

Conditions of Registration Policy

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1. Purpose

This policy outlines the conditions that the Teacher Registration Board of Western Australia (Board) may impose on a teacher's registration and the associated circumstances and requirements.

2. Scope

Pursuant to section 26 of the *Teacher Registration Act 2012* (Act), the Board has general powers to impose conditions on a teacher's registration to ensure the professional, competent and safe practice of teaching.

This policy outlines the Board's approach to the imposition of conditions under section 26 of the Act. It also addresses conditions prescribed by the *Teacher Registration (General) Regulations 2012* (Regulations) and those imposed in accordance with the *Mutual Recognition Act 1992* and the *Trans-Tasman Mutual Recognition Act 1997*.

3. Background

Pursuant to section 26 of the Act, the Board has the discretionary power to impose, modify or cancel a condition on a teacher's registration. Conditions may be imposed at the grant of registration or at any time during the period of a teacher's registration.

A condition is generally imposed to limit the teacher's practice in some way or to require the teacher to do or provide something to ensure their teaching is conducted in a professional, competent and safe manner.

26. Conditions imposed by the Board

- (1) The Board may impose conditions on the registration of a teacher —
 - (a) when granting, renewing or changing the category of the registration; or*
 - (b) during the currency of the registration.**
- (2) The Board may at any time, on the application of a registered teacher or on its own initiative, on reasonable grounds, modify or cancel a condition on a teacher's registration.*
- (2A) Without limiting subsections (1) and (2), conditions on a teacher's registration may be imposed, modified or cancelled by the Board under this section if the teacher's ability to carry out the inherent requirements of the work of a registered teacher is affected, or is likely to be affected, because of an impairment.*
- (3) Conditions imposed or modified by the Board under this section must be reasonable and relevant to ensuring the professional, competent and safe practice of teaching by the registered teacher.*
- (4) The Board must not exercise its power under this section to modify or cancel a condition imposed or modified by the Tribunal¹ without the consent of the Tribunal.*

¹ The *Tribunal* is the State Administrative Tribunal of Western Australia

(5) A condition imposed by the Board may apply indefinitely or for a specified period of time.

(6) A decision to impose, modify or cancel a condition on a teacher's registration made during the currency of the registration takes effect —

(a) on the day on which notice of the decision is given to the teacher under section 30: or

(b) on a later day specified in the notice.

Prescribed conditions also apply to the grant of Non-Practising Registration and Limited Registration (see policy sections 4.2.1 and 4.2.2).

The Board may also impose conditions to the grant of registration under the relevant mutual recognition principle (see policy section 4.1.2).

4. Policy

4.1 Conditions imposed by the Board

4.1.1 General

Section 26 of the Act provides the Board with the authority to place conditions on a teacher's registration.

Conditions imposed by the Board must be both reasonable and relevant to ensuring the professional, competent and safe practice of teaching by the registered teacher. That is, conditions should not impose undue limitations or obligations on teachers who may positively contribute to student learning, but students must, above all, have access to a positive and safe learning environment and a quality education delivered by competent professionals. A condition may be necessary to ensure that teaching is undertaken in a professional, competent and safe manner.

A condition imposed by the Board may apply indefinitely or for a specified period of time.

When making a decision to impose a condition, the Board will also have regard to the *TRBWA Regulatory Approach* its principles of good regulatory practice to ensure that the imposition of conditions is:

- Accountable and transparent
- Reasonable
- Procedurally fair
- Risk-based and proportionate.

4.1.2 Mutual Recognition and Conditions

Mutual recognition legislation enables a person who is registered to teach in an Australian State/Territory or New Zealand (first state) to teach in Western Australia.

This legislation allows the Board to impose conditions on the registration of a person seeking mutual recognition in Western Australia.

Where a teacher's registration is subject to conditions in the first state, the Board may impose similar conditions on a teacher's registration in Western Australia.

Where a person's teaching activities are limited in the first state, the Board may, where practicable, impose conditions on the teacher's registration in Western Australia to reflect that limitation.

4.2 Prescribed conditions

4.2.1 Non-Practising Registration

Section 26A of the Act prescribes that the following condition is imposed on all grants of Non-Practising Registration:

Condition on non-practising registration (s. 26 A)

It is a condition of non-practising registration that a person holding the registration must not teach at an educational institution.

4.2.2 Condition on Limited Registration

The following condition is imposed on all grants of Limited Registration in accordance with Regulation 17:

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.

This condition limits the teaching activities in terms of employer, educational institution, teaching area, subjects and year groups.

4.3 Opportunity to Show Cause

With respect to discretionary conditions, before making a decision to impose or modify a condition of registration, the Board will, pursuant to section 32 of the Act, provide the teacher with a reasonable opportunity to show cause why the decision should not be made or why a condition should not be imposed. This is the case where a condition is proposed to be imposed either at the time registration is granted or during a period of registration.

In a situation where the Board is considering imposing a condition on a teacher's period of Limited Registration, an opportunity to show cause will also be provided to the relevant applicant (current employer).

The requirement to provide an opportunity to show cause does not apply to the imposition of conditions that are prescribed in the Regulations, such as those which apply to grants of Non-Practising and Limited Registration.

4.4 Modification or cancellation of a condition

Under section 26(2) of the Act, the Board may at any time, on the application of a registered teacher or on its own initiative, on reasonable grounds, modify or cancel a condition on a teacher's registration. This includes conditions imposed on a teacher's registration under section 26(2A) due to the teacher's inability to carry out the inherent requirements of the work of a registered teacher because of an impairment.

The Board will first obtain the written consent of the State Administrative Tribunal (SAT) prior to seeking to modify or cancel any condition that the SAT has imposed or modified.

When considering whether to modify or cancel a condition, the Board is required to have regard to the best interests of children. The Board will also consider whether the condition remains reasonable and relevant to ensuring the professional, competent and safe practice of teaching.

4.5 Compliance with conditions of registration

Registered teachers must comply with conditions of registration. A person's history of compliance with conditions of registration is also a relevant factor in fit and proper considerations. Contravention of conditions also constitutes a disciplinary matter under the Act.

Conditions of registration are also relevant for employers, who must not appoint, employ, engage or give permission to a registered teacher to teach at an educational institution in contravention of a condition to which a teacher's registration is subject, pursuant to section 7(2) of the Act.

4.6 Review by Tribunal

A person who is aggrieved by a decision made to impose a condition on their registration under section 26 will be advised by the Board when the condition is imposed that they may apply to the SAT for a review of the decision pursuant to section 124 of the Act.

5. Supporting information

- [Teacher Registration Act 2012](#)
- [Teacher Registration \(General\) Regulations 2012](#)
- [Mutual Recognition Act 1992](#)
- [Trans-Tasman Mutual Recognition Act 1997](#)
- [Mutual Recognition Policy](#)
- [Making an Application for Registration Policy](#)
- [Impairment Policy](#)
- [TRBWA Regulatory Approach](#)

6. Change History

Approved	Version	Details	Approved by
19/06/2013	1	New policy issued	Board
16/07/2013	2	Amendment at July Board meeting	Board
15/06/2022	3	Policy review	Board
21/11/2022	3	New policy issued	Board
20/09/2023	3.1	Minor update to align with amended Act	Director
Next review date	3 years		