

Legislative Council—No 36A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 30 June 2020

South Australia

**Teachers Registration and Standards
(Miscellaneous) Amendment Bill 2020**

A BILL FOR

An Act to amend the *Teachers Registration and Standards Act 2004*.

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Part 1—Transitional etc provisions

1	Vacation of Teachers Registration Board
2	Certain registrations to continue to be for 3 year period
3	All teacher registrations taken to be subject to condition

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Teachers Registration and Standards (Miscellaneous) Amendment Act 2020*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Teachers Registration and Standards Act 2004*

4—Amendment of section 3—Interpretation

- 5 (1) Section 3, definition of *pre-school education*—delete "under the age of 5 years" and substitute:

who have not yet attained compulsory school age (within the meaning of the *Education and Children's Services Act 2019*)

- (2) Section 3, definition of *unprofessional conduct*—after paragraph (b) insert:

10 (ba) a contravention of a code of conduct or professional standard published or adopted under section 31B; or

5—Amendment of section 6—Functions of Teachers Registration Board

- (1) Section 6—after paragraph (a) insert:

(ab) to accredit initial teacher education programs;

15 (ac) to develop and maintain codes of conduct for registered teachers and persons granted a special authority to teach under this Act;

- (2) Section 6(b)—delete "and" and substitute:

, and to promote and implement

- (3) Section 6(c)—delete paragraph (c)

- (4) Section 6—after paragraph (e) insert:

20 (ea) to undertake or support reviews of research and data collection relating to the teaching profession;

(eb) to recognise quality teaching and leadership in the teaching profession;

- (5) Section 6—after paragraph (f) insert:

25 (g) such other functions as may be assigned to the Teachers Registration Board under this Act or by the Minister.

6—Substitution of section 7

Section 7—delete section 7 and substitute:

7—Welfare and best interests of children paramount consideration

30 The welfare and best interests of children is the paramount consideration in relation to the operation, administration and enforcement of this Act.

7—Substitution of section 9

Section 9—delete section 9 and substitute:

9—Membership of Teachers Registration Board

- 5 (1) The Teachers Registration Board consists of not less than 11 and not more than 14 members appointed by the Governor of whom—
- (a) at least 6 must be practising teachers, of whom—
- 10 (i) at least 4 must be nominated by the Australian Education Union (S.A. Branch); and
- (ii) at least 2 must be nominated by the Independent Education Union (S.A. Branch); and
- (b) at least 1 must be a person nominated jointly by the Association of Independent Schools of South Australia Incorporated and Catholic Education SA; and
- 15 (c) at least 1 must be a person employed in the field of teacher education nominated jointly by the universities in the State; and
- (d) at least 1 must be a person nominated by the Chief Executive of the Department; and
- 20 (e) the remaining members are members nominated by the Minister, of whom—
- (i) at least 1 must be a legal practitioner; and
- (ii) 1 must be a parent of a school student appointed to represent the community interest.
- 25 (2) At least half of the members appointed under subsection (1) must be registered teachers.
- (3) In nominating members for appointment, the Minister must, as far as is reasonably practicable, ensure that the Teachers Registration Board consists of members who, collectively, have knowledge, skills and experience in the following areas:
- 30 (a) teacher education;
- (b) matters affecting employers of practising teachers.
- (4) The Minister must, before nominating a member for appointment to the Teachers Registration Board, call for expressions of interest under a scheme determined by the Minister for the purposes of this subsection.
- 35 (5) The Minister must, before nominating a member for appointment to the Teachers Registration Board, in accordance with any requirements set out in the regulations, have regard to any submissions made by a designated entity in respect of a proposed nomination.
- 40

(5a) The Minister must ensure, as far as practicable, that the persons appointed under subsection (1) consist of equal numbers of women and men.

(6) A person is not eligible to be appointed to the Teachers Registration Board unless a working with children check has been conducted in relation to the person within the preceding 5 years.

(7) In this section—

designated entity means a person or body referred to in Schedule 1.

9A—Presiding member

The Governor may, on the recommendation of the Minister, appoint 1 of the members of the Teachers Registration Board to be the presiding member of the Teachers Registration Board and 1 to be the deputy presiding member.

8—Amendment of section 10—Terms and conditions of membership

(1) Section 10(1)— after "reappointment" insert:

(however a member cannot hold office for consecutive terms that exceed 9 years in total)

9—Amendment of section 14—Procedures of Teachers Registration Board

(1) Section 14(1)—delete "9 members" and substitute:

one half the total number of its members (ignoring any fraction resulting from the division) plus 1

(2) Section 14(2)—delete "of the Teachers Registration Board is" and substitute:

and deputy presiding member of the Teachers Registration Board are both

10—Amendment of section 15—Registrar of Teachers Registration Board

Section 15(3)—delete subsection (3)

11—Amendment of section 15A—Appointment of acting Registrar

Section 15A(2)—delete subsection (2)

12—Insertion of section 15B

After section 15A insert:

15B—Teachers Registration Board may employ staff

(1) The Teachers Registration Board may employ such staff as the Teachers Registration Board thinks appropriate.

(2) The terms and conditions of employment of a person employed under subsection (1) will be determined by the Teachers Registration Board.

(3) A person employed under this section is not a Public Service employee.

- (4) The Teachers Registration Board may, by agreement with the Minister responsible for an administrative unit of the Public Service, make use of the services of the staff, equipment or facilities of that administrative unit.

13—Amendment of section 16—Committees

Section 16—after subsection (2) insert:

- (3) The regulations may make further provision in relation to committees (including, without limiting the generality of this subsection, provisions allowing persons other than Board members to be appointed to a committee established for the purposes of Part 5 or 7).

14—Amendment of section 17—Delegations

- (1) Section 17(2)—delete "of the Board that is comprised of not less than 3 members of the Board and includes a member who is a legal practitioner and a member who is a practising teacher." and substitute:

that is comprised of not less than 3 persons, of whom—

- (a) 2 must be members of the Board (1 of whom must be a practising teacher); and
(b) 1 must be a legal practitioner (whether or not a member of the Board).

- (2) Section 17—after subsection (2) insert:

(2a) The Registrar may delegate a function or power of the Registrar under this Act to a specified person or body.

- (3) Section 17(3)(c)—delete "Teachers Registration Board" and substitute:

delegator

15—Insertion of Part 3A

After section 19 insert:

Part 3A—Initial teacher education programs

19A—Accreditation of initial teacher education programs

- (1) The Teachers Registration Board may, on the application of a person or body, accredit a program of initial teacher education in accordance with this section.
- (2) An application under this section—
- (a) must be made in a manner and form determined by the Teachers Registration Board; and
- (b) must be accompanied by such documents and information as may be reasonably required by the Teachers Registration Board; and
- (c) must be accompanied by the prescribed fee.

- (3) In determining an application under this section, the Teachers Registration Board—
- (a) must apply the prescribed accreditation standards (and may apply such other standards or requirements as the Teachers Registration Board thinks appropriate); and
 - (b) must comply with any other requirements set out in the regulations.

- (4) In this section—

prescribed accreditation standards means the accreditation standards prescribed by the regulations, as in force from time to time.

19B—Teachers Registration Board to survey teachers

- (1) The Teachers Registration Board must, at least once in every 5 year period and in accordance with any requirements set out in the regulations, conduct a survey of registered teachers in this State to ascertain their views on—
- (a) the curriculum for initial teacher education in this State; and
 - (b) the quality and effectiveness of initial teacher education in this State generally.
- (2) On completion of a survey under this section, the Teachers Registration Board must prepare a report on the results of the survey and provide a copy of the report to the Minister.
- (3) The Minister must, within 12 sitting days after receiving a report under subsection (2), have copies of the report laid before both Houses of Parliament.
- (4) Nothing in this section requires a teacher to take part in a survey conducted under this section (and, to avoid doubt, a teacher cannot be compelled to do so).

16—Amendment of section 22—Application for registration

Section 22(1)(b)—delete "fee prescribed by regulation" and substitute:

prescribed fee

17—Amendment of section 24—Conditions of registration

- (1) Section 24(2)(a)—after subparagraph (ii) insert:

(iia) if the person is dismissed from employment as a practising teacher in response to allegations of incompetence (however described), or resigns from employment as a practising teacher following allegations of incompetence (however described), the person must, within 14 days, give written notice of the person's dismissal or resignation to the Board containing the details specified in the condition; and

- (2) Section 24(2)(c)—after "must" insert:

, within 14 days after the person becomes aware of the fact,

18—Amendment of section 24A—Automatic cancellation of registration of prohibited persons

Section 24A(2)—delete subsection (2) and substitute:

- 5 (2) The cancellation of a teacher's registration under this section will be taken to have effect—
- (a) in the case where the teacher becomes a prohibited person on the issue of a prohibition notice under the *Child Safety (Prohibited Persons) Act 2016*—on the day the prohibition notice is issued to the person under that Act; or
- 10 (b) in the case where the teacher becomes a prohibited person by virtue of having been prohibited from working with children under a law of the Commonwealth, or of another State or Territory—on the day from which the teacher is so prohibited; or
- 15 (c) in the case where the teacher becomes a prohibited person by virtue of having been found guilty of a prescribed offence (within the meaning of the *Child Safety (Prohibited Persons) Act 2016*) committed as an adult—on the day on which the finding of guilt is made.

20 **19—Amendment of section 26—Term of registration**

Section 26(1)(a)—delete "third" and substitute:

fifth

20—Insertion of section 26A

After section 26 insert:

25 **26A—Annual fee**

- (1) A registered teacher (including a teacher whose registration has been suspended) must, in each year, pay to the Teachers Registration Board an annual fee in accordance with the regulations.
- 30 (2) Without limiting the matters that may be dealt with in the regulations, the regulations may—
- (a) prescribe the fee; and
- (b) fix the day of the month on or before which the fee is to be paid in each year; and
- 35 (c) fix the period of 12 months (the *annual fee period*) in respect of which the fee is to be paid; and
- (d) make provisions of a saving or transitional nature in respect of annual fees.

(2a) Without limiting any other circumstances in which the Teachers Registration Board may reduce or waive an annual fee under this section, if a teacher pays the annual fee in advance in relation to the full term of their registration period, the Teachers Registration Board must cause the amount payable to be reduced by at least 5%.

(3) If a registered teacher fails to pay the annual fee in accordance with the regulations, the Teachers Registration Board may, by written notice, require the registered teacher to make good the default as specified in the notice and, in addition, pay to the Teachers Registration Board the amount prescribed as a penalty for default.

(4) If a registered teacher fails to comply with a notice under subsection (3), the Teachers Registration Board may, by further written notice, suspend the teacher's registration until the notice has been complied with.

21—Amendment of section 27—Requirement for provision of information

Section 27—after subsection (2) insert:

(3) For the purposes of this section, a reference to a *registered teacher* will be taken to include a reference to a person who was, but is no longer, a registered teacher.

22—Amendment of section 28—Register

Section 28(2)—after paragraph (bb) insert:

(bc) details of any highly accomplished or lead teacher certification held by the person from time to time;

23—Amendment of section 30—Special authority for unregistered person to teach

Section 30(2)—after paragraph (c) insert:

(ca) the person is otherwise a fit and proper person to be granted a special authority to teach; and

24—Substitution of section 31

Section 31—delete the section and substitute:

31—Register

(1) The Teachers Registration Board must keep a register of persons granted a special authority to teach under this Part.

(2) The register must include, in relation to each such person—

(a) the person's full name, personal address and business address (if any); and

(b) the qualifications (if any) held by the person determined by the Teachers Registration Board to be relevant to the person's activities under the special authority to teach; and

(c) the number of the person's special authority to teach; and

- (d) the person's unique identifier; and
- (e) details of the most recent working with children check conducted in relation to the person (if known); and
- (f) details of any condition of the person's special authority to teach; and
- (g) the expiry date of the person's special authority to teach; and
- (h) details concerning the outcome of any action taken against the person by the Board under this Act,

and may include other information as the Teachers Registration Board thinks fit.

(3) The Registrar will be responsible to the Teachers Registration Board for the form and maintenance of the register.

(4) The holder of a special authority to teach must, within 28 days after changing name or address, inform the Registrar in writing of the change.

Maximum penalty: \$1 250.

Expiation fee: \$160.

(5) The holder of a special authority to teach must, as soon as is reasonably practicable after a working with children check is conducted in relation to the person (but in any event within 14 days), inform the Registrar in writing of that fact, and provide such details relating to the working with children check as the Registrar may require.

(6) The Registrar may remove or correct an entry in the register as required without giving notice to any person.

(7) The Registrar must—

(a) make a record of the full name of each person granted a special authority to teach and the information entered in the register under subsection (2)(b), (f) and (g) in relation to the teacher available for inspection on application to the Registrar; and

(b) make a record of the full name of each person granted a special authority to teach and the information entered in the register under subsection (2)(f) and (g) in relation to the person available for inspection on a website established by the Teachers Registration Board.

(8) An apparently genuine document purporting to be signed by the Registrar stating that, at a specified date, or during a specified period—

(a) a specified person was the holder of a special authority to teach granted under this Part that was unconditional or subject to specified conditions; or

- (b) a specified person was not holder of a special authority to teach granted under this Part,

will, in any legal proceedings, constitute proof of the matters stated in the document in the absence of proof to the contrary.

5 **25—Insertion of section 31A**

After section 31 insert:

31A—Requirement for provision of information

- 10 (1) The Teachers Registration Board or the Registrar may, at any time, require a holder of a special authority to teach, or the employer or a former employer of such a person, to provide information relating to the person or the person's employment.
- (2) A person who fails to comply with a requirement under this section is guilty of an offence.
Maximum penalty: \$5 000.
15 Expiation fee: \$315.
- (3) For the purposes of this section, a reference to a *holder of a special authority to teach* will be taken to include a reference to a person who was, but is no longer, the holder of a special authority to teach.

20 **26—Insertion of Part 6A**

After section 31 insert:

Part 6A—Codes of conduct and professional standards

31B—Codes of conduct and professional standards

- 25 (1) The Teachers Registration Board may, by notice in the Gazette, publish codes of conduct for the purposes of this Act.
- (1a) Sections 10 (other than subsection (1)) and 10A of the *Subordinate Legislation Act 1978* apply in relation to a code of conduct published under this section (and a reference in those provisions to a regulation will be taken to be a reference to the code of conduct).

30 **Note—**

These provisions allow Parliament to disallow a code of conduct.

- (2) The Teachers Registration Board may, from time to time, by notice in the Gazette, vary, substitute or revoke a code of conduct published under this section.
- 35 (2a) Before publishing a code of conduct under this section, the Teachers Registration Board—
- (a) must call for submissions from—
- (i) registered teachers; and
- (ii) the Australian Education Union (S.A. Branch); and

- (iii) the Independent Education Union (S.A. Branch);
and
- (iv) the Chief Executive of the Department; and
- (v) Catholic Education SA; and
- 5 (vi) the Association of Independent Schools of South
Australia Incorporated; and
- (b) must have regard to any submissions made by a person or
body referred to in paragraph (a) during the period specified
10 by the Teachers Registration Board (being a period not less
than 1 month); and
- (c) must consult with—
- (i) the Australian Education Union (S.A. Branch); and
- (ii) the Independent Education Union (S.A. Branch);
and
- 15 (iii) the Chief Executive of the Department; and
- (iv) Catholic Education SA; and
- (v) the Association of Independent Schools of South
Australia Incorporated,
- and may consult with any other person or body the Teachers
20 Registration Board thinks fit.
- (3) A copy of any code of conduct published under this section, as
varied or substituted from time to time—
- (a) must be published on a website determined by the Teachers
Registration Board; and
- 25 (b) must be made available for inspection without charge at the
place or places determined by the Teachers Registration
Board.

31C—Recognition of quality teaching and educational leadership

- 30 (1) The Teachers Registration Board may, in accordance with any
requirements set out in the regulations—
- (a) accredit, certify or otherwise recognise attainment by
teachers of levels of proficiency and accomplishment in the
teaching profession and educational leadership; and
- 35 (b) vary or revoke an accreditation, certificate or other
recognition; and
- (c) publish information about an accreditation, certificate or
other recognition, or a variation or revocation of an
accreditation, certificate or other recognition.

- (2) Without limiting the generality of the regulations that may be made under subsection (1), the regulations may apply or incorporate, wholly or partially and with or without modification, a code, standard, policy or other document prepared or published by the Teachers Registration Board or another specified person or body.

27—Insertion of section 32A

After section 32 insert:

32A—Constitution of Teachers Registration Board for purposes of Part

Except where the contrary intention appears, the Teachers Registration Board may, in exercising a function or power under this Part, be constituted of not less than 3 members, 1 of whom must be a practising teacher and 1 a legal practitioner.

28—Amendment of section 33A—Suspension of teacher's registration if working with children check not current etc

- (1) Section 33A(1)—delete "Teachers Registration Board may, if satisfied that a working with children check has not been conducted in relation to a registered teacher within the preceding 5 years" and substitute:

Registrar may, if satisfied that a working with children check has not been conducted in relation to a registered teacher within the preceding 5 years, by notice in writing served personally on the teacher,

- (2) Section 33A(2)(a)—after "Teachers Registration Board" insert:
or Registrar

29—Amendment of section 34—Registrar may conduct investigation

- (1) Section 34—after subsection (1) insert:

(1a) A person who fails, without reasonable excuse, to comply with a requirement under subsection (1) is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for 1 year.

(1b) Without limiting subsection (1) or any other provision of this Act, the Registrar, or a person authorised by the Registrar, may, if the Registrar has reasonable grounds to suspect that a teacher's capacity to teach is seriously impaired by an illness or disability affecting the teacher's behaviour or competence as a teacher, require the teacher to—

- (a) submit to a medical examination by a medical practitioner selected by the teacher from a panel of medical practitioners nominated by the Teachers Registration Board; and
- (b) provide, or authorise the medical practitioner to provide, a report on the results of the medical examination to the Registrar.

(2) Section 34—delete subsection (3) and substitute:

(3) The Teachers Registration Board may, if a teacher refuses or fails to comply with a requirement under this section, suspend (without any requirement for a hearing or other process) the registration of the teacher.

(3a) A suspension under this section has effect—

(a) until the fulfilment of specified conditions or until further order of the Teachers Registration Board; or

(b) if the teacher's registration is cancelled under section 35(2)—until that cancellation has effect,

whichever occurs first.

(3b) To avoid doubt, a suspension of a teacher's registration under this section has effect whether or not an appeal has, or is to be, instituted against the decision to suspend the registration of the teacher.

30—Amendment of section 34A—Suspension of registration where teacher charged with certain offences or unacceptable risk to children

(1) Section 34A(1)—before "teacher" first occurring insert:

registered

(2) Section 34A(1)—delete "if the Registrar becomes aware that the teacher has been charged with a prescribed offence" and substitute:

if—

(a) the Registrar becomes aware that the teacher has been charged with a prescribed offence; or

(b) the Registrar reasonably suspects that the teacher poses an unacceptable risk to children.

(3) Section 34A(7)—delete subsection (7)

31—Substitution of section 37

Section 37—delete section 37 and substitute:

37—Employer to notify Teachers Registration Board of certain matters relating to practising teachers

(1) An employer of a practising teacher must notify the Teachers Registration Board if—

(a) the employer dismisses the teacher for 1 or more of the following reasons:

(i) the teacher is a prohibited person;

(ii) a working with children check has not been conducted in relation to the teacher within the preceding 5 years;

- (iii) in response to an allegation of unprofessional conduct made against the teacher;
- (iv) incompetence (however described);
- (v) any other reason prescribed by the regulations; or
- 5 (b) the employer accepts the resignation of the teacher arising out of 1 or more of the reasons referred to in paragraph (a).
- (2) An employer of a practising teacher must notify the Teachers Registration Board if the employer becomes aware of any of the following in relation to the teacher:
- 10 (a) that the teacher's capacity to teach is, or may be, seriously impaired by an illness or disability affecting the person's behaviour or competence as a teacher;
- (b) that an allegation of unprofessional conduct is made against the teacher;
- 15 (c) the teacher is not, in the opinion of the employer, a fit and proper person to be a registered teacher;
- (d) any other matter of a kind prescribed by the regulations.
- (3) A person who was, but is no longer, the employer of a practising teacher must notify the Teachers Registration Board if the person becomes aware of any of the following in relation to the teacher within the 12 months immediately after the person ceases to be the employer of the teacher:
- 20 (a) that an allegation of unprofessional conduct is made against the teacher;
- 25 (b) any other matter of a kind prescribed by the regulations.
- (4) A notification under this section—
- (a) must be made in a manner and form determined by the Teachers Registration Board; and
- 30 (b) must be made as soon as is reasonably practicable (and in any case within 7 days) after the employer becomes aware of the relevant matter; and
- (c) must include such information as may be reasonably required by the Teachers Registration Board in respect of notifications of the relevant kind; and
- 35 (d) must comply with any other requirements in the regulations.
- (5) A person who, without reasonable excuse, refuses or fails to comply with a requirement under this section is guilty of an offence.
Maximum penalty: \$10 000.
- 40 (6) No liability attaches to an employer or other person in respect of a notification made, or purportedly made, under this section.

- (7) For the purposes of this section, a reference to a registered teacher or teacher will be taken to include a reference to a person granted a special authority to teach under Part 6 (whether or not the special authority has expired).

5 **32—Repeal of section 39**

Section 39—delete section 39

33—Amendment of section 40—Notification by Registrar of action or suspension etc under Part

- (1) Section 40(c)—delete paragraph (c)
- 10 (2) Section 40—after paragraph (d) insert:
- and
- (e) the central assessment unit under the *Child Safety (Prohibited Persons) Act 2016*; and
- (f) any other person or body prescribed by the regulations for the
- 15 purposes of this paragraph.
- (3) Section 40—after its present contents (now to be designated as subsection (1)) insert:
- (2) Without limiting subsection (1), the Registrar must, as soon as practicable after suspending the registration of a teacher, or varying the conditions of a teacher's registration, under Part 5 or section 34A,
- 20 give notice of that fact to each of the persons and bodies referred to in subsection (1).
- (3) Without limiting a preceding subsection, the Registrar may, after suspending the registration of a teacher under section 33A, give notice of that fact to each of the persons and bodies referred to in
- 25 subsection (1).

34—Insertion of Part 9A

After section 49 insert:

Part 9A—Information sharing

49A—Disclosure of information to prevent harm

- 30 Despite a provision of this or any other Act or law, the Teachers Registration Board may disclose information obtained in the course of the administration or operation of this Act to an appropriate person or body if the Teachers Registration Board is of the opinion that to do so is reasonably necessary to prevent harm being caused to
- 35 a child.

49B—Sharing of information between Teachers Registration Board and certain persons and bodies

- (1) This section applies to the following persons and bodies:
- (a) the Teachers Registration Board;

- (b) the Education and Early Childhood Services Registration and Standards Board of South Australia;
- (c) the Registrar;
- (d) a teacher regulatory authority in Australia and New Zealand;
- 5 (e) a person or body who is an employer of a teacher;
- (f) the central assessment unit under the *Child Safety (Prohibited Persons) Act 2016*;
- (g) a State authority;
- 10 (h) any other person or body declared by the regulations to be included in the ambit of this subsection.

(2) Despite any other Act or law, a person or body to whom this section applies (the **provider**) may, in accordance with any requirement set out in the regulations, provide prescribed information and documents to another person or body to whom this section applies (the **recipient**) if the provider reasonably believes that the provision of the information or documents would assist the recipient—

- (a) to perform official functions relating to the health, safety, welfare or wellbeing of a child or class of children; or
- 20 (b) to manage any risk to a child or class of children that might arise in the recipient's capacity as an employer or provider of services.

(3) Despite any other Act or law, information or documents that do not directly or indirectly disclose the identity of any person may be provided by one person or body to whom this section applies to another without restriction.

(4) Subsection (3) applies—

- (a) whether or not the information or documents consist of or include prescribed information and documents; and
- 30 (b) whether the information or document ever disclosed the identity of a person, or has been redacted so as to de-identify it.

(5) Information may be provided under this section regardless of whether the provider has been requested to provide the information.

(6) For the purposes of this section, a reference to a teacher will be taken to include a reference to a person granted a special authority to teach under Part 6 (whether or not the special authority has expired).

(7) In this section—

prescribed information and documents means—

- 40 (a) information or documents relating to the health, safety, welfare or wellbeing of a particular child or class of children; or

- (b) any other information or document of a kind prescribed by the regulations for the purposes of this definition;

State authority means—

- (a) a person who holds an office established by an Act; or
(b) a public sector agency; or
(c) South Australia Police; or
(d) a local council constituted under the *Local Government Act 1999*; or
(e) any other person or body declared by the regulations to be a State authority,

but does not include a person or body declared by the regulations to be excluded from the ambit of this definition.

35—Amendment of section 50—Provision of information by Commissioner of Police

Section 50(1)—after "registered as a teacher" insert:

, or to hold a special authority to teach under Part 6

36—Amendment of section 51—Arrangements between Teachers Registration Board, DPP, and Commissioner of Police for reporting of offences

- (1) Section 51(1)(a)—after "registered teacher" wherever occurring insert:

or the holder of a special authority to teach under Part 6

- (2) Section 51(1)(b)—after "teacher" insert:

or the holder of a special authority to teach under Part 6

37—Amendment of section 52—Notification of offences to employer etc

- (1) Section 52(1)(c)—delete paragraph (c)

- (2) Section 52—after subsection (1) insert:

(1a) If the Registrar becomes aware that a person who is or has been the holder of a special authority to teach granted under Part 6 has been charged with or convicted of an offence (whether an offence under the law of South Australia or elsewhere) that, in the opinion of the Registrar, raises serious concerns about the person's fitness to hold, or continue to hold, a special authority to teach, the Registrar must, as soon as practicable, give details of the matter to—

- (a) the person's employer if the person is the holder of a current special authority to teach; and
(b) the chief executives of the Department, the Catholic Education Office and the Association of Independent Schools of South Australia Incorporated.

- (3) Section 52(2)(b)(i)—after "teacher" insert:

or the holder of a current special authority to teach

- (4) Section 52(2)(b)(iii)—delete subparagraph (iii)

38—Amendment of section 61—Regulations

- (1) Section 61(2a)—after "2017" insert:

, an amendment of those Acts or an amendment of this Act

- 5 (2) Section 61(3)—after paragraph (b) insert:

- (c) apply or incorporate, wholly or partially and with or without modification, a code, standard, policy or other document prepared or published by the Teachers Registration Board or another specified person or body.

- 10 (3) Section 61—after subsection (3) insert:

- (4) If a code, standard, policy or other document is referred to or incorporated in the regulations—

- 15 (a) a copy of the code, standard, policy or other document must be kept available for public inspection, without charge and during ordinary office hours, at an office or offices specified in the regulations; and
- (b) evidence of the contents of the code, standard, policy or other document may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code, standard, policy or other document.
- 20

39—Insertion of Schedule 1

After section 61 insert:

Schedule 1—Designated entities

1—Designated entities

The following persons and bodies are designated entities:

- 25 (a) the Chief Executive of the Department for Education South Australia;
- (b) the Chief Executive of Catholic Education South Australia;
- 30 (c) the Chief Executive of the Association of Independent Schools of South Australia;
- (d) the Australian Education Union (SA Branch);
- (e) the Independent Education Union (SA Branch);
- (f) the Law Society of South Australia;
- 35 (g) the Education and Early Childhood Services Registration and Standards Board of South Australia;
- (h) the Vice Chancellors Committee of South Australia;
- (i) the South Australian Association of School Parents' Clubs Incorporated;

- 5
- (j) the Federation of Catholic School Parent Communities;
- (k) Australian Childcare Alliance (SA Branch);
- (l) Early Childhood Australia (SA Branch);
- (m) the Preschool Directors Association of South Australia;
- (n) the South Australian Primary Principals Association;
- (o) the Independent Primary School Heads of South Australia;
- (p) the South Australian Secondary Principals Association;
- (q) the Association of Principals of Catholic Secondary Schools;
- 10
- (r) Community Children’s Centres SA;
- (s) Australian Community Children’s Services—SA Branch;
- (t) the South Australian Catholic Primary Principals Association;
- (u) Community Childcare SA;
- 15
- (v) the Multicultural and Ethnic Affairs Commission;
- (w) the Multicultural Education and Languages Committee;
- (x) the Commissioner for Children and Young People;
- (y) the Commissioner for Aboriginal Children and Young People.

20 **2—Amendment of Schedule**

The Governor may, by regulation, amend clause 1 by adding or deleting specified persons or bodies.

Schedule 1—Transitional etc provisions

Part 1—Transitional etc provisions

25 **1—Vacation of Teachers Registration Board**

- (1) On the commencement of this clause, the office of each member of the Teachers Registration Board is, by force of this clause, vacated.
- (2) Section 9(4) and (5), as enacted by this Act, will be taken not to apply in relation to the appointment of the first Teachers Registration Board following the
- 30 commencement of this clause.

2—Certain registrations to continue to be for 3 year period

- (1) This clause applies in relation to registration as a teacher applied for, but not granted, before the commencement of this clause.

(2) Despite section 26 of the *Teachers Registration and Standards Act 2004* (as amended by this Act), registration as a teacher to which this clause applies will be taken to remain in force—

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(a) until 31 January in the third year following the year in which the registration was granted or last renewed; or

(b) if the registration is subject to a condition limiting the period for which it remains in force to a lesser period—for that period.

3—All teacher registrations taken to be subject to condition

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Subject to the *Teachers Registration and Standards Act 2004* (as amended by this Act), the condition referred to in section 24(2)(a)(ia) (as enacted by this Act) will, by force of this clause, be taken to be imposed on the registration of each teacher (whether the registration was granted before or after the commencement of this clause).