



Western Australia

Teacher Registration Act 2012

Teacher Registration (General) Regulations 2012

Teacher Registration (General) Regulations 2012

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Defined terms

Teacher Registration (General) Regulations 2012

Part 1 — Preliminary

1. Citation

These regulations are the *Teacher Registration (General) Regulations 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Teacher Registration Act 2012* section 3 comes into operation.

3. Terms used

In these regulations —

ACARA means the Australian Curriculum, Assessment and Reporting Authority established under the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Commonwealth) section 5;

CrimTrac agency means the CrimTrac agency established as an Executive Agency under the *Public Service Act 1999* (Commonwealth) section 65;

mutual recognition principle means the principle applying to occupations as set out in Part 3 of the *Mutual Recognition Act 1992* (Commonwealth), as adopted by the *Mutual Recognition (Western Australia) Act 2010*¹;

professional learning activities means activities that are referred to in, described by or in compliance with the Board's policy about professional learning activities published under regulation 9;

registration card means a certificate of registration issued by the Board;

school has the meaning given in the *School Education Act 1999* section 4;

Trans-Tasman mutual recognition principle means the principle applying to occupations as set out in Part 3 of the *Trans-Tasman Mutual Recognition Act 1997* (Commonwealth), as adopted by the *Trans-Tasman Mutual Recognition (Western Australia) Act 2007*.

[Regulation 3 amended: Gazette 13 Aug 2013 p. 3733.]

Part 2 — General provisions

4. Prescribed bodies or agencies (s. 3)

For the purposes of the definition of *criminal record check* in section 3 of the Act, the following bodies or agencies are prescribed —

- (a) the Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Commonwealth);
- (b) the CrimTrac agency.

5. Places where centre-based services operate are educational venues (s. 3)

For the purposes of the definition of *educational venue* paragraph (e) in section 3 of the Act, a place where a centre-based service, as defined in the *Education and Care Services National Regulations 2012* regulation 4(1), operates is prescribed as an educational venue.

6. Prescribed curriculum (s. 3)

For the purposes of the definition of *teach* paragraph (a) in section 3 of the Act, each of the following is a prescribed curriculum —

- (a) Belonging, Being and Becoming: The Early Years Learning Framework for Australia, part of the national education and care services quality framework and referred to in the *Education and Care Services National Regulations 2012* regulation 254(1)(a);
- (b) the national school curriculum, known as the “Australian curriculum”, developed and administered under the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Commonwealth) section 6(a);

- (c) the outline of curriculum and assessment in schools established by the School Curriculum and Standards Authority under the *School Curriculum and Standards Authority Act 1997* section 9(1)(a);
- (d) a course developed, or caused to be developed, by the School Curriculum and Standards Authority under the *School Curriculum and Standards Authority Act 1997* section 9(1)(c);
- (e) a course accredited by the School Curriculum and Standards Authority under the *School Curriculum and Standards Authority Act 1997* section 9(1)(d);
- (f) an alternative curriculum framework published by ACARA on its Recognition Register;
- (g) a course registered as accredited on the State Register under the *Education and Training Reform Act 2006* (Victoria) as being suitable for the purposes of a certificate in general education for adults;
- (h) the Advanced Placement Program, developed by the College Board (USA);
- (i) the International Baccalaureate Diploma programme offered by the International Baccalaureate educational foundation.

7. When unpaid volunteers are teaching (s. 3)

For the purposes of the definition of *teach* paragraph (e) in section 3 of the Act, an unpaid volunteer is teaching if —

- (a) the volunteer is solely or principally responsible for the delivery of, and the assessment of student participation in, an educational programme designed to implement a curriculum referred to in regulation 6; or
- (b) the volunteer is administering an educational programme designed to implement a curriculum referred to in regulation 6 and is solely or principally responsible for its administration.

8. Other persons who are not teaching (s. 3)

For the purposes of the definition of *teach* paragraph (f) in section 3 of the Act, the following persons are prescribed —

- (a) an educator, as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), unless the educator is an early childhood teacher, as defined in the *Education and Care Services National Regulations 2012* regulation 4(1);
- (b) a person who delivers and assesses, or administers, an educational programme that is not designed to implement a curriculum referred to in regulation 6;
- (c) a person who delivers and assesses, or administers, an educational programme —
 - (i) if the programme is included in an approved VET course as defined in the *Vocational Education and Training Act 1996* section 5(1); and
 - (ii) the person is a trainer or an assessor within the meaning of those terms in the *AQTF Essential Conditions and Standards for Initial Registration (2010)* or the *AQTF Essential Conditions and Standards for Continuing Registration (2010)*, part of the Australian Quality Training Framework as defined in the *Skilling Australia's Workforce Act 2005* (Commonwealth) section 3(1);
- (d) a person who delivers and assesses, or administers, an educational programme —
 - (i) if the programme is included in a VET accredited course as defined in the *National Vocational Education and Training Regulator Act 2011* (Commonwealth) section 3; and
 - (ii) the person is a trainer or an assessor within the meaning of those terms in the *Standards for NVR*

Registered Training Organisations (2011) made under the National Vocational Education and Training Regulator Act 2011 (Commonwealth) section 185(1).

9. Professional learning activities

- (1) The Board is to have a written policy about professional learning activities.
- (2) The policy is to be used to determine which activities are professional learning activities.
- (3) Professional learning activities are activities that are relevant to the achievement by a person of the abilities, experience, knowledge or skills expected of registered teachers.
- (4) The Board is to make its policy about professional learning activities available for inspection on a website maintained by the Board.
- (5) The Board may amend its policy about professional learning activities from time to time in writing and is to ensure that all amendments to the policy are also available for inspection on a website maintained by the Board.

Part 3 — Registration

Division 1 — Registration of teachers

[Heading inserted: Gazette 28 Jan 2014 p. 177.]

10. English language skills for full and provisional registration (s. 15(d) and 16(d))

- (1) For the purposes of sections 15(d) and 16(d) of the Act, the English language skills prescribed as suitable for full or provisional registration are that the requirements of one of subregulations (2) to (4) are met in relation to the applicant.
- (2) The applicant has, within the period of 2 years before applying for registration under section 10 —
 - (a) undertaken the International English Language Testing System (Academic) test and achieved —
 - (i) an average of level 7.5 or more across the 4 components of listening, speaking, reading and writing; and
 - (ii) no score below level 7 in any of those components; and
 - (iii) a score of level 8 or more in the components of speaking and listening;
 - or
 - (b) undertaken the Professional English Assessment for Teachers test and achieved Band A in each of the components of listening, speaking, reading and writing.
- (3) The applicant has undertaken all of the components of a teaching qualification referred to in section 15(a) or 16(a) of the Act, as are relevant to the application, in the English language in one or more of the following countries —
 - (a) Australia;
 - (b) New Zealand;

- (c) the United Kingdom;
 - (d) the United States of America;
 - (e) Canada;
 - (f) the Republic of Ireland.
- (4) In the opinion of the Board —
- (a) exceptional circumstances exist in relation to the applicant; and
 - (b) the applicant's English language skills, both written and oral, are suitable for registration.

11. English language skills for limited registration (s. 17(c))

- (1) For the purposes of section 17(c) of the Act, the English language skills prescribed as suitable for limited registration are that the requirements of one of subregulations (2) to (6) are met in relation to the nominee.
- (2) The nominee has, within the period of 2 years before the application for registration under section 10 is made —
- (a) undertaken an International English Language Testing System (Academic) test and achieved —
 - (i) an average of level 7.5 or more across the 4 components of listening, speaking, reading and writing; and
 - (ii) no score below level 7 in any of those components; and
 - (iii) a score of level 8 or more in the components of speaking and listening;
- or
- (b) undertaken a Professional English Assessment for Teachers test and achieved Band A in each of the components of listening, speaking, reading and writing.

- (3) The nominee has undertaken all of the components of a requirement under regulation 12(2), as are relevant to the application, in the English language in one or more of the following countries —
- (a) Australia;
 - (b) New Zealand;
 - (c) the United Kingdom;
 - (d) the United States of America;
 - (e) Canada;
 - (f) the Republic of Ireland.
- (4) If the teaching position is to teach, or to teach in, a language other than English, the nominee has —
- (a) within the period of 2 years before the application for registration under section 10 is made, undertaken a test referred to in subregulation (2)(a) or (b); and
 - (b) achieved a result that the Board is satisfied is sufficient for the nominee to adequately perform the duties of the teaching position.
- (5) In the opinion of the Board —
- (a) exceptional circumstances exist in relation to the nominee; and
 - (b) the nominee's English language skills, both written and oral, are suitable for registration.
- (6) If the teaching position is to teach, or to teach in, an indigenous language —
- (a) the nominee is an Aboriginal person or a Torres Strait Islander; and
 - (b) the applicant has informed the Board in writing that the applicant is satisfied that the nominee's English language skills are suitable for the teaching position.
- (7) In subregulation (6)(a) —

Aboriginal person means a person who is a descendant of the Aboriginal people of Australia;

Torres Strait Islander means a person who is a descendant of the indigenous inhabitants of the Torres Strait Islands.

- (8) The Board may impose a condition on the limited registration of a person who meets the requirements referred to in subregulation (4) relevant to ensuring the improvement of the person's English language skills, both written and oral.

12. Other requirements for limited registration (s. 17(d))

- (1) In this regulation —

Australian university and **overseas university** have the meanings given in the *Higher Education Act 2004* section 3.

- (2) For the purposes of section 17(d) of the Act, a nominee offered a teaching position is to meet one of the following requirements —

- (a) the nominee —
- (i) holds a qualification that is, in the Board's opinion, a teaching qualification; and
 - (ii) meets the professional standards approved by the Board for full or provisional registration, or has done so within the previous 5 years;
- (b) the nominee holds a qualification from an Australian university or an overseas university that is, in the Board's opinion, relevant to the teaching position;
- (c) the nominee has, in the opinion of the Board, expertise or skills in a subject relevant to the teaching position;
- (d) the nominee is currently enrolled in an accredited initial teacher education programme delivered in a manner approved by the Board for the purposes of this paragraph;

- (e) the nominee has successfully completed all of the course requirements for, but has not yet received, a teaching qualification from an accredited initial teacher education programme.

13. Renewal of registration — requirements for professional engagement and professional learning activities (s. 22(2)(c))

- (1) For the purposes of section 22(2)(c) of the Act, the additional requirements for the renewal of registration set out in subregulations (2), (3) and (4) are prescribed.
- (2) For the renewal of full registration, that the teacher has, since the registration was last granted or renewed —
 - (a) taught —
 - (i) for at least 100 full working days; or
 - (ii) for a period of time that would be equivalent in hours to at least 100 full working days;and
 - (b) undertaken at least 100 hours of professional learning activities.
- (3) For the renewal of provisional or limited registration that was last granted or renewed for 3 years, that the teacher has, since the registration was last granted or renewed —
 - (a) taught —
 - (i) for at least 60 full working days; or
 - (ii) for a period of time that would be equivalent in hours to at least 60 full working days;and
 - (b) undertaken at least 60 hours of professional learning activities.
- (4) For the renewal of provisional or limited registration that was last granted or renewed for less than 3 years, that the teacher has, since the registration was last granted or renewed —

- (a) taught for a period of time calculated on a pro rata basis for the period since the registration was last granted or renewed, at the rate of 20 full working days for each year; and
 - (b) undertaken professional learning activities for a period of time calculated on a pro rata basis for the period since the registration was last granted or renewed, at the rate of 20 hours of professional learning activities for each year.
- (5) The requirements of subregulations (2)(b), (3)(b) or (4)(b) do not apply in relation to the renewal of registration of a teacher if, in the opinion of the Board, extenuating circumstances exist.

14. Intention to apply for limited registration (s. 23(3)(a))

For the purposes of section 23(3)(a) of the Act, the form prescribed for notice of intention to make an application for a grant of limited registration is Form 1 in Schedule 2.

15. Duration of non-practising registration

- (1) The period of non-practising registration —
- (a) commences on the day that the registration is granted to a person; and
 - (b) unless the person commences teaching after that day, is for an indefinite period.
- (2) If a person holding non-practising registration commences teaching, the period of the registration ends on whichever of the following occurs first —
- (a) the second anniversary of the day that the person first commenced teaching while holding non-practising registration (*expiry day*) or such later day —
 - (i) as is specified in a notice given under subregulation (3); or
 - (ii) as is determined under subregulation (4);

- (b) the person is granted full or provisional registration.
- (3) The Board may, by notice in writing given to a person who has applied to the Board in the form approved by the Board, extend the period of the person's non-practising registration if the Board is of the opinion that there are extenuating circumstances to do so.
- (4) If either of the following applications is made at least 28 days before expiry day, the non-practising registration continues until the application is decided —
 - (a) an application for full or provisional registration under Part 3 of the Act;
 - (b) an application to the Board under subregulation (3) for the period of non-practising registration to be extended.

*[Regulation 15 inserted: Gazette 13 Aug 2013 p. 3733-4;
amended: Gazette 13 Mar 2015 p. 849.]*

16. Condition on non-practising registration (s. 25(2))

It is a condition of non-practising registration that, within 14 days after a teacher first commences teaching while holding that category of registration, the teacher gives written notice of that fact to the Board.

[Regulation 16 inserted: Gazette 13 Aug 2013 p. 3734.]

17. Condition on limited registration (s. 25(2))

The limited registration of a teacher is subject to the condition that the teacher may only carry out such teaching activities as are required for the teacher to undertake the duties of the teaching position, or positions, offered to the teacher, as referred to in section 17(a) of the Act.

18. Applicant may change category of registration applied for

- (1) A person who has applied for registration in a particular category may, by written notice to the Board, change the

category of registration applied for at any time before the application is granted or refused.

- (2) If the category of registration that an application is made in respect of is changed, as referred to in subregulation (1), the registration fee payable in respect of the application is the fee payable for the new category of registration and —
 - (a) the applicant is to pay to the Board any additional amount necessary to pay the fee in respect of the application; or
 - (b) the Board is to refund to the applicant any extra amount paid in respect of the application.

19. Provision of information about eligibility for registration

- (1) In this regulation —
relevant information means information about a matter referred to in section 24 of the Act.
- (2) The Board may provide written advice on the following matters to a person who is considering making an application for registration —
 - (a) advice regarding —
 - (i) whether or not a qualification held by the person would meet the requirement to hold a teaching qualification for registration in a particular category; and
 - (ii) any additional qualifications required so that a person would meet the requirement to hold a teaching qualification for full or provisional registration;
 - (b) advice regarding whether or not, taking into account the relevant information provided to the Board, a person would be a fit and proper person to be registered.

- (3) The Board may provide the advice referred to in subregulation (2) —
 - (a) at the written request of a person; and
 - (b) on payment of the relevant fee set out in Schedule 1.
- (4) The fee referred to in subregulation (3)(b) is not refundable.
- (5) If the Board provides advice under subregulation (2)(b), based on relevant information provided to the Board, that a person would be a fit and proper person to be registered, then the person is to be taken to be a fit and proper person to be registered for the period of 5 years from the date of the advice.
- (6) Subregulation (5) does not apply in respect of a person if, when assessing an application for registration made by the person, more relevant information is available to the Board than the relevant information on which the advice of the Board was based.

20. Registration cards

- (1) This regulation applies if the Board implements a registration card system for teachers.
- (2) The Board is to ensure that each teacher is given a registration card —
 - (a) as soon as practicable after the commencement of the registration card system; and
 - (b) on each grant or renewal of the person's registration.
- (3) A registration card given to a teacher is to contain the following information about the teacher —
 - (a) the teacher's full name;
 - (b) the category of registration that the teacher holds;
 - (c) the teacher's registration number;
 - (d) the date of expiry of the teacher's registration.

- (4) The Board may, at the request of a teacher who has lost a registration card, provide a replacement registration card on payment of the relevant fee set out in Schedule 1.

Division 2 — The register

[Heading inserted: Gazette 28 Jan 2014 p. 177.]

**21A. Additional information to be recorded in register
(s. 36(1)(e))**

- (1) In this regulation —
- automatic deemed registration* has the meaning given in the *Mutual Recognition Act 1992* (Commonwealth) section 42D(3).
- (2) For the purposes of section 36(1)(e) of the Act, the following additional information is to be recorded in the register in respect of each registered teacher —
- (a) the teacher's date of birth and gender;
 - (b) the date of expiry of the teacher's registration;
 - (c) the date on which the Board last determined that the teacher was a fit and proper person to be registered, in accordance with section 24 of the Act;
 - (d) any conditions imposed on the teacher's registration —
 - (i) by the Board under section 26 of the Act; or
 - (ii) by order made under Part 5 of the Act;
 - (e) the name of each educational venue at which the teacher is currently teaching, insofar as that information is known to the Board;
 - (f) the date on which the annual fee is next payable by the teacher;
 - (g) any order referred to in section 70(1)(f) of the Act made by a disciplinary committee or by the State Administrative Tribunal;

- (h) whether the teacher has automatic deemed registration to teach in an educational venue in the State.

[Regulation 21A inserted: Gazette 28 Jan 2014 p. 177-8; amended: SL 2022/125 r. 4.]

21B. Additional persons who may inspect register information (professional) (s. 37(3)(b))

- (1) In this regulation —

centre-based service has the meaning given in the *Education and Care Services National Regulations 2012* regulation 4(1);

child care service has the meaning given in the *Child Care Services Act 2007* section 4;

nominated supervisor has the meaning given in the *Education and Care Services National Law (Western Australia)* section 5(1);

prescribed person means a person —

- (a) referred to in section 37(3)(a) of the Act; or
- (b) prescribed under subregulation (2)(a) to (c) for the purposes of section 37(3)(b) of the Act;

register information (professional) has the meaning given in section 37(1) of the Act;

supervising officer has the meaning given in the *Child Care Services Act 2007* section 5A.

- (2) The following persons are prescribed for the purposes of section 37(3)(b) of the Act —

- (a) nominated supervisors of centre-based services;
- (b) supervising officers for child care services;
- (c) persons appointed under the *Young Offenders Act 1994* section 11(1a)(b) as principals of teaching staff at detention centres;
- (d) a person who —

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Part 3 Registration

Division 2 The register

r. 21B

- (i) has been nominated by a prescribed person as being a person who has good reason to inspect register information (professional); and
- (ii) has been accepted by the Board as a suitable person to inspect register information (professional).

[Regulation 21B inserted: Gazette 28 Jan 2014 p. 178-9.]

Part 4 — Disciplinary and impairment matters

21. Complaints

A complaint made in writing to the Board about the conduct of a registered teacher is to describe —

- (a) approaches made by the complainant to the teacher's principal, supervisor or employer in an attempt to resolve the matter complained of; or
- (b) if the complainant has not approached the teacher's principal, supervisor or employer regarding the matter complained of, why the complainant did not do so.

22. Prescribed sexual offences (s. 46)

For the purposes of paragraph (b) of the definition of *sexual offence* in section 46 of the Act, an offence against a provision listed in the *Working with Children (Criminal Record Checking) Act 2004* Schedules 1 and 2 (if the offence complies with any condition specified in the relevant Schedule relating to the age of the victim) is prescribed.

Part 5 — Miscellaneous

23. Payment of relief teachers during Board or committee meetings

- (1) In this regulation —

account means the Teacher Registration Board Account referred to in section 115 of the Act;

meeting means a meeting of the Board or a committee;

relief teacher, in relation to a member of the Board or a committee who is a registered teacher, means another registered teacher who teaches in the place of that member.

- (2) If moneys held in the account are applied to meet the reasonable cost of providing a relief teacher while a member of the Board or a committee is attending a meeting during school hours, then that member is not entitled to any remuneration under the Act in respect of attendance at that meeting.

24. Retention of criminal record checks

- (1) In this regulation —

criminal record check includes any document or record embodying the criminal record check.

- (2) A criminal record check obtained by the Board from the CrimTrac agency in respect of a person under this Act is to be retained by the Board for a period of 7 years from the day on which the Board last communicated with, or received communication from, the person.

25. Employer to supply information about teachers

- (1) At the written request of the Board, an employer of registered teachers is to provide to the Board in writing —
- (a) a list, in accordance with subregulation (2), of each person who is currently employed by the employer to

teach at each educational venue specified by the Board in the request; or

- (b) either, or both, as is specified in the request, of the following types of information about a person who is currently employed by the employer at an educational venue —
 - (i) the terms and conditions on which the person is employed by the employer;
 - (ii) a full description of the duties of the person's position at the educational venue.
- (2) A list provided by an employer at the request of the Board under subregulation (1)(a) is to set out in respect of each person —
 - (a) the person's name and date of birth; and
 - (b) either —
 - (i) the category of registration that the person holds and the person's registration number; or
 - (ii) the reason why the employer believes that the person is not required to be registered under the Act (including a reference to the relevant provision of the Act).
- (3) An employer is to comply with a request by the Board under subregulation (1) within 14 days of receiving the request.
Penalty: a fine of \$1 000.

26. Notice to be given by employer about suspension, dismissal or resignation of registered teacher — investigations and serious incompetence (s. 42)

- (1) For the avoidance of doubt, an investigation referred to in section 42(1) of the Act includes the following —
 - (a) any investigation, inquiry or decision (however described) that results in a teacher being summarily dismissed from a teaching position;

- (b) any investigation, inquiry or decision (however described) that leads to action being taken under the *Public Sector Management Act 1994* section 79(3);
 - (c) an investigation referred to in the *Public Sector Management Act 1994* section 79(5);
 - (d) dealing with a matter as a disciplinary matter, or any investigation, inquiry or decision (however described) that leads to disciplinary action being taken, under the *Public Sector Management Act 1994* Part 5 Division 3;
 - (e) a special disciplinary inquiry held, or continued, under the *Public Sector Management Act 1994* section 87(1A);
 - (f) a performance review (however described) that results in a teacher resigning, or being removed, from teaching at an educational venue.
- (2) For the avoidance of doubt, section 42(1) of the Act applies even if an investigation has not been completed or finalised.
- (3) For the avoidance of doubt, the phrase “seriously incompetent as a teacher” in section 42(1)(b)(i) of the Act includes anything that constitutes substandard performance as defined in the *Public Sector Management Act 1994* section 3(1).
- (4) A notice under section 42 of the Act is to set out the following information about the teacher —
- (a) the teacher’s full name;
 - (b) the category of registration that the teacher holds;
 - (c) the teacher’s registration number;
 - (d) the date of commencement of the investigation;
 - (e) the reasons for the commencement of the investigation;
 - (f) the decision, if any, reached by the employer as a result of the investigation and the reasons for that decision.
- (5) An employer that notifies the Board under section 42 of the Act incurs no civil liability as a result of giving the notification.

27A. Notice must be given of change of name or postal or email address

- (1) A registered teacher must give written notice to the Board of any change to the teacher's registration details no later than 30 days after the change occurs.

Penalty: a fine of \$1 000.

- (2) In this regulation, a change to a teacher's registration details occurs if there is a change to any of the following —
- (a) the teacher's name as recorded in the register;
 - (b) the teacher's postal address as last provided to the Board;
 - (c) the teacher's email address as last provided to the Board.

[Regulation 27A inserted: Gazette 13 Aug 2013 p. 3734-5; amended: SL 2022/125 r. 5.]

27. Board may require information to be verified by statutory declaration

An applicant, or other person supplying information to the Board under the Act or these regulations, is to verify the information by statutory declaration if required by the Board to do so.

28. Fees

- (1) The fees set out in Schedule 1 are prescribed in respect of the matters specified in that Schedule.
- (2) A fee set out in Schedule 1 items 1 to 5 is payable by the applicant.
- (3) If a person who applies for registration has paid a fee set out in Schedule 1 item 11 for advice about whether or not the person has particular requirements for registration, then the fee payable for the application is reduced by the amount of the fee paid for

the advice provided that the application for registration is made within 2 years of the person receiving the advice.

- (4) The annual fee set out in Schedule 1 item 6 —
 - (a) is payable by 31 March in each year; and
 - (b) may be paid in advance for some or all of the period of registration.
- (5) Despite subregulation (4)(a), an annual fee for a particular year may be paid between 1 April and 30 April in that year if it is accompanied by the late payment processing fee set out in Schedule 1 item 9.
- (6) If a person who had paid an annual fee in advance ceases to be registered for the whole of a year in respect of which the annual fee has been paid in advance, the Board is to refund to the person the annual fee for that year.
- (7) For the avoidance of doubt, a fee prescribed in respect of registration, including an application for registration, applies also in respect of registration under section 137 of the Act.

Part 6 — Transitional matters

29. Terms used

In this Part —

College means the Western Australian College of Teaching established under the *WACOT Act* section 5;

commencement day means the day on which section 3 of the Act comes into operation;

WACOT Act means the *Western Australian College of Teaching Act 2004*.

30. Renewal of registration — requirements for professional engagement and professional learning activities for first 5 years after commencement

- (1) During the period of 5 years beginning on commencement day —
 - (a) regulation 13 does not apply in respect of the renewal of registration of a teacher; and
 - (b) for the purposes of section 22(2)(c) of the Act, the additional requirements for the renewal of registration set out in subregulations (2) and (3) are prescribed.
- (2) The requirements for renewal of registration of a teacher during the year beginning on commencement day (the *first year*), are that the teacher is to meet the requirements that would have applied in respect of the teacher under the *WACOT Act* immediately before commencement day as if the renewal was for renewal of membership of the College.
- (3) The requirements for renewal of registration of a teacher during each of the successive 4 years beginning after the first year (that is, the second, third, fourth and fifth years after commencement day) are that in respect of, but not necessarily during, each year that has passed beginning on commencement day (including the

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year during which the application for renewal is made) the teacher is to have —

- (a) taught —
 - (i) for at least 20 full working days; or
 - (ii) for a period of time that would be equivalent in hours to at least 20 full working days;
 - and
 - (b) undertaken at least 20 hours of professional learning activities.
- (4) The requirement of subregulation (3)(b) does not apply in relation to the renewal of registration of a teacher if, in the opinion of the Board, extenuating circumstances exist.

31. Requirement for limited registration — applications made within 18 months (s. 17(d) and 149)

- (1) A nominee may, instead of meeting a requirement prescribed in regulation 12, meet the requirements set out in the *Education and Care Services National Regulations 2012* regulation 242(2) for the purposes of section 17(d) of the Act.
- (2) Subregulation (1) applies only in respect of applications for limited registration that are made during the period starting on commencement day and ending on the day that is 18 months after that day.

32. Teachers taken to be registered on commencement day do not need to meet requirements for teaching qualifications when renewing that registration

Despite section 22 of the Act, the requirements for registration set out in section 15(a) or 16(a) of the Act, as is relevant, do not apply to the renewal of the registration of a teacher who, on commencement day, is taken under section 136 of the Act to hold registration.

33. Provisionally registered teachers — renewal

During the first year beginning on commencement day, section 22(3) of the Act does not apply to the renewal of the provisional registration of a teacher who, on commencement day, is taken under section 136 of the Act to hold provisional registration.

34. Provisional and limited registration — period of registration

- (1) This regulation applies in relation to the provisional registration or limited registration of a teacher who, on commencement day, is taken under section 136 of the Act to hold that registration.
- (2) On and from commencement day, if the provisional registration or limited registration would otherwise have expired before 30 June 2013, the expiry date of that registration is to be taken to be 30 June 2013.
- (3) Section 23(2) of the Act applies in relation to the provisional registration or limited registration as if “renewed.” were deleted and the following were inserted:

renewed, unless otherwise approved by the Board in a particular case and specified in writing given to the teacher concerned.

[Regulation 34 inserted: Gazette 7 May 2013 p. 1903-4.]

Schedule 1 — Fees

[r. 28]

[Heading inserted: SL 2022/61 r. 11.]

	Type of fee	Provision of Act or regulations	Fee
1.	Fee payable by a person who applies for provisional registration —	s. 10(2)(e)	
(a)	if the applicant has a teaching qualification from an accredited initial teacher education programme		\$136
(b)	if the applicant has a teaching qualification conferred in Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to a teaching qualification from an accredited initial teacher education programme		\$136
(c)	if the applicant has a teaching qualification conferred in a country other than Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to a teaching qualification from an accredited initial teacher education programme		\$458
(d)	if the application is in accordance with the mutual recognition principle or the Trans-Tasman mutual recognition principle		\$136
(e)	if the applicant holds non-practising registration		no fee

	Type of fee	Provision of Act or regulations	Fee
2.	Fee payable by a person who applies for full registration —	s. 10(2)(e)	
	(a) if the applicant has a teaching qualification from an accredited initial teacher education programme		\$172
	(b) if the applicant has a teaching qualification conferred in Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to such a qualification		\$172
	(c) if the applicant has a teaching qualification conferred in a country other than Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to such a qualification		\$492
	(d) if the application is in accordance with the mutual recognition principle or the Trans-Tasman mutual recognition principle		\$136
	(e) if the applicant holds provisional or non-practising registration		no fee
3.	Fee payable by a person who applies for limited registration —	s. 10(2)(e)	
	(a) if the application involves the consideration for approval of a qualification or qualifications conferred by a body that is not established, or primarily based, in Australia or New Zealand		\$550

Type of fee	Provision of Act or regulations	Fee
(b) if the application involves a nominee participating in a teacher exchange programme approved by the Board for the purpose of this item		no fee
(c) otherwise		\$228
4. Fee payable by a person who applies for non-practising registration —	s. 10(2)(e)	
(a) eligible under section 18(a) of the Act		no fee
(b) eligible under section 18(b) of the Act —		
(i) if the applicant has a teaching qualification from an accredited initial teacher education programme		\$172
(ii) if the applicant has a teaching qualification conferred in Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to such a qualification		\$172
(iii) if the applicant has a teaching qualification conferred in a country other than Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to such a qualification		\$492

	Type of fee	Provision of Act or regulations	Fee
5.	Fee payable by a person who applies for the renewal of registration	s. 11(2)(d)	\$54
6.	Annual fee —	s. 35	
	(a) for the first year after registration is granted if it is granted in January, February, March, October, November or December		\$46
	(b) otherwise		\$92
7.	Fee payable by a person for a criminal record check, obtained by the Board with consent of the person under section 44 of the Act	s. 128(2)(i)	\$57
8.	Fee payable by a person who applies for a certified copy of the register or an entry in the register for the copy	s. 37(5)	\$57 per entry up to a maximum fee of \$165
9.	Late payment processing fee	r. 28(5)	\$57
10.	Fee payable for a replacement registration card	r. 20(4)	\$57
11.	Fee payable by a person seeking advice about additional qualifications required for registration	r. 19(2)(a)(i) or (ii)	\$320
12.	Fee payable by a person seeking advice about being a fit and proper person to be registered	r. 19(2)(b)	\$57

[Schedule 1 inserted: SL 2022/61 r. 11.]

Schedule 2 — Form for notice of intention to apply for limited registration

[r. 14]

Form 1 — Notice of intention to apply for limited registration

<p>To be submitted by or on behalf of one or more employers in respect of a teaching position offered in one or more educational venues on or before the first day of employment of a single nominee for limited registration.</p>
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Nominee's Details		
Title (please tick) <input type="checkbox"/> Dr <input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other		
Family name		
Given name		Other name(s)
Date of birth		

PRIMARY APPLICANT		
Employer Details		
Name of employer e.g. Department of Education; governing body of named non-government school		
Employer's postal address	Postcode	
Employer's Delegate Details (any other delegates to sign over the page)		
Name of employer's delegate		
Position at venue e.g. principal; nominated supervisor		

Teacher Registration (General) Regulations 2012

Form for notice of intention to apply for limited registration **Schedule 2**

Email address		
Telephone	Work	Mobile
Delegate's signature		
Date		
Educational Venue		
Please provide details of the school or centre where the nominee is to be employed		
Name of venue e.g. school/centre		
Postal address of venue		
	Postcode	
Date of commencement of employment		

ADDITIONAL APPLICANTS (if any)		
Employer 2 Details (only required if a second employer jointly applies)		
Name of employer		
Employer's postal address		
	Postcode	
Employer's Delegate at Venue 2 Details		
Name of employer's delegate		
Position at venue		
Email address		
Telephone	Work	Mobile
Delegate's signature		
Date		

Teacher Registration (General) Regulations 2012**Schedule 2** Form for notice of intention to apply for limited registration

Educational Venue 2	
Please provide details of the second school or centre where the nominee is to be employed	
Name of venue	
Postal address of venue 2	
	Postcode
Date of commencement of employment	

Employer 3 Details (only required if a third employer jointly applies)	
Name of employer	
Employer's postal address	
	Postcode
Employer's Delegate at Venue 3 Details	
Name of employer's delegate	
Position at venue	
Email address	
Telephone	Work Mobile
Delegate's signature	
Date	
Educational Venue 3	
Please provide details of the third school or centre where the nominee is to be employed	
Name of venue	
Postal address of venue 3	
	Postcode

Teacher Registration (General) Regulations 2012

Form for notice of intention to apply for limited registration **Schedule 2**

Date of commencement of employment	
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Notes

This is a compilation of the *Teacher Registration (General) Regulations 2012* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Citation	Published	Commencement
<i>Teacher Registration (General) Regulations 2012</i>	16 Nov 2012 p. 5571-609	r. 1 and 2: 16 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Dec 2012 (see r. 2(b) and <i>Gazette</i> 16 Nov 2012 p. 5637)
<i>Teacher Registration (General) Amendment Regulations 2013</i>	7 May 2013 p. 1903-4	7 May 2013 (see note under r. 1)
<i>Teacher Registration (General) Amendment Regulations (No. 2) 2013</i>	13 Aug 2013 p. 3733-6	r. 1 and 2: 13 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Aug 2013 (see r. 2(b))
<i>Teacher Registration (General) Amendment Regulations 2014</i>	28 Jan 2014 p. 177-9	r. 1 and 2: 28 Jan 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Feb 2014 (see r. 2(b))
<i>Teacher Registration (General) Amendment Regulations (No. 3) 2014</i>	1 Jul 2014 p. 2339-40	r. 1 and 2: 1 Jul 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Jul 2014 (see r. 2(b))
<i>Teacher Registration (General) Amendment Regulations 2015</i>	13 Mar 2015 p. 849	r. 1 and 2: 13 Mar 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Mar 2015 (see r. 2(b))
<i>Teacher Registration (General) Amendment Regulations (No. 2) 2015</i>	12 Jun 2015 p. 2024-5	r. 1 and 2: 12 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
Reprint 1: The Teacher Registration (General) Regulations 2012 as at 7 Aug 2015 (includes amendments listed above)		
<i>Teacher Registration Regulations (Fees) Amendment Regulations 2016 Pt. 2</i>	14 Jun 2016 p. 1823-5	1 Jul 2016 (see r. 2(b))

Citation	Published	Commencement
<i>Education and Training Regulations Amendment (Fees) Regulations 2017</i> Pt. 4	27 Jun 2017 p. 3416-19	1 Jul 2017 (see r. 2(b))
<i>Education and Training Regulations Amendment (Fees and Charges) Regulations 2018</i> Pt. 2	31 Jul 2018 p. 2711-15	1 Aug 2018 (see r. 2(b)(ii))
<i>Education and Training Regulations Amendment (Fees and Charges) Regulations 2022</i> Pt. 5	SL 2022/61 3 Jun 2022	1 Jul 2022 (see r. 2(b))
<i>Teacher Registration (General) Amendment Regulations 2022</i>	SL 2022/125 30 Jun 2022	r. 1 and 2: 30 Jun 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2022 (see r. 2(b))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA Legislation website.

Citation	Published	Commencement
<i>Education Regulations Amendment (Fees and Charges) Regulations 2023</i> Pt. 6	SL 2023/67 16 Jun 2023	1 Jul 2023 (see r. 2(b))

Other notes

- ¹ The *Mutual Recognition (Western Australia) Act 2010* expired on 28 Feb 2021 (see s. 6(3) of that Act). The *Mutual Recognition (Western Australia) Act 2020* (Act No. 44 of 2020) commenced on 1 Mar 2021 and adopts the *Mutual Recognition Act 1992* (Commonwealth) (see s. 4 of that Act).

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
Aboriginal person	11(7)
ACARA	3
account	23(1)
Australian university	12(1)
automatic deemed registration	21A(1)
centre-based service	21B(1)
child care service	21B(1)
College	29
commencement day	29
criminal record check	24(1)
CrimTrac agency	3
expiry day	15(2)(a)
first year	30(2)
meeting	23(1)
mutual recognition principle	3
nominated supervisor	21B(1)
overseas university	12(1)
prescribed person	21B(1)
professional learning activities	3
register information (professional)	21B(1)
registration card	3
relevant information	19(1)
relief teacher	23(1)
school	3
supervising officer	21B(1)
Torres Strait Islander	11(7)
Trans-Tasman mutual recognition principle	3
WACOT Act	29