

Serial 79

Teacher Registration (Northern Territory) Legislation Amendment Bill 2019
Ms Uibo

A Bill for an Act to amend the *Teacher Registration (Northern Territory) Act 2004* and the *Teacher Registration (Northern Territory) Regulations 2004*

NORTHERN TERRITORY OF AUSTRALIA

TEACHER REGISTRATION (NORTHERN TERRITORY) LEGISLATION
AMENDMENT ACT 2019

Act No. [] of 2019

Table of provisions

Part 1	Preliminary matters	
1	Short title	1
2	Commencement	1
Part 2	Amendment of Teacher Registration (Northern Territory) Act 2004	
3	Act amended	1
4	Section 3 replaced	2
	3 Object of Act	
5	Section 4 amended (Definitions).....	2
6	Section 5A inserted	4
	5A Application of Criminal Code	
7	Section 7 amended (Composition of Board).....	4
8	Section 11 amended (Functions of Board)	6
9	Section 12 amended (Powers of Board).....	6
10	Section 19 replaced	7
	18A Resolution without meeting	
	19 Minutes	
11	Section 21 repealed (Confidentiality).....	8
12	Section 22 amended (Disclosure of interest).....	8
13	Section 23 amended (Vacation of office).....	9
14	Section 25A inserted	9
	25A Board may publish policies and guidelines	
15	Section 26 amended (Register)	9
16	Section 28 amended (Notice of change of name or address).....	10
17	Section 29 amended (Public access to register).....	11
18	Section 32 amended (Fit and proper person)	11
19	Section 33 amended (Application).....	12
20	Section 34 amended (Interim certificate of registration pending Board decision).....	12
21	Section 36 replaced	13
	36 Decision of Board	
22	Section 37 amended (Application for renewal)	14

23	Section 38 amended (Board may seek further information).....	14
24	Section 39 replaced	14
	39 Decision of Board	
	39A Board may defer consideration of application	
25	Section 40 amended (Certificate of registration).....	15
26	Section 40B amended (Changes to conditions of registration).....	16
27	Section 40C amended (Refusal of application).....	16
28	Section 41 amended (Employer may apply for authorisation)	16
29	Sections 42 to 44 replaced	17
	41A Board may seek further information	
	42 Decision of Board	
	43 Notice of decision	
	44 Reconsideration of refusal to grant	
30	Section 45A inserted	19
	45A Changes to conditions of authorisation	
31	Section 46 amended (Notification of change of details).....	19
32	Section 46A inserted	20
	46A Surrender of authorisation	
33	Section 47 amended (Board to maintain records of authorisations granted etc.)	20
34	Section 49 amended (Complaint about teacher or authorised person)	21
35	Section 50 amended (Basis for holding preliminary investigation or inquiry).....	21
36	Section 53 amended (Board may suspend or impose or vary conditions)	23
37	Section 55 amended (Investigation panel)	23
38	Section 56 amended (Notice of preliminary investigation).....	23
39	Section 57 amended (Procedure of preliminary investigation).....	23
40	Section 58 amended (Result of preliminary investigation).....	25
41	Section 60 amended (Inquiry committee)	25
42	Section 61 amended (Notice of inquiry).....	26
43	Section 61A inserted	26
	61A Notice of inquiry to others	
44	Section 62 amended (Inquiry proceedings)	27
45	Section 64 amended (Decision of Board)	27
46	Section 65 replaced	28
	65 Board may give notice of decision to certain persons if appropriate	
	Division 4AA Cancellation of registration or authorisation without inquiry	
	65A Cancellation if clearance notice not in force	
47	Sections 66A to 66E inserted	29
	66A Board may request information from Screening Authority	
	66B Board may request information from employer or authorised person	
	66C Board to share information with police	
	66D Police to share information with Board	

	66E	Prosecuting authority to share information with Board	
48		Section 67 amended (Board notification to authorised person, employer and registration authorities)	32
49		Sections 67A and 67B replaced	32
	67A	Employer notification to Board	
	67B	Relevant person to notify Board of legal action	
	67C	Relevant person to notify Board of decision of registration authority	
	67D	Relevant person to notify Board of other events	
50		Section 68 repealed (Sexual offence).....	35
51		Section 72 replaced	35
	72	Offence to employ certain persons	
52		Section 73 amended (Penalty for teaching unregistered or without authorisation)	36
53		Sections 74 and 74A, Part 7, Division 2, Part 8 heading and sections 75 to 77 replaced.....	36
	73A	Misleading information	
	73B	Falsely representing to provide accredited education course	
	Division 2	Review	
	73C	Review by NTCAT	
	Part 8	General provisions	
	74	Accreditation of teacher education courses	
	75	Approval of professional development framework	
	75A	Board's power to request information	
	75B	Retention and use of information, documents and other things	
	76	Protection from liability – Director, Board members and others	
	76A	Protection from liability – persons giving information	
	77	Offence to disclose certain information	
54		Section 78 amended (Monitoring of compliance).....	42
55		Section 79 amended (Annual report).....	42
56		Section 81 amended (Regulations)	43
57		Part 10 and Schedule inserted	43
	Part 10	Transitional matters for Teacher Registration (Northern Territory) Legislation Amendment Act 2019	
	83	Definitions	
	84	Existing registration subject to professional development condition	
	85	Existing authorisation subject to professional development condition	
	86	Application for registration or renewal of registration – not yet actioned	
	87	Application for registration or renewal of registration – partially actioned	
	88	Application for authorisation – not yet actioned	
	89	Application for authorisation – partially actioned	
	90	Complaints and disciplinary proceedings	
	91	NTCAT review applies to post-commencement decisions	
	92	Appeal not yet started	
	93	Appeal not yet decided	

	94	Accreditation of courses	
	95	Application of sections 67A and 67B	
	96	Offence provisions – before and after commencement	
		Schedule	Reviewable decisions
58		Act further amended	50

**Part 3 Amendment of Teacher Registration
(Northern Territory) Regulations 2004**

59		Regulations amended.....	50
60		Regulation 2A inserted	50
	2A	Sexual offences	
61		Regulation 4 amended (Qualifications for registration).....	52
62		Regulation 5 amended (Competence to teach)	52
63		Regulation 6 amended (Professional experience and currency of practice for full registration)	53
64		Regulation 8 amended (Renewal of registration).....	53
65		Regulation 9 amended (Professional teaching standards)	54
66		Regulation 10 amended (Registration fees)	54

Part 4 Repeal of Act

67		Repeal of Act.....	54
----	--	--------------------	----

Schedule Act further amended



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2019

An Act to amend the *Teacher Registration (Northern Territory) Act 2004* and the *Teacher Registration (Northern Territory) Regulations 2004*

[Assented to [] 2019]
[Introduced [] 2019]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Teacher Registration (Northern Territory) Legislation Amendment Act 2019*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Teacher Registration (Northern Territory) Act 2004

3 Act amended

This Part amends the *Teacher Registration (Northern Territory) Act 2004*.

4 Section 3 replaced

Section 3

omit, insert

3 Object of Act

- (1) The object of this Act is to ensure that only persons who are fit and proper, appropriately qualified and competent to teach, are employed as teachers in the Territory.
- (2) The object is to be achieved by establishing a Teacher Registration Board to:
 - (a) register persons as teachers in the Territory; and
 - (b) facilitate the continuing competence of teachers, and quality teaching and educational leadership, in the Territory.

5 Section 4 amended (Definitions)

- (1) Section 4, definitions ***approved, authorisation, authorised person, education courses, educator, employer, information notice, personal details*** and ***sexual offence***

omit

- (2) Section 4

insert

accredited education course means a teacher education course provided in the Territory that has been accredited by the Board under section 74.

approved form means a form approved by the Board.

authorisation means an authorisation under Part 5 to employ or otherwise engage an unregistered person to work as a teacher.

authorised person means:

- (a) for Part 6 – a person in relation to whom an authorisation is, or has been, in effect; or
- (b) otherwise – a person in relation to whom an authorisation is in effect.

clearance notice means a clearance notice issued under section 189(3)(a) of the *Care and Protection of Children Act 2007*.

employer, of a person, means a person who employs or otherwise engages the person to work as a teacher.

higher education institution means a higher education institution, or overseas higher education institution, as defined in section 4 of the *Higher Education Act 2004*.

notifiable offence means:

- (a) an offence against a law in force in the Territory if the penalty that may be imposed on an individual for the offence includes imprisonment for a period of 12 months or more; or
- (b) an offence committed outside the Territory if the penalty that may be imposed on an individual for the offence includes imprisonment for a period of 12 months or more.

personal details, of a person, means:

- (a) the person's name, residential address, private telephone numbers and email address; and
- (b) details of any physical or mental impairment, disability, condition or disorder, including substance abuse or dependence, that the person has and that may affect the person's eligibility for registration or authorisation.

professional development condition means:

- (a) for registration – the condition that the teacher to whom the registration has been granted comply with the requirements of the professional development framework; or
- (b) for an authorisation – the condition that the authorised person in relation to whom the authorisation has been granted comply with the requirements of the professional development framework.

professional development framework means the framework approved by the Board under section 75.

reasonably believes means believes on reasonable grounds.

relevant entity means the Board, an investigator or an inquiry committee.

Screening Authority, see section 196 of the *Care and Protection of Children Act 2007*.

sexual offence means a prescribed offence.

teacher education course means an initial (pre-service) teacher education course that:

- (a) is administered by a higher education institution; and
- (b) includes a minimum of 45 days of supervised practice teaching in a school.

(3) Section 4, definition **provisional registration**

omit

36(2).

insert

36(1)(b).

(4) Section 4, definition **referee**, paragraph (e)

omit

all words from "established" to "Act"

6 Section 5A inserted

After section 5, in Part 1

insert

5A Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 5A

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

7 Section 7 amended (Composition of Board)

(1) Section 7(1)(d) to (f)

omit, insert

- (d) one is to be a teacher nominated by the Northern Territory Principals' Association Incorporated (Association registration number 01357C); and

- (e) one is to be an educator nominated by the Association of Independent Schools of the Northern Territory Incorporated (Association registration number 01661C); and
 - (f) one is to be a teacher nominated by the Independent Education Union – Queensland and Northern Territory Branch; and
- (2) Section 7(1)(j) and (k)
- omit, insert*
- (j) one is to be a person nominated by the Northern Territory Council of Government School Organisations Incorporated (Association registration number 00668C); and
 - (k) one is to be a teacher nominated by the Professional Teachers' Association of the Northern Territory Incorporated (Association registration number 01940C).
- (3) Section 7(2)
- omit*
- referred to
- insert*
- mentioned
- (4) After section 7(3)
- insert*
- (4) In this section:
- educator** means a person:
- (a) who is a specialist in the administration of education; or
 - (b) who is a specialist in the theory and practice of education; or
 - (c) who delivers, outside of a school, a course of academic instruction to adults.

8 Section 11 amended (Functions of Board)

(1) Section 11(1)(d)

omit, insert

(d) to accredit teacher education courses and liaise with institutions providing accredited education courses;

(2) Section 11(1)(f)

omit, insert

(ea) to promote the professional development of teachers in the Territory and approve a framework for the professional development of teachers;

(f) to develop and approve professional teaching standards and other professional standards;

(3) After section 11(1)(i)

insert

(ia) to support, recognise and certify quality teaching and educational leadership in the Territory;

9 Section 12 amended (Powers of Board)

(1) Section 12(2)(d) and (e)

omit, insert

(d) charge a fee for the provision of a service, whether or not the fee is prescribed;

(2) Section 12(2)(f), after "about"

insert

, or a document or other thing relating to,

10 Section 19 replaced

Section 19

repeal, insert

18A Resolution without meeting

- (1) A resolution is taken to have been passed by the Board if:
 - (a) the chairperson has taken reasonable steps to give notice to each Board member setting out the terms of the proposed resolution and giving the time for response; and
 - (b) a majority of Board members assent to the resolution in accordance with subsection (2).
- (2) A Board member may assent to a resolution by, within the time for response:
 - (a) signing a document containing a statement that the member is in favour of the resolution in the terms set out in the document; or
 - (b) sending to the chairperson from the member's nominated email account an email containing a statement that the member is in favour of the resolution in the terms set out in the email; or
 - (c) by using other technology approved by the Board in the manner approved by the Board.
- (3) A Board member who has an interest (whether pecuniary or otherwise) that would conflict with the proper performance of the Board member's functions in relation to the proposed resolution must not be counted as part of the majority of Board members mentioned in subsection (1)(b).
- (4) If a resolution is taken to have been passed under subsection (1), the chairperson must ensure that each Board member is advised and given a copy of the resolution as soon as practicable after it has been passed.
- (5) In this section:

nominated email account, of a Board member, means an email account nominated by the member to the Board for the purposes of communications between the member and the Board.

19 Minutes

The Board must keep full and accurate minutes of its meetings and the passing of resolutions without meetings.

11 Section 21 repealed (Confidentiality)

Section 21

repeal

12 Section 22 amended (Disclosure of interest)

(1) Section 22(1)

omit, insert

(1) This section applies if a Board member or an alternate member has or acquires an interest (whether pecuniary or otherwise) that would conflict with the proper performance of the Board member's or alternate member's functions in relation to a matter being considered or about to be considered by the Board.

(1A) The Board member or alternate member must disclose the nature of the interest to the Board as soon as practicable after the relevant facts come to the member's knowledge.

Maximum penalty: 50 penalty units.

(1B) An offence against subsection (1A) is an offence of strict liability.

(1C) It is a defence to a prosecution for an offence against subsection (1A) if the defendant has a reasonable excuse.

(2) Section 22(2)

omit

under subsection (1)

insert

in accordance with subsection (1A)

(3) After section 22(3)

insert

(4) An offence against subsection (3) is an offence of strict liability.

- (5) It is a defence to a prosecution for an offence against subsection (3) if the defendant has a reasonable excuse.

13 Section 23 amended (Vacation of office)

- (1) Section 23(3)

omit, insert

- (3) A Board member or an alternate member vacates office if the member:

- (a) resigns; or
- (b) is removed from office under subsection (4) or (5); or
- (c) ceases to be eligible to be appointed under section 7.

- (2) Section 23(6)

omit

14 Section 25A inserted

After section 25, in Part 3

insert

25A Board may publish policies and guidelines

- (1) The Board may publish, and make publicly available, policies or guidelines in relation to the performance by the Board of its functions under this Act.
- (2) The Board may make the published material available to the public in any manner the Board considers appropriate.
- (3) Without limiting subsection (2), the Board may publish the material on the Board's website.

15 Section 26 amended (Register)

- (1) After section 26(2)(a)

insert

- (ab) the person's criminal history;

(2) Section 26(2)(e)

omit

under Part 4

(3) Section 26(3)(e)

omit

or business address

insert

, business address or criminal history

16 Section 28 amended (Notice of change of name or address)

(1) Section 28, heading

omit

name

insert

personal details

(2) Section 28(1)

omit

changing his or her name, other

insert

a change in the teacher's

(3) Section 28(1), penalty provision

omit

2 penalty units

insert

20 penalty units

(4) Section 28(2)

omit, insert

(2) An offence against subsection (1) is an offence of strict liability.

(2A) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

17 Section 29 amended (Public access to register)

(1) Section 29(1)

omit, insert

(1) A person may access and inspect the register on the Board's website or by using other technology approved by the Board, and access or electronically download the details mentioned in subsection (2) without payment of a fee.

(2) Section 29(2)

omit

all words after "subsection (1)"

insert

are the following:

- (a) the teacher's name;
- (b) the teacher's registration number;
- (c) whether the registration is full registration or provisional registration;
- (d) the date to which the teacher's registration fees have been paid;
- (e) any other detail prescribed by regulation.

18 Section 32 amended (Fit and proper person)

(1) After section 32(1)(d)

insert

(da) must take into account whether the person holds a clearance notice that is in force; and

(2) Section 32(2)(b)

omit, insert

- (b) invite the person to make an oral or written submission to the Board within a reasonable period, as specified in the notice, to respond to those reasons.

(3) Section 32(3) and (4)

omit, insert

- (3) If the person chooses to appear before the Board to make an oral submission, the person may be accompanied by another person but is not entitled to be represented by the other person.
- (4) The Board must not decide whether the person is a fit and proper person to teach until:
- (a) the person has made a submission; or
- (b) if the person does not make a submission during the period mentioned in subsection (2)(b) – the end of the period.

19 Section 33 amended (Application)(1) Section 33, heading, after "**Application**"

insert

for registration

(2) Section 33(2)(a) and (b)

omit, insert

- (a) made in the approved form and must include the personal details and criminal history of the applicant; and
- (b) accompanied by the documents required by the approved form; and

20 Section 34 amended (Interim certificate of registration pending Board decision)

(1) Section 34(2)

omit

in the approved form

(2) After section 34(2)

insert

(2A) The interim certificate of registration must be in the approved form but may be issued in a way decided by the Director (including, for example, electronically).

21 Section 36 replaced

Section 36

repeal, insert

36 Decision of Board

(1) Within 90 days of accepting an application for registration, the Board must:

- (a) if the applicant is eligible for full registration – grant full registration to the applicant; or
- (b) if the applicant is not eligible for full registration but is eligible for provisional registration – grant provisional registration to the applicant; or
- (c) if the applicant is not eligible for full registration or provisional registration – refuse the application.

(2) If registration is granted, it must be granted for a term that:

- (a) ends at the end of a specified calendar year; and
- (b) does not exceed:
 - (i) for full registration – 5 years or, if another period is prescribed, the prescribed period; or
 - (ii) for provisional registration – 3 years or, if another period is prescribed, the prescribed period.

(3) In addition, if registration is granted, it is subject to:

- (a) a condition that the teacher comply with the requirements of the professional development framework; and
- (b) any other conditions that the Board considers appropriate.

22 Section 37 amended (Application for renewal)

Section 37(2)(c)

omit

prescribed documents

insert

documents required by the approved form

23 Section 38 amended (Board may seek further information)

Section 38(1)

omit, insert

- (1) To decide whether a renewal of an applicant's registration should be granted, the Board may:
- (a) with the permission of the applicant – request information about the applicant from a referee for the applicant; and
 - (b) consider any information given by the referee.

24 Section 39 replaced

Section 39

repeal, insert

39 Decision of Board

- (1) Within 90 days of accepting an application for renewal of registration, the Board must either:
- (a) grant a renewal of the applicant's registration; or
 - (b) refuse the application.
- (2) If the Board is satisfied of the following matters, it must grant a renewal of registration:
- (a) the applicant continues to be eligible for full registration or provisional registration (as the case may be);
 - (b) the applicant has complied with the conditions imposed on the applicant's registration;

- (c) for an application to renew provisional registration – the registration has not previously been renewed.
- (3) If a renewal of registration is granted, it must be granted for a term that:
- (a) ends at the end of a specified calendar year; and
 - (b) does not exceed:
 - (i) for full registration – 5 years or, if another period is prescribed, the prescribed period; or
 - (ii) for provisional registration – 2 years or, if another period is prescribed, the prescribed period.
- (4) If the Board decides to grant a renewal of an applicant's registration, the Board:
- (a) must consider a request for the variation or revocation of a condition, other than the professional development condition, imposed on the registration; and
 - (b) may vary or revoke a condition, other than the professional development condition, imposed on the registration (whether or not there is a request), or impose a condition on the registration, as it considers appropriate.

39A Board may defer consideration of application

- (1) This section applies if, at the time that the Board receives an application for a renewal of registration:
- (a) an inquiry is being conducted in relation to the applicant; or
 - (b) the Board has decided to hold an inquiry in relation to the applicant but the inquiry has not yet started.
- (2) The Board may defer consideration of the application until the Board receives a report from the inquiry committee under section 63.

25 Section 40 amended (Certificate of registration)

- (1) Section 40(2)(d)

omit, insert

- (d) each condition imposed on the registration;

- (2) After section 40(2)
insert
- (3) A certificate of registration may be issued in a way decided by the Director (including, for example, electronically).

26 Section 40B amended (Changes to conditions of registration)

- (1) Section 40B
omit
all words from "The" to "condition imposed"
insert
- (1) The Board may at any time, by written notice to a person, vary or revoke a condition, other than the professional development condition, imposed
- (2) Section 40B, at the end
insert
- (2) If, under subsection (1), the Board receives a request from a person to vary or revoke a condition imposed on the person's registration, the Board must decide the request within 90 days of receiving it.
- (3) The Board may give a person's employer written notice of the variation or revocation of a condition imposed on, or the imposition of a condition on, the person's registration under subsection (1).

27 Section 40C amended (Refusal of application)

Section 40C(1)(b)

omit

28 Section 41 amended (Employer may apply for authorisation)

- (1) Section 41(3)(a)(ii)
omit
name
insert
personal details and criminal history

(2) Section 41(3)(b)

omit

prescribed documents

insert

documents required by the approved form

(3) Section 41(4)

omit

29 Sections 42 to 44 replaced

Sections 42 to 44

repeal, insert

41A Board may seek further information

- (1) To decide whether to grant an application for an authorisation, the Board may:
 - (a) with the permission of the unregistered person in relation to whom the authorisation is sought – request information about the unregistered person from a referee for the unregistered person; and
 - (b) consider any information given by the referee.
- (2) In addition, the Board may require the applicant or the unregistered person to give the Board any further information it considers necessary to decide the application.

42 Decision of Board

- (1) After considering an application for an authorisation, the Board must either:
 - (a) grant the authorisation; or
 - (b) refuse to grant it.
- (2) However, the Board must not grant the authorisation unless it is satisfied the unregistered person:
 - (a) is a fit and proper person to teach as decided under section 32; and

- (b) is competent to teach each subject specified in the application at the level specified in the application as decided in accordance with the Regulations; and
 - (c) will be appropriately supervised to ensure necessary learning outcomes for students.
- (3) If the authorisation is granted, it is subject to:
- (a) a condition that the authorised person in relation to whom it has been granted comply with the requirements of the professional development framework; and
 - (b) any other conditions that the Board considers appropriate.

43 Notice of decision

- (1) If the Board grants the authorisation, the Board must give the applicant and the unregistered person written notice of the decision, specifying the following:
- (a) the period of the authorisation, which must not end later than the end of the calendar year in relation to which the authorisation is granted;
 - (b) each school at which the unregistered person is authorised to teach;
 - (c) each subject the unregistered person is authorised to teach, and the level at which the unregistered person is authorised to teach the subject;
 - (d) any conditions imposed on the authorisation.
- (2) If the Board refuses to grant the authorisation, the Board must:
- (a) give the applicant written notice of the Board's decision; and
 - (b) return to the applicant all documents given to the Board by the applicant for the application.

44 Reconsideration of refusal to grant

- (1) If the Board refuses to grant the authorisation, the applicant may request that the Board reconsider the matter.
- (2) If the Board agrees to reconsider the matter, the Board may request additional information from the applicant, or the unregistered person in relation to whom the authorisation is sought, as it sees fit.

-
- (3) However, neither the applicant nor the unregistered person may apply to NTCAT for a review of a refusal by the Board to grant the authorisation.

30 Section 45A inserted

After section 45

insert

45A Changes to conditions of authorisation

- (1) The Board may at any time, by written notice to an employer who has been granted an authorisation, vary or revoke a condition, other than the professional development condition, imposed on, or impose a condition on, the authorisation:
- (a) on the request of the employer; or
 - (b) on the Board's own initiative.
- (2) The Board may also give a copy of the written notice to the authorised person in relation to whom the authorisation has been granted.

31 Section 46 amended (Notification of change of details)

- (1) Section 46(1)

omit, insert

- (1) An employer who has been granted an authorisation that is in effect must, without undue delay, notify the Board if:
- (a) the person in relation to whom the authorisation has been granted resigns or otherwise ceases working for the employer, in circumstances other than those mentioned in section 67A(1)(b); or
 - (b) there is any change to the employment details or teaching arrangements in relation to the person that were provided in the application for authorisation.

Maximum penalty: 50 penalty units.

Note for subsection (1)(a)

If the person in relation to whom the authorisation has been granted resigns or otherwise ceases working for the employer in circumstances that call into question the person's competence or fitness to teach, the employer is required to give the Board notice under section 67A.

- (2) Section 46(2), penalty provision
omit
2 penalty units
insert
20 penalty units
- (3) After section 46(2)
insert
- (2A) An offence against subsection (1) or (2) is an offence of strict liability.
- (2B) It is a defence to a prosecution for an offence against subsection (1) or (2) if the defendant has a reasonable excuse.
- (4) Section 46(3), definition **employment details**
omit
includes
insert
means

32 Section 46A inserted

After section 46

insert

46A Surrender of authorisation

An employer who has been granted an authorisation, or the person in relation to whom it has been granted may, by written notice to the Board, surrender the authorisation.

33 Section 47 amended (Board to maintain records of authorisations granted etc.)

Section 47(1) and (2), after "suspended"

insert

, surrendered

34 Section 49 amended (Complaint about teacher or authorised person)

- (1) Section 49(2)
omit, insert
- (2) The Board may dismiss the complaint without taking further action if the Board considers that:
- (a) the complaint is frivolous or vexatious; or
 - (b) the complaint does not relate to the professional conduct of the teacher or authorised person; or
 - (c) it would be more appropriate for the complaint to be dealt with by another person.
- (2) Section 49(3), after "person"
insert
, or whether it would be more appropriate for the complaint to be dealt with by another person
- (3) After section 49(4)
insert
- (4A) In addition, if the complainant's identity is known, the Board must give the complainant notice that the Board has dismissed the complaint.

35 Section 50 amended (Basis for holding preliminary investigation or inquiry)

- (1) Section 50(2)(a)
omit
an indictable
insert
a notifiable

(2) Before section 50(3)(a)

insert

(aa) the Board becomes aware that the teacher or authorised person has been charged with a sexual offence; or

(3) Section 50(4)(b)

omit, insert

(b) the Board becomes aware that the teacher or authorised person has been charged with a notifiable offence that is not a sexual offence; or

(4) Section 50(4)(c)

omit

under section 75(2)

insert

in accordance with section 66A or under section 66D(2) or 66E(2)

(5) Section 50(4)(e)

omit

person.

insert

person; or

(6) After section 50(4)(e)

insert

(f) the Board reasonably believes the teacher or authorised person has failed to comply with a requirement under Division 4B.

36 Section 53 amended (Board may suspend or impose or vary conditions)

(1) Section 53(2)(a)

omit, insert

(a) the Board revokes the decision either on the request of the teacher or authorised person or on the Board's own initiative;

(2) Section 53(3)

omit

37 Section 55 amended (Investigation panel)

After section 55(1)(a)

insert

(ab) another person whom the Board is satisfied:

(i) is qualified for appointment because the person has the necessary expertise or experience; and

(ii) is otherwise appropriate to be appointed;

38 Section 56 amended (Notice of preliminary investigation)

Section 56(2)(b)

omit, insert

(b) the name of the investigator or the names of the members of the investigation panel, as the case requires;

39 Section 57 amended (Procedure of preliminary investigation)

(1) Section 57(1)

omit

(4)

insert

(5)

- (2) After section 57(1)
insert
- (1A) In addition, if criminal proceedings have been or are likely to be started in relation to the same matter, the investigator may suspend the preliminary investigation until the outcome of the criminal proceedings is known.
- (3) Section 57(4) and (5)
omit, insert
- (4) The investigator may, by written notice, require a person (including the teacher or authorised person to whom the preliminary investigation relates) to:
- (a) appear before the investigator; or
 - (b) give the investigator:
 - (i) particular information or a particular document or other thing that is in the possession, or under the control, of the person and relevant to the investigation; or
 - (ii) all information, documents and other things that are in the possession, or under the control, of the person and relevant to the investigation.
- (5) A notice under subsection (4) must include the following information:
- (a) details of the basis of the preliminary investigation as mentioned in section 50;
 - (b) the name of the investigator or the names of the members of the investigation panel, as the case requires;
 - (c) a direction that the person must:
 - (i) appear before the investigator at a specified date and time, either in person or by another specified means; or
 - (ii) give the specified information, document or other thing to the investigator within a specified time.
- (4) Section 57(6)
omit
to give information

(5) After section 57(6)

insert

(7) An offence against subsection (6) is an offence of strict liability.

(8) It is a defence to a prosecution for an offence against subsection (6) if the defendant has a reasonable excuse.

40 Section 58 amended (Result of preliminary investigation)

(1) Section 58(2)(a)

omit, insert

(a) if one of the following circumstances exist – take no further action in relation to the teacher or authorised person:

(i) the person's registration has lapsed;

(ii) the person has, under section 26A(1)(b), requested that their name be removed from the register;

(iii) the person has, under section 46A, surrendered their authorisation;

(iv) the Board is satisfied the person continues to be eligible for registration or authorisation; or

(2) Section 58(7)

omit

41 Section 60 amended (Inquiry committee)

Section 60(2)(b)

omit, insert

(b) 2 Board members; and

(c) if the Board considers it necessary to appoint a person with particular expertise or experience relevant to the subject matter of the inquiry – another person whom the Board is satisfied:

(i) is qualified for appointment because the person has that expertise or experience; and

(ii) is otherwise appropriate to be appointed.

42 Section 61 amended (Notice of inquiry)

- (1) Section 61, heading, after "inquiry"

insert

to teacher or authorised person

- (2) Section 61(2)(b), after "inquiry"

insert

(if known)

43 Section 61A inserted

After section 61

insert

61A Notice of inquiry to others

- (1) After giving notice under section 61, the Board must give written notice of the inquiry to:
- (a) each registration authority in Australia and New Zealand; and
 - (b) if it appears to the Board from the subject matter of the inquiry that the teacher or authorised person may not be suitable to work with children or other vulnerable people:
 - (i) the Screening Authority; and
 - (ii) any other prescribed person or body.
- (2) A notice given under subsection (1) must include the following information:
- (a) the name of the teacher or authorised person;
 - (b) details of the basis of the inquiry as mentioned in section 50;
 - (c) the date, time and place of the inquiry (if known).

44 Section 62 amended (Inquiry proceedings)

(1) Section 62(8)(b)

omit, insert

(b) give the inquiry committee:

- (i) particular information or a particular document or other thing that is in the possession, or under the control, of the person and relevant to the inquiry; or
- (ii) all information, documents and other things that are in the possession, or under the control, of the person and relevant to the inquiry.

(2) Section 62(9)(d)(ii)

omit, insert

- (ii) give the inquiry committee the specified information, document or other thing within a specified time.

(3) Section 62(10)

omit

all words from "to:" to "to the inquiry committee"

(4) After section 62(10)

insert

(11) An offence against subsection (10) is an offence of strict liability.

(12) It is a defence to a prosecution for an offence against subsection (10) if the defendant has a reasonable excuse.

45 Section 64 amended (Decision of Board)

Section 64(1)(a), after "vary a condition"

insert

, other than the professional development condition,

46 Section 65 replaced

Section 65

repeal, insert

65 Board may give notice of decision to certain persons if appropriate

After making a decision under section 64, if satisfied on reasonable grounds that it is appropriate to do so, the Board may notify a person or body with a legitimate interest in the decision of:

- (a) the decision; and
- (b) the reasons for the decision.

Note for section 65

The Board may also be required under section 67 to give notice of a decision made under section 64.

Division 4AA Cancellation of registration or authorisation without inquiry

Note for Division 4AA

See also Division 5 Sexual offences.

65A Cancellation if clearance notice not in force

- (1) This section applies if a teacher or authorised person ceases to hold a clearance notice that is in force.

Note for subsection (1)

This situation could arise if the person's clearance notice is revoked or if the person's clearance notice expires and a new clearance notice has not been issued to the person.

- (2) The Board may cancel the registration of the teacher, or the authorisation relating to the authorised person, without holding an inquiry.
- (3) The Board may only do so after giving the teacher or authorised person notice that the Board considers reasonable in the circumstances, and considering any response the teacher or authorised person makes in the notice period.
- (4) However if, after the cancellation, a clearance notice comes into force in relation to the teacher or authorised person, the Board may reinstate the teacher's registration or the authorisation relating to the person.

47 Sections 66A to 66E inserted

After section 66, in Part 6, Division 4A

insert

66A Board may request information from Screening Authority

The Board may request the Screening Authority to advise the Board if:

- (a) the Authority revokes a person's clearance notice under section 192(1)(b) of the *Care and Protection of Children Act 2007*; and
- (b) the Authority has reason to believe that the person is, or was, a teacher or an authorised person.

66B Board may request information from employer or authorised person

- (1) The Board may, by written notice, require an employer who has been granted an authorisation that is in effect, or the authorised person to whom it relates, to give the Board specified information that is required by the Board to assess whether:
 - (a) the authorised person continues to be a fit and proper person to teach, and competent to teach, in accordance with section 42; or
 - (b) a condition imposed on the authorisation is being complied with.
- (2) Subsection (1) applies whether or not the authorisation is suspended.
- (3) If the employer or authorised person fails to comply with the request within 28 days after receiving the notice, the Board may cancel the authorisation.

66C Board to share information with police

- (1) This section applies if:
 - (a) the Board receives information about a teacher or authorised person; and
 - (b) it appears to the Board that the information should be investigated by police.

- (2) The Board must, without delay:
- (a) share the information with the Commissioner of Police; and
 - (b) if the person is still employed in a teaching role – inform the person's employer of the person's name and the fact that information about the person has been shared with the Commissioner of Police under this section.

66D Police to share information with Board

- (1) This section applies if the Commissioner of Police:
- (a) receives information about a person; and
 - (b) reasonably believes that the person is a teacher or authorised person; and
 - (c) considers that the Board would be required or permitted under section 50 to hold a preliminary investigation or inquiry if it received the information; and
 - (d) is not required to give notice to the Board under section 66E.
- (2) The Commissioner of Police must share the information with the Board and inform the Board of the person's name and, if known, the person's place of employment.
- (3) However, the Commissioner of Police is not required to share information that the Commissioner considers:
- (a) may prejudice or otherwise hinder an investigation to which the information may be relevant; or
 - (b) may lead to the identification of an informant; or
 - (c) may affect the safety of a police officer or another person.

66E Prosecuting authority to share information with Board

- (1) This section applies if a prosecuting authority:
- (a) becomes aware that a person is subject to criminal proceedings in relation to a sexual offence or another notifiable offence; and
 - (b) reasonably believes that the person is a teacher or authorised person.

- (2) The prosecuting authority must, as soon as practicable after becoming aware of the matter, share that information with the Board, by giving notice of the following:
- (a) the name of the person;
 - (b) the offence and particulars of the offence;
 - (c) the court that the matter will be heard in and the date that the matter will be heard.
- (3) In addition, the prosecuting authority must, as soon as practicable after the prosecution for the offence ends, give the Board notice of the following:
- (a) the name of the person;
 - (b) the offence and particulars of the offence;
 - (c) the date the prosecution ended;
 - (d) the way in which the prosecution ended;
 - (e) if the matter was heard in court:
 - (i) the court in which it was heard; and
 - (ii) details of any finding the court made; and
 - (iii) details of any penalty the person received.

Examples for subsection (3)(d)

The prosecution was discontinued, there was a mistrial or the person was acquitted.

- (4) In this section:

prosecuting authority means the following:

- (a) the Director, as defined in section 3 of the *Director of Public Prosecutions Act 1990*;
- (b) the Commissioner of Police.

subject to criminal proceedings, in relation to a person and an offence, means:

- (a) that the person is charged with the offence; and

- (b) either:
- (i) an indictment is presented for the charge in the Supreme Court; or
 - (ii) a date and time has been set for a preliminary examination to determine whether there is sufficient evidence to commit the person for a hearing of the charge; or
 - (iii) the person pleads guilty to the offence before the hearing of the charge; or
 - (iv) a date and time has been set for the hearing of the charge.

48 Section 67 amended (Board notification to authorised person, employer and registration authorities)

Section 67(5)

omit

, on the request of the registration authority,

49 Sections 67A and 67B replaced

Sections 67A and 67B

repeal, insert

67A Employer notification to Board

- (1) A person (***the employer***) who is or has been an employer of a relevant person must give the Board written notice if any of the following events occur:
- (a) the employer dismisses the relevant person;
 - (b) the relevant person resigns, or otherwise ceases working for the employer, in circumstances that call into question the relevant person's competence or fitness to teach;
 - (c) the employer starts assessing, or requests another person to start assessing, the relevant person in relation to serious misconduct or fitness to teach, of the relevant person;
 - (d) an assessment under paragraph (c) ends;
 - (e) an assessment of the relevant person's competence to teach ends with that competence called into question.

- (2) The notice must:
- (a) be given within 28 days after the occurrence of the event; and
 - (b) specify full details of the event and the circumstances involved.

Maximum penalty: 50 penalty units.

- (3) An offence against subsection (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subsection (2) if the defendant has a reasonable excuse.
- (5) In this section:

assessing, a relevant person, means assessing, examining, investigating, inquiring into or otherwise dealing with the conduct of the relevant person.

67B Relevant person to notify Board of legal action

- (1) A relevant person must give the Board written notice if any of the following events occur:
- (a) the person is charged with a sexual offence or another notifiable offence;
 - (b) the person is found guilty of a sexual offence or another notifiable offence;
 - (c) the person, or a person who is or was an employer of the person, is ordered to pay damages or compensation as a result of civil proceedings arising out of the person's teaching practice, or arising from events that occurred while the person was engaged in teaching.
- (2) The notice must:
- (a) be given within 14 days after the occurrence of the event; and
 - (b) if subsection (1)(a) applies – include a statement that the person has been charged and the offence with which the person has been charged; and
 - (c) if subsection (1)(b) or (c) applies – specify full details of the event and the circumstances involved.

Maximum penalty: 50 penalty units.

- (3) An offence against subsection (2) is an offence of strict liability.

(4) It is a defence to a prosecution for an offence against subsection (2) if the defendant has a reasonable excuse.

(5) In this section:

full details includes the following:

- (a) the offence of which the person was found guilty;
- (b) agreed facts taken into account in sentencing for an offence;
- (c) facts found (or agreed) that led to the order for damages or compensation.

67C Relevant person to notify Board of decision of registration authority

(1) A relevant person must give the Board written notice if a registration authority decides to:

- (a) impose a condition on a teaching approval granted to, or in relation to, the person; or
- (b) suspend or cancel a teaching approval granted to, or in relation to, the person; or
- (c) disqualify the person from holding, or teaching under, a teaching approval; or
- (d) refuse to grant a teaching approval to, or in relation to, the person.

(2) The notice must be given within 14 days after the person is notified of the registration authority's decision.

Maximum penalty: 50 penalty units.

(3) An offence against subsection (2) is an offence of strict liability.

(4) It is a defence to a prosecution for an offence against subsection (2) if the defendant has a reasonable excuse.

(5) In this section:

teaching approval means registration as a teacher, or an authorisation to employ a person as a teacher, however described.

67D Relevant person to notify Board of other events

- (1) A relevant person must give the Board written notice if any of the following events occur:
- (a) the person's teaching qualifications are withdrawn;
 - (b) the person ceases to hold a clearance notice that is in force;
 - (c) a prescribed event.
- (2) The notice must:
- (a) be given within 14 days after the occurrence of the event; and
 - (b) specify full details of the event and the circumstances involved.
- Maximum penalty: 50 penalty units.
- (3) An offence against subsection (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subsection (2) if the defendant has a reasonable excuse.

50 Section 68 repealed (Sexual offence)

Section 68

repeal

51 Section 72 replaced

Section 72

repeal, insert

72 Offence to employ certain persons

- (1) An employer commits an offence if the employer employs or continues to employ a person to teach in a school in the Territory and:
- (a) the person does not meet either of the following criteria:
 - (i) the person is a registered teacher;
 - (ii) the person holds an interim certificate of registration that is in force under section 34; and

-
- (b) the employer has knowledge of the circumstance mentioned in paragraph (a); and
 - (c) the employer has not been granted authorisation in relation to the person.

Maximum penalty: 50 penalty units.

- (2) Strict liability applies to subsection (1)(c).

52 Section 73 amended (Penalty for teaching unregistered or without authorisation)

Section 73(2)

omit, insert

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

53 Sections 74 and 74A, Part 7, Division 2, Part 8 heading and sections 75 to 77 replaced

Sections 74 and 74A, Part 7, Division 2, Part 8 heading and sections 75 to 77

repeal, insert

73A Misleading information

- (1) A person commits an offence if:
 - (a) the person intentionally gives information to another person; and
 - (b) the other person is a relevant entity; and
 - (c) the information is misleading and the person has knowledge of that circumstance; and
 - (d) the relevant entity is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 100 penalty units.

- (2) A person commits an offence if:
 - (a) the person intentionally gives a document to another person; and

- (b) the other person is a relevant entity; and
- (c) the document contains misleading information and the person has knowledge of that circumstance; and
- (d) the relevant entity is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 100 penalty units.

- (3) Strict liability applies to subsections (1)(b) and (2)(b).
- (4) It is a defence to a prosecution for an offence against subsection (2) if the person, when giving the document:
 - (a) draws the misleading aspect of the document to the relevant entity's attention; and
 - (b) to the extent to which the person can reasonably do so – gives the relevant entity the information necessary to remedy the misleading aspect of the document.
- (5) In this section:

acting in an official capacity, in relation to a relevant entity, means the entity is exercising powers or performing functions under, or otherwise related to the administration of, this Act.

misleading information means information that is misleading in a material particular or because of the omission of a material particular.

73B Falsely representing to provide accredited education course

A person commits an offence if the person:

- (a) intentionally makes a representation, by words or conduct, that is likely to induce someone else to believe that the person provides an accredited education course; and
- (b) knows the representation is false.

Maximum penalty: 50 penalty units.

Division 2 Review

73C Review by NTCAT

- (1) NTCAT has jurisdiction to review a decision (a ***reviewable decision***) specified in the Schedule.

- (2) An **affected person**, for a reviewable decision, is a person specified in the Schedule for the decision.
- (3) An affected person for a reviewable decision may apply to NTCAT for review of the decision.

Note for section 73C

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

Part 8 General provisions

74 Accreditation of teacher education courses

- (1) A higher education institution may apply to the Board in writing for the accreditation of a course that it provides, or proposes to provide, in the Territory.
- (2) The application must be:
 - (a) made in the approved form; and
 - (b) accompanied by the documents required by the approved form; and
 - (c) accompanied by the prescribed fee.
- (3) Within 8 months of accepting the application, the Board must either:
 - (a) accredit the course by giving the applicant written notice confirming the accreditation; or
 - (b) refuse to accredit the course.
- (4) However, the Board must not accredit the course unless satisfied on reasonable grounds that:
 - (a) the course is a teacher education course; and
 - (b) a person who completes the course will attain the abilities, knowledge and skills required under the professional teaching standards approved by the Board; and
 - (c) the course accords with all other relevant professional standards approved by the Board.

75 Approval of professional development framework

- (1) The Board must approve, by *Gazette* notice, a framework for the professional development of teachers.
- (2) The framework must state:
 - (a) the type of professional development required; and
 - (b) the minimum professional development a teacher must undertake.
- (3) The framework may apply, adopt or incorporate (with or without changes) the whole or part of a document as in force or existing at a particular time or from time to time.

75A Board's power to request information

- (1) This section applies in relation to the Board's power, under Part 4 or 5 or section 66 or 66A:
 - (a) to request or require a person to give the Board information; and
 - (b) to consider that information.
- (2) The Board's power includes a power to:
 - (a) request or require the person to do any of the following:
 - (i) give the Board particular information or a particular document or other thing that is in the possession, or under the control, of the person and relevant to the matter being considered by the Board;
 - (ii) give the Board all information, documents and other things that are in the possession, or under the control of, the person and are relevant to the matter being considered by the Board;
 - (iii) appear before the Board at a specified date and time, either in person or by another specified means, to answer questions about any information, document or other thing given to the Board; and
 - (b) consider any information, document or other thing that it receives.

75B Retention and use of information, documents and other things

- (1) This section applies if a person gives information, a document or other thing to a relevant entity.
- (2) The relevant entity may:
 - (a) inspect the document or thing and retain it for the period that it considers reasonable; or
 - (b) make copies of, and take extracts from, the document or any of its contents; or
 - (c) take photographs of the thing; or
 - (d) use the information, document or thing, a copy or extract of the document or a photograph of the thing, when exercising any power or performing any function under this Act.

76 Protection from liability – Director, Board members and others

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as any of the following:
 - (a) the Director;
 - (b) a Board member;
 - (c) a member of a committee, investigation panel or inquiry committee or an investigator;
 - (d) a member of the staff of the Board or a person otherwise engaged by the Board.
- (2) In addition, the person is not civilly or criminally liable for an act done or omitted to be done by the Board or a committee, investigation panel or inquiry committee in the exercise of a power or performance of a function under this Act.
- (3) Subsections (1) and (2) do not affect any liability the Territory or the Board would, apart from those subsections, have for the act or omission.
- (4) In this section:

exercise, of a power, includes the purported exercise of the power.

performance, of a function, includes the purported performance of the function.

76A Protection from liability – persons giving information

A person who, acting in good faith, gives information or a document or other thing under this Act to a relevant entity is not civilly or criminally liable for giving the information.

77 Offence to disclose certain information

- (1) A person commits an offence if:
- (a) the person obtains information in the course of performing a function connected with the administration of this Act or exercising a power under this Act; and
 - (b) the information is confidential and the person is reckless in relation to that circumstance; and
 - (c) the person intentionally engages in conduct; and
 - (d) the conduct results in the disclosure of the information and the disclosure is not:
 - (i) for a purpose connected with the administration of this Act, including a legal proceeding arising out of the operation of this Act; or
 - (ii) to a person who is otherwise entitled to the information; and
 - (e) the person is reckless in relation to the result and circumstance mentioned in paragraph (d).

Maximum penalty: 200 penalty units or imprisonment for 2 years.

- (2) Strict liability applies to subsection (1)(a).
- (3) If the information mentioned in subsection (1) relates to a person, it is a defence to a charge for an offence against that subsection if the person has consented to the disclosure of the information.

Note for subsection (3)

In addition to the circumstances mentioned in subsection (3), a person who discloses confidential information will not be criminally responsible for an offence if the disclosure is justified or excused by or under a law (see section 43BE of the Criminal Code).

- (4) For subsection (1)(b), information that is confidential includes information that may identify any of the following:
- (a) a teacher or authorised person the subject of an inquiry;

- (b) persons allegedly involved in or affected by conduct giving rise to an inquiry;
- (c) a witness who participated in an inquiry;
- (d) a complainant;
- (e) the employer of the teacher or authorised person the subject of an inquiry;
- (f) the school where the teacher or authorised person the subject of an inquiry was employed;
- (g) the location where the events the subject of an inquiry occurred.

54 Section 78 amended (Monitoring of compliance)

- (1) Section 78(1) and (3), penalty provision
 - omit*
 - 20 penalty units
 - insert*
 - 50 penalty units
- (2) After section 78(3)
 - insert*
- (4) An offence against subsection (1) or (3) is an offence of strict liability.
- (5) It is a defence to a prosecution for an offence against subsection (1) or (3) if the defendant has a reasonable excuse.

55 Section 79 amended (Annual report)

- (1) Section 79, before "The"
 - insert*
- (1)

(2) Section 79, at the end

insert

(2) In the report, the Board may include information by way of case studies or case histories of the subject of an inquiry and the Board's decision in relation to the inquiry.

(3) However, the information must not include:

(a) information that may identify any of the following:

- (i) a teacher or authorised person the subject of the inquiry;
- (ii) persons allegedly involved in or affected by conduct giving rise to the inquiry;
- (iii) a witness who participated in the inquiry;
- (iv) a complainant;
- (v) the employer of the teacher or authorised person the subject of the inquiry;
- (vi) the school where the teacher or authorised person the subject of the inquiry was employed;
- (vii) the location where the events the subject of the inquiry occurred; or

(b) other information prescribed by regulation.

56 Section 81 amended (Regulations)

Section 81(2)(a), after "standards"

insert

and other professional standards

57 Part 10 and Schedule inserted

After section 82

insert

Part 10 Transitional matters for Teacher Registration (Northern Territory) Legislation Amendment Act 2019

83 Definitions

In this Part:

amending Act means the *Teacher Registration (Northern Territory) Legislation Amendment Act 2019*.

commencement means the commencement of the amending Act.

84 Existing registration subject to professional development condition

- (1) This section applies to a teacher who, immediately before the commencement, was registered, whether or not the registration was suspended.
- (2) On the commencement, the teacher's registration is taken to be subject to a condition that the teacher comply with the requirements of the professional development framework.

85 Existing authorisation subject to professional development condition

- (1) This section applies in relation to an authorisation that was in effect immediately before the commencement, whether or not it was suspended.
- (2) On the commencement, the authorisation is taken to be subject to a condition that the authorised person in relation to whom it has been granted comply with the requirements of the professional development framework.

86 Application for registration or renewal of registration – not yet actioned

- (1) This section applies if, before the commencement:
 - (a) an application for registration or a renewal of registration had been made; and
 - (b) the Board either:
 - (i) had not started considering the application; or

- (ii) had started considering the application but had not sought further information under section 35 or 38 in relation to the application or decided the application.

(2) The application:

- (a) is taken to be an application made on the commencement; and
- (b) must be dealt with and decided in accordance with this Act as amended by the amending Act.

87 Application for registration or renewal of registration – partially actioned

(1) This section applies if, before the commencement:

- (a) an application for registration or a renewal of registration had been made; and
- (b) the Board had, under section 35 or 38, sought further information in relation to the application but had not decided the application.

(2) The Board must deal with and decide the application in accordance with this Act as in force before the commencement.

(3) However, the Board's decision is then taken to have been made under section 36 or 39, as the case may be, of this Act as amended by the amending Act.

Notes for subsection (3)

1 *As the decision will be made after the commencement and will be taken to be made under section 36 or 39 of the Act as amended by the amending Act, it may be a reviewable decision.*

2 *In addition, if the Board decides to grant registration, it will be subject to the condition mentioned in section 36(3)(a).*

88 Application for authorisation – not yet actioned

(1) This section applies if, before the commencement:

- (a) an application for an authorisation had been made; and
- (b) the Board either:
 - (i) had not started considering the application; or

- (ii) had started considering the application but had not sought further information under section 41(4) or 42(2) of this Act as in force before the commencement in relation to the application or decided the application.

(2) The application:

- (a) is taken to be an application made on the commencement; and
- (b) must be dealt with and decided in accordance with this Act as amended by the amending Act.

89 Application for authorisation – partially actioned

(1) This section applies if, before the commencement:

- (a) an application for an authorisation had been made; and
- (b) the Board had, under section 41(4) or 42(2) of this Act as in force before the commencement, sought further information in relation to the application but had not decided the application.

(2) The Board must deal with and decide the application in accordance with this Act as in force before the commencement.

(3) However, the Board's decision is then taken to have been made under section 42 of this Act as amended by the amending Act.

Note for subsection (3)

As the decision will be made after the commencement and will be taken to be made under section 42 of the Act as amended by the amending Act, if the Board decides to grant the authorisation, it will be subject to the condition mentioned in section 42(3)(a).

90 Complaints and disciplinary proceedings

(1) This section applies in relation to the following:

- (a) a written complaint received by the Board before the commencement, whether or not a preliminary investigation or inquiry has been held in relation to the complaint;
- (b) a matter that the Board received notice of, or otherwise became aware of, before the commencement, whether or not a preliminary investigation or inquiry has been held in relation to the matter;

- (c) any other matter that:
 - (i) was, immediately before the commencement, the subject of a preliminary investigation or inquiry, or a determination of the Board to hold a preliminary investigation or inquiry; or
 - (ii) has been the subject of a preliminary investigation or inquiry if, before the commencement, the Board has not taken any action following the preliminary investigation or inquiry.

- (2) The complaint or matter must be dealt with under this Act as in force before the commencement.

91 NTCAT review applies to post-commencement decisions

Section 73C applies only in relation to decisions made after the commencement.

92 Appeal not yet started

- (1) This section applies if, before the commencement:
 - (a) a person received an information notice for a decision; and
 - (b) the period for starting an appeal against the decision had not expired but an appeal had not been started.
- (2) The person may start an appeal against the decision in accordance with this Act as in force before the commencement.
- (3) The appeal must be determined under this Act as in force before the commencement.

93 Appeal not yet decided

- (1) This section applies if, before the commencement:
 - (a) a person had started an appeal against a decision of the Board; and
 - (b) the Local Court had not decided the matter.
- (2) The Local Court must continue to deal with the matter in accordance with this Act as in force before the commencement.

94 Accreditation of courses

A course that, immediately before the commencement, was a course accredited by the Board is, on the commencement, taken to be an accredited education course.

95 Application of sections 67A and 67B

- (1) Sections 67A and 67B, as amended by the amending Act, apply only in relation to events that occur after the commencement.
- (2) Sections 67A and 67B, as in force before the commencement, continue to apply in relation to events that occurred before the commencement.

96 Offence provisions – before and after commencement

- (1) The offence provisions, as amended by the amending Act, apply only in relation to offences committed after the commencement.
- (2) The offence provisions, as in force before the commencement, continue to apply in relation to offences committed before the commencement.
- (3) For this section, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.
- (4) In this section:

offence provisions means the provisions of this Act that create or relate to offences (including in relation to criminal responsibility, defences and penalties), other than sections 67A and 67B.

Schedule Reviewable decisions

section 73C

Reviewable decision	Affected person
Decision under section 36(1)(c) to refuse application for registration	Applicant
Decision under section 36(3)(b) to impose condition on registration	Applicant

Decision under section 39(1)(b) to refuse application for renewal of registration	Applicant
Decision under section 39(4)(b) to vary a condition imposed on, or impose a condition on registration following renewal	Applicant
Decision under section 40B to vary a condition imposed on, or impose a condition on, teacher's registration	Teacher
Decision under section 53(1) to suspend, or impose or vary condition on, teacher's registration	Teacher
Decision under section 58(2)(a) to take no further action in relation to teacher or authorised person	If the basis of the preliminary investigation was a complaint made under section 49 – the person who made the complaint
Decision under section 58(2)(b) to take specified further action in relation to teacher without first holding inquiry	Teacher; or If the basis of the preliminary investigation was a complaint made under section 49 – the person who made the complaint
Decision under section 58(2)(b) to take specified further action in relation to authorised person without first holding inquiry	If the basis of the preliminary investigation was a complaint made under section 49 – the person who made the complaint

Any decision made under section 64(1) after inquiry in relation to teacher	Teacher; or If the basis of the inquiry was a complaint made under section 49 – the person who made the complaint
Any decision made under section 64(1) after inquiry in relation to authorised person	If the basis of the inquiry was a complaint made under section 49 – the person who made the complaint
Decision under section 65A(2) or 66(2) to cancel teacher's registration	Teacher
Decision under section 74(3)(b) to refuse to accredit course	Applicant

58 Act further amended

The Schedule has effect.

Part 3 Amendment of Teacher Registration (Northern Territory) Regulations 2004

59 Regulations amended

This Part amends the *Teacher Registration (Northern Territory) Regulations 2004*.

60 Regulation 2A inserted

Before regulation 3, in Part 2

insert

2A Sexual offences

(1) For section 4 of the Act, definition **sexual offence**, the following offences under the Criminal Code are prescribed:

(a) an offence against Part V, Division 2 of the Criminal Code;

- (b) an offence against section 188(1) of the Criminal Code, committed in the circumstances referred to in subsection (2)(k) of that section;
 - (c) an offence against section 192, 192B, 201, 202B, 202C, 202D, 208AB or 208AC of the Criminal Code.
- (2) In addition, the following offences under the *Criminal Code Act 1995* (Cth) are prescribed:
- (a) an offence against sections 268.14 to 268.19;
 - (b) an offence against sections 268.59 to 268.64;
 - (c) an offence against sections 268.82 to 268.87;
 - (d) an offence against section 270.6A(1) – if the forced labour is sexual servitude;
 - (e) an offence against section 270.6A(2) – if the business involves sexual servitude;
 - (f) an offence against section 270.7 – if the labour or service is sexual servitude;
 - (g) an offence against any of the following – if the offence relates to sexual services:
 - (i) section 271.2;
 - (ii) section 271.4;
 - (iii) section 271.5;
 - (iv) section 271.7;
 - (h) an offence against sections 272.8 to 272.15, 272.19, 273.5 to 273.7, 471.16, 471.17, 471.19, 471.20, 471.22, 471.24 to 471.26, 474.19, 474.20, 474.22, 474.23, 474.24A, 474.25A, 474.25B, 474.25C, 474.26, 474.27 or 474.27A.
- (3) Also, an offence against section 233BAB of the *Customs Act 1901* (Cth) – if the tier 2 goods were items of child pornography or child abuse material – is prescribed.
- (4) Further, an offence of doing any of the following in relation to an offence mentioned in this regulation, or an equivalent offence, whether within the Territory or elsewhere, is prescribed:
- (a) counselling or procuring;

- (b) aiding or abetting the commission of;
- (c) conspiring to commit;
- (d) attempting to commit;
- (e) any other act preparatory to the commission of the offence;
- (f) being an accessory after the fact.

61 Regulation 4 amended (Qualifications for registration)

(1) Regulation 4(1)(b)

omit, insert

- (b) the qualifications mentioned in both subparagraph (i) and (ii), but only if the courses mentioned in those subparagraphs together have a total full-time duration of at least 4 years (or the equivalent part-time duration):
 - (i) a qualification that is awarded by a higher education institution on completion of a 1 year full-time (or the equivalent part-time duration) or longer teacher education course and satisfies the requirements of subregulation (2); or
 - (ii) one or more degrees awarded by a higher education institution on completion of other courses.

(2) Regulation 4(4), definitions ***higher education institution*** and ***teacher education course***

omit

62 Regulation 5 amended (Competence to teach)

Regulation 5(4)

omit, insert

- (4) To decide whether a person is proficient in the English language the Board must take into account:
 - (a) whether the person's qualifications for registration were awarded by an institution in any of the following countries, and whether the person undertook their studies in that country:
 - (i) Australia, English-speaking Canada, Ireland, New Zealand, the United Kingdom or the United States of America;

- (ii) another country approved by the Board by *Gazette* notice; or
- (b) the person's results in an English language test approved by the Board by *Gazette* notice.

63 Regulation 6 amended (Professional experience and currency of practice for full registration)

Regulation 6(3)

omit, insert

- (3) In this regulation:

approved curriculum means any of the following:

- (a) the Australian Curriculum;
- (b) the Early Years Learning Framework;
- (c) the Northern Territory Certificate of Education and Training;
- (d) a curriculum that:
 - (i) is implemented at a place outside the Territory; and
 - (ii) is equivalent to the curriculum mentioned in paragraph (c);
- (e) the International Baccalaureate;
- (f) the Australian Steiner Curriculum Framework;
- (g) the Cambridge IGCSE;
- (h) another curriculum approved by the Minister by *Gazette* notice.

64 Regulation 8 amended (Renewal of registration)

Regulation 8

omit

6 month

insert

3 month

65 Regulation 9 amended (Professional teaching standards)

(1) Regulation 9 heading, after "**standards**"

insert

and other professional standards

(2) Regulation 9(1), after "teaching"

insert

standards and other professional

66 Regulation 10 amended (Registration fees)

Regulation 10(2)(b)

omit, insert

(b) for each other registration year – no later than 31 December of the previous year.

Part 4 Repeal of Act

67 Repeal of Act

This Act is repealed on the day after it commences.

Schedule Act further amended

section 58

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part 1 heading, after "Preliminary"		matters
section 25(2)	of the Board	
Part 4 heading	Teachers	teachers
section 27(3)	or evidence	
Part 4, Division 2, Subdivision 2 heading	, and grant of,	
section 35(1)(a)	seek	request
Part 4, Division 2, Subdivision 3 heading	Renewal	Application for renewal
Part 6 heading, after "proceedings"		and related matters
section 51	reasonably satisfied	satisfied on reasonable grounds
Part 6, Division 4A heading, after "for"		, and sharing of,
section 66(2)	by written notice to the teacher	
section 69(2)	revoked	cancelled
section 69(6)	the revocation of the	
section 70(1)	revoked	cancelled
section 70(3)	revocation	cancellation
section 70(4) and (5)	or revocation <i>(all references)</i>	

Provision	Amendment	
section 71	<i>omit</i> or revocation revoked	<i>insert</i> cancelled
Part 7 heading	appeals	NTCAT reviews