

# Automatic Suspension of Registration for Expired RWVP

**Policy**

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## 1. Purpose

This policy clarifies how the Teachers Registration Board of Tasmania (the Board) will respond to the expiry of a registered teacher or Limited Authority to Teach (LAT) holder's Registration to Work with Vulnerable People (RWVP).

This policy does not apply in circumstances where RWVP has been suspended or cancelled by the Department of Justice (DoJ). That is covered by a separate policy (see '[Related policies](#)' below).

## 2. Legislation

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

## 3. Policy statement

Being registered under the *Registration to Work with Vulnerable People Act 2013* (Tasmania) is an essential criterion for teacher registration and to hold a LAT (Section 13(2)(ca) and Section 17D(2)(ba) of the *Teachers Registration Act 2000*).

Therefore, once a person's RWVP expires due to non-payment or non-renewal, they no longer hold an essential criterion for registration.

This policy confirms that the Board will automatically suspend a registered teacher or LAT holder's registration upon being notified or becoming aware that their RWVP has expired or that their RWVP details in the Teacher's Registration Board's online system are no longer current.

Reinstatement of registration following automatic suspension under this policy can occur when certain conditions are met:

- To reinstate teacher registration (i.e. to revoke a suspension of registration under this Policy), the Board must be satisfied that a registered teacher holds a current RWVP and they are of good character and fit to teach (Section 17BA(6)).
- The Act does not specify how suspension of a LAT can be revoked (Section 17I). Therefore, this Policy confirms that where a

LAT is suspended due to an expired RWVP, the Board can reinstate the LAT if it is satisfied the person holds a RWVP and they are of good character and fit to teach.

This confirms that registered teachers and LAT holders will be treated the same under this policy.

## 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 Limited Authority to Teach (Section 3 of the Act).

## 5. Procedures

Once the Board has been notified or becomes aware that a registered teacher or LAT holder's RWVP has expired, or that RWVP details are no longer current in the TRB's online system, a person's registration or LAT will be suspended automatically.

The Board will provide written notice of the suspension, which takes effect on the day the written notice is provided to the registered teacher or LAT holder.

The written notice will contain:

- a reference to the provision of the Act under which the registration is suspended (Section 17BA for registered teachers; Section 17I for LAT holders)
- the reasons for the suspension of registration or LAT (i.e., expired RWVP)
- the date from which suspension takes effect (i.e., the date on which the notice is provided).

The Board will allow 14 days from receipt of an individual's current RWVP details to reinstate a registration or LAT if it determines they are also of good character and fit to teach.

**Note:** Under this Policy and in these circumstances, the Board may determine automatically that the individual is of good character and fit to teach in the absence of any information to the contrary, and reinstate their registration accordingly.

If the expiry of the person's RWVP with the DoJ exceeds 120 days, their registration will be cancelled, and they will have to apply for a new registration or LAT. This means a new National Police History Check (NPHC) will need to be obtained to ensure the person remains of good character and fit to be a teacher.

## 6. Related policies

*Automatic Cancellation or Suspension of Registration when RWVP Cancelled or Suspended*

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

## 7. Related documents

N/A

## 8. Document history

Version	Details	Approved by	Approval date
1.0	Policy established	Board	08/3/2023

**Note:** Once established, this policy should be reviewed within 12 months.

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

Version current from 1 July 2022 to date accessed (8 March 2023 at 08:14)

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### Appendix navigation:

- [Section 13. Determination of application for registration](#)
  - [Section 17D. Determination of application](#)
  - [Section 17BA. Cancellation or suspension of teacher registration without inquiry](#)
  - [Section 17I. Suspension or cancellation of limited authority](#)
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### 13. Determination of application for registration

- (1) On receipt of an application for registration made under [section 12](#), the Board –
- if satisfied that the applicant satisfies the criteria for full registration, must grant the applicant full registration; or
  - if not satisfied that the applicant satisfies the criteria for full registration but satisfied that the applicant meets the requirements for provisional registration, must grant the applicant provisional registration; or
  - (ba) if satisfied that the applicant satisfies the criteria for specialist vocational education and training registration, must grant the applicant specialist vocational education and training registration; or
  - (c) if not satisfied that the applicant satisfies the criteria for full registration, provisional registration or specialist vocational education and training registration, must refuse to grant the applicant full registration, provisional registration or specialist vocational education and training registration.
- (1A) In determining in accordance with [subsection \(1\)](#) an application made under [section 12](#), the Board may grant to the applicant both specialist vocational education and training registration and either full registration or provisional registration.
- (2) The criteria for full registration are as follows:
- the applicant –
    - has successfully completed an approved course relating to teacher education and at least one full-time equivalent year of teaching to the satisfaction of the Board; or
    - has contributed to educational practice and has the education and experience that, in the opinion of the Board, are sufficient to warrant registration; or
    - has complied with the requirements of the Board during the most recent period of provisional registration;
  - the applicant is of good character;
  - the applicant is fit to be a teacher;
  - (ca) the applicant 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;
  - the applicant, in the opinion of the Board, is sufficiently proficient in the English language.
- (3) The criteria for provisional registration are as follows:
- the applicant –
    - has qualifications or experience as determined by the Board; or
    - is able to obtain the qualifications and experience specified in [subsection \(2\)\(a\)](#);
  - the applicant is of good character;
  - the applicant is fit to be a teacher;

- (ca) the applicant 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;
  - (d) the applicant, in the opinion of the Board, is sufficiently proficient in the English language.
- (3A) The criteria for specialist vocational education and training registration are as follows:
- (a) the applicant has the qualifications and experience as determined by the Board in relation to specialist vocational education and training registration;
  - (b) the applicant is of good character;
  - (c) the applicant is fit to be a teacher;
  - (ca) the applicant 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;
  - (d) the applicant, in the opinion of the Board, is sufficiently proficient in the English language.
- (4) The Board may grant full registration, provisional registration or specialist vocational education and training registration subject to any reasonable conditions it considers appropriate.
- (5) . . . . .
- (6) . . . . .

## 17D. Determination of application

- (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) 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) 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
  - (b) 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.

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

- (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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## 17I. Suspension or cancellation of limited authority

- (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.
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