

Policy on Making an Application

1. Purpose

This policy outlines the requirements for the making of an application to the Teacher Registration Board of Western Australia (TRBWA).

The concept of 'making' an application is important for the following reasons:

- An application that does not meet certain prescribed criteria under the *Teacher Registration Act 2012* (the Act) is deemed not to be 'made' in accordance with the Act. Partially completed applications and applications not containing all of the requisite criteria, will not be recorded as applications and will not be processed further.
- Under s.23(5) of the Act, the registration of a teacher may be continued past the registration expiry date, if an application for *renewal*¹ of registration is made to the TRBWA at least 28 days prior to the expiry of the teacher's registration. For the application to be 'made' under the Act, the application for renewal must meet all prescribed criteria.
- Failure to 'make' a renewal application within this time frame will mean that, should the application for *renewal* of registration not be finalised and approved, a teacher's registration will expire on the expiry date.
- The date of the making of an application is also important in that legislation and policy in effect on the date an application is 'made' will continue to apply to the assessment of the application until the application is determined.

2. Scope

This policy applies to all applications for registration made to the TRBWA, including applications for first registration, renewal of registration and applications to transition from one category of registration to another.

This policy does not apply to the submission of Form 1 (Intention to apply for Limited Registration), but does apply to any associated application for Limited Registration submitted to the TRBWA.

The policy applies to all TRBWA staff and Board members involved in the registration and regulation of teachers in Western Australia.

3. Background

Section 10(2) of the Act details the requirements for the 'making' of an application for registration.

An application is to —

- (a) be in writing in the form approved by the Board; and
- (b) specify the category of registration applied for; and
- (c) be accompanied by evidence that —

¹ Renewal of registration is an application to renew registration in the same category of registration.

- (i) the applicant; or
- (ii) if the application is for the grant of limited registration, the nominee, meets the requirements for the category of registration applied for in accordance with Subdivision 2; and
- (d) be accompanied by the written consent —
 - (i) of the applicant; or
 - (ii) if the application is for the grant of limited registration, the nominee, for the Board to obtain a criminal record check in respect of him or her; and
- (e) be accompanied by the registration fee, if any, prescribed.

Section 11(2) of the Act details the requirements for the ‘making’ of an application for the *renewal* of registration.

An application is to —

- (a) be in writing in the form approved by the Board; and
- (b) specify the category of registration that the application is in respect of; and
- (c) be accompanied by the written consent —
 - (i) of the applicant; or
 - (ii) if the application is for the renewal of limited registration, the nominee, for the Board to obtain a criminal record check in respect of him or her; and
- (d) be accompanied by the renewal fee, if any, prescribed.

For an application for *renewal* of registration to be ‘made’, there is no specific requirement for the application to be accompanied by evidence that the applicant meets the requirements for registration. However, for the application for renewal to be *granted*, evidence of meeting the requirements would need to be present.

In addition, for an application for renewal to be *granted*, the Board must be satisfied that that applicant or nominee *continues* to meet the requirements for registration under section 15, 16 or 17 of the Act as relevant.

In the case of Limited Registration, an application for renewal may only be granted where the applicant, the teaching position and the qualifications/skills required to undertake the duties continue to be the same.

4. Definitions

Renewal of registration	Renewal of registration is an application made during a period of registration to renew registration in the same category.
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5. Policy

All applications for registration to the TRBWA must meet certain criteria required under legislation in order to constitute an application. Applications which do not meet these criteria are deemed not to be valid and will not be processed.

Applications submitted in person at the TRBWA offices, which do not meet the requirements of an application will not be accepted.

Applications received online, or delivered by post, which do not meet the requirements, will not constitute a valid application. The documentation will be accepted and recorded by the TRBWA but the applicant will be advised that a valid application has not been made and the application will not be processed until required documentation has been provided.

5.1 An application must be in writing in the form approved by the Board

An application must be made using the appropriate form. Applications may be made through e-forms.

An application is made when the form is received by the TRBWA and contains all required documentation and in all other respects meets the criteria for the making of an application under section 10 of the Act.

5.2 An application must specify the category of registration

Section 10(1) of the Act details the four categories of registration: Full Registration, Provisional Registration, Limited Registration and Non-Practising Registration. The application must clearly specify the category of registration.

The heading of the application form indicating the category of registration to be applied for is sufficient evidence of 'specifying' the category. Alternatively, the form may contain provisions for the category of registration to be specified.

There is an application form for registration as a teacher under the principle of mutual recognition. Mutual Recognition is not a category of registration in itself, but a mechanism for a person to apply for a particular category of registration. The form to be used in mutual recognition circumstances will contain a section for the category of registration to be specified.

5.3 An application must be accompanied by evidence that the applicant or nominee (for Limited Registration) meets the requirements for grant.

Although the application will be fully assessed at a later stage, there must be some prima facie evidence that the applicant or nominee meets the registration requirements for the particular category.

This is not a requirement for the making of an application for *renewal* of registration. However, the application forms for *renewal* of registration will request the submission of such evidence as will be required to be assessed as part of the application.

In order to meet this requirement of an application, where relevant, the application should contain, either through the inclusion of documentation or declaration, evidence of the following:

- required qualifications or skills
- English language ability
- a completed fit and proper declaration
- consent for a criminal record check
- evidence or declaration (as appropriate) relating to the Professional Standards
- for applications for Limited Registration, the applicant should also include evidence of an offer of a teaching position in an educational venue.

For an application to be 'made', it must include evidence of the above. Where evidence is missing or declarations are not completed, the application will be deemed not to be made.

For applications for Non-Practising Registration, an application is deemed to be made by submitting:

- an application in writing on the appropriate form
- the requisite fee
- a fit and proper declaration
- consent for a criminal record check.

In cases where the applicant *does not intend* to teach, there must also be prima facie evidence that the applicant holds Full or Provisional Registration and does not intend to teach. This may be by way of confirmation on the application by the applicant that he/she does not intend to teach.

In cases where the applicant *does intend* to teach, there must be prima facie evidence that the applicant meets the requirements for Full or Provisional Registration. This evidence will address qualification and English language requirements². The evidence just needs to be present for an application to be deemed valid. No assessment of the cogency of the evidence is required. There must also be prima facie evidence that the person intends to teach. This may be by way of confirmation on the application of an intention to teach

5.4 An application must be accompanied by the written consent of the applicant/nominee for the TRB to obtain a criminal record check.

The application must contain written consent in a form approved by the Board. This may be by way of a signed criminal record check consent form or a clear indication on the form that the applicant consents to the criminal record check. Providing the application form indicates that the applicant consents to a criminal record check, this is sufficient. The consent form required for the criminal record check may be submitted separately, as this does not impact on the 'making' of an application, if written consent has been provided on the form.

5.5 An application must be accompanied by the registration fee.

The accepted forms of payment are cash, EFTPOS, Cheque, Money Order/Bank Draft and Debit/Credit Card. An application shall be deemed to be made where the correct fee has been paid.

Fees are determined by the Regulations and may be amended from time to time.

An application which is submitted in person to the TRBWA with cash or credit/debit card payment, which is honoured at that time, is deemed to be made at that time.

Applications which are sent by mail accompanied by a personal or bank cheques or credit/debit card details are also deemed to be made at the time of receipt, so long as payment is honoured in due course. Should the payment not be honoured then the application is deemed not to be made.

Applications which are received without being accompanied by the fee are deemed not to be made. Such an application is made at the time the correct fee is submitted to the TRBWA.

Similarly, an application which is accompanied by the incorrect fee is not made until the correct fee is submitted.

6. Supporting information

- *Teachers Registration Act 2012*
- *Teacher Registration (General) Regulations 2012*

² Qualifications and English Language evidence are not requirements for the grant of Non-practising registration with no intention to teach and are therefore not required to constitute a valid or made application.

7. Change History

Approved	Version	Details	Approved By
16/5/2013	1	New Policy Issued	Board
16/7/2013	2	Amendment	Board
06/09/2016	3	Amendment	Director
Next Review Date		06/09/2017	