

# TEACHERS' REGISTRATION.

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No. 55 of 1976.

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AN ACT to make provision with respect to the Registration of Teachers and for related purposes.

[Assented to 10th September, 1976.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I.—PRELIMINARY.

1. This Act may be cited as the *Teachers' Registration Act, 1976*. Short title.

2. The object of this Act is to safeguard the public interest by ensuring that the teaching, and the administration of the teaching, of courses of instruction to pupils in schools are undertaken only by competent persons. Object of Act.

Arrange-  
ment.

3. This Act is divided into Parts as follows—

PART I.—PRELIMINARY.

PART II.—WESTERN AUSTRALIAN TEACHERS'  
REGISTRATION BOARD.

PART III.—REGISTRATION OF TEACHERS.

PART IV.—PROCEEDINGS AND APPEALS.

PART V.—MISCELLANEOUS.

Definitions.

4. In this Act unless the contrary intention appears—

“certificate of registration” means a certificate of registration issued under section 16;

“Chairman” means the Chairman of the Board;

“course of instruction” means a course of instruction forming part of the ordinary curriculum of a school;

“Local Court” means a Local Court established under the Local Courts Act, 1904;

“member” means any member of the Board including the Chairman;

“Register” means the register kept pursuant to section 29;

“registered” means registered under section 13 or provisionally registered under section 14, and “registration” has a corresponding meaning;

“Registrar” means the Registrar of the Board;

“school” means a Government school or an efficient school within the meaning that those expressions have, respectively, in and for the purposes of the Education Act, 1928;

“section” means section of this Act;

“teach”, in relation to a course of instruction, means to give or conduct that course of instruction or to administer the giving or conducting of that course of instruction;

“the Board” means the Western Australian Teachers' Registration Board established under section 5;

“Union” means The State School Teachers' Union of W.A. (Incorporated).

PART II.—WESTERN AUSTRALIAN TEACHERS' REGISTRATION BOARD.

5. (1) For the purposes of this Act there shall be established a board to be known as the “Western Australian Teachers' Registration Board”. The Board.

(2) The Board—

- (a) shall be a body corporate with perpetual succession and a common seal; and
- (b) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(3) Where in any judicial proceedings, whether under this Act or not, a document is produced bearing the seal purporting to be the common seal of the Board the court or tribunal before which those proceedings are brought shall, in the absence of proof to the contrary, presume that—

- (a) the seal is the common seal of the Board; and
- (b) the common seal was duly affixed.

6. (1) Subject to this Act, the Board shall consist of ten members appointed by the Governor, of whom— Composition of Board.

- (a) one shall be a person appointed on the nomination of the Minister to be a member and Chairman of the Board;

- (b) two shall be persons appointed on the nomination of the Director-General of Education;
- (c) three shall be persons appointed on the nomination of the Union being persons elected for such nomination at an election conducted by the Union amongst its members;
- (d) one shall be a person appointed on the nomination of the Catholic Education Commission of Western Australia;
- (e) one shall be a person appointed on the nomination of the Independent Schools Salaried Officers' Association being a person elected for such nomination at an election conducted by that association amongst its members;
- (f) one shall be a person representing institutions providing teacher education courses, appointed on the nomination of the Western Australian Post-Secondary Education Commission constituted under the Western Australian Post-Secondary Education Commission Act, 1970;
- (g) one shall be a person appointed on the nomination of the Association of Independent Schools of Western Australia.

(2) Prior to the first occasion on which an appointment is made to an office of member referred to in paragraph (b), (c), (d), (e), (f) or (g) of subsection (1) of this section, and on each occasion thereafter when such an office becomes vacant by effluxion of time, the Minister shall, in writing, request the person or body referred to in the appropriate paragraph to nominate, in writing, a person willing to act as a member of the Board, or

where there is more than one office to be filled, such number of persons willing to so act as is sufficient to fill those offices.

(3) Where a request under subsection (2) of this section is made to a body referred to in paragraph (c) or (e) of subsection (1) of this section, that body shall conduct an election amongst its members for the purpose of determining the name of the person or the names of the persons, as the case requires, to be nominated by that body for appointment to the office of member.

(4) Where a person or body has been requested pursuant to subsection (2) of this section, to nominate a person or persons, the Minister may, if no nomination or no sufficient nomination is made within the prescribed time, nominate for appointment to the office of member such person or persons as he thinks fit.

(5) The Governor may appoint a suitable person to be a deputy of a member other than the member who is Chairman, and a person so appointed is, in the event of the absence from a meeting of the Board of the member of whom he is deputy, entitled to attend that meeting and, when so attending, has all the powers, functions and duties of a member.

(6) On or after the first day of February, 1978 a person shall not be appointed to an office of member or deputy of a member, other than the office of the member who is Chairman, if he is not a person who—

- (a) is or has been registered as a teacher; or
- (b) has the qualifications and experience prescribed for the purposes of subparagraph (i) of paragraph (b) of subsection (1) of section 13.

(7) A person shall not be appointed to any office of member or deputy of a member if he is a person whose registration as a teacher—

(a) has been cancelled; or

(b) is, for the time being, suspended,

pursuant to section 17.

Terms of  
office, etc.

7. (1) Subject to this Act each member shall hold office for such period, not exceeding three years, as is specified in the instrument of his appointment and is eligible for re-appointment.

(2) The Governor may remove a member from office on the ground of—

(a) mental or physical incapacity;

(b) neglect of duty; or

(c) dishonourable conduct,

or for any other reason considered sufficient by the Governor.

(3) Where—

(a) a member—

(i) dies;

(ii) resigns his office by writing under his hand addressed to the Minister;  
or

(iii) is removed from office pursuant to subsection (2) of this section; or

(b) the registration of a member as a teacher is cancelled or suspended pursuant to section 17,

the office of that member becomes vacant.

(4) Where the office of a member has become vacant, otherwise than by effluxion of time, the Governor may, in accordance with section 6, appoint a person to the vacant office for the unexpired part of the term of the office which so became vacant.

8. (1) The Board shall hold meetings at such times and places as are necessary to enable it to discharge its functions and duties under this Act and the Minister may at any time require the Chairman to convene a meeting of the Board. Meetings  
of Board.

(2) The Chairman shall preside at all meetings of the Board at which he is present.

(3) Where the Chairman is not present at a meeting of the Board, the members present shall appoint one of their number present to act as chairman of the meeting.

(4) At a meeting of the Board six members shall constitute a quorum and each member present shall have a deliberative vote on any question arising at the meeting.

(5) Any question arising at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes being cast, that question shall lapse.

(6) Notwithstanding anything contained in subsection (4) or (5) of this section a person who is a member or the deputy of a member shall not be entitled to vote on any question arising at a meeting of the Board with respect to—

- (a) the registration of that person as a teacher or any extension of such registration; or
- (b) the cancellation or suspension of the registration of that person as a teacher.

(7) The Board shall cause accurate minutes to be kept of its proceedings at its meetings.

(8) To the extent that it is not prescribed the Board shall determine its own procedure.

Validity of  
acts of the  
Board.

9. No act, proceeding or determination of the Board shall be invalid on the ground only of any vacancy in the office of member or of any defect in the nomination or appointment of any member or in the appointment of any deputy of a member.

Remunera-  
tion.

10. Any person who is a member or the deputy of a member shall be paid, out of the funds of the Board, such fees and allowances as may from time to time be determined by the Governor.

Funds of  
the  
Board.

11. (1) The funds of the Board shall consist of—

- (a) the fees prescribed by the regulations and received by the Board or the Registrar;
- (b) grants (if any) by the Government of the State, and all gifts, bequests and donations made by any person to the Board, but subject to any trusts declared in relation thereto;
- (c) all other money or property that may come into the hands of, or be acquired by, the Board under and for the purposes of this Act.

(2) The funds of the Board may be applied by the Board for—

- (a) any of the purposes of this Act;
- (b) the furtherance of, and research into, teacher education; and
- (c) any other purpose approved by the Minister.



(3) The accounts of the Board shall, once in each year, be audited by the Auditor General who has, in respect thereof, all the powers that may be exercised by him under the Audit Act, 1904.

(4) Each report of the Auditor General on his audit of the accounts of the Board shall be sent to the Minister.

12. (1) Subject to this Act, the functions of the Board are to establish, maintain and operate a system of registration of teachers in order to achieve the object of this Act.

Functions  
of the  
Board.

(2) In performing its functions under this Act the Board shall confer and collaborate with the Western Australian Teacher Education Authority established under the Teacher Education Act, 1972, and with institutions providing tertiary education in this State with a view to ensuring that persons who desire to be trained for the teaching profession receive the requisite education and training for registration under this Act.

(3) The Board shall, as far as practicable, collaborate with any body or authority exercising functions similar to its functions in any State or Territory of the Commonwealth or elsewhere with a view to promoting uniformity in the standards and qualifications required for admission to the teaching profession.

#### PART III.—REGISTRATION OF TEACHERS.

13. (1) Subject to this Act, a person who applies to the Board to be registered as a teacher and satisfies the Board—

Registration  
as a teacher.

(a) that he is a fit and proper person to be registered as a teacher; and

(b) that—

(i) he holds the prescribed qualifications and has had the prescribed experience as a teacher;

- (ii) he holds qualifications and has had experience as a teacher that are adequate for the purposes of registration; or
- (iii) in the case of a person who applies for registration before the first day of February, 1978, he has had experience as a teacher in this State, over the period of two years immediately preceding the date of his application, that is adequate for the purposes of registration,

shall, upon payment of the prescribed fee, be registered as a teacher under this section.

(2) Subject to this Act, the registration of a person as a teacher under this section is effective for a period expiring at the end of the thirty-first day of January last occurring before the expiration of three years from the date of his registration.

(3) Where a person registered as a teacher under this section applies to the Board within the prescribed time for the extension of his registration, that registration shall, upon payment of the prescribed fee, be extended from time to time and registration so extended is, subject to this Act, in the case of each extension, effective for a further period of three years commencing from the time it would have expired had it not been extended.

Provisional  
registration.

14. (1) Where a person applies to the Board to be registered as a teacher, pays the prescribed fee, and satisfies the Board that he is a fit and proper person to be registered as a teacher, but is unable to satisfy the Board that he—

- (a) holds qualifications and has had experience that would render him eligible for registration under subparagraph (i) or (ii) of paragraph (b) of subsection (1) of section 13; or

- (b) has had experience that would render him eligible for registration under subparagraph (iii) of that paragraph,

the Board may provisionally register that person as a teacher under this section for such period, not exceeding three years, as it determines.

(2) Subject to subsection (3) of this section, where a person provisionally registered as a teacher under this section applies to the Board within the prescribed time for the extension of that registration and pays the prescribed fee, the Board may, from time to time, extend that registration for such period, not exceeding three years, as it determines.

(3) The aggregate duration of the period of provisional registration of a person as a teacher under this section together with any period or periods of extension of that registration shall not exceed five years.

15. An application for registration as a teacher or for extension of such registration shall be made in writing and in a manner and form determined by the Board in respect of such an application and shall contain such information as is required by the Board.

Application  
for  
registration  
or renewal.

16. Whenever a person is registered as a teacher or the registration of a person as a teacher is extended, the Board shall issue a certificate of registration to that person.

Certificates.

17. (1) The Board may, on its own motion, or on the application of any person made to the Registrar, inquire into—

Cancellation  
or  
suspension  
of  
registration.

- (a) the eligibility of any person registered as a teacher to be so registered; or
- (b) the fitness of any person registered as a teacher to continue to be so registered,

or both.

(2) The Board shall give any person who is the subject of an inquiry under this section at least fourteen days' notice of the time and place at which it proposes to hold the inquiry, and shall afford that person a reasonable opportunity to call or give evidence, to examine or cross examine witnesses, and to make submissions to the Board.

(3) If the person to whom notice is given under subsection (2) of this section does not attend at the time and place specified in the notice, the Board may proceed with the inquiry in his absence.

(4) A person who is the subject of an inquiry under this section may appear before the Board personally or by counsel or other representative.

(5) A person, other than a certificated legal practitioner within the meaning of the Legal Practitioners Act, 1893, shall not demand or receive any fee or reward for representing a person at an inquiry under this section.

Penalty: Five hundred dollars.

(6) In the course of any inquiry the Board may—

(a) receive in evidence any transcript of evidence of proceedings before a court, and draw any conclusions of fact therefrom that it considers proper; or

(b) adopt, as in its discretion it considers proper, any findings, decision or judgment of a court that may be relevant to the inquiry.

(7) If after conducting an inquiry under this section the Board is satisfied that a person registered as a teacher—

(a) became registered by reason of the Board having been incorrectly informed as to his qualifications or experience or both;

(b) obtained registration by fraud, dishonesty or misrepresentation;

- (c) is subject to a serious mental or physical incapacity by reason of which he is unable to carry out the functions and duties of a teacher;
- (d) has been convicted of any offence the commission of which renders him unfit to be a teacher; or
- (e) has been guilty of any grave misconduct whether connected with his employment and functions as a teacher or not,

the Board may, according as it thinks just under the circumstances—

- (f) cancel the registration of that person and order that his name be removed from the register; or
- (g) suspend the registration of that person for such period, not exceeding twelve months, as it thinks fit.

(8) Where the registration of a person as a teacher is suspended under this section the Board shall, at the completion of the period of suspension, review the matter and—

- (a) restore the registration of that person as a teacher; or
- (b) impose such further period of suspension of registration, not exceeding twelve months, as it thinks fit.

18. A person shall not fraudulently obtain, or attempt to fraudulently obtain, registration as a teacher or a certificate of registration either for himself or on behalf of or in respect of any other person.

Fraudulent registration, etc.

Penalty: Five hundred dollars.

19. Subject to section 21, on or after the first day of February, 1978 a person who is not registered as a teacher shall not teach a course of instruction to

Unregistered persons not to teach.

pupils in a school unless he has the authority in writing of the Board to teach that course of instruction.

Penalty: Five hundred dollars.

Offence by proprietor of school.

20. Subject to section 21, where on or after the first day of February, 1978 a person who is not registered as a teacher teaches a course of instruction to pupils in a school the proprietor of that school commits an offence unless that firstmentioned person has the authority in writing of the Board to teach that course of instruction.

Penalty: Five hundred dollars.

Suspension of registration requirements.

21. (1) The Governor may, if he considers it necessary or expedient in the public interest, by proclamation declare the operation of sections 19 and 20 to be suspended for such period as is specified in the proclamation and may, by subsequent proclamation, vary or revoke such a proclamation.

(2) Nothing in section 19 or 20 applies to or in relation to any act, matter or thing done during any period for which the operation of those sections is suspended pursuant to a proclamation made under this section.

Board may authorize teaching by unregistered persons.

22. (1) The Board may, in writing, authorize a person who is not registered as a teacher to teach a course of instruction, and may, in writing, vary or revoke such authority.

(2) Authority in writing under this section may be given in respect of—

- (a) a course of instruction specified in the authority;
- (b) courses of instruction of a class specified in the authority; or
- (c) courses of instruction generally,

and for the purposes of this Act any person—

- (d) specified in the authority;
- (e) of a class specified in the authority;
- (f) holding an office or position specified in the authority; or
- (g) holding an office or position of a class specified in the authority or at a school specified in the authority,

shall be regarded as having the authority in writing of the Board to teach that course of instruction, or those courses of instruction, as the case may be.

23. A person shall not—

- (a) in any manner hold himself out, or represent himself, as being registered as a teacher; or
- (b) assume or use the title “registered teacher” (either alone or in combination with any other word or words or letters) or any other title, name or description implying that he is registered as a teacher,

False claim  
of  
registration,  
etc.

unless that person is registered as a teacher.

Penalty: Two hundred dollars.

24. A person shall not hold himself out, or represent himself, as being entitled or authorised under this Act to teach any course of instruction to pupils in a school unless—

- (a) that person is registered as a teacher; or
- (b) that person has the authority in writing of the Board to teach that course of instruction.

False claim  
of  
entitlement  
to teach.

Penalty: Two hundred dollars.

## PART IV.—PROCEEDINGS AND APPEALS.

Powers of  
the Board.

25. (1) For the purposes of considering or dealing with any matter the Board may—

- (a) by summons under the hand of any member require the attendance before the Board of any person;
- (b) by notice in writing signed by a member require the production of any books, papers or documents relevant to the matter before the Board;
- (c) inspect any books, papers or documents produced before the Board and retain them for such reasonable period as it thinks fit and make copies or extracts of matters therein that are relevant to the matter before the Board;
- (d) require any person to make an oath or affirmation (which may be administered by any member) that he will truly answer all questions put to him by a member, or by any person appearing before the Board; and
- (e) require any person appearing before the Board (whether he has been summoned to attend before the Board or not) to answer any question relevant to the matter before the Board put to him by a member, or by a person appearing before the Board.

(2) Subject to subsection (3) of this section, if any person—

- (a) who has been served with a summons referred to in paragraph (a) of subsection (1) of this section to attend before the Board fails without reasonable excuse (proof of which shall lie on him) to attend in obedience to the summons;
- (b) who has been served with a notice to produce any books, papers or documents fails without reasonable excuse (proof of which shall lie on him) to comply with the notice;



- (c) misbehaves himself before the Board, wilfully insults the Board or any member thereof, or interrupts the proceedings of the Board;
- (d) refuses to be sworn or to affirm, or to answer any question relevant to a matter before the Board, when required to do so by the Board; or
- (e) knowingly gives a false answer to any question which he is required by the Board to answer,

he commits an offence.

Penalty: Forty dollars.

(3) In any proceedings before the Board a person shall not be required to answer any question put to him if the answer to that question would tend to incriminate him, or to produce any books, papers or documents, if their contents would tend to incriminate him.

26. The Board shall, at the request of a person aggrieved by a decision of the Board, state in writing the reasons for its decision. Reasons for decision.

27. (1) Any person aggrieved by a decision of the Board shall, subject to this section, be entitled to appeal to a Local Court against the decision. Appeal.

(2) The appeal shall be instituted within one month of the making of the decision appealed against but—

- (a) where the Board does not give reasons in writing for the decision appealed against at the time of making the decision and the appellant requests the Board to state those reasons in writing, the appeal may be instituted at any time before the expiration of one month after the appellant receives a written statement of those reasons; and

(b) the Local Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirements of this subsection in relation to the appeal.

(3) The Local Court shall have jurisdiction to hear and determine the appeal and may, on the hearing of the appeal, do one or more of the following, according to the nature of the case—

- (a) affirm, vary or quash the decision or order appealed against, or substitute and make in addition, any decision or order that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the Board for further hearing or consideration or for re-hearing;
- (c) make any further or other order as to costs or any other matter that the case requires.

PART V.—MISCELLANEOUS.

Registrar,  
etc.

28. (1) The Board shall appoint a Registrar who shall have such powers, duties and functions as are conferred on him by this Act or as are, subject to any direction of the Minister, conferred on him or directed to be performed by him by the Board.

(2) The Registrar may be appointed to exercise and perform his powers, duties and functions on either a full-time or a part-time basis.

(3) The remuneration of the Registrar shall be paid out of the funds of the Board.

(4) With the approval of the Minister and of the Public Service Board, the Board may make use of the services of any person employed in the Public Service of the State.

29. (1) The Registrar shall cause a Register to be kept in which there shall be set out the names of all persons registered as teachers and such other particulars, matters and things as are determined by the Board.

Register to  
be kept.

(2) Any entry in the Register is *prima facie* evidence of the facts thereby recorded and, where the name of a person is not recorded in the Register as being registered as a teacher there is a presumption that the person is not registered as a teacher.

(3) The Register shall be open for public inspection at such times as may be determined by the Board.

(4) The Registrar shall remove from the Register the name of any person registered as a teacher who dies, or whose registration as a teacher is cancelled, or whose registration as a teacher expires and is not extended.

(5) The Board shall at least once in every year cause to be published in the *Government Gazette* a list of all persons who are, for the time being, registered as teachers.

30. Any person who is, or has at any time been, a member or the deputy of a member, or the Registrar, is not personally liable for any act done, or omitted to be done, in good faith by the Board, or by him, in the discharge or purported discharge of its or his duties under this Act.

Protection  
of members  
and  
Registrar.

31. (1) The Governor may make such regulations as are contemplated by this Act or as he considers necessary or expedient for the purposes of this Act.

Regulations.

(2) Without limiting the generality of subsection (1) of this section, regulations made under that subsection may—

- (a) prescribe the time within which the nomination of a person or persons for appointment to the office of member shall be made for the purposes of section 6 and prescribe a longer time in the case of a nomination in respect of which an election is required to be held under that section;
  - (b) prescribe the procedure of the Board;
  - (c) prescribe the qualifications and experience that render a person eligible for registration as a teacher under subparagraph (i) of paragraph (b) of section 13;
  - (d) prescribe fees to be payable for the purposes of this Act;
  - (e) prescribe the time within which a person registered as a teacher may apply for extension of that registration; and
  - (f) prescribe forms for certificates of registration.
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