited authority to teach
    - (i) *[Section 17D Subsection (1) amended by No. 11 of 2013, Sched. 1, Applied: 01 Jul 2013]* *[Section 17D Subsection (1) amended by No. 47 of 2016, s. 25, Applied: 10 Jul 2017]* *[Section 17D Subsection (1) amended by No. 32 of 2021, Sched. 4, Applied 01 Jul 2022]* at any school, as specified in the limited authority; and
    - (ii) in any subject specified in the limited authority; and
    - (iii) for the number of hours each week specified in the limited authority; or
  - (b) if not satisfied that the applicant satisfies the criteria for a limited authority, must refuse to grant the applicant a limited authority.
- (2) The criteria for a limited authority are that the applicant –
- (a) does not meet the requirements of section 13(2)(a) or section 13(3)(a) but has the appropriate skills or experience that available registered teachers do not have; and
  - (b) is of good character; and
  - (ba) *[Section 17D Subsection (2) amended by No. 33 of 2016, s. 9, Applied: 01 Jan 2017]* is registered under the Registration to Work with Vulnerable People Act 2013 in respect of a regulated activity, within the meaning of that Act, that primarily relates to children; and
  - (c) is fit to be a teacher.
- (3) In considering an application for a limited authority made under section 17C, if it appears likely that the Board may not be satisfied that the applicant is of good character or fit to be a teacher, the Board is to give the applicant an opportunity to appear before it.
- (4) The Board may grant a limited authority subject to any reasonable conditions it considers appropriate.

- (5) On determining an application for a limited authority –
- (a) the Board is to notify the applicant and his or her intended employer, in writing –
    - (i) of that determination; and
    - (ii) if the Board refuses to grant a limited authority, of its reasons for that determination; and
    - (iii) if the Board grants a limited authority subject to conditions, of those conditions; and
  - (a) the Board, if it grants a limited authority, is to make an entry in the register of holders of limited authorities in respect of that grant.
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## **17I. Suspension or cancellation of limited authority**

*[Section 17I Inserted by No. 79 of 2009, s. 8, Applied: 01 Jan 2010]*

- (1) If a person holds a limited authority and –
- (a) the Board considers that there is no longer a need for the limited authority; or
  - (b) the Board otherwise considers it appropriate to do so –
- the Board may suspend or cancel the limited authority without conducting an inquiry.
- (2) In deciding to suspend or cancel a limited authority, the Board must comply with the rules of natural justice.
- (3) On deciding to suspend or cancel a limited authority, the Board is to give notice, in writing, of that decision to –
- (a) the holder of the limited authority; and
  - (b) that person's employer if that person is employed to teach.
- (4) A suspension or cancellation of a limited authority takes effect on written notice of it being served on the holder of the limited authority or a later day specified in the notice.