

## Cancellation and Reinstatement for the Non-Payment of Annual Fees Policy

### 1. Purpose

This policy outlines the requirements for the:

- cancellation of a teacher's registration for being in arrears in respect of annual fees due and payable; and
- reinstatement of a registration that has been cancelled for the non-payment of annual fees.

### 2. Scope

This policy applies to teachers registered by the Teacher Registration Board of Western Australia (TRBWA), TRBWA staff and Board members involved in the administration and decision making process for the registration of a teacher in Western Australia.

This policy applies to the cancellation and reinstatement of registration only in respect of non-payment of annual fees. It does not apply to cancellation and reinstatement in respect of other matters.

### 3. Background

Section 27(2)(f) of the *Teacher Registration Act 2012* (the Act) details the requirement to cancel a teacher's registration in respect of being in arrears for fees due and payable.

s27(2) states:

A teacher is not entitled to be registered if -

- (f) the teacher is in arrears in respect of fees due and payable under this Act.

The Act also provides for circumstances in which a registration must not be cancelled, or if cancelled, where it must be reinstated.

s27(3)(c) states:

However, the registration of a teacher must not be cancelled under this section, or if the registration has been cancelled must be reinstated by the Board, if -

- (c) where subsection (2)(c) or (f) applies, the Board is of the opinion that there are extenuating circumstances.

### 4. Policy

#### 4.1 Cancellation of a registration for the non-payment of annual fees

It is a requirement that all teachers registered with the TRBWA pay an annual fee as prescribed in the *Teacher Registration (General) Regulations 2012* (Regulations).

The Regulations prescribe that annual fees are payable by the 31 March in each year. Where the annual fee is not paid by this date, but is paid between 1 April and 30 April inclusive, a late payment processing fee applies.

Teachers will be provided with advance notice of the requirement to pay the annual fee by the due date and the consequent late payment processing fee should payment not be made by this date.

The first working day following 30 April, the Board will commence the process of cancelling the registration of those teachers who are in arrears.

### **Notice of Cancellation**

Following its decision to cancel registration, the Board will give, pursuant to section 31 of the Act, written notice to the teacher of the cancellation of their registration no later than 14 days after making its decision. In the case of a teacher who holds Limited Registration, a written notice will also be provided to the person's employer.

The Notice is to contain all of the following:

- a reference to the provision of the Act under which the registration was cancelled
- the reasons for the cancellation of the registration
- a statement that the person whose registration is cancelled may have a right to a review by the State Administrative Tribunal (SAT) under section 124
- the date from which cancellation is effective.

### **Extenuating Circumstances**

The Board must not cancel the registration of a teacher if the Board is of the opinion that extenuating circumstances exist. Where a teacher believes that extenuating circumstances of an unforeseen nature exist, the Board will consider a written representation from the teacher as to why the registration should not be cancelled.

### **Confirmation of cancellation**

Should cancellation proceed, the Board will confirm in writing that the cancellation has been effected.

The person will be advised that their name will be removed from the Register of Teachers on the date that cancellation becomes effective and that should they wish to teach in a Western Australian school at a future date, they are required to make a new application for registration as a teacher.

Where a registration has been *cancelled* a person is no longer considered to be in arrears in respect of those annual fees for which the registration was cancelled. Any new application for registration will be subject to the relevant application fee.

## **4.2 Reinstatement of a registration**

The Act mandates that the Board must reinstate the registration of a teacher, whose registration was cancelled for being in fees arrears, if the Board is of the opinion that there are extenuating circumstances.

Prior to *reinstating* registration the Board must be satisfied that the teacher is no longer in arrears.

Where a teacher believes that extenuating circumstances of an unforeseen nature exist, which have not previously been considered by the Board, the Board will consider a written representation from the teacher as to why registration should be reinstated.

If the Board is of the opinion that extenuating circumstances do not exist, the registration remains cancelled. Should a teacher with a cancelled registration wish to teach at a future date, they must make a new application for registration.

Following a decision to reinstate a teacher's registration, the Board will give written notice to the teacher of the reinstatement of their registration no later than 14 days after making its decision. In the case of a teacher who holds Limited Registration, a written notice will also be provided to the employer of that teacher.

As provided for in s31 of the Act, the notice is to contain all of the following:

- a reference to the provision of the Act under which the registration was reinstated
- the reasons for the reinstatement of the registration
- the date from which reinstatement becomes effective.

The reinstatement of a teacher's registration takes effect on the day on which notice of the reinstatement is given, or on a later date as specified in the notice.

Where a teacher's registration is reinstated, the registration will be reinstated on the same terms and conditions as the cancelled registration in respect of the category of registration, expiry date, conditions of registration. Fee arrears must be addressed before a registration may be reinstated.

A cancelled registration cannot be reinstated where, had it not been for the cancellation, the registration would have already expired. In this situation, the teacher is required to make a new application for registration. The applicant must pay a new application fee but is not liable for payment of fee arrears, as these are considered to no longer apply once the registration has expired.

## 5. Supporting information

- *Teacher Registration Act 2012*
- *Teacher Registration Act General Regulations*

## 6. Change History

Approved	Version	Details	Approved By
17/07/2013	1	New Policy Issued	Board
19/06/2017	1.1	Added text regarding reinstatement date	Director
Next Review Date		19/06/2019	